

SENATE BILL 407  
SECOND PRINTING

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P1

2001 Regular Session  
(11r1780)

**ENROLLED BILL**  
*-- Finance/Environmental Matters --*

Introduced by **Senators Ferguson, Bromwell, Currie, DeGrange, Green, Hogan, Hooper, Jacobs, Madden, Mitchell, Mooney, Roesser, Ruben, and Stone** Stone, Astle, Della, Dorman, Exum, Hafer, Kelley, and Teitelbaum

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.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Office of the Deaf and Hard of Hearing**

3 FOR the purpose of creating the Office of the Deaf and Hard of Hearing ~~as a principal~~  
4 ~~office in the Executive Department to serve~~ promote the general welfare of deaf  
5 and hard of hearing individuals in the State; providing for the powers, duties,  
6 and responsibilities of the Office; providing for the appointment, qualifications,  
7 powers, duties, and salary of the Director of the Office; providing for staffing of  
8 the Office; creating the Maryland Advisory Council for the Deaf and Hard of  
9 Hearing; providing for the membership, appointment, qualifications, terms,  
10 powers, duties, and responsibilities of the Council; and providing for the duties  
11 of the Office requiring the Director to submit certain annual reports on or before  
12 certain dates in a certain manner; specifying the terms of the initial members of  
13 the Council; defining certain terms; and generally relating to the Office of the  
14 Deaf and Hard of Hearing.

15 BY adding to

1 ~~Article 41—Governor—Executive and Administrative Departments~~  
 2 ~~Section 10-201 through 10-203, inclusive, to be under the new subtitle "Subtitle~~  
 3 ~~Article - State Government~~  
 4 ~~Section 9-2301 through 9-2307, inclusive, to be under the new subtitle "Subtitle~~  
 5 ~~2- 23, Office of the Deaf and Hard of Hearing"~~  
 6 Annotated Code of Maryland  
 7 (1997 1999 Replacement Volume and 2000 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 9 MARYLAND, That the Laws of Maryland read as follows:

10 ~~Article 41—Governor—Executive and Administrative Departments~~

11 Article - State Government

12 SUBTITLE ~~2-~~ 23, OFFICE OF THE DEAF AND HARD OF HEARING.

13 ~~10-201-~~ 9-2301.

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

16 ~~(B) "OFFICE" MEANS THE OFFICE OF THE DEAF AND HARD OF HEARING IN~~  
 17 ~~THE EXECUTIVE DEPARTMENT.~~

18 ~~(C) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF THE DEAF AND~~  
 19 ~~HARD OF HEARING.~~

20 ~~(D) (1) "DEAF AND HARD OF HEARING INDIVIDUALS" MEANS THOSE~~  
 21 ~~RESIDENTS OF MARYLAND WHO HAVE A PARTIAL OR COMPLETE LOSS OF HEARING.~~

22 ~~(2) "DEAF AND HARD OF HEARING INDIVIDUALS" INCLUDES THE DEAF,~~  
 23 ~~THE HARD OF HEARING, AND THE LATE DEAFENED.~~

24 (B) "COUNCIL" MEANS THE MARYLAND ADVISORY COUNCIL FOR DEAF AND  
 25 HARD OF HEARING INDIVIDUALS.

26 (C) (1) "DEAF AND HARD OF HEARING INDIVIDUALS" MEANS THOSE  
 27 RESIDENTS OF MARYLAND WHO HAVE A PARTIAL OR COMPLETE LOSS OF HEARING.

28 (2) "DEAF AND HARD OF HEARING INDIVIDUALS" INCLUDES THE DEAF,  
 29 THE HARD OF HEARING, AND THE LATE-DEAFENED.

30 (D) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.

31 (E) "OFFICE" MEANS THE OFFICE OF THE DEAF AND HARD OF HEARING.

1 ~~40-202. 9-2302.~~

2 (A) IN THE OFFICE OF THE GOVERNOR, THERE IS AN OFFICE OF THE DEAF  
3 AND HARD OF HEARING.

4 (B) (1) THE HEAD OF THE OFFICE IS THE DIRECTOR.

5 (2) (I) THE DIRECTOR IS APPOINTED BY THE GOVERNOR WITH THE  
6 ADVICE AND CONSENT OF THE SENATE.

7 (II) THE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR  
8 AND IS RESPONSIBLE DIRECTLY TO THE GOVERNOR.

