

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 605

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through the semicolon in line 6; in line 9, after “Board;” insert “authorizing the Board to employ certain staff in accordance with the budget of the Board; establishing a State Board for Certification of Residential Child Care Administrators Fund;”; and in line 22, after the second semicolon insert “stating the intent of the General Assembly that certain funds be included in the State budget for certain purposes and that when certain special funds become available, the special funds be used to reimburse the General Fund;”.

On pages 1 and 2, strike in their entirety the lines beginning with line 30 on page 1 through line 7 on page 2, inclusive.

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 17 on page 4, inclusive.

AMENDMENT NO. 3

On page 5, in line 26, strike “HEALTH” and substitute “HYGIENE”.

On page 6, in line 11, after “(F)” insert “(1)”; in lines 12, 14, 15, 16, and 17, strike “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, and “(V)”, respectively; in line 17, strike “HEALTH” and substitute “HYGIENE”; and after line 17, insert:

“(2) “PROGRAM” DOES NOT INCLUDE A STATE OPERATED RESIDENTIAL CHILD CARE PROGRAM FACILITY OF THE MENTAL HYGIENE ADMINISTRATION IN THE DEPARTMENT.”.

(Over)

AMENDMENT NO. 4

On page 7, in line 14, strike “HEALTH” and substitute “HYGIENE”; and in line 24, strike “MEMBERS OF THE GENERAL PUBLIC” and substitute “CONSUMER MEMBERS”.

On page 8, in lines 1 and 12, in each instance, strike “PUBLIC” and substitute “CONSUMER”.

AMENDMENT NO. 5

On page 9, in line 2, strike “SELECT” and substitute “ELECT”; in line 4, strike “THE DUTIES OF EACH OFFICE.” and substitute “:

- (1) THE MANNER OF ELECTION OF OFFICERS;
- (2) THE TERM OF OFFICE OF EACH OFFICER; AND
- (3) THE DUTIES OF EACH OFFICER.”;

strike in their entirety lines 5 through 7, inclusive; strike beginning with “UNDER” in line 14 down through “BUDGET” in line 15 and substitute “AT A RATE DETERMINED BY THE BOARD”; after line 15, insert:

“(D) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE BUDGET OF THE BOARD.

(E) THE BOARD MAY APPOINT AN EXECUTIVE DIRECTOR.

(F) THE EXECUTIVE DIRECTOR:

- (1) SERVES AT THE PLEASURE OF THE BOARD;
- (2) SERVES AS THE EXECUTIVE OFFICER OF THE BOARD; AND
- (3) HAS THE POWERS AND DUTIES ASSIGNED BY THE BOARD.”;

in line 17, before “IN” insert “(A)”; in the same line, after “POWERS” insert “AND DUTIES”; strike beginning with the second “THE” in line 17 down through “WITH” in line 18 and substitute “THIS TITLE”; in line 18, after the comma insert “IN CONSULTATION WITH THE SUBCABINET”; strike beginning with “ESTABLISHING” in line 19 down through “AND” in line

20 and substitute “TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;”; after line 20, insert:

“(2) ESTABLISH STANDARDS FOR THE CERTIFICATION OF APPLICANTS;”;

in line 21, strike “(2)” and substitute “(3)”; in line 24, after “STANDARDS” insert “; AND”

(4) DEVISE EXAMINATIONS AND ADOPT INVESTIGATIVE PROCEDURES TO:

(I) DETERMINE WHETHER PROGRAM ADMINISTRATORS MEET THE STANDARDS ADOPTED BY THE BOARD; AND

(II) ASSURE THAT PROGRAM ADMINISTRATORS CONTINUE TO MEET THESE STANDARDS.

(B) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE BOARD SHALL:

(1) MAINTAIN A REGISTRY OF ALL PROGRAM ADMINISTRATORS CERTIFIED BY THE BOARD;

(2) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND SUBCABINET;

(3) ADOPT A CODE OF ETHICS THAT THE BOARD CONSIDERS APPROPRIATE AND APPLICABLE TO THE PROGRAM MANAGER ADMINISTRATORS CERTIFIED BY THE BOARD;

(4) ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR THE PROGRAM ADMINISTRATORS CERTIFIED BY THE BOARD;

(5) ADOPT AN OFFICIAL SEAL; AND

(6) CREATE COMMITTEES AS IT DEEMS APPROPRIATE TO ADVISE THE BOARD ON SPECIAL ISSUES”;

strike in their entirety lines 26 and 27; and after line 27, insert:

“(A) THERE IS A STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE ADMINISTRATORS FUND.

