

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 188

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Teitelbaum” and substitute “Teitelbaum, and McFadden”; in line 5, after “Disabilities;” insert “providing for the duties of the Department; requiring certain units of State government to provide certain information to the Secretary and to develop, implement, and evaluate certain plans;”; in line 6, strike “Advisory”; in the same line, strike “Disability Policy” and substitute “Disabilities”; strike beginning with the second “Disability” in line 6 down through “Implementation” in line 7 and substitute “Interagency Disabilities”; in line 8, strike “Maryland Advisory”; strike beginning with “on” in line 8 down through “Policy” in line 9; in line 9, strike “Disability Implementation”; in the same line, after “Board;” insert “requiring the Secretary to review the State Disabilities Plan; authorizing the Secretary to amend the State Disabilities Plan; requiring the Secretary to adopt regulations to implement the State Disabilities Plan;”; in line 10, after “Governor” insert “and the General Assembly”; in line 11, after “Disabilities;” insert “specifying the terms of the initial members of the Commission; requiring the Department of Budget and Management to explore the feasibility of certain funding approaches;”; and in line 14, after “Act;” insert “prohibiting the General Fund appropriation to the Department of Disabilities from exceeding a certain amount; requiring the Department to seek certain funds to cover certain expenditures; authorizing the Department to seek certain personnel identification numbers from the Board of Public Works under certain circumstances;”.

On page 2, in line 2, strike “9-1116” and substitute “9-1118”.

AMENDMENT NO. 2

On page 3, after line 21, insert:

“(B) “BOARD” MEANS THE INTERAGENCY DISABILITIES BOARD.

“(C) “COMMISSION” MEANS THE MARYLAND COMMISSION ON

(Over)

DISABILITIES.”;

and in lines 22, 23, 25, and 26, strike “(B)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, “(F)”, and “(G)”, respectively.

On page 5, in line 19, after “REGULATIONS” insert “, POLICIES, PROGRAMS, AND SERVICES”.

On page 6, in line 32, strike “DISABILITY IMPLEMENTATION” and substitute “DISABILITIES”.

On page 7, in line 3, strike the period and substitute a semicolon; in line 4, strike “DEVELOP A STATE DISABILITY IMPLEMENTATION PLAN” and substitute “ADOPT REGULATIONS TO IMPLEMENT THE STATE DISABILITIES PLAN AS APPROVED OR AMENDED BY THE SECRETARY”; in line 5, strike “9-1108” and substitute “9-1117”; in line 15, strike “IMPLEMENTATION” and substitute “DISABILITIES”; after line 15, insert:

“9-1107.”;

in line 16, strike “(C) AT THE REQUEST OF THE SECRETARY,” and substitute “UNLESS THE DISCLOSURE OF INFORMATION IS OTHERWISE PROHIBITED BY LAW,”; in line 17, after “PROVIDE” insert “:

(1) AT THE REQUEST OF THE SECRETARY,”;

in the same line, after “REGARDING” insert “CURRENT”; in line 18, after “SECRETARY” insert “: AND

(2) INFORMATION REGARDING NEW OR PROPOSED PROGRAMS AND SERVICES FOR INDIVIDUALS WITH DISABILITIES TO THE SECRETARY”;

strike beginning with the comma in line 18 down through “LAW” in line 19; in line 20, strike “9-1107” and substitute “9-1108”; strike beginning with “STATEWIDE” in line 22 down through “ESTABLISHED” in line 23 and substitute “STATE DISABILITIES PLAN AS APPROVED OR AMENDED BY THE SECRETARY”; in line 23, strike “9-1108” and substitute “9-1117”; in line 25, after “AND” insert “MEASURABLE”; after line 25, insert:

“(3) THE SECRETARY MAY REQUEST AMENDMENTS TO A UNIT PLAN IF THE SECRETARY DETERMINES THAT THE UNIT PLAN IS NOT IN ACCORDANCE WITH THE STATE DISABILITIES PLAN.”;

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in line 27, after “PERFORMANCE” insert “IN ACCORDANCE WITH THE UNIT’S PLAN DEVELOPED”; in line 31, strike “PARAGRAPH (2)” and substitute “SUBSECTION (A)(2)”; and in line 32, strike “SUBSECTION” and substitute “SECTION”.

