

CHAPTER 116

(House Bill 1443)

AN ACT concerning

Department of Human Resources – Reorganization

FOR the purpose of repealing the Community Services Administration in the Department of Human Resources; repealing provisions of law relating to the Administration’s purposes, personnel, powers, and duties; transferring the Office of Home Energy Programs and the Energy Assistance Program to the Family Investment Administration; placing the Commission on Responsible Fatherhood in the Department, rather than the Child Support Enforcement Administration, for certain purposes; making certain conforming changes; providing for the continuity of certain units and the terms of certain officials; providing for the continuity of the status of certain transactions, employees, rights, duties, titles, interests, and real and personal property; providing for certain corrections in cross–references and terminology; making this Act an emergency measure; and generally relating to reorganizing the Department of Human Resources.

BY renumbering

Article – Human Services

Section 6–301 through 6–308, respectively, and the subtitle “Subtitle 3. Energy Assistance Program”

to be Section 5–5A–01 through 5–5A–08, respectively, and the subtitle “Subtitle 5A. Energy Assistance Program”

Annotated Code of Maryland
(2007 Volume)

BY repealing and reenacting, with amendments,

Article – Human Services

Section 2–301, 5–205(a), 6–101, 6–412(a), 6–413(c) and (d), and 6–602

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BY repealing

Article – Human Services

Section 6–201 through 6–206 and the subtitle “Subtitle 2. Community Services Administration”

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Preamble

WHEREAS, Chapter 196 of the Acts of 1984 created the Community Services Administration in the Department of Human Resources; and

WHEREAS, The purposes of the Community Services Administration are to establish and participate in youth and work-training programs, urban and rural community action programs, special programs to combat poverty in rural and urban areas, employment and investment incentive programs, and work-experience programs; to combat unemployment; and to assist in the education, training, and economic advancement of the residents of the State; and

WHEREAS, The Family Investment Administration and the Social Services Administration in the Department of Human Resources can effectively perform these functions; and

WHEREAS, It is desirable to consolidate and better coordinate the activities of the various administrations in the Department of Human Resources and to define their combined mandate; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 6-301 through 6-308, respectively, and the subtitle "Subtitle 3. Energy Assistance Program" of Article - Human Services of the Annotated Code of Maryland be renumbered to be Section(s) 5-5A-01 through 5-5A-08, respectively, and the subtitle "Subtitle 5A. Energy Assistance Program".

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Human Services

2-301.

The following units are in the Department:

- (1) the Child Support Enforcement Administration;
- (2) [the Community Services Administration;
- (3)] the Family Investment Administration;
- [(4)] (3) the Social Services Administration;
- [(5)] (4) the Maryland Commission for Women; and
- [(6)] (5) any other unit that by law is declared to be part of the Department.

5-205.

(a) The Administration shall be the central coordinating and directing agency of all public assistance programs in the State, including:

(1) the Family Investment Program and related cash benefit programs;

(2) public assistance to adults;

(3) emergency assistance;

(4) food stamps;

(5) medical assistance eligibility determinations; [and]

(6) THE ENERGY ASSISTANCE PROGRAM; AND

[(6)] (7) any other public assistance activities financed wholly or partly by the Administration.

6-101.

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

(b) ["Administration" means the Community Services Administration.

(c)] "Department" means the Department of Human Resources.

[(d) "Executive Director" means the Executive Director of Community Services.

(e)] **(C)** "Secretary" means the Secretary of Human Resources.

[Subtitle 2. Community Services Administration.]

[6-201.

There is a Community Services Administration in the Department.]

[6-202.

The purposes of the Administration are to:

- (1) establish and participate in:
 - (i) youth and work–training programs;
 - (ii) urban and rural community action programs;
 - (iii) special programs to combat poverty in rural and urban areas;
 - (iv) employment and investment incentive programs; and
 - (v) work–experience programs;
- (2) combat unemployment; and
- (3) assist in the education, training, and economic advancement of the residents of the State.]

[6–203.

