

SENATE BILL 176

Unofficial Copy  
P1

1998 Regular Session  
8lr6171  
CF 8lr6172

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By: **The President (Administration) and Senators Blount, Hollinger, Kelley, Green, Collins, Sfikas, Jimeno, Forehand, Stone, Ruben, Boozer, Lawlah, Derr, Van Hollen, Middleton, and ~~Hafer~~ Hafer, Astle, Bromwell, Della, Dorman, Madden, Roesser, Teitelbaum, Trotter, Kasemeyer, McFadden, and Munson**

Introduced and read first time: January 23, 1998  
Assigned to: Finance

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 2, 1998

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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  
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)

1 (As enacted by Section 1 of this Act)

2 BY repealing

3 Article 70B - Department of Aging

4 Section 2

5 Annotated Code of Maryland

6 (1995 Replacement Volume and 1997 Supplement)

7 (As enacted by Section 1 of this Act)

8 BY adding to

9 Article 70B - Department of Aging

10 Section 2

11 Annotated Code of Maryland

12 (1995 Replacement Volume and 1997 Supplement)

13 (As enacted by Section 1 of this Act)

14 BY repealing and reenacting, with amendments,

15 Article - State Government

16 Section 8-103 and 8-201

17 Annotated Code of Maryland

18 (1995 Replacement Volume and 1997 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

20 MARYLAND, That Article 70B - Office on Aging of the Annotated Code of Maryland

21 be renamed to be Article 70B - Department of Aging.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland

23 read as follows:

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

25 1.

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

27 (b) "Area agency on aging" means the local agency designated by the [Office

28 on] DEPARTMENT OF Aging, pursuant to the Older Americans Act of 1965, as

29 amended, within a planning and service area to administer the delivery of a

30 comprehensive and coordinated plan of social and other services and activities for the

31 elderly.

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

33 [(c)] (D) "Congregate housing services" means services provided in an

34 apartment building that promote independent living and include congregate meals,

35 housekeeping, and personal services for:

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

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

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

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

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

16 [2.

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

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

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

26 2.

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

29 (B) THE HEAD OF THE DEPARTMENT IS THE SECRETARY OF AGING, WHO  
30 SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE  
31 SENATE.

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

36 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE  
37 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE

1 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT. THE SECRETARY  
2 MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY IN THE  
3 DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES ASSIGNED BY THE  
4 SECRETARY.

5 (D) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE STATE  
6 BUDGET.

7 **Article - State Government**

8 8-103.

9 The Council includes:

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

18 8-201.

19 (a) The Executive Branch of the State government shall have not more than  
20 21 principal departments, each of which shall embrace a broad, functional area of that  
21 Branch.

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

- 24 (1) AGING;
- 25 (2) Agriculture;
- 26 [(2)] (3) Budget and Management;
- 27 [(3)] (4) Business and Economic Development;
- 28 [(4)] (5) the Environment;
- 29 [(5)] (6) General Services;
- 30 [(6)] (7) Health and Mental Hygiene;

- 1            [(7)]    (8)    Housing and Community Development;
- 2            [(8)]    (9)    Human Resources;
- 3            [(9)]    (10)   Juvenile Justice;
- 4            [(10)]   (11)   Labor, Licensing, and Regulation;
- 5            [(11)]   (12)   Natural Resources;
- 6            [(12)]   (13)   Public Safety and Correctional Services;
- 7            [(13)]   (14)   State Police; and
- 8            [(14)]   (15)   Transportation.

9            SECTION 3. AND BE IT FURTHER ENACTED, That on or before July 1, 1999,  
 10 the Department of Aging shall report to the Governor and, in accordance with §  
 11 2-1246 of the State Government Article, the General Assembly on a strategic plan to  
 12 prepare Maryland for the growth of the elderly population in the State over the next  
 13 30 years. The report shall include recommendations for:

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

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

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

21                    (i)      health care;

22                    (ii)     disease prevention;

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

25                    (iv)     available services; and

26            (4)      Promoting and developing service information and education  
 27 programs delivered by volunteer retirees.

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

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

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