AMENDMENT NO. 3

On page 8, strike in their entirety lines 6 through 33, inclusive.

On page 9, strike in their entirety lines 1 through 3, inclusive; in line 5, strike “ADVISORY”; in the same line, strike “DISABILITY POLICY” and substitute “DISABILITIES”; after line 19, insert:

“(IX) ONE REPRESENTATIVE FROM THE HOME HEALTH CARE INDUSTRY;”;

in lines 20 and 22, strike “(IX)” and “(X)”, respectively, and substitute “(X)” and “(XI)”, respectively; in line 21, strike the second “AND”; in line 23, after “DISABILITY;” insert “AND”; in line 24, strike “(2)” and substitute “(XII)”; strike beginning with “STATE” in line 24 down through “IMPLEMENTATION” in line 25 and substitute “INTERAGENCY DISABILITIES”; and in lines 27 and 29, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively.

AMENDMENT NO. 4

On page 10, in line 3, strike “MEMBERSHIP” and substitute “MEMBERS”; in line 5, strike “AN APPOINTED” and substitute “A”; strike beginning with “APPOINTED” in line 6 down through “BE” in line 7 and substitute “ARE”; in line 7, strike “FROM THE INITIAL APPOINTMENT” and substitute “AS REQUIRED BY THE TERMS PROVIDED FOR THE MEMBERS OF THE COMMISSION ON JULY 1, 2004”; in line 10, strike “SHALL SERVE” and substitute “SERVES ONLY”; in line 11, strike “REMAINDER” and substitute “REST”; in line 13, strike “AN APPOINTED” and substitute “A”; in the same line, after “TWO” insert “CONSECUTIVE”; in line 14, strike “CONSECUTIVELY”; in line 29, before “MEMBERS” insert “(A)”; and in line 31, after “MEET” insert “AT LEAST”.

AMENDMENT NO. 5

(Over)

On page 11, after line 2, insert:

“(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SUBCOMMITTEE OF THE COMMISSION CREATED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL BE CONSIDERED A PUBLIC BODY UNDER § 10-502(H) OF THIS ARTICLE.”;

in line 4, strike “A DISABILITY IMPLEMENTATION” and substitute “AN INTERAGENCY DISABILITIES”; strike beginning with “WITHIN” in line 4 down through “DEPARTMENT” in line 5; in line 6, strike “AND CARRY OUT”; in line 7, strike “DISABILITY IMPLEMENTATION” and substitute “DISABILITIES”; after line 12, insert:

“(3) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR THE SECRETARY’S DESIGNEE;”;

and in lines 13, 15, 17, 19, 21, 23, 24, 26, 28, 30, and 32, strike “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, “(11)”, “(12)”, “(13)”, and “(14)”, respectively.

AMENDMENT NO. 6

On page 12, in line 3, strike “SECRETARY” and substitute “CHAIRMAN”; in the same line, after “BOARD” insert a period; strike beginning with “AND” in line 3 down through “TO:” in line 4; after line 4, insert:

“(B) THE BOARD IS CHARGED WITH:”;

in line 5, strike “PROVIDE” and substitute “PROVIDING”; in line 9, strike “FACILITATE” and substitute “FACILITATING”; in line 12, strike “DEVELOP AND IMPLEMENT” and substitute “DEVELOPING”; in line 14, strike “AND”; in line 17, after “ASSEMBLY” insert “; AND”

(5) DEVELOPING THE STATE DISABILITIES PLAN”;

in line 15, strike “FORMULATE” and substitute “FORMULATING”; in line 16, strike “COMMUNICATE” and substitute “COMMUNICATING”; in line 18, strike “(B)” and substitute “(C)”; in the same line, strike “SECRETARY” and substitute “CHAIRMAN”; in the same line, after

“SUBCOMMITTEES” insert “OF THE BOARD”; after line 19, insert:

“9-1116.

