

SENATE BILL 176

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P1

1998 Regular Session
8lr6171
CF 8lr6172

By: **The President (Administration) and Senators Blount, Hollinger, Kelley,
Green, Collins, Sfikas, Jimeno, Forehand, Stone, Ruben, Boozer,
Lawlah, Derr, Van Hollen, Middleton, and Hafer**

Introduced and read first time: January 23, 1998

Assigned to: Finance

A BILL ENTITLED

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; specifying that the publisher of the
8 Annotated Code of Maryland, in consultation with the Department of
9 Legislative Services, shall correct agency names and titles in the Code to
10 conform to the changes that are made by this Act; and generally relating to the
11 Department of Aging.

12 BY renaming

13 Article 70B - Office on Aging
14 to be Article 70B - Department of Aging
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, with amendments,

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

23 BY repealing

24 Article 70B - Department of Aging
25 Section 2
26 Annotated Code of Maryland
27 (1995 Replacement Volume and 1997 Supplement)
28 (As enacted by Section 1 of this Act)

1 BY adding to
2 Article 70B - Department of Aging
3 Section 2
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1997 Supplement)
6 (As enacted by Section 1 of this Act)

7 BY repealing and reenacting, with amendments,
8 Article - State Government
9 Section 8-103 and 8-201
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1997 Supplement)

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

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

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

18 1.

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

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

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

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

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

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

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

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

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

9 [2.

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

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

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

19 2.

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

22 (B) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF AGING, WHO
23 SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE
24 SENATE.

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

29 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE
30 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE
31 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT. THE SECRETARY
32 MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY IN THE
33 DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES ASSIGNED BY THE
34 SECRETARY.

35 (D) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
36 BUDGET.

Article - State Government

1
2 8-103.

3 The Council includes:

- 4 (1) the Governor;
- 5 (2) the Lieutenant Governor;
- 6 (3) the Secretary of State;
- 7 (4) the secretary of each principal department of the Executive Branch of
8 the State government;
- 9 (5) the State Superintendent of Schools; AND
- 10 (6) the Secretary of Higher Education[]; and
- 11 (7) the Director on Aging].

12 8-201.

13 (a) The Executive Branch of the State government shall have not more than
14 21 principal departments, each of which shall embrace a broad, functional area of that
15 Branch.

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

- 18 (1) AGING;
- 19 (2) Agriculture;
- 20 [(2)] (3) Budget and Management;
- 21 [(3)] (4) Business and Economic Development;
- 22 [(4)] (5) the Environment;
- 23 [(5)] (6) General Services;
- 24 [(6)] (7) Health and Mental Hygiene;
- 25 [(7)] (8) Housing and Community Development;
- 26 [(8)] (9) Human Resources;
- 27 [(9)] (10) Juvenile Justice;
- 28 [(10)] (11) Labor, Licensing, and Regulation;

- 1 [(11)] (12) Natural Resources;
- 2 [(12)] (13) Public Safety and Correctional Services;
- 3 [(13)] (14) State Police; and
- 4 [(14)] (15) Transportation.

5 SECTION 3. AND BE IT FURTHER ENACTED, That on or before July 1, 1999,
6 the Department of Aging shall report to the Governor and, in accordance with §
7 2-1246 of the State Government Article, the General Assembly on a strategic plan to
8 prepare Maryland for the growth of the elderly population in the State over the next
9 30 years. The report shall include recommendations for:

10 (1) Using information technology to provide older Marylanders with
11 user-friendly computerized access to services provided by the State, local
12 jurisdictions, and the private sector;

13 (2) Streamlining and coordinating systems for processing requests for
14 information about services for the elderly provided by State and local agencies;

15 (3) Using senior centers and public-private partnerships to promote
16 education on:

17 (i) health care;

18 (ii) disease prevention;

19 (iii) financial preparation for later life, including long-term care;
20 and

21 (iv) available services; and

22 (4) Promoting and developing service information and education
23 programs delivered by volunteer retirees.

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

28 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
29 effect July 1, 1998.