9 (3) THE DIRECTOR SHALL BE:

10 (I) A DEAF OR HARD OF HEARING PERSON; AND

11 (II) KNOWLEDGEABLE AND EXPERIENCED WITH ISSUES  
12 AFFECTING DEAF AND HARD OF HEARING INDIVIDUALS.

13 (4) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE  
14 STATE BUDGET.

15 (C) (1) THE DIRECTOR OFFICE SHALL:

16 (I) ADVISE THE GOVERNOR ON ALL MATTERS ASSIGNED TO THE  
17 OFFICE; AND

18 (II) CARRY OUT THE GOVERNOR'S POLICIES ON THE MATTERS  
19 ASSIGNED TO THE OFFICE;.

20 ~~(III)~~ (2) THE DIRECTOR SHALL:

21 (I) MANAGE THE OPERATION OF THE OFFICE AND ESTABLISH  
22 GUIDELINES AND PROCEDURES TO PROMOTE THE ORDERLY AND EFFICIENT  
23 OPERATION OF THE OFFICE; AND

24 ~~(IV)~~ (II) ADOPT REGULATIONS NECESSARY TO CARRY OUT THE  
25 PROVISIONS OF THIS SUBTITLE.

26 ~~(2)~~ (3) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE  
27 DIRECTOR MAY ESTABLISH, REORGANIZE, OR CONSOLIDATE AREAS OF  
28 RESPONSIBILITY IN THE OFFICE AS NECESSARY TO FULFILL THE RESPONSIBILITIES  
29 ASSIGNED BY THE DIRECTOR.

30 (D) THE OFFICE SHALL BE GIVEN ADEQUATE STAFF AND FUNDING TO CARRY  
31 OUT ITS DUTIES.

1 ~~40-203. 9-2303.~~

2 (A) THE OFFICE SHALL BE RESPONSIBLE FOR PROMOTING THE GENERAL  
3 WELFARE OF DEAF AND HARD OF HEARING INDIVIDUALS IN THE STATE.

4 (B) THE RESPONSIBILITIES OF THE OFFICE SHALL INCLUDE:

5 (1) PROVIDING, ADVOCATING, AND COORDINATING THE ADOPTION OF  
6 PUBLIC POLICIES, REGULATIONS, AND PROGRAMS THAT WILL BENEFIT DEAF AND  
7 HARD OF HEARING INDIVIDUALS;

8 (2) IMPROVING ACCESS TO COMMUNICATION AND TO EXISTING  
9 SERVICES AND PROGRAMS FOR DEAF AND HARD OF HEARING INDIVIDUALS;

10 (3) PROVIDING DIRECT SERVICES TO DEAF AND HARD OF HEARING  
11 INDIVIDUALS AS APPROPRIATE;

12 (4) INCREASING PUBLIC AWARENESS OF THE NEEDS AND ISSUES  
13 AFFECTING DEAF AND HARD OF HEARING INDIVIDUALS;

14 (5) WORKING WITH STATE AND LOCAL AGENCIES TO ENSURE ACCESS  
15 FOR DEAF AND HARD OF HEARING INDIVIDUALS TO SAFETY AND EMERGENCY  
16 SERVICES, INCLUDING THE ACQUISITION AND DISTRIBUTION OF VISUAL SMOKE  
17 DETECTORS;

18 (6) DEVELOPING A REFERRAL SERVICE FOR DEAF AND HARD OF  
19 HEARING INDIVIDUALS;

20 (7) SERVING AS AN INFORMATION CLEARINGHOUSE ON THE NEEDS AND  
21 ISSUES AFFECTING DEAF AND HARD OF HEARING INDIVIDUALS;

22 (8) WORKING TO INCREASE ACCESS FOR DEAF AND HARD OF HEARING  
23 INDIVIDUALS TO EDUCATIONAL, HEALTH, AND SOCIAL OPPORTUNITIES;

24 (9) WORKING WITH PRIVATE ORGANIZATIONS, THE FEDERAL  
25 GOVERNMENT, AND OTHER UNITS OF STATE GOVERNMENT TO PROMOTE ECONOMIC  
26 DEVELOPMENT FOR DEAF AND HARD OF HEARING INDIVIDUALS;

27 (10) WORKING TO ELIMINATE THE UNDEREMPLOYMENT AND  
28 UNEMPLOYMENT OF DEAF AND HARD OF HEARING INDIVIDUALS;

29 (11) PROVIDING A NETWORK THROUGH WHICH SERVICES PROVIDED BY  
30 STATE AND FEDERAL PROGRAMS SERVING DEAF AND HARD OF HEARING  
31 INDIVIDUALS CAN BE CHanneled; AND

32 (12) PROMOTING COMPLIANCE WITH STATE, LOCAL, AND FEDERAL LAWS  
33 AND POLICIES PROTECTING AND SERVING DEAF AND HARD OF HEARING  
34 INDIVIDUALS.

