

~~(2) (I) IF A POSITION IN A DEMONSTRATION SITE IS HELD BY A SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEE PRIOR TO ITS DESIGNATION AS A DEMONSTRATION SITE, THE POSITION SHALL REMAIN A SKILLED SERVICE OR PROFESSIONAL SERVICE POSITION OR ITS EQUIVALENT IN THE STATE PERSONNEL MANAGEMENT SYSTEM UNTIL THE POSITION BECOMES VACANT.~~

~~(II) AFTER A SKILLED SERVICE OR PROFESSIONAL SERVICE POSITION IN A DEMONSTRATION SITE BECOMES VACANT, THE POSITION SHALL BECOME A MANAGEMENT SERVICE OR SPECIAL APPOINTMENTS POSITION.~~

~~(F) (G) (F)~~ THE SECRETARY SHALL ESTABLISH A PERFORMANCE INCENTIVE PROGRAM TO PROVIDE PAY INCENTIVES FOR EMPLOYEES IN A DEMONSTRATION SITE.

~~(G) (H) (G)~~ THE SECRETARY'S POWERS UNDER THIS SECTION SHALL BE GIVEN A LIBERAL CONSTRUCTION.

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 SUBSECTION (B) OF THIS SECTION § 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 RESIDENT CUSTODIAL PARENT WHO HAS PREVIOUSLY BEEN CONVICTED OF A FELONY INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE.

(B) THIS SECTION DOES NOT APPLY TO THE EXTENT THAT IT IS INCONSISTENT WITH § 50A OF THIS ARTICLE OR ANY OTHER RELEVANT PROVISION OF THIS ARTICLE RELATING TO SUBSTANCE ABUSE BY PUBLIC ASSISTANCE RECIPIENTS AND APPLICANTS AND THEIR ELIGIBILITY FOR BENEFITS.

(C) (1) NOTWITHSTANDING SUBSECTIONS (A) AND (B) SUBSECTION (B) OF THIS SECTION, IF A RESIDENT CUSTODIAL PARENT APPLIES FOR PUBLIC ASSISTANCE RECIPIENT OR APPLICANT AND HAS BEEN CONVICTED OF A FELONY INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE SINCE AUGUST 22, 1996, THE RECIPIENT OR APPLICANT CUSTODIAL PARENT SHALL BE 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 AFTER STARTING FROM THE DATE OF APPLICATION, TO THE EXTENT PERMISSIBLE BY FEDERAL LAW.

(4) FOR AN APPLICANT OR RECIPIENT WHO WAS CONVICTED BEFORE APPLICATION FOR ASSISTANCE, THE DATE THAT THE APPLICANT OR RECIPIENT APPLIES FOR ASSISTANCE, OR