

SENATE BILL 188

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2004 Regular Session
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By: **The President (By Request - Administration) and Senators Astle, Brinkley, Brochin, Currie, DeGrange, Della, Dyson, Forehand, Garagiola, Gladden, Greenip, Hafer, Hollinger, Hooper, Hughes, Kelley, Kittleman, Klausmeier, Lawlah, Middleton, Munson, Pipkin, Schrader, Stone, ~~and Teitelbaum~~ Teitelbaum, and McFadden**

Introduced and read first time: January 23, 2004
Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 24, 2004

CHAPTER _____

1 AN ACT concerning

2 **State Government - Department of Disabilities**

3 FOR the purpose of creating the Department of Disabilities as a principal
4 department of State government; providing for the qualifications, appointment,
5 powers, duties, and salary of the Secretary of Disabilities; providing for the
6 duties of the Department; requiring certain units of State government to provide
7 certain information to the Secretary and to develop, implement, and evaluate
8 certain plans; organizing the Maryland Advisory Commission on Disability
9 Policy Disabilities and the ~~Disability Implementation~~ Interagency Disabilities
10 Board under the Department; providing for the staffing, administration, and
11 duties of the ~~Maryland Advisory Commission on Disability Policy~~ and the
12 ~~Disability Implementation~~ Board; requiring the Secretary to review the State
13 Disabilities Plan; authorizing the Secretary to amend the State Disabilities
14 Plan; requiring the Secretary to adopt regulations to implement the State
15 Disabilities Plan; requiring the Department to report to the Governor and the
16 General Assembly on or before a certain date; abolishing the Office for
17 Individuals with Disabilities; specifying the terms of the initial members of the
18 Commission; requiring the Department of Budget and Management to explore
19 the feasibility of certain funding approaches; specifying that the publisher of the
20 Annotated Code of Maryland, in consultation with the Department of
21 Legislative Services, shall correct agency names and titles in the Code to
22 conform to the changes that are made by this Act; prohibiting the General Fund
23 appropriation to the Department of Disabilities from exceeding a certain
24 amount; requiring the Department to seek certain funds to cover certain

1 expenditures; authorizing the Department to seek certain personnel
 2 identification numbers from the Board of Public Works under certain
 3 circumstances; defining certain terms; and generally relating to the Department
 4 of Disabilities.

5 BY repealing

6 Article - State Government
 7 Section 9-1101 through 9-1110, inclusive, and the subtitle "Subtitle 11. Services
 8 to Individuals with Disabilities"
 9 Annotated Code of Maryland
 10 (1999 Replacement Volume and 2003 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article - State Government
 13 Section 8-201
 14 Annotated Code of Maryland
 15 (1999 Replacement Volume and 2003 Supplement)

16 BY adding to

17 Article - State Government
 18 Section 9-1101 through ~~9-1116~~ 9-1118, inclusive, and the subtitle "Subtitle 11.
 19 Department of Disabilities"
 20 Annotated Code of Maryland
 21 (1999 Replacement Volume and 2003 Supplement)

22 Preamble

23 WHEREAS, Individuals with disabilities should be empowered to achieve their
 24 personal and professional goals in the communities where they live; and

25 WHEREAS, Individuals with disabilities can live independent, productive, and
 26 full lives in their communities when provided with the right support, training, and
 27 opportunities; and

28 WHEREAS, It is desirable to infuse service delivery systems with elevated
 29 expectations about the capacities of people with disabilities; and

30 WHEREAS, It is desirable to increase the capacity of Maryland communities to
 31 provide services and support in inclusive settings; and

32 WHEREAS, It is desirable to create accessible and universally designed
 33 communities and technology, which promote the independence and participation of
 34 people with disabilities; and

35 WHEREAS, It is the intent of the State of Maryland to construct a seamless,
 36 responsive, and coordinated service delivery system in which consumers can exercise
 37 meaningful choices and maintain control over their lives; now, therefore,

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 9-1101 through 9-1110, inclusive, and the subtitle
3 "Subtitle 11. Services to Individuals with Disabilities" of Article - State Government
4 of the Annotated Code of Maryland be repealed.

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

7 **Article - State Government**

8 8-201.

9 (a) The Executive Branch of the State government shall have not more than
10 21 principal departments, each of which shall embrace a broad, functional area of that
11 Branch.