35 (C) THE OFFICE SHALL HOLD AT LEAST TWO PUBLIC TOWN HALL MEETINGS  
36 EACH YEAR TO RECEIVE PUBLIC COMMENTS ON:

1 (1) THE QUALITY OF STATE SERVICES AND PROGRAMS AFFECTING DEAF  
2 AND HARD OF HEARING INDIVIDUALS;

3 (2) THE FUNCTIONS AND OPERATIONS OF THE OFFICE; AND

4 (3) ANY OTHER ISSUES THAT AFFECT DEAF AND HARD OF HEARING  
5 INDIVIDUALS, INCLUDING THOSE SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

6 (D) THE OFFICE SHALL:

7 (1) HELP FACILITATE THE APPROPRIATE DELIVERY OF STATE, LOCAL,  
8 AND OTHER PUBLIC SERVICES TO DEAF AND HARD OF HEARING INDIVIDUALS;

9 (2) ADVISE OTHER UNITS OF STATE GOVERNMENT AND THE GENERAL  
10 ASSEMBLY ON THE NEEDS OF DEAF AND HARD OF HEARING INDIVIDUALS;

11 (3) SUBJECT TO APPROPRIATIONS IN THE STATE BUDGET, PROVIDE ANY  
12 REASONABLE RESOURCES THAT ANY OTHER UNIT OF STATE GOVERNMENT  
13 REQUESTS TO SERVE OR ASSIST DEAF AND HARD OF HEARING INDIVIDUALS; AND

14 (4) TO THE GREATEST EXTENT POSSIBLE, IN ORDER TO AVOID ANY  
15 DUPLICATION OF EFFORT, COORDINATE WITH OTHER UNITS OF THE STATE AND THE  
16 FEDERAL GOVERNMENT THE SERVICES PROVIDED TO DEAF AND HARD OF HEARING  
17 INDIVIDUALS.

18 9-2304.

19 (A) THERE IS A MARYLAND ADVISORY COUNCIL FOR THE DEAF AND HARD OF  
20 HEARING.

21 (B) (1) THE COUNCIL CONSISTS OF ~~45~~ 16 MEMBERS APPOINTED BY THE  
22 GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE.

23 (2) OF THE ~~45~~ 16 COUNCIL MEMBERS, AT LEAST FIVE OF THE MEMBERS  
24 SHALL BE DEAF AND HARD OF HEARING INDIVIDUALS.

25 (C) OF THE ~~45~~ 16 COUNCIL MEMBERS:

26 (1) ONE SHALL BE THE SECRETARY OR A DESIGNEE FROM THE STATE  
27 DEPARTMENT OF EDUCATION;

28 (2) ONE SHALL BE THE SECRETARY OR A DESIGNEE FROM THE  
29 DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

30 (3) ONE SHALL BE THE SECRETARY OR A DESIGNEE FROM THE  
31 DEPARTMENT OF HUMAN RESOURCES;

32 (4) ONE SHALL BE THE SECRETARY OR A DESIGNEE FROM THE  
33 DEPARTMENT OF TRANSPORTATION;

34 (5) ONE SHALL BE FROM THE HUMAN RELATIONS COMMISSION;

1           (6)     ONE SHALL BE THE SECRETARY OR A DESIGNEE FROM THE  
2 DEPARTMENT OF LABOR, LICENSING, AND REGULATION;

3           (7)     ONE SHALL BE THE SECRETARY OR A DESIGNEE FROM THE  
4 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; ~~AND~~

5           (8)     ONE SHALL BE THE SUPERINTENDENT OR A DESIGNEE FROM THE  
6 MARYLAND SCHOOL FOR THE DEAF; AND

7           ~~(8)~~   (9)     EIGHT SHALL BE FROM THE GENERAL PUBLIC.

8           (D)    (1)     THE EIGHT MEMBERS FROM THE GENERAL PUBLIC SHALL BE  
9 CHOSEN FROM DIFFERENT GEOGRAPHICAL AREAS OF THE STATE.