(A) THE STATE DISABILITIES PLAN SHALL PROVIDE FOR THE COORDINATION OF SUPPORT SERVICES THAT:

(1) ASSURE COMPLIANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT AND OTHER RELEVANT FEDERAL AND STATE PROVISIONS INTENDED TO PROTECT THE CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES;

(2) ARE NECESSARY FOR INDIVIDUALS WITH DISABILITIES TO ACHIEVE MAXIMUM PARTICIPATION IN THE MAINSTREAM OF THE COMMUNITY IN THE MOST INTEGRATED SETTING POSSIBLE; AND

(3) ADDRESS, ON A STATEWIDE BASIS, THE IMPROVEMENT OF:

(I) THE CAPACITY OF COMMUNITIES TO SUPPORT INDIVIDUALS WITH DISABILITIES WITH PERSONAL ATTENDANT CARE AND OTHER LONG-TERM CARE OPTIONS THAT ARE SELF-DIRECTED;

(II) THE AVAILABILITY OF ACCESSIBLE, INTEGRATED, AND AFFORDABLE HOUSING OPTIONS;

(III) RELIABLE TRANSPORTATION OPTIONS;

(IV) EMPLOYMENT AND TRAINING OPTIONS, INCLUDING SELF-EMPLOYMENT AND NONCONGREGANT COMPETITIVE OPPORTUNITIES AVAILABLE IN AN INTEGRATED ENVIRONMENT IN WHICH THERE ARE INDIVIDUALS WITH AND WITHOUT DISABILITIES;

(V) SOMATIC AND MENTAL HEALTH OPTIONS;

(VI) ACCESSIBLE AND UNIVERSALLY DESIGNED TECHNOLOGY;

(Over)

(VII) SUPPORT SERVICES FOR CHILDREN, YOUTH, AND THEIR FAMILIES TO ENABLE THEM TO ACHIEVE SUCCESSFUL LEARNING; AND

(VIII) FAMILY SUPPORT SERVICES, INCLUDING RESPITE CARE.

(B) THE STATE DISABILITIES PLAN SHALL ASSESS THE PROVISION OF AND RESOURCES FOR SUPPORT SERVICES FOR INDIVIDUALS WITH DISABILITIES.

9-1117.

(A) THE SECRETARY SHALL REVIEW THE STATE DISABILITIES PLAN DEVELOPED BY THE BOARD IN ACCORDANCE WITH § 9-1116 OF THIS SUBTITLE.

(B) THE SECRETARY MAY APPROVE OR AMEND THE STATE DISABILITIES PLAN IF THE SECRETARY DETERMINES THAT THE STATE DISABILITIES PLAN DEVELOPED BY THE BOARD IS NOT IN ACCORDANCE WITH § 9-1116 OF THIS SUBTITLE.

(C) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE STATE DISABILITIES PLAN AS APPROVED OR AS AMENDED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

(D) THE SECRETARY SHALL SUBMIT AN ANNUAL ANALYSIS OF THE STATE'S PROGRESS IN IMPLEMENTING THE STATE DISABILITIES PLAN AND RELATED PERFORMANCE OBJECTIVES TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE OCTOBER 1 OF EACH YEAR.”;

and in line 20, strike “9-1116” and substitute “9-1118”.

AMENDMENT NO. 7

On page 13, after line 7, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Maryland Commission on Disabilities shall expire as follows:

- (1) 7 members in 2005;
- (2) 6 members in 2006; and
- (3) 7 members in 2007.

SECTION 7. AND BE IT FURTHER ENACTED, That the Department of Budget and Management shall explore the feasibility of implementing the interagency funding approach developed by the Interagency Disabilities Board in accordance with § 9-1115(b)(3) of the State Government Article of the Annotated Code.”;

in line 8, strike “6.” and substitute “8.”; in line 12, strike “satisfied” and substitute “ratified”; after line 12, insert:

“SECTION 9. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Disabilities, as established under Title 9, Subtitle 11 of the State Government Article, as enacted by Section 2 of this Act, shall be funded with existing resources or federal or special funds unless funding is provided for the Department in the State budget.”;

and in line 13, strike “7.” and substitute “10.”.