

SENATE BILL 188

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2004 Regular Session
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By: **The President (By Request - Administration) and Senators Astle, Brinkley, Brochin, Currie, DeGrange, Della, Dyson, Forehand, Garagiola, Gladden, Greenip, Hafer, Hollinger, Hooper, Hughes, Kelley, Kittleman, Klausmeier, Lawlah, Middleton, Munson, Pipkin, Schrader, Stone, and Teitelbaum**

Introduced and read first time: January 23, 2004

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Department of Disabilities**

3 FOR the purpose of creating the Department of Disabilities as a principal
4 department of State government; providing for the qualifications, appointment,
5 powers, duties, and salary of the Secretary of Disabilities; organizing the
6 Maryland Advisory Commission on Disability Policy and the Disability
7 Implementation Board under the Department; providing for the staffing,
8 administration, and duties of the Maryland Advisory Commission on Disability
9 Policy and the Disability Implementation Board; requiring the Department to
10 report to the Governor on or before a certain date; abolishing the Office for
11 Individuals with Disabilities; specifying that the publisher of the Annotated
12 Code of Maryland, in consultation with the Department of Legislative Services,
13 shall correct agency names and titles in the Code to conform to the changes that
14 are made by this Act; defining certain terms; and generally relating to the
15 Department of Disabilities.

16 BY repealing

17 Article - State Government
18 Section 9-1101 through 9-1110, inclusive, and the subtitle "Subtitle 11. Services
19 to Individuals with Disabilities"
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - State Government
24 Section 8-201
25 Annotated Code of Maryland
26 (1999 Replacement Volume and 2003 Supplement)

27 BY adding to

1 Article - State Government
2 Section 9-1101 through 9-1116, inclusive, and the subtitle "Subtitle 11.
3 Department of Disabilities"
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2003 Supplement)

6 Preamble

7 WHEREAS, Individuals with disabilities should be empowered to achieve their
8 personal and professional goals in the communities where they live; and

9 WHEREAS, Individuals with disabilities can live independent, productive, and
10 full lives in their communities when provided with the right support, training, and
11 opportunities; and

12 WHEREAS, It is desirable to infuse service delivery systems with elevated
13 expectations about the capacities of people with disabilities; and

14 WHEREAS, It is desirable to increase the capacity of Maryland communities to
15 provide services and support in inclusive settings; and

16 WHEREAS, It is desirable to create accessible and universally designed
17 communities and technology, which promote the independence and participation of
18 people with disabilities; and

19 WHEREAS, It is the intent of the State of Maryland to construct a seamless,
20 responsive, and coordinated service delivery system in which consumers can exercise
21 meaningful choices and maintain control over their lives; now, therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That Section(s) 9-1101 through 9-1110, inclusive, and the subtitle
24 "Subtitle 11. Services to Individuals with Disabilities" of Article - State Government
25 of the Annotated Code of Maryland be repealed.

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

28 **Article - State Government**

29 8-201.

30 (a) The Executive Branch of the State government shall have not more than
31 21 principal departments, each of which shall embrace a broad, functional area of that
32 Branch.

33 (b) The principal departments of the Executive Branch of the State
34 government are:

35 (1) Aging;

- 1 (2) Agriculture;
- 2 (3) Budget and Management;
- 3 (4) Business and Economic Development;
- 4 (5) DISABILITIES;
- 5 [(5)] (6) the Environment;
- 6 [(6)] (7) General Services;
- 7 [(7)] (8) Health and Mental Hygiene;
- 8 [(8)] (9) Housing and Community Development;
- 9 [(9)] (10) Human Resources;
- 10 [(10)] (11) Juvenile Services;
- 11 [(11)] (12) Labor, Licensing, and Regulation;
- 12 [(12)] (13) Natural Resources;
- 13 [(13)] (14) Planning;
- 14 [(14)] (15) Public Safety and Correctional Services;
- 15 [(15)] (16) State Police;
- 16 [(16)] (17) Transportation; and
- 17 [(17)] (18) Veterans Affairs.

18 SUBTITLE 11. DEPARTMENT OF DISABILITIES.

19 9-1101.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF DISABILITIES.

23 (C) "DISABILITY" HAS THE MEANING STATED IN THE FEDERAL AMERICANS
24 WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.

25 (D) "SECRETARY" MEANS THE SECRETARY OF DISABILITIES.

26 (E) "UNIT OF STATE GOVERNMENT" MEANS ANY DEPARTMENT, AGENCY,
27 OFFICE, COMMISSION, COUNCIL, OR OTHER UNIT OF THE STATE WITHIN THE
28 EXECUTIVE BRANCH OF STATE GOVERNMENT.

1 9-1102.

2 (A) THERE IS A DEPARTMENT OF DISABILITIES, ESTABLISHED AS A PRINCIPAL
3 DEPARTMENT OF STATE GOVERNMENT.

4 (B) THE SECRETARY IS THE HEAD OF THE DEPARTMENT OF DISABILITIES AND
5 SHALL:

6 (1) HAVE EXTENSIVE EXPERIENCE AND KNOWLEDGE OF DISABILITY
7 LAWS, LEGISLATION, REGULATIONS, AND PROGRAMS FOR INDIVIDUALS WITH
8 DISABILITIES;

9 (2) HOLD AT A MINIMUM A BACHELOR'S DEGREE;

10 (3) BE AN INDIVIDUAL WITH A DISABILITY OR APPOINT A DEPUTY
11 SECRETARY WHO IS AN INDIVIDUAL WITH A DISABILITY; AND

12 (4) BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT
13 OF THE SENATE.

14 (C) (1) THE SECRETARY SERVES AT THE PLEASURE OF THE GOVERNOR AND
15 IS RESPONSIBLE DIRECTLY TO THE GOVERNOR. THE SECRETARY SHALL ADVISE THE
16 GOVERNOR ON ALL MATTERS ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE
17 FOR CARRYING OUT THE GOVERNOR'S POLICIES ON THESE MATTERS.

18 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE
19 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE
20 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT.

21 (3) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE SECRETARY
22 MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY IN THE
23 DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES ASSIGNED TO THE
24 SECRETARY.

25 (4) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE
26 STATE BUDGET.

27 9-1103.

28 (A) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY SHALL
29 APPOINT A DEPUTY SECRETARY.

30 (2) THE DEPUTY SECRETARY:

31 (I) SERVES AT THE PLEASURE OF THE SECRETARY;

32 (II) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
33 BUDGET;

34 (III) HAS THE DUTIES PROVIDED BY LAW OR DELEGATED BY THE
35 SECRETARY; AND

1 (IV) SHALL BE AN INDIVIDUAL WITH A DISABILITY, IF THE
2 SECRETARY IS NOT AN INDIVIDUAL WITH A DISABILITY.

3 (B) (1) IN ACCORDANCE WITH THE STATE BUDGET, THE SECRETARY MAY
4 EMPLOY A STAFF.

5 (2) UNLESS OTHERWISE PROVIDED BY LAW, THE SECRETARY SHALL
6 APPOINT AND REMOVE ALL OTHER STAFF IN ACCORDANCE WITH THE PROVISIONS
7 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

8 (3) THE SECRETARY MAY REVIEW ANY PERSONNEL ACTION TAKEN BY
9 ANