

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 504

(Delegate Kaiser, *et al.*)

Health and Government Operations

Finance

Maryland Developmental Disabilities Council - Establishment

This bill codifies the Maryland Developmental Disabilities Council as an independent unit of State government. The council operates and receives funding in accordance with the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000. The council must (1) develop, implement, monitor, review, and evaluate a five-year strategic plan; (2) review any plan in the State that affects individuals with developmental disabilities; (3) submit periodic reports; (4) serve as an advocate for individuals with developmental disabilities; (5) conduct or support programs, projects, and activities that carry out the Act; (6) advise the Governor, the General Assembly, State agencies, and other relevant organizations on policies, programs, and issues related to the needs of individuals with developmental disabilities; and (7) review and make findings and recommendations, as specified. **This bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: The bill codifies an existing council that is funded under federal law. Any impact on the Maryland Department of Aging (MDOA) to participate on the council is assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The council may (1) conduct and support advocacy, systems change, and capacity-building efforts, as specified; (2) research best practices and provide related training and technical assistance; and (3) inform State and local leaders about disability issues. No State entity may interfere with the council's advocacy, capacity building, systemic change activities, budget, personnel, or strategic plan development or implementation.

The council must hire an executive director, who must determine the organization's structure and physical location of the council's staff and who may employ additional staff.

Council Members

The membership of the council must be geographically representative of the State and reflect the racial and ethnic diversity of the State. The council must elect a chair and vice-chair from its members and adopt bylaws, policies, and operating procedures that comply with the Act and with State law.

The council comprises at least 11 members, all appointed by the Governor, including representatives of State agencies (including MDOA, which is not currently represented on the council), the Maryland Center for Developmental Disabilities, Disability Rights Maryland, a local nongovernmental agency, a private nonprofit organization that provides services to individuals with developmental disabilities in the State, and any additional individuals necessary to comply with the bill and the Act.

Per the Act, at least six members of the council must be (1) individuals with developmental disabilities; (2) parents or guardians of a child with developmental disabilities; or (3) immediate relatives or guardians of an adult with developmental disabilities who cannot advocate for themselves. At least one-third of the members must be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities who cannot advocate for themselves. One member must be an individual with a developmental disability who resides or previously resided in an institution or an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution.

Current Law: The federal Developmental Disabilities Assistance and Bill of Rights Act of 1970 required each state to have a developmental disabilities council to ensure that individuals with developmental disabilities and their family members participate in designing programs, services, and advocacy efforts to support, integrate, and promote the independence of individuals with developmental disabilities in their respective state. The Maryland Developmental Disabilities Council was subsequently established by

executive order in 1971, and subsequently updated in 1987. The federal Act was last updated in 2000 and governs the council's membership, activities, and funding.

State Fiscal Effect: The council is an independent State agency that employs an executive director and four additional staff. The council is fully funded through the Act and reports to the federal Administration on Disabilities, Office of Intellectual and Developmental Disabilities. The Governor's Office of Financial Administration receives and administers funds for the council. Thus, there is no additional fiscal impact to codify the council as an independent unit of State government.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 168 (Senator Guzzone) - Finance.

Information Source(s): Maryland Department of Aging; Maryland State Department of Education; Department of Budget and Management; Maryland Department of Disabilities; Maryland Department of Health; Department of Legislative Services

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