12 (b) The principal departments of the Executive Branch of the State
13 government are:

- 14 (1) Aging;
- 15 (2) Agriculture;
- 16 (3) Budget and Management;
- 17 (4) Business and Economic Development;
- 18 (5) DISABILITIES;
- 19 [(5)] (6) the Environment;
- 20 [(6)] (7) General Services;
- 21 [(7)] (8) Health and Mental Hygiene;
- 22 [(8)] (9) Housing and Community Development;
- 23 [(9)] (10) Human Resources;
- 24 [(10)] (11) Juvenile Services;
- 25 [(11)] (12) Labor, Licensing, and Regulation;
- 26 [(12)] (13) Natural Resources;
- 27 [(13)] (14) Planning;
- 28 [(14)] (15) Public Safety and Correctional Services;
- 29 [(15)] (16) State Police;

1 [(16)] (17) Transportation; and

2 [(17)] (18) Veterans Affairs.

3 SUBTITLE 11. DEPARTMENT OF DISABILITIES.

4 9-1101.

5 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 ~~(B)~~ (B) "BOARD" MEANS THE INTERAGENCY DISABILITIES BOARD.

8 ~~(C)~~ (C) "COMMISSION" MEANS THE MARYLAND COMMISSION ON DISABILITIES.

9 ~~(D)~~ (D) "DEPARTMENT" MEANS THE DEPARTMENT OF DISABILITIES.

10 ~~(E)~~ (E) "DISABILITY" HAS THE MEANING STATED IN THE FEDERAL
11 AMERICANS WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.

12 ~~(F)~~ (F) "SECRETARY" MEANS THE SECRETARY OF DISABILITIES.

13 ~~(G)~~ (G) "UNIT OF STATE GOVERNMENT" MEANS ANY DEPARTMENT, AGENCY,
14 OFFICE, COMMISSION, COUNCIL, OR OTHER UNIT OF THE STATE WITHIN THE
15 EXECUTIVE BRANCH OF STATE GOVERNMENT.

16 9-1102.

17 (A) THERE IS A DEPARTMENT OF DISABILITIES, ESTABLISHED AS A PRINCIPAL
18 DEPARTMENT OF STATE GOVERNMENT.

19 (B) THE SECRETARY IS THE HEAD OF THE DEPARTMENT OF DISABILITIES AND
20 SHALL:

21 (1) HAVE EXTENSIVE EXPERIENCE AND KNOWLEDGE OF DISABILITY
22 LAWS, LEGISLATION, REGULATIONS, AND PROGRAMS FOR INDIVIDUALS WITH
23 DISABILITIES;

24 (2) HOLD AT A MINIMUM A BACHELOR'S DEGREE;

25 (3) BE AN INDIVIDUAL WITH A DISABILITY OR APPOINT A DEPUTY
26 SECRETARY WHO IS AN INDIVIDUAL WITH A DISABILITY; AND

27 (4) BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT
28 OF THE SENATE.

29 (C) (1) THE SECRETARY SERVES AT THE PLEASURE OF THE GOVERNOR AND
30 IS RESPONSIBLE DIRECTLY TO THE GOVERNOR. THE SECRETARY SHALL ADVISE THE
31 GOVERNOR ON ALL MATTERS ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE
32 FOR CARRYING OUT THE GOVERNOR'S POLICIES ON THESE MATTERS.

1 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE
2 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE
3 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT.

4 (3) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE SECRETARY
5 MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY IN THE
6 DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES ASSIGNED TO THE
7 SECRETARY.

8 (4) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE
9 STATE BUDGET.

10 9-1103.

11 (A) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY SHALL
12 APPOINT A DEPUTY SECRETARY.

13 (2) THE DEPUTY SECRETARY:

14 (I) SERVES AT THE PLEASURE OF THE SECRETARY;

15 (II) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
16 BUDGET;

17 (III) HAS THE DUTIES PROVIDED BY LAW OR DELEGATED BY THE
18 SECRETARY; AND

19 (IV) SHALL BE AN INDIVIDUAL WITH A DISABILITY, IF THE
20 SECRETARY IS NOT AN INDIVIDUAL WITH A DISABILITY.

