

# HOUSE BILL 1443

P1

EMERGENCY BILL

8lr0258

---

By: **Chair, Appropriations Committee (By Request – Departmental – Human Resources)**

Introduced and read first time: February 13, 2008

Assigned to: Rules and Executive Nominations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Human Resources – Reorganization**

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

16 BY renumbering

17 Article – Human Services

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

20 to be Section 5–5A–01 through 5–5A–08, respectively, and the subtitle “Subtitle  
21 5A. Energy Assistance Program”

22 Annotated Code of Maryland

23 (2007 Volume)

24 BY repealing and reenacting, with amendments,

25 Article – Human Services

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

27 Annotated Code of Maryland

28 (2007 Volume)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing  
2 Article – Human Services  
3 Section 6–201 through 6–206 and the subtitle “Subtitle 2. Community Services  
4 Administration”  
5 Annotated Code of Maryland  
6 (2007 Volume)

7 Preamble

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

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

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

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

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That Section(s) 6–301 through 6–308, respectively, and the subtitle  
24 “Subtitle 3. Energy Assistance Program” of Article – Human Services of the Annotated  
25 Code of Maryland be renumbered to be Section(s) 5–5A–01 through  
26 5–5A–08, respectively, and the subtitle “Subtitle 5A. Energy Assistance Program”.

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

29 **Article – Human Services**

30 2–301.

31 The following units are in the Department:

32 (1) the Child Support Enforcement Administration;

33 (2) [the Community Services Administration;



1           There is a Community Services Administration in the Department.]

2   [6-202.

3           The purposes of the Administration are to:

4           (1)    establish and participate in:

5                   (i)    youth and work-training programs;

6                   (ii)   urban and rural community action programs;

7                   (iii)   special programs to combat poverty in rural and urban  
8    areas;

9                   (iv)   employment and investment incentive programs; and

10                  (v)    work-experience programs;

11           (2)    combat unemployment; and

12           (3)    assist in the education, training, and economic advancement of the  
13   residents of the State.]

14   [6-203.

15           (a)   (1)   With the approval of the Governor, the Secretary shall appoint the  
16   Executive Director.

17                   (2)   The Executive Director is the chief administrative and executive  
18   officer of the Administration.

19           (b)   (1)   With the approval of the Governor, the Secretary shall appoint a  
20   deputy director of the Administration.

21                   (2)   The deputy director is the principal assistant to the Executive  
22   Director.

23           (c)    The Executive Director and deputy director shall have experience and  
24   interest in the advancement and development of economic opportunity.

25           (d)    The Executive Director and the deputy director are in the executive  
26   service or management service of the State Personnel Management System.]

27   [6-204.

1           (a)    The Administration may employ a staff in accordance with the State  
2 budget.

3           (b)    Except as otherwise provided by law, the employees of the  
4 Administration are subject to the provisions of the State Personnel and Pensions  
5 Article.]

6 [6-205.

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

10 [6-206.

11           (a)    (1)   The Administration shall maintain liaison with:

12                           (i)   the United States Department of Health and Human  
13 Services;

14                           (ii)  local commissions on economic opportunity;

15                           (iii) citizens' groups; and

16                           (iv)  any other State, federal, and local units.

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

20           (b)    The Administration shall:

21                           (1)   collect and assemble information relating to economic opportunity  
22 from other units of the State and federal governments; and

23                           (2)   disseminate information to further economic opportunity programs  
24 in the State by publication, advertisement, conferences, workshops, programs,  
25 lectures, or other means.

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

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

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

6 6-412.

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

8 6-413.

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

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

13 (i) notify emergency food providers of the availability of  
14 Program grants;

15 (ii) approve emergency food providers as recipients of Program  
16 grants; and

17 (iii) allocate Program grants among approved emergency food  
18 providers.

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

21 6-602.

22 (a) There is a Commission on Responsible Fatherhood.

23 (b) The Commission:

24 (1) is independent; but

25 (2) is located in the [Child Support Enforcement Administration of  
26 the] Department for budgetary and administrative purposes only.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the continuity of every  
28 division, board, commission, authority, council, committee, office, and other unit is  
29 retained. The personnel, records, files, furniture, fixtures, and other properties and all  
30 appropriations, credits, assets, liabilities, and obligations of each retained unit are  
31 continued as the personnel, records, files, furniture, fixtures, properties,

1 appropriations, credits, assets, liabilities, and obligations of the unit under the laws  
2 enacted by this Act.

3 SECTION 4. AND BE IT FURTHER ENACTED, That, except as otherwise  
4 provided in this Act, all findings and determinations, permits and licenses,  
5 applications for permits and licenses, rules and regulations, proposed rules and  
6 regulations, standards and guidelines, proposed standards and guidelines, orders and  
7 other directives, forms, plans, memberships, special funds, appropriations, grants,  
8 loans, applications and commitments for grants, loans, and tax credits, contracts, real  
9 and personal property, equipment, investigations, administrative and judicial  
10 proceedings, rights to sue and be sued, and all other duties and responsibilities  
11 associated with those functions transferred by this Act shall continue in effect, as  
12 provided by this Act, until completed, withdrawn, canceled, modified, or otherwise  
13 changed in accordance with law.

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

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

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

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