SENATE BILL 188

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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

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

CHAPTER 425

AN ACT concerning

State Government - Department of Disabilities

FOR the purpose of creating the Department of Disabilities as a principal department of State government; providing for the qualifications, appointment, powers, duties, and salary of the Secretary of Disabilities; 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; organizing the Maryland ~~Advisory~~ Commission on ~~Disability Policy~~ Disabilities and the ~~Disability Implementation~~ Interagency Disabilities Board under the Department; providing for the staffing, administration, and duties of the ~~Maryland Advisory~~ Commission ~~on Disability Policy~~ and the ~~Disability Implementation~~ Board; 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; requiring the Department to report to the Governor and the General Assembly on or before a certain date; abolishing the Office for Individuals with Disabilities; 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; specifying that the publisher of the Annotated Code of Maryland, in consultation with the Department of Legislative Services, shall correct agency names and titles in the Code to conform to the changes that are made by this Act; 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; defining certain terms; and generally relating to the Department of Disabilities.

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

BY repealing and reenacting, with amendments,
Article - State Government
Section 8-201
Annotated Code of Maryland
(1999 Replacement Volume and 2003 Supplement)

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

Preamble

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

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

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

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

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

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

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

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

Article - State Government

8-201.

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

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

(1) Aging;

(2) Agriculture;

(3) Budget and Management;

(4) Business and Economic Development;

(5) DISABILITIES;

[(5)] (6) the Environment;

[(6)] (7) General Services;

[(7)] (8) Health and Mental Hygiene;

[(8)] (9) Housing and Community Development;

[(9)] (10) Human Resources;

[(10)] (11) Juvenile Services;

[(11)] (12) Labor, Licensing, and Regulation;

[(12)] (13) Natural Resources;

[(13)] (14) Planning;

[(14)] (15) Public Safety and Correctional Services;

[(15)] (16) State Police;

[(16)] (17) Transportation; and

[(17)] (18) Veterans Affairs.

SUBTITLE 11. DEPARTMENT OF DISABILITIES.

9-1101.

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

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

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

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

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

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

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

9-1102.

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

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

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

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

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

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

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

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

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

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

9-1103.

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

(2) THE DEPUTY SECRETARY:

(I) SERVES AT THE PLEASURE OF THE SECRETARY;

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

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

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

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

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

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

9-1104.

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

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

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

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

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

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

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

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

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

9-1105.

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

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

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

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

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

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

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

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

9-1106.

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

(B) IN THIS CAPACITY, THE DEPARTMENT SHALL:

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

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

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

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

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

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

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

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

9-1107.

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

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

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

~~9-1107~~ 9-1108.

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

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

(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.

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

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

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

(2) IDENTIFY AND MEASURE:

(I) CONSUMER SATISFACTION;

(II) GAPS IN SERVICES;

(III) NUMBERS OF INDIVIDUALS WAITING FOR SERVICES; AND

(IV) PROGRESS MADE ON ACHIEVING PERFORMANCE OBJECTIVES.

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

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

~~9-1108.~~

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

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

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

~~(2) ARE NECESSARY FOR AN INDIVIDUAL WITH A DISABILITY TO ACHIEVE MAXIMUM PARTICIPATION IN THE MAINSTREAM 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 NONCONGREGANT, COMPETITIVE OPPORTUNITIES AND SELF-EMPLOYMENT;~~

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

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

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

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

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

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

9-1109.

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

9-1110.

(A) THE COMMISSION CONSISTS OF:

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

(I) ONE INDIVIDUAL WITH A PHYSICAL DISABILITY;

(II) ONE INDIVIDUAL WHO HAS EXPERIENCED MENTAL ILLNESS;

(III) ONE INDIVIDUAL WITH AN INTELLECTUAL DISABILITY;

(IV) ONE INDIVIDUAL WHO IS BLIND;

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

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

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

(VIII) THREE REPRESENTATIVES FROM STATEWIDE DISABILITY ADVOCACY ORGANIZATIONS;

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

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

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

~~(2)~~ (XII) TWO REPRESENTATIVES FROM THE ~~STATE DISABILITY IMPLEMENTATION~~ INTERAGENCY DISABILITIES BOARD SELECTED BY THE SECRETARY, ONE OF WHOM REPRESENTS THE DEPARTMENT OF BUDGET AND MANAGEMENT;

~~(3)~~ (2) ONE REPRESENTATIVE FROM THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

~~(4)~~ (3) ONE REPRESENTATIVE FROM THE MARYLAND HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

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

(1) THE GEOGRAPHIC REGIONS OF THE STATE; AND

(2) DIVERSE BACKGROUNDS.

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

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

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

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

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

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

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

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

9-1111.

(A) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION; BUT

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

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

9-1112.

(A) MEMBERS OF THE COMMISSION SHALL:

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

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

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

(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.

9-1113.

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

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

9-1114.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) THE DEPARTMENT SHALL PROVIDE STAFF TO THE BOARD AS NECESSARY.

9-1115.

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

(B) THE BOARD IS CHARGED WITH:

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

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

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

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

(5) DEVELOPING THE STATE DISABILITIES PLAN.

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

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;

(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.

~~9-1116~~ 9-1118.

THE DEPARTMENT SHALL OVERSEE AND ADMINISTER THE FOLLOWING PROGRAMS:

(1) CONSTITUENT SERVICES AND OMBUDSMEN PROGRAMS; AND

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

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

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

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

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.

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

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

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.

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