- (a) (1) With the approval of the Governor, the Secretary shall appoint the Executive Director.
- (2) The Executive Director is the chief administrative and executive officer of the Administration.
- (b) (1) With the approval of the Governor, the Secretary shall appoint a deputy director of the Administration.
- (2) The deputy director is the principal assistant to the Executive Director.
- (c) The Executive Director and deputy director shall have experience and interest in the advancement and development of economic opportunity.
- (d) The Executive Director and the deputy director are in the executive service or management service of the State Personnel Management System.]

[6–204.

- (a) The Administration may employ a staff in accordance with the State budget.
- (b) Except as otherwise provided by law, the employees of the Administration are subject to the provisions of the State Personnel and Pensions Article.]

[6–205.

The Administration, the Executive Director, and the deputy director exercise their authority, duties, and functions under any State law subject to the authority of the Secretary under any State law.]

[6–206.

- (a) (1) The Administration shall maintain liaison with:
- (i) the United States Department of Health and Human Services;
 - (ii) local commissions on economic opportunity;
 - (iii) citizens' groups; and
 - (iv) any other State, federal, and local units.

(2) The Administration shall consult with and advise the local entities described in paragraph (1) of this subsection regarding their economic opportunity programs.

(b) The Administration shall:

- (1) collect and assemble information relating to economic opportunity from other units of the State and federal governments; and
- (2) disseminate information to further economic opportunity programs in the State by publication, advertisement, conferences, workshops, programs, lectures, or other means.

(c) (1) Consistent with this subtitle and other applicable laws, the Administration may enter into contracts or assume any other function necessary to carry out this subtitle.

(2) The Administration may enter into a contract with any other unit or institution of this State, any other state, or the federal government for any study or research activity that is necessary and proper.

(d) If the federal government or a person offers or grants any services, equipment, supplies, materials, or funds to the State or to a county or municipal corporation in the State for the purposes of economic opportunity, the Administration may accept the assistance on behalf of the State and authorize any officer of the State or a county or municipal corporation to receive and use the assistance.]

6-412.

- (a) The [Administration] **DEPARTMENT** shall manage the Program.

6-413.

(c) (1) Each administering agency shall apply to the [Administration] **DEPARTMENT** for a Program grant.

(2) The application shall include the procedures that the administering agency will use to:

- (i) notify emergency food providers of the availability of Program grants;
- (ii) approve emergency food providers as recipients of Program grants; and
- (iii) allocate Program grants among approved emergency food providers.

(d) Before an administering agency may receive a Program grant, the [Administration] **DEPARTMENT** must approve the application.

6-602.

- (a) There is a Commission on Responsible Fatherhood.
- (b) The Commission:
 - (1) is independent; but
 - (2) is located in the [Child Support Enforcement Administration of the] Department for budgetary and administrative purposes only.

SECTION 3. AND BE IT FURTHER ENACTED, That the continuity of every division, board, commission, authority, council, committee, office, and other unit is retained. The personnel, records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as otherwise provided in this Act, all findings and determinations, permits and licenses,

applications for permits and licenses, rules and regulations, proposed rules and regulations, standards and guidelines, proposed standards and guidelines, orders and other directives, forms, plans, memberships, special funds, appropriations, grants, loans, applications and commitments for grants, loans, and tax credits, contracts, real and personal property, equipment, investigations, administrative and judicial proceedings, rights to sue and be sued, and all other duties and responsibilities associated with those functions transferred by this Act shall continue in effect, as provided by this Act, until completed, withdrawn, canceled, modified, or otherwise changed in accordance with law.

SECTION 5. AND BE IT FURTHER ENACTED, That nothing in this Act affects the terms of office of an appointed or elected member of any division, board, commission, authority, council, committee, office, or unit. An individual who is a member of a division, board, commission, authority, council, committee, office, or unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 6. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction affected by or flowing from any statute here amended, repealed, or transferred, and validly entered into before the effective date of this Act, and every right, duty, or interest following from the transaction, remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced pursuant to law.

SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2008 that affects provisions enacted by this Act. The publishers shall adequately describe any such correction in an editor's note following the section affected.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 8, 2008.