21 (B) (1) IN ACCORDANCE WITH THE STATE BUDGET, THE SECRETARY MAY
22 EMPLOY A STAFF.

23 (2) UNLESS OTHERWISE PROVIDED BY LAW, THE SECRETARY SHALL
24 APPOINT AND REMOVE ALL OTHER STAFF IN ACCORDANCE WITH THE PROVISIONS
25 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

26 (3) THE SECRETARY MAY REVIEW ANY PERSONNEL ACTION TAKEN BY
27 ANY UNIT IN THE DEPARTMENT.

28 9-1104.

29 (A) THE SECRETARY IS RESPONSIBLE FOR THE BUDGET OF THE
30 DEPARTMENT.

31 (B) (1) THE SECRETARY MAY ADOPT RULES AND REGULATIONS NECESSARY
32 TO CARRY OUT THE PROVISIONS OF LAW THAT ARE WITHIN THE JURISDICTION OF
33 THE SECRETARY.

34 (2) THE SECRETARY SHALL ADOPT REGULATIONS FOR THE
35 DEPARTMENT AND ITS UNITS.

1 (C) (1) THE SECRETARY SHALL REVIEW NEW OR PROPOSED CHANGES TO
2 REGULATIONS, POLICIES, PROGRAMS, AND SERVICES SUBMITTED BY A UNIT OF
3 STATE GOVERNMENT THAT RELATE TO THE PROVISION OF RESOURCES AND
4 SERVICES TO INDIVIDUALS WITH DISABILITIES PRIOR TO PUBLIC NOTIFICATION.

5 (2) THE REGULATIONS SHALL INCLUDE AN ASSESSMENT THAT
6 DESCRIBES THE IMPACT OF THE PROPOSED REGULATIONS ON INDIVIDUALS WITH
7 DISABILITIES.

8 (D) (1) THE SECRETARY SHALL REVIEW, COORDINATE, AND CONCUR WITH
9 APPLICATIONS FOR FEDERAL AID, WAIVERS, OR GRANTS SUBMITTED BY OR
10 THROUGH ANY UNITS OF STATE GOVERNMENT WHEN THE APPLICATIONS ARE
11 SPECIFIC TO DISABILITY SERVICES.

12 (2) EXCEPT AS OTHERWISE PROHIBITED BY LAW, THE SECRETARY MAY
13 APPLY FOR, RECEIVE, AND USE GRANTS-IN-AID, FUNDS, OR SERVICES FROM THE
14 FEDERAL GOVERNMENT OR ANY OF ITS AGENCIES, OR ANY PUBLIC OR PRIVATE
15 SOURCE MADE AVAILABLE TO THE DEPARTMENT FOR USE IN CARRYING OUT THE
16 POWERS AND DUTIES OF THE SECRETARY OR THE DEPARTMENT.

17 (E) THE SECRETARY MAY CREATE CITIZENS' ADVISORY BODIES THAT THE
18 SECRETARY CONSIDERS NECESSARY FOR THE EFFECTIVE OPERATION OF THE
19 DEPARTMENT.

20 (F) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE SECRETARY SHALL PAY
21 ALL MONEY COLLECTED BY THE DEPARTMENT UNDER THIS TITLE INTO THE
22 GENERAL FUND OF THE STATE.

23 9-1105.

24 (A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE DEPARTMENT.

25 (B) THE ATTORNEY GENERAL SHALL ASSIGN TO THE DEPARTMENT THE
26 NUMBER OF ASSISTANT ATTORNEYS GENERAL AUTHORIZED BY LAW TO BE
27 ASSIGNED TO THE DEPARTMENT.

28 (C) (1) THE ATTORNEY GENERAL SHALL DESIGNATE ONE OF THE
29 ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE DEPARTMENT AS COUNSEL TO
30 THE DEPARTMENT AND MAY NOT REASSIGN THAT INDIVIDUAL WITHOUT
31 CONSULTING WITH THE SECRETARY.

32 (2) THE COUNSEL TO THE DEPARTMENT SHALL HAVE ONLY THE
33 FOLLOWING DUTIES:

34 (I) TO GIVE THE LEGAL AID, ADVICE, AND COUNSEL REQUIRED BY
35 THE SECRETARY AND ANY OTHER OFFICIAL OF THE DEPARTMENT;

36 (II) TO SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL
37 ASSIGNED TO THE DEPARTMENT; AND

1 (III) TO PERFORM FOR THE DEPARTMENT THE DUTIES THAT THE
2 ATTORNEY GENERAL ASSIGNS.