(B) (1) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF CERTIFICATES AND ITS OTHER SERVICES.

(2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS SO AS TO APPROXIMATE THE COST OF MAINTAINING THE BOARD.

(3) THE FUNDS TO COVER THE EXPENSES OF THE BOARD MEMBERS SHALL BE GENERATED BY FEES SET UNDER THIS SECTION.

(C) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER OF THE STATE.

(2) THE COMPTROLLER SHALL DISTRIBUTE THE FEES TO THE FUND.

(D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF THIS ARTICLE.

(2) THE FUND IS A CONTINUING, NONLAPSING FUND, NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS ARTICLE.

(4) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, NO OTHER STATE MONEY MAY BE USED TO SUPPORT THE FUND.

(E) (1) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE FUND.

(2) MONEYS IN THE FUND MAY BE EXPENDED ONLY FOR ANY LAWFUL PURPOSE AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE.

(F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.”;

and on pages 9 and 10, strike in their entirety the lines beginning with line 29 on page 9 through line 12 on page 10, inclusive.

AMENDMENT NO. 6

On page 11, after line 9, insert:

“(C) THE APPLICANT SHALL HAVE COMPLETED A STATE CRIMINAL BACKGROUND CHECK.”;

and in lines 10, 11, and 20, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively.

On page 12, in line 23, strike “RELATE” and substitute “BE RELATED”.

On page 13, strike in their entirety lines 13 and 14; in lines 15 and 16, strike “(IX)” and “(X)”, respectively, and substitute “(VIII)” and “(IX)”, respectively; and in line 30, strike “AND THE SUBCABINET DETERMINE” and substitute “DETERMINES”.

AMENDMENT NO. 7

On page 14, in line 7, strike “AND”; in line 9, after the second “STATE” insert “; AND”

(Over)

(III) THE APPLICANT HAS COMPLETED A STATE CRIMINAL BACKGROUND CHECK.

(C) THE BOARD SHALL WAIVE THE REQUIREMENTS FOR CERTIFICATION AS A CERTIFIED PROGRAM ADMINISTRATOR UNDER § 20-302 OF THIS TITLE FOR ANY PERSON WHO:

(1) HAS FILED A LETTER OF INTENT WITH THE BOARD BY OCTOBER 1, 2006;

(2) HAS COMPLETED NOT LESS THAN 8 YEARS' EXPERIENCE IN THE HUMAN SERVICE FIELD WITH AT LEAST 4 YEARS IN A SUPERVISORY OR ADMINISTRATIVE CAPACITY; AND

(3) HAS BY OCTOBER 1, 2006, SUCCESSFULLY PASSED AN EXAMINATION APPROVED BY THE BOARD”;

in line 11, before the first “THE” insert “(A)”; after line 12, insert:

“(B) THE BOARD SHALL INCLUDE ON EACH CERTIFICATE THAT THE BOARD ISSUES:

(1) THE FULL NAME OF THE CERTIFICATE HOLDER;

(2) A SERIAL NUMBER; AND

(3) THE SEAL OF THE BOARD.

(C) THE BOARD MAY ISSUE A CERTIFICATE TO REPLACE A LOST, DESTROYED, OR MUTILATED CERTIFICATE IF THE CERTIFICATE HOLDER PAYS THE CERTIFICATE REPLACEMENT FEE SET BY THE BOARD.”;

strike beginning with “THE” in line 21 down through “DATE” in line 22 and substitute “A DATE SET BY THE BOARD”; and strike beginning with “A” in line 22 down through “SECTION” in line

23 and substitute “AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION. A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS”.

On page 15, in line 2, strike “5-YEAR” and substitute “2-YEAR”; in line 13, strike “THE BOARD,”; in the same line, after “SUBCABINET” insert “, THE BOARD”; in line 16, after “CERTIFIED” insert “PROGRAM”; and in lines 30 and 33, in each instance, strike “2” and substitute “5”.

On page 16, in line 24, strike “SUBCABINET, IN CONSULTATION WITH THE”; and in line 25, strike the comma.

On page 18, in line 2, strike “§ 20 -313” and substitute “§ 20-313”.

AMENDMENT NO. 8

On page 20, after line 7, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor provide funds in the fiscal year 2005 budget at a level sufficient enough to allow the State Board for Certification of Residential Child Care Program Administrators to begin operating as a regulatory board, and when special funds become available for the regulation of residential child care program administrators, special funds shall be used to reimburse the General Fund for the cost of starting up the Board.”;

and in line 8, strike “3.” and substitute “4.”.