

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL NO. 178

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after “recipients;” insert “altering certain substance abuse testing requirements for certain FIP recipients;”; strike beginning with “extending” in line 13 down through “Program;” in line 15; and in line 16, after “account;” insert “extending certain child support enforcement demonstration sites for a certain amount of time; providing for the termination of certain provisions of this Act;”.

On page 2, in line 7, after “56” insert “and 65A”; and strike in their entirety lines 15 through 23, inclusive.

AMENDMENT NO. 2

On page 6, after line 22, insert:

“65A.

(a) In this section, “custodial parent” means a resident applying for or receiving temporary cash assistance and food stamps who has physical custody of a child or children.

(b) Subject to § 50A of this article and as permitted under 21 U.S.C. § 862a(d)(1), the State hereby removes itself from the application of § 115 of the Federal Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193, in order to allow the Department to provide cash assistance and food stamps to a custodial parent who has previously been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance.

(c) (1) Notwithstanding subsection (b) of this section, if a custodial parent applies for public assistance and has been convicted of a felony involving the possession, use, or distribution of a controlled dangerous substance since August 22, 1996, the custodial parent shall be

(Over)

subject to testing for substance abuse, as provided by the Department, and to treatment, as required under § 50A of this article, in addition to the provisions of § 50A of this article for a period of 2 years starting from the date of application, to the extent permissible by federal law.

(2) Notwithstanding subsection (b) of this section, if a resident custodial parent receiving cash assistance or food stamps is found to be in violation of Article 27, § 286 of the Code, or 21 U.S.C., § 841, after July 1, 2000, the recipient:

(i) Shall be ineligible for cash assistance or food stamps for one year from the date of the conviction; and

(ii) Shall be subject to testing for substance abuse, as provided by the Department, and to treatment, as required under § 50A of this article, [for a period of] UNTIL 2 years [starting from] AFTER the later of:

1. The date the individual is released from incarceration;
2. The date the individual completes any term of probation; or
3. The date the individual completes any term of parole or mandatory supervision.

(3) An applicant or recipient subject to this subsection who fails to comply with the testing required under this subsection or the treatment required under § 50A of this article or who tests positive for the abuse of controlled dangerous substances shall be subject to the sanctions provided under § 50A of this article.

(4) In consultation with the Department of Health and Mental Hygiene, the Secretary shall adopt regulations establishing the testing methods and procedures, consistent with § 50A of this article, to be required by the Department under this subsection, including the intervals of testing and methods required.”.

AMENDMENT NO. 3

On pages 8 through 12, strike in their entirety the lines beginning with line 13 on page 8

down through line 17 on page 12, inclusive.

AMENDMENT NO. 4

On page 12, after line 17, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.

(2) “Conciliation conference” means a conference conducted at a demonstration site to provide an opportunity for the parties to resolve issues associated with an action to modify or enforce a duty of support prior to going to a court proceeding.

(3) “Demonstration site” means a child support enforcement demonstration site established by the Secretary of Human Resources under the Child Support Enforcement Privatization Pilot Program prior to January 1, 2002.

(b) The Secretary shall continue the demonstration sites in the jurisdictions of Calvert County, Howard County, Montgomery County, and Washington County.

(c) Notwithstanding any other provision of law, the Secretary shall appoint a director of child support services in a demonstration site who shall report directly to the Executive Director of the Child Support Enforcement Administration of the Department.

(d) Notwithstanding any other provision of law, the Secretary shall have sole authority over the child support enforcement functions in a demonstration site, including but not limited to:

(1) location of parents;

(2) establishing paternities;

(3) establishing child support orders;

(4) collecting and disbursing support payments;

(Over)

(5) reviewing and modifying child support orders;

(6) enforcing support obligations;

(7) providing legal representation to the Administration; and

(8) establishing contractual agreements with private or public entities to provide child support services.

(e) Notwithstanding any other provision of law and for the purpose of carrying out the provisions of this section, the Secretary shall have the authority to sever contractual agreements with a State's Attorney and hire private counsel to provide legal representation for the Child Support Enforcement Administration.

(f) (1) Notwithstanding any other provision of law, all employees hired in a demonstration site after its designation as a demonstration site shall be in the management service or special appointments in the State Personnel Management System.

(2) If a position in a demonstration site is held by a classified service employee prior to its designation as a demonstration site, the position remains a classified service position or its equivalent in the State Personnel Management System until the position becomes vacant, at which time the position shall become a management service or special appointment position.

(g) The Secretary shall establish a performance incentive program to provide pay incentives for employees in a demonstration site.

(h) In accordance with subsection (i) of this section, a demonstration site may conduct a conciliation conference.

(i) (1) If a complaint is filed to modify or enforce a duty of support in the circuit court of a jurisdiction in which a demonstration site is located, the court may issue a writ of summons to order the parties to appear and to produce documents at a conciliation conference.

(2) If a party fails to appear or fails to produce the documents required under this subsection, a representative of the demonstration site may apply, upon affidavit, to the court for a body attachment.

(3) If a party fails or refuses to obey a court order to appear or produce the documents required under this subsection at a conciliation conference, the court may issue a body attachment or compel compliance in any other manner available to the court to enforce its order.

(j) The powers of the Secretary to carry out the provisions of this section shall be construed liberally.”;

in line 18, strike “2.” and substitute “3.”; in line 21, strike “3.” and substitute “4.”; in line 34, strike “4.” and substitute “5.”; and in line 35, after “2002.” insert “Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2003 , with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.