3 (3) THE COUNSEL SHALL PERFORM THE DUTIES UNDER PARAGRAPH (2)
4 OF THIS SUBSECTION, SUBJECT TO THE CONTROL AND SUPERVISION OF THE
5 ATTORNEY GENERAL.

6 9-1106.

7 (A) THE DEPARTMENT IS THE PRINCIPAL STAFF AGENCY RESPONSIBLE FOR
8 DEVELOPING, MAINTAINING, REVISING, AND ENFORCING STATEWIDE DISABILITY
9 POLICIES AND STANDARDS THROUGHOUT THE UNITS OF STATE GOVERNMENT.

10 (B) IN THIS CAPACITY, THE DEPARTMENT SHALL:

11 (1) SERVE AS THE PRINCIPAL ADVISOR TO THE GOVERNOR ON THE
12 MEANS AND METHODS AVAILABLE TO:

13 (I) IMPLEMENT AND FUND SUPPORT TO INDIVIDUALS WITH
14 DISABILITIES IN ACCORDANCE WITH THE STATE ~~DISABILITY IMPLEMENTATION~~
15 DISABILITIES PLAN;

16 (II) MODIFY OR CONSOLIDATE SUPPORT TO INDIVIDUALS WITH
17 DISABILITIES; AND

18 (III) COLLABORATE WITH FEDERAL, REGIONAL, AND LOCAL UNITS
19 OF GOVERNMENT TO ENHANCE THE EFFECTIVENESS OF THE PROVISION AND
20 FUNDING OF SUPPORT TO INDIVIDUALS WITH DISABILITIES;

21 (2) ~~DEVELOP A STATE DISABILITY IMPLEMENTATION PLAN~~ ADOPT
22 REGULATIONS TO IMPLEMENT THE STATE DISABILITIES PLAN AS APPROVED OR
23 AMENDED BY THE SECRETARY IN ACCORDANCE WITH § ~~9-1108~~ 9-1117 OF THIS
24 SUBTITLE;

25 (3) ANNUALLY RECOMMEND TO THE DEPARTMENT OF BUDGET AND
26 MANAGEMENT CAPITAL BUDGET PROJECTS, FOR INCLUSION IN THE CAPITAL
27 BUDGET, TO PROMOTE ACCESS TO STATE-OWNED FACILITIES FOR INDIVIDUALS
28 WITH DISABILITIES;

29 (4) ASSIST UNITS OF STATE GOVERNMENT TO IDENTIFY FEDERAL,
30 STATE, LOCAL, AND PRIVATE FUNDS AVAILABLE TO THE STATE FOR PROGRAMS AND
31 SERVICES FOR INDIVIDUALS WITH DISABILITIES; AND

32 (5) PROVIDE TECHNICAL ASSISTANCE TO LOCAL JURISDICTIONS IN
33 PLANNING AND IMPLEMENTING COLLABORATIVE STRATEGIES CONSISTENT WITH
34 THE STATE ~~IMPLEMENTATION~~ DISABILITIES PLAN.

1 ~~9-1107.~~

2 ~~(C) AT THE REQUEST OF THE SECRETARY, UNLESS THE DISCLOSURE OF~~
3 ~~INFORMATION IS OTHERWISE PROHIBITED BY LAW, EACH UNIT OF STATE~~
4 ~~GOVERNMENT SHALL PROVIDE:~~

5 ~~(1) AT THE REQUEST OF THE SECRETARY, INFORMATION REGARDING~~
6 ~~CURRENT PROGRAMS AND SERVICES FOR INDIVIDUALS WITH DISABILITIES TO THE~~
7 ~~SECRETARY; AND~~

8 ~~(2) INFORMATION REGARDING NEW OR PROPOSED PROGRAMS AND~~
9 ~~SERVICES FOR INDIVIDUALS WITH DISABILITIES TO THE SECRETARY, UNLESS~~
10 ~~OTHERWISE PROHIBITED BY LAW.~~

11 ~~9-1107~~ 9-1108.

