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By: **Chairman, Finance Committee (By Request - Departmental - Human Resources)**

Introduced and read first time: January 19, 2005

Rules suspended

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Energy Assistance Program Act**

3 FOR the purpose of renaming the State Energy Assistance and Information Program  
4 Act; establishing the Office of Home Energy Programs; repealing certain  
5 provisions relating to the Energy Assistance and Information Program and the  
6 Maryland Office of Economic Opportunity; requiring the Office of Home Energy  
7 Programs to maintain liaison with certain agencies and groups; requiring the  
8 Office of Home Energy Programs to develop and implement certain programs;  
9 requiring the Office of Home Energy Programs to take certain actions; defining  
10 certain terms; and generally relating to energy assistance programs.

11 BY repealing and reenacting, with amendments,  
12 Article 41 - Governor - Executive and Administrative Departments  
13 Section 6-401 through 6-406, inclusive, to be under the amended subtitle  
14 "Subtitle 4. Energy Assistance Program Act"  
15 Annotated Code of Maryland  
16 (2003 Replacement Volume and 2004 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 41 - Governor - Executive and Administrative Departments**

20 Subtitle 4. Energy Assistance [and Information] Program Act.

21 6-401.

22 This subtitle shall be known and may be cited as the "[State] Energy Assistance  
23 [and Information] Program Act".

1 6-402.

2 In this subtitle the following words have the meanings indicated:

3 (1) ["Coordinator" means the coordinator of the energy assistance and  
4 information program.]

5 [(2) "Energy emergency" means a [condition where the] LACK OF FUEL  
6 OR THE IMMINENT discontinuation of energy services supplied by a fuel or utility  
7 vendor THAT will endanger health, safety or welfare[, and

8 (i) The discontinuation is imminent; or

9 (ii) The imminence of the discontinuation is precluded solely by  
10 reason of its prohibition].

11 [(3) (2) "Fuel vendor" means any person who distributes, transports,  
12 produces, or offers for sale coal products, fuel oil, KEROSENE, bottled gas, propane or  
13 wood for FUEL use or consumption in Maryland.

14 [(4) "Local office" means any county or city office that administers the  
15 energy assistance and information program at the local level.]

16 [(5) (3) "Office" means the [Maryland Office of Economic Opportunity]  
17 OFFICE OF HOME ENERGY PROGRAMS IN THE COMMUNITY SERVICES  
18 ADMINISTRATION.

19 [(6) (4) "Utility vendor" means any person who distributes, transports,  
20 or produces natural gas or electricity for use or consumption in Maryland.

21 [(7) "Weatherization" means the systematic application of insulation  
22 materials to a structure to retard the loss of the heated or cooled air within that  
23 structure.]

24 6-403.

25 The [Energy Assistance and Information Program] OFFICE OF HOME ENERGY  
26 PROGRAMS is created for the general purpose of developing, implementing, and  
27 administering the [State] Energy Assistance [and Information] Program Act.

28 6-404.

29 (a) [The Energy Assistance and Information Program is part of the Maryland  
30 Office of Economic Opportunity. A coordinator for the program shall be appointed by  
31 the Executive Director of the Maryland Office of Economic Opportunity. The  
32 coordinator shall be the chief administrator of the Energy Assistance and Information  
33 Program. The Executive Director of the Maryland Office of Economic Opportunity  
34 shall also appoint a deputy coordinator who shall be the principal assistant to the  
35 coordinator. Both appointees shall be selected because of their known experience and  
36 interest in the development and implementation of economic opportunity programs.]

1 THERE IS AN OFFICE OF HOME ENERGY PROGRAMS IN THE COMMUNITY SERVICES  
2 ADMINISTRATION.

3 (b) The exercise of all authority, duties, and functions vested, or to be vested,  
4 in the Office [of Energy Assistance and Information or in the coordinator or the  
5 deputy coordinator] by the provisions of this subtitle or by any other laws of this  
6 State is subject to the authority of the Secretary [of the Department] of Human  
7 Resources as set forth in this article or elsewhere in the laws of Maryland.

8 6-405.

