

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

Re-referred to: Appropriations, February 25, 2008

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
2 Article – Human Services
3 Section 2–301, 5–205(a), 6–101, 6–412(a), 6–413(c) and (d), and 6–602
4 Annotated Code of Maryland
5 (2007 Volume)

6 BY repealing
7 Article – Human Services
8 Section 6–201 through 6–206 and the subtitle “Subtitle 2. Community Services
9 Administration”
10 Annotated Code of Maryland
11 (2007 Volume)

12 Preamble

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

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

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

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

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That Section(s) 6–301 through 6–308, respectively, and the subtitle
29 “Subtitle 3. Energy Assistance Program” of Article – Human Services of the Annotated
30 Code of Maryland be renumbered to be Section(s) 5–5A–01 through
31 5–5A–08, respectively, and the subtitle “Subtitle 5A. Energy Assistance Program”.

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

34 **Article – Human Services**

35 2–301.

36 The following units are in the Department:

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

8 5–205.

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

- 11 (1) the Family Investment Program and related cash benefit
- 12 programs;
- 13 (2) public assistance to adults;
- 14 (3) emergency assistance;
- 15 (4) food stamps;
- 16 (5) medical assistance eligibility determinations; [and]
- 17 **(6) THE ENERGY ASSISTANCE PROGRAM; AND**

18 [(6)] **(7)** any other public assistance activities financed wholly or
 19 partly by the Administration.

20 6–101.

- 21 (a) In this title the following words have the meanings indicated.
- 22 (b) [“Administration” means the Community Services Administration.
- 23 (c)] “Department” means the Department of Human Resources.
- 24 [(d)] “Executive Director” means the Executive Director of Community
- 25 Services.

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

2 [Subtitle 2. Community Services Administration.]

3 [6-201.

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

5 [6-202.

6 The purposes of the Administration are to:

7 (1) establish and participate in:

8 (i) youth and work-training programs;

9 (ii) urban and rural community action programs;

10 (iii) special programs to combat poverty in rural and urban
11 areas;

12 (iv) employment and investment incentive programs; and

13 (v) work-experience programs;

14 (2) combat unemployment; and

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

17 [6-203.

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

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

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

24 (2) The deputy director is the principal assistant to the Executive
25 Director.

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

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

3 [6-204.

4 (a) The Administration may employ a staff in accordance with the State
5 budget.

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

9 [6-205.

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

13 [6-206.

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

15 (i) the United States Department of Health and Human
16 Services;

17 (ii) local commissions on economic opportunity;

18 (iii) citizens' groups; and

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

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

23 (b) The Administration shall:

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

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

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

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

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

9 6-412.

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

11 6-413.

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

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

16 (i) notify emergency food providers of the availability of
17 Program grants;

18 (ii) approve emergency food providers as recipients of Program
19 grants; and

20 (iii) allocate Program grants among approved emergency food
21 providers.

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

24 6-602.

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

26 (b) The Commission:

27 (1) is independent; but

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

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

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

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

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

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

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