12 (A) (1) BY JULY 1 OF EACH YEAR, EACH UNIT OF STATE GOVERNMENT
13 SHALL DEVELOP A UNIT PLAN TO IMPLEMENT THE ~~STATEWIDE DISABILITY~~
14 ~~IMPLEMENTATION PLAN ESTABLISHED~~ STATE DISABILITIES PLAN AS APPROVED OR
15 AMENDED BY THE SECRETARY UNDER § ~~9-1108~~ 9-1117 OF THIS SUBTITLE.

16 (2) THE UNIT PLAN SHALL CONTAIN AN IMPLEMENTATION SCHEDULE
17 AND MEASURABLE STRATEGIC PERFORMANCE OBJECTIVES.

18 (3) THE SECRETARY MAY REQUEST AMENDMENTS TO A UNIT PLAN IF
19 THE SECRETARY DETERMINES THAT THE UNIT PLAN IS NOT IN ACCORDANCE WITH
20 THE STATE DISABILITIES PLAN.

21 (B) EACH UNIT OF STATE GOVERNMENT SHALL PROVIDE THE DEPARTMENT
22 WITH AN EVALUATION OF THE UNIT'S PERFORMANCE IN ACCORDANCE WITH THE
23 UNIT'S PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION BY JULY 1 OF
24 EACH YEAR.

25 (C) THE EVALUATION REQUIRED BY SUBSECTION (B) OF THIS SECTION SHALL:

26 (1) ASSESS THE UNIT'S PERFORMANCE AGAINST THE STRATEGIC
27 PERFORMANCE OBJECTIVES ESTABLISHED UNDER ~~PARAGRAPH (2)~~ SUBSECTION
28 (A)(2) OF THIS SUBSECTION SECTION; AND

29 (2) IDENTIFY AND MEASURE:

30 (I) CONSUMER SATISFACTION;

31 (II) GAPS IN SERVICES;

32 (III) NUMBERS OF INDIVIDUALS WAITING FOR SERVICES; AND

33 (IV) PROGRESS MADE ON ACHIEVING PERFORMANCE OBJECTIVES.

34 (D) THE SECRETARY MAY PROVIDE TECHNICAL ASSISTANCE TO ANY UNIT OF
35 STATE GOVERNMENT TO MEET THE REQUIREMENTS OF THIS SECTION.

1 (E) THE SECRETARY MAY WAIVE THE REQUIREMENTS OF THIS SECTION FOR
2 ANY UNIT OF STATE GOVERNMENT.

3 ~~9-1108.~~

4 (A) ~~THE SECRETARY SHALL DEVELOP A STATE DISABILITY IMPLEMENTATION~~
5 ~~PLAN.~~

6 (B) ~~THE STATE DISABILITY IMPLEMENTATION PLAN SHALL INCLUDE THE~~
7 ~~PROVISION OF SUPPORT SERVICES THAT:~~

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

11 (2) ~~ARE NECESSARY FOR AN INDIVIDUAL WITH A DISABILITY TO~~
12 ~~ACHIEVE MAXIMUM PARTICIPATION IN THE MAINSTREAM IN THE MOST INTEGRATED~~
13 ~~SETTING POSSIBLE; AND~~

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

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

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

20 (III) ~~RELIABLE TRANSPORTATION OPTIONS;~~

21 (IV) ~~EMPLOYMENT AND TRAINING OPTIONS, INCLUDING~~
22 ~~NONCONGREGANT, COMPETITIVE OPPORTUNITIES AND SELF-EMPLOYMENT;~~

23 (V) ~~SOMATIC AND MENTAL HEALTH OPTIONS;~~

24 (VI) ~~ACCESSIBLE AND UNIVERSALLY DESIGNED TECHNOLOGY;~~

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

27 (VIII) ~~FAMILY SUPPORT SERVICES, INCLUDING RESPITE CARE.~~

28 (C) ~~THE STATE DISABILITY IMPLEMENTATION PLAN SHALL ASSESS THE~~
29 ~~PROVISION OF AND RESOURCES FOR SUPPORT SERVICES FOR PEOPLE WITH~~
30 ~~DISABILITIES.~~

31 (D) ~~THE SECRETARY SHALL SUBMIT AN ANNUAL ANALYSIS OF THE STATE~~
32 ~~DISABILITY IMPLEMENTATION PLAN AND RELATED PERFORMANCE OBJECTIVES TO~~
33 ~~THE GOVERNOR BY OCTOBER 1 OF EACH YEAR.~~

1 9-1109.

