

HOUSE BILL 269

Unofficial Copy
P1

1998 Regular Session
(8lr6172)

ENROLLED BILL

-- Commerce and Government Matters/Finance --

Introduced by **The Speaker (Administration) and Delegates Rawlings, Menes, Frush, Moe, Rudolph, Mandel, and ~~Eckardt~~ Eckardt, McIntosh, Bobo, Clagett, DeCarlo, Dypski, Patterson, Arnick, Benson, Malone, Minnick, and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Government - Department of Aging**

3 FOR the purpose of removing the Office on Aging from the Executive Department;
4 creating the Department of Aging as a principal department of State
5 government; directing the Secretary of Aging to report directly to the Governor;
6 requiring the Department to report on a strategic plan that includes certain
7 recommendations on or before a certain date; *stating the intent of the General*
8 *Assembly*; specifying that the publisher of the Annotated Code of Maryland, in
9 consultation with the Department of Legislative Services, shall correct agency
10 names and titles in the Code to conform to the changes that are made by this
11 Act; and generally relating to the Department of Aging.

12 BY renaming

13 Article 70B - Office on Aging

1 to be Article 70B - Department of Aging
2 Annotated Code of Maryland
3 (1995 Replacement Volume and 1997 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article 70B - Department of Aging
6 Section 1
7 Annotated Code of Maryland
8 (1995 Replacement Volume and 1997 Supplement)
9 (As enacted by Section 1 of this Act)

10 BY repealing
11 Article 70B - Department of Aging
12 Section 2
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1997 Supplement)
15 (As enacted by Section 1 of this Act)

16 BY adding to
17 Article 70B - Department of Aging
18 Section 2
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1997 Supplement)
21 (As enacted by Section 1 of this Act)

22 BY repealing and reenacting, with amendments,
23 Article - State Government
24 Section 8-103 and 8-201
25 Annotated Code of Maryland
26 (1995 Replacement Volume and 1997 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That Article 70B - Office on Aging of the Annotated Code of Maryland
29 be renamed to be Article 70B - Department of Aging.

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

32 **Article 70B - Department of Aging**

33 1.

34 (a) In this article the following words have the meanings indicated.

1 (b) "Area agency on aging" means the local agency designated by the [Office
2 on] DEPARTMENT OF Aging, pursuant to the Older Americans Act of 1965, as
3 amended, within a planning and service area to administer the delivery of a
4 comprehensive and coordinated plan of social and other services and activities for the
5 elderly.

6 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF AGING.

7 [(c)] (D) "Congregate housing services" means services provided in an
8 apartment building that promote independent living and include congregate meals,
9 housekeeping, and personal services for:

10 (1) An individual at least 62 years old who has temporary or periodic
11 difficulty with one or more essential activities of daily living, such as feeding, bathing,
12 grooming, dressing, or transferring; and

13 (2) The spouse of an individual described in paragraph (1) of this
14 subsection who is at least 55 years old and who has temporary or periodic difficulty
15 with one or more essential activities of daily living, such as feeding, bathing,
16 grooming, dressing, or transferring.

17 [(d)] (E) "Interagency Committee on Aging Services" means the body
18 designated in this article to oversee the coordination and consolidation of services for
19 the elderly in this State.

20 [(e)] (F) "Planning and service area" means a subdivision or subdivisions of
21 the State designated by the [Office on] DEPARTMENT OF Aging, pursuant to the
22 Older Americans Act of 1965, as amended, for the planning and administration of
23 social, health, and other services for the elderly.

24 (G) "SECRETARY" MEANS THE SECRETARY OF AGING.

25 [2.

26 (a) The Office on Aging is created as part of the Executive Department. The
27 Office consists of a Director on Aging and the Commission on Aging.

28 (b) The Director on Aging shall be appointed by and serve at the pleasure of
29 the Governor and be directly responsible to him. The Director is responsible for the
30 operation of the Office and shall establish guidelines and procedures to promote the
31 orderly and efficient administration of the Office. He shall receive the salary provided
32 in the State budget.

33 (c) The Office shall have the assistants, consultants, and employees provided
34 in the State budget.]

35 2.

36 (A) THERE IS A DEPARTMENT OF AGING, ESTABLISHED AS A PRINCIPAL
37 DEPARTMENT OF THE STATE GOVERNMENT.

1 (B) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF AGING, WHO
2 SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE
3 SENATE.

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

8 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE
9 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE
10 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT. THE SECRETARY
11 MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY IN THE
12 DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES ASSIGNED BY THE
13 SECRETARY.

14 (D) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
15 BUDGET.

16 **Article - State Government**

17 8-103.

18 The Council includes:

19 (1) the Governor;

20 (2) the Lieutenant Governor;

21 (3) the Secretary of State;

22 (4) the secretary of each principal department of the Executive Branch of
23 the State government;

24 (5) the State Superintendent of Schools; AND

25 (6) the Secretary of Higher Education[; and

26 (7) the Director on Aging].

27 8-201.

28 (a) The Executive Branch of the State government shall have not more than
29 21 principal departments, each of which shall embrace a broad, functional area of that
30 Branch.

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

33 (1) AGING;

- 1 (2) Agriculture;
- 2 [(2)] (3) Budget and Management;
- 3 [(3)] (4) Business and Economic Development;
- 4 [(4)] (5) the Environment;
- 5 [(5)] (6) General Services;
- 6 [(6)] (7) Health and Mental Hygiene;
- 7 [(7)] (8) Housing and Community Development;
- 8 [(8)] (9) Human Resources;
- 9 [(9)] (10) Juvenile Justice;
- 10 [(10)] (11) Labor, Licensing, and Regulation;
- 11 [(11)] (12) Natural Resources;
- 12 [(12)] (13) Public Safety and Correctional Services;
- 13 [(13)] (14) State Police; and
- 14 [(14)] (15) Transportation.

15 SECTION 3. AND BE IT FURTHER ENACTED, That on or before July 1, 1999,
 16 the Department of Aging shall report to the Governor and, in accordance with §
 17 2-1246 of the State Government Article, the General Assembly on a strategic plan to
 18 prepare Maryland for the growth of the elderly population in the State over the next
 19 30 years. The report shall include recommendations for:

- 20 (1) Using information technology to provide older Marylanders with
 21 user-friendly computerized access to services provided by the State, local
 22 jurisdictions, and the private sector;
- 23 (2) Streamlining and coordinating systems for processing requests for
 24 information about services for the elderly provided by State and local agencies;
- 25 (3) Using senior centers and public-private partnerships to promote
 26 education on:
- 27 (i) health care;
- 28 (ii) disease prevention;
- 29 (iii) financial preparation for later life, including long-term care;
- 30 and

1 (iv) available services; and

2 (4) Promoting and developing service information and education
3 programs delivered by volunteer retirees.

4 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the
5 General Assembly that there shall be no increases in the State budget of the
6 Department of Aging for Fiscal Year 1999 or any fiscal year thereafter directly
7 resulting from removing the Office on Aging from the Executive Department and
8 creating the Department of Aging as a principal department of State government.

9 SECTION 4. 5. AND BE IT FURTHER ENACTED, That the publisher of the
10 Annotated Code of Maryland, subject to the approval of the Department of Legislative
11 Services, shall correct any agency names and titles throughout the Code that are
12 rendered incorrect by this Act.

13 SECTION ~~5.~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect July 1, 1998.