10           (2)    OF THE EIGHT MEMBERS FROM THE GENERAL PUBLIC:

11                   (I)     FIVE SHALL BE DEAF AND HARD OF HEARING INDIVIDUALS;

12                   (II)    ONE SHALL BE A PRIVATE CITIZEN WITH SPECIAL KNOWLEDGE  
13 OR EXPERTISE RELATING TO SERVICES TO DEAF AND HARD OF HEARING  
14 INDIVIDUALS;

15                   (III)   ONE SHALL BE A PARENT OF A DEAF OR HARD OF HEARING  
16 CHILD; AND

17                   (IV)   ONE SHALL BE FROM A PRIVATE AGENCY PROVIDING SERVICES  
18 TO DEAF AND HARD OF HEARING INDIVIDUALS.

19 9-2305.

20           (A)    THE TERM OF A MEMBER OF THE COUNCIL IS 3 YEARS.

21           (B)    THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE  
22 TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON OCTOBER 1, 2001.

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

25           (D)    A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY  
26 FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
27 QUALIFIES.

28           (E)    A MEMBER MAY NOT SERVE CONSECUTIVELY MORE THAN TWO 3-YEAR  
29 TERMS.

30           (F)    ANY MEMBER WHO FAILS TO ATTEND AT LEAST 50 PERCENT OF THE  
31 REGULARLY SCHEDULED MEETINGS DURING ANY 12-MONTH PERIOD SHALL BE  
32 CONSIDERED TO HAVE RESIGNED.

1 9-2306.

2 THE COUNCIL SHALL:

3 (1) ADVISE THE OFFICE IN CARRYING OUT ITS DUTIES;

4 (2) REVIEW STATEWIDE ACTIVITIES FOR DEAF AND HARD OF HEARING  
5 INDIVIDUALS, INCLUDING REVIEWING REPORTS AND PUBLICATIONS OF  
6 COMMITTEES AND COMMISSIONS;

7 (3) FOSTER COORDINATION OF AND SUPPORT FOR PROGRAMS FOR DEAF  
8 AND HARD OF HEARING INDIVIDUALS;

9 (4) STUDY WAYS TO MAXIMIZE THE USE OF THE FACILITIES AND  
10 SERVICES AVAILABLE TO DEAF AND HARD OF HEARING INDIVIDUALS;

11 (5) HOLD:

12 (I) AT LEAST QUARTERLY, REGULARLY SCHEDULED MEETINGS;  
13 AND

14 (II) OPEN MEETINGS TO PROVIDE DIRECT COMMUNICATION,  
15 BETWEEN DEAF AND HARD OF HEARING INDIVIDUALS AND PRIVATE AND PUBLIC  
16 ORGANIZATIONS AND THE GENERAL PUBLIC, ABOUT PROGRAMS AND SERVICES FOR  
17 AND NEEDS OF DEAF AND HARD OF HEARING INDIVIDUALS; AND

18 (6) ASSIST ANY LOCAL GOVERNING BODY OF A COUNTY TO ESTABLISH A  
19 LOCAL ADVISORY COUNCIL FOR DEAF AND HARD OF HEARING INDIVIDUALS IN THE  
20 COUNTY FOR PURPOSES OF IMPLEMENTING THE PROVISIONS OF THE AMERICANS  
21 WITH DISABILITIES ACT OF 1990 AND OTHER RELEVANT STATE AND FEDERAL LAWS.

22 9-2307.

23 ON OR BEFORE JANUARY 1, 2002, AND ANNUALLY THEREAFTER, THE DIRECTOR  
24 SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THIS  
25 ARTICLE, TO THE MEMBERS OF THE GENERAL ASSEMBLY, A REPORT ON:

26 (1) THE ACTIVITIES OF THE OFFICE;

27 (2) THE STATUS OF PROGRAMS AND SERVICES FACILITATED BY THE  
28 OFFICE;

29 (3) STATISTICS ON COMPLIANCE WITH STATE AND FEDERAL LAWS  
30 RELATED TO DEAF AND HARD OF HEARING INDIVIDUALS; AND

31 (4) RECOMMENDATIONS FOR IMPROVED DELIVERY OF SERVICES FOR  
32 DEAF AND HARD OF HEARING INDIVIDUALS.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
34 members of the Maryland Advisory Council for the Deaf and Hard of Hearing shall  
35 expire as follows:

- 1           (1)     five members in 2002;
- 2           (2)     five members in 2003; and
- 3           (3)     ~~five~~ six members in 2004.

4     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5     October 1, 2001.