2 THERE IS A MARYLAND ~~ADVISORY~~ COMMISSION ON ~~DISABILITY POLICY~~
3 DISABILITIES.

4 9-1110.

5 (A) THE COMMISSION CONSISTS OF:

6 (1) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

7 (I) ONE INDIVIDUAL WITH A PHYSICAL DISABILITY;

8 (II) ONE INDIVIDUAL WHO HAS EXPERIENCED MENTAL ILLNESS;

9 (III) ONE INDIVIDUAL WITH AN INTELLECTUAL DISABILITY;

10 (IV) ONE INDIVIDUAL WHO IS BLIND;

11 (V) ONE INDIVIDUAL WHO IS DEAF OR HARD OF HEARING;

12 (VI) ONE PARENT OR FOSTER PARENT OF A CHILD WITH A
13 DISABILITY;

14 (VII) FOUR MEMBERS OF THE GENERAL PUBLIC WHO HAVE
15 DISABILITIES;

16 (VIII) THREE REPRESENTATIVES FROM STATEWIDE DISABILITY
17 ADVOCACY ORGANIZATIONS;

18 (IX) ONE REPRESENTATIVE FROM THE HOME HEALTH CARE
19 INDUSTRY;

20 ~~(X)~~ (X) ONE REPRESENTATIVE FROM A STATEWIDE
21 ORGANIZATION OF PROVIDERS OF SERVICES AND SUPPORT FOR INDIVIDUALS WITH
22 DISABILITIES; ~~AND~~

23 ~~(XI)~~ (XI) ONE REPRESENTATIVE FROM THE ALLIANCE OF LOCAL
24 COMMISSIONS ON DISABILITY; AND

25 ~~(XII)~~ (XII) TWO REPRESENTATIVES FROM THE ~~STATE DISABILITY~~
26 ~~IMPLEMENTATION~~ INTERAGENCY DISABILITIES BOARD SELECTED BY THE
27 SECRETARY, ONE OF WHOM REPRESENTS THE DEPARTMENT OF BUDGET AND
28 MANAGEMENT;

29 ~~(13)~~ (2) ONE REPRESENTATIVE FROM THE SENATE OF MARYLAND,
30 APPOINTED BY THE PRESIDENT OF THE SENATE; AND

31 ~~(14)~~ (3) ONE REPRESENTATIVE FROM THE MARYLAND HOUSE OF
32 DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

1 (B) IN MAKING THE APPOINTMENTS REQUIRED UNDER THIS SECTION, THE
2 GOVERNOR SHALL APPOINT MEMBERS FROM AMONG:

3 (1) THE GEOGRAPHIC REGIONS OF THE STATE; AND

4 (2) DIVERSE BACKGROUNDS.

5 (C) A MAJORITY OF THE ~~MEMBERSHIP~~ MEMBERS SHALL BE INDIVIDUALS
6 WITH DISABILITIES.

7 (D) (1) ~~THE TERM OF AN APPOINTED~~ A MEMBER IS 3 YEARS.

8 (2) THE TERMS OF THE MEMBERS ~~APPOINTED BY THE GOVERNOR~~
9 SHALL BE ARE STAGGERED ~~FROM THE INITIAL APPOINTMENT AS REQUIRED BY THE~~
10 TERMS PROVIDED FOR THE MEMBERS OF THE COMMISSION ON JULY 1, 2004.

11 (E) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
12 SUCCESSOR IS APPOINTED AND QUALIFIES.

13 (F) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN ~~SHALL SERVE~~
14 SERVES ONLY FOR THE ~~REMAINDER~~ REST OF THE TERM AND UNTIL A SUCCESSOR IS
15 APPOINTED AND QUALIFIES.

16 (G) ~~AN APPOINTED~~ A MEMBER MAY NOT SERVE MORE THAN TWO
17 CONSECUTIVE 3-YEAR TERMS ~~CONSECUTIVELY~~.

