

SENATE BILL 407
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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**

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Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 7, 2001

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
16 ~~Article 41—Governor—Executive and Administrative Departments~~
17 ~~Section 10-201 through 10-203, inclusive, to be under the new subtitle "Subtitle~~
18 Article - State Government
19 Section 9-2301 through 9-2307, inclusive, to be under the new subtitle "Subtitle
20 2- 23, Office of the Deaf and Hard of Hearing"
21 Annotated Code of Maryland
22 (~~1997~~ 1999 Replacement Volume and 2000 Supplement)

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

3 ~~Article 41 - Governor - Executive and Administrative Departments~~

4 Article - State Government

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

6 ~~40-201, 9-2301.~~

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

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

11 ~~(C) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF THE DEAF AND~~
12 ~~HARD OF HEARING.~~

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

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

17 ~~(B) "COUNCIL" MEANS THE MARYLAND ADVISORY COUNCIL FOR DEAF AND~~
18 ~~HARD OF HEARING INDIVIDUALS.~~

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

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

23 ~~(D) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.~~

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

25 ~~40-202, 9-2302.~~

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

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

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

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

3 (3) THE DIRECTOR SHALL BE:

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

5 (II) KNOWLEDGEABLE AND EXPERIENCED WITH ISSUES
6 AFFECTING DEAF AND HARD OF HEARING INDIVIDUALS.

7 (4) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE
8 STATE BUDGET.

9 (C) (1) ~~THE DIRECTOR~~ OFFICE SHALL:

10 (I) ADVISE THE GOVERNOR ON ALL MATTERS ASSIGNED TO THE
11 OFFICE; AND

12 (II) CARRY OUT THE GOVERNOR'S POLICIES ON THE MATTERS
13 ASSIGNED TO THE OFFICE;

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

15 (I) MANAGE THE OPERATION OF THE OFFICE AND ESTABLISH
16 GUIDELINES AND PROCEDURES TO PROMOTE THE ORDERLY AND EFFICIENT
17 OPERATION OF THE OFFICE; AND

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

20 ~~(2)~~ (3) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE
21 DIRECTOR MAY ESTABLISH, REORGANIZE, OR CONSOLIDATE AREAS OF
22 RESPONSIBILITY IN THE OFFICE AS NECESSARY TO FULFILL THE RESPONSIBILITIES
23 ASSIGNED BY THE DIRECTOR.

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

26 ~~10-203. 9-2303.~~

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

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

30 (1) PROVIDING, ADVOCATING, AND COORDINATING THE ADOPTION OF
31 PUBLIC POLICIES, REGULATIONS, AND PROGRAMS THAT WILL BENEFIT DEAF AND
32 HARD OF HEARING INDIVIDUALS;

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

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

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

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

9 (6) DEVELOPING A REFERRAL SERVICE FOR DEAF AND HARD OF
10 HEARING INDIVIDUALS;

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

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

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

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

20 (11) PROVIDING A NETWORK THROUGH WHICH SERVICES PROVIDED BY
21 STATE AND FEDERAL PROGRAMS SERVING DEAF AND HARD OF HEARING
22 INDIVIDUALS CAN BE CHANNLED; AND

23 (12) PROMOTING COMPLIANCE WITH STATE, LOCAL, AND FEDERAL LAWS
24 AND POLICIES PROTECTING AND SERVING DEAF AND HARD OF HEARING
25 INDIVIDUALS.

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

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

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

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

33 (D) THE OFFICE SHALL:

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

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

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

6 (4) TO THE GREATEST EXTENT POSSIBLE, IN ORDER TO AVOID ANY
7 DUPLICATION OF EFFORT, COORDINATE WITH OTHER UNITS OF THE STATE AND THE
8 FEDERAL GOVERNMENT THE SERVICES PROVIDED TO DEAF AND HARD OF HEARING
9 INDIVIDUALS.

10 9-2304.

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

13 (B) (1) THE COUNCIL CONSISTS OF 15 MEMBERS APPOINTED BY THE
14 GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE.

15 (2) OF THE 15 COUNCIL MEMBERS, AT LEAST FIVE OF THE MEMBERS
16 SHALL BE DEAF AND HARD OF HEARING INDIVIDUALS.

17 (C) OF THE 15 COUNCIL MEMBERS:

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

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

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

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

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

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

29 (7) ONE SHALL BE THE SECRETARY OR A DESIGNEE FROM THE
30 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

31 (8) EIGHT SHALL BE FROM THE GENERAL PUBLIC.

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

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

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

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

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

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

9 9-2305.

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

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

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

15 (D) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY
16 FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
17 QUALIFIES.

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

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

23 9-2306.

24 THE COUNCIL SHALL:

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

26 (2) REVIEW STATEWIDE ACTIVITIES FOR DEAF AND HARD OF HEARING
27 INDIVIDUALS, INCLUDING REVIEWING REPORTS AND PUBLICATIONS OF
28 COMMITTEES AND COMMISSIONS;

29 (3) FOSTER COORDINATION OF AND SUPPORT FOR PROGRAMS FOR DEAF
30 AND HARD OF HEARING INDIVIDUALS;

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

33 (5) HOLD:

1 (I) AT LEAST QUARTERLY, REGULARLY SCHEDULED MEETINGS;

2 AND

3 (II) OPEN MEETINGS TO PROVIDE DIRECT COMMUNICATION,
4 BETWEEN DEAF AND HARD OF HEARING INDIVIDUALS AND PRIVATE AND PUBLIC
5 ORGANIZATIONS AND THE GENERAL PUBLIC, ABOUT PROGRAMS AND SERVICES FOR
6 AND NEEDS OF DEAF AND HARD OF HEARING INDIVIDUALS; AND

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

11 9-2307.

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

15 (1) THE ACTIVITIES OF THE OFFICE;

16 (2) THE STATUS OF PROGRAMS AND SERVICES FACILITATED BY THE
17 OFFICE;

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

20 (4) RECOMMENDATIONS FOR IMPROVED DELIVERY OF SERVICES FOR
21 DEAF AND HARD OF HEARING INDIVIDUALS.

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

25 (1) five members in 2002;

26 (2) five members in 2003; and

27 (3) five members in 2004.

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