9 (a) The Office shall maintain liaison with [both] the UNITED STATES  
10 DEPARTMENT OF HEALTH AND HUMAN SERVICES, Maryland [and the federal offices  
11 of economic opportunity,] county and city offices concerned with energy programs,  
12 citizen groups, and all other agencies of the State, federal, county, and municipal  
13 governments [and it]. THE OFFICE shall consult with and advise these local groups  
14 on their energy assistance programs and shall work at all levels of government to  
15 administer and implement the [State] Energy Assistance [and Information]  
16 Program Act. In addition, the Office shall establish liaison with all utility and major  
17 fuel vendors in the State and shall seek their advice when developing and  
18 implementing the [energy assistance] program.

19 (b) The Office shall collect and assemble pertinent information and data  
20 available from other departments and agencies of the State and federal governments  
21 and shall disseminate information in the interest of energy assistance. The Office  
22 shall adopt the following information collection and dissemination procedures:

23 (1) Identification of all utility vendors and major fuel vendors within the  
24 State, followed by efforts to obtain their voluntary cooperation with the energy  
25 assistance program.

26 (2) A State information service that utilizes a toll free telephone number  
27 to provide the public with program information and the location of the nearest local  
28 energy assistance office.

29 (3) A mechanism for monitoring the effectiveness of the energy  
30 assistance program to determine if eligible households are aware of and have access  
31 to the local program offices.

32 (c) (1) The Office may employ professional, technical, clerical, stenographic,  
33 and other personnel to carry out its duties and functions [within the limits of  
34 budgetary appropriations from time to time].

35 (2) Except as otherwise provided by law, the employees of the ENERGY  
36 ASSISTANCE Program shall be subject to the provisions of the State Personnel and  
37 Pensions Article.

38 [(3) Any employee of the Office who is eligible for transfer to the State  
39 Personnel Management System and who has held this position for at least 6 months  
40 shall be so transferred without further probation, examination, or qualification. An

1 employee transferred to the State Personnel Management System pursuant to this  
2 subsection shall be transferred in the respective job classification under which the  
3 employee is employed at the time of transfer and shall not receive any diminution in  
4 compensation or respective amounts of accumulated leave or sick leave, solely as a  
5 result of this transfer.]

6 (d) In the performance of its duties, the Office is authorized and empowered to  
7 make and enter into contracts and to assume those functions necessary to carry out  
8 the provisions of this subheading that are not inconsistent with this or other acts. The  
9 Office may make and enter into contracts [with other boards, commissions, agencies,  
10 and institutions of this State, other states and the federal government, upon such  
11 terms as may be eventually agreed upon,] to have such studies and research  
12 activities as may be necessary and proper, and is authorized to pay the cost thereof  
13 out of funds which may be appropriated to the Office.

14 6-406.

15 The Office [of Economic Opportunity] shall develop and implement the  
16 following programs:

17 (1) An emergency energy crisis intervention program to prevent low  
18 income households[, including the near poor, the elderly, and those on fixed incomes]  
19 from experiencing danger to health or survival as a result of [a utility disconnection  
20 or a lack of fuel] AN ENERGY EMERGENCY. The Office shall establish intake  
21 procedures for those experiencing an energy emergency and guidelines for the income  
22 eligibility and the program eligibility of applicants. [Local offices for administering]  
23 THE OFFICE SHALL IDENTIFY LOCAL PUBLIC OR PRIVATE AGENCIES TO ADMINISTER  
24 the crisis intervention program [shall be identified by the Energy Assistance and  
25 Information Office]. [An emergency fund shall be established to pay] THE OFFICE  
26 SHALL MAKE PAYMENTS TO fuel and utility vendors who have provided service to  
27 persons qualifying for the crisis intervention program. [The amount of assistance  
28 shall be based on need, with a maximum of \$250 per year to any qualifying household.  
29 Where possible, all existing assistance programs concerned with energy emergencies  
30 shall be administered by the Maryland Office of Economic Opportunity.]

31 (2) [A] ONE OR MORE fuel and utility assistance [program] PROGRAMS  
32 to make payments on behalf of qualified households in order to defray fuel and utility  
33 costs. [Program] THE OFFICE SHALL DETERMINE PROGRAM and income eligibility  
34 guidelines [are determined by the coordinator. The amount of assistance shall be  
35 based on need].

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
37 effect October 1, 2005.