18 (H) ANY MEMBER WHO FAILS TO ATTEND AT LEAST 50% OF THE REGULARLY
19 SCHEDULED MEETINGS DURING ANY 12-MONTH PERIOD SHALL BE CONSIDERED TO
20 HAVE RESIGNED.

21 (I) FROM AMONG THE MEMBERS OF THE COMMISSION, THE GOVERNOR
22 SHALL DESIGNATE A CHAIRMAN FOR A 2-YEAR TERM.

23 9-1111.

24 (A) A MEMBER OF THE COMMISSION:

25 (1) MAY NOT RECEIVE COMPENSATION; BUT

26 (2) IF THE SECRETARY APPROVES, IS ENTITLED TO REIMBURSEMENT
27 FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED
28 IN THE STATE BUDGET.

29 (B) THE DEPARTMENT SHALL PROVIDE STAFF TO THE COMMISSION AS
30 NECESSARY.

31 9-1112.

32 (A) MEMBERS OF THE COMMISSION SHALL:

33 (1) ADVISE THE DEPARTMENT IN CARRYING OUT ITS DUTIES;

1 (2) MEET AT LEAST TWICE A YEAR IN MEETINGS OPEN TO THE PUBLIC;
2 AND

3 (3) SERVE ON SUBCOMMITTEES ESTABLISHED BY THE SECRETARY TO
4 CARRY OUT THE MISSION OF THE DEPARTMENT.

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

9 9-1113.

10 (A) THERE IS ~~A DISABILITY IMPLEMENTATION AN INTERAGENCY~~
11 DISABILITIES BOARD WITHIN THE DEPARTMENT CONVENED BY THE GOVERNOR.

12 (B) THE PURPOSE OF THE BOARD IS TO DEVELOP ~~AND CARRY OUT~~ THE STATE
13 DISABILITY IMPLEMENTATION DISABILITIES PLAN.

14 9-1114.

15 (A) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

16 (1) THE SECRETARY OF DISABILITIES, WHO SHALL SERVE AS CHAIRMAN
17 OF THE BOARD;

18 (2) THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;

19 (3) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT, OR
20 THE SECRETARY'S DESIGNEE;

21 ~~(3)~~ (4) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE
22 SECRETARY'S DESIGNEE;

23 ~~(4)~~ (5) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
24 SECRETARY'S DESIGNEE;

25 ~~(5)~~ (6) THE SECRETARY OF HOUSING AND COMMUNITY
26 DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

27 ~~(6)~~ (7) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S
28 DESIGNEE;

29 ~~(7)~~ (8) THE SECRETARY OF LABOR, LICENSING AND REGULATION, OR
30 THE SECRETARY'S DESIGNEE;

31 ~~(8)~~ (9) THE SECRETARY OF PLANNING, OR THE SECRETARY'S
32 DESIGNEE;

33 ~~(9)~~ (10) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE
34 SUPERINTENDENT'S DESIGNEE;

1 ~~(10)~~ (11) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S
2 DESIGNEE;

3 ~~(11)~~ (12) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH AND
4 FAMILIES, OR THE SPECIAL SECRETARY'S DESIGNEE;

5 ~~(12)~~ (13) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF THE DEAF AND
6 HARD OF HEARING, OR THE DIRECTOR'S DESIGNEE; AND

7 ~~(13)~~ (14) REPRESENTATIVES FROM ANY OTHER UNIT OF STATE
8 GOVERNMENT AS THE GOVERNOR MAY DESIGNATE.

9 (B) THE DEPARTMENT SHALL PROVIDE STAFF TO THE BOARD AS NECESSARY.
10 9-1115.

11 (A) ~~THE SECRETARY CHAIRMAN SHALL DIRECT THE WORK OF THE BOARD,
12 AND IS CHARGED WITH OVERSIGHT, DIRECTION, AND ACCOUNTABILITY TO:~~

13 (B) THE BOARD IS CHARGED WITH:

14 (1) ~~PROVIDE~~ PROVIDING ONGOING EXAMINATION OF THE STRUCTURE
15 AND ORGANIZATION OF THE STATE'S SYSTEM OF SERVICES AND SUPPORT TO
16 INDIVIDUALS WITH DISABILITIES TO ENSURE EQUAL ACCESS TO SUPPORT SERVICES
17 AND RESOURCES BY INDIVIDUALS WITH DISABILITIES;

18 (2) ~~FACILITATE~~ FACILITATING THE DEVELOPMENT OF PERFORMANCE
19 OBJECTIVES THAT WILL RESULT IN A COMPREHENSIVE, EFFECTIVE, EFFICIENT, AND
20 INTEGRATED SERVICE DELIVERY SYSTEM FOR INDIVIDUALS WITH DISABILITIES;

21 (3) ~~DEVELOP AND IMPLEMENT~~ DEVELOPING AN INTERAGENCY
22 FUNDING APPROACH TO MAXIMIZE EFFICIENCIES AND STREAMLINE ACCESS TO
23 SERVICES AND SUPPORT FOR INDIVIDUALS WITH DISABILITIES; ~~AND~~

24 (4) ~~FORMULATE~~ FORMULATING POLICIES ON LEGISLATIVE ISSUES AND,
25 UNDER THE DIRECTION OF THE GOVERNOR, ~~COMMUNICATE~~ COMMUNICATING THE
26 POLICIES TO THE GENERAL ASSEMBLY; ~~AND~~

27 (5) DEVELOPING THE STATE DISABILITIES PLAN.

28 ~~(B)~~ (C) ~~THE SECRETARY CHAIRMAN MAY ESTABLISH SUBCOMMITTEES OF~~
29 THE BOARD TO CARRY OUT THE RESPONSIBILITIES UNDER THIS SECTION.

30 9-1116.

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

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

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

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

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

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

10 (III) RELIABLE TRANSPORTATION OPTIONS;

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

15 (V) SOMATIC AND MENTAL HEALTH OPTIONS;

16 (VI) ACCESSIBLE AND UNIVERSALLY DESIGNED TECHNOLOGY;

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

19 (VIII) FAMILY SUPPORT SERVICES, INCLUDING RESPITE CARE.

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

22 9-1117.

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

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

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

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

1 ~~9-1116~~ 9-1118.

2 THE DEPARTMENT SHALL OVERSEE AND ADMINISTER THE FOLLOWING
3 PROGRAMS:

4 (1) CONSTITUENT SERVICES AND OMBUDSMEN PROGRAMS; AND

5 (2) THE ASSISTIVE TECHNOLOGY GUARANTEED LOAN PROGRAM UNDER
6 ARTICLE 41, TITLE 14, SUBTITLE 9 OF THE CODE.

7 SECTION 3. AND BE IT FURTHER ENACTED, That all employees of the
8 Governor's Office for Individuals with Disabilities whose positions are transferred to
9 the Department of Disabilities by this Act shall be so transferred on the effective date
10 of this Act without any diminution of their rights, benefits, or employment and
11 retirement status.

12 SECTION 4. AND BE IT FURTHER ENACTED, That except as otherwise
13 provided by law, all existing laws, rules and regulations, proposed rules and
14 regulations, standards and guidelines, policies, orders and other directives, forms,
15 plans, memberships, contracts, property, investigations, administrative and judicial
16 responsibilities, rights to sue and be sued, and all other duties and responsibilities
17 associated with the functions of the Governor's Office for Individuals with Disabilities
18 prior to the effective date of this Act shall continue in effect under the Department of
19 Disabilities until completed, withdrawn, canceled, modified, or otherwise changed
20 pursuant to law.

21 SECTION 5. AND BE IT FURTHER ENACTED, That all contracts,
22 agreements, grants, or other obligations entered into by the Governor's Office for
23 Individuals with Disabilities prior to July 1, 2004, are hereby declared to be valid,
24 legal, and binding obligations of the Department of Disabilities, enforceable in
25 accordance with their terms.

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

28 (1) 7 members in 2005;

29 (2) 6 members in 2006; and

30 (3) 7 members in 2007.

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

36 ~~SECTION 6-8.~~ AND BE IT FURTHER ENACTED, That the publishers of the
37 Annotated Code of Maryland, subject to the approval of the Department of Legislative
38 Services, shall propose the correction of any agency names and titles throughout the

1 Annotated Code that are rendered incorrect by this Act and any necessary corrections
2 shall be ~~satisfied~~ ratified by passage of the Annual Corrective Bill of 2005.

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

8 SECTION ~~7.~~ 10. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect July 1, 2004.