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

Introduced and read first time: January 19, 2005

Rules suspended

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2005

CHAPTER _____

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 repealing a certain limitation on the amount of certain assistance; requiring the
 10 Office of Home Energy Programs to take certain actions; defining certain terms;
 11 and generally relating to energy assistance programs.

12 BY repealing and reenacting, with amendments,
 13 Article 41 - Governor - Executive and Administrative Departments
 14 Section 6-401 through 6-406, inclusive, to be under the amended subtitle
 15 "Subtitle 4. Energy Assistance Program Act"
 16 Annotated Code of Maryland
 17 (2003 Replacement Volume and 2004 Supplement)

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

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

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

3 6-401.

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

6 6-402.

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

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

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

13 (i) The discontinuation is imminent; or

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

16 [(3) (2) "Fuel vendor" means any person who distributes, transports,
17 produces, or offers for sale coal products, fuel oil, KEROSENE, bottled gas, propane or
18 wood for FUEL use or consumption in Maryland.

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

21 [(5) (3) "Office" means the [Maryland Office of Economic Opportunity]
22 OFFICE OF HOME ENERGY PROGRAMS IN THE COMMUNITY SERVICES
23 ADMINISTRATION.

24 [(6) (4) "Utility vendor" means any person who distributes, transports,
25 or produces natural gas or electricity for use or consumption in Maryland.

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

29 6-403.

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

1 6-404.

2 (a) [The Energy Assistance and Information Program is part of the Maryland
3 Office of Economic Opportunity. A coordinator for the program shall be appointed by
4 the Executive Director of the Maryland Office of Economic Opportunity. The
5 coordinator shall be the chief administrator of the Energy Assistance and Information
6 Program. The Executive Director of the Maryland Office of Economic Opportunity
7 shall also appoint a deputy coordinator who shall be the principal assistant to the
8 coordinator. Both appointees shall be selected because of their known experience and
9 interest in the development and implementation of economic opportunity programs.]
10 THERE IS AN OFFICE OF HOME ENERGY PROGRAMS IN THE COMMUNITY SERVICES
11 ADMINISTRATION.

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

17 6-405.

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

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

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

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

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

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

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

7 [(3) Any employee of the Office who is eligible for transfer to the State
8 Personnel Management System and who has held this position for at least 6 months
9 shall be so transferred without further probation, examination, or qualification. An
10 employee transferred to the State Personnel Management System pursuant to this
11 subsection shall be transferred in the respective job classification under which the
12 employee is employed at the time of transfer and shall not receive any diminution in
13 compensation or respective amounts of accumulated leave or sick leave, solely as a
14 result of this transfer.]

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

23 6-406.

24 The Office [of Economic Opportunity] shall develop and implement the
25 following programs:

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

41 (2) [A] ONE OR MORE fuel and utility assistance [program] PROGRAMS
42 to make payments on behalf of qualified households in order to defray fuel and utility

1 costs. [Program] THE OFFICE SHALL DETERMINE PROGRAM and income eligibility
2 guidelines [are determined by the coordinator]. The amount of assistance shall be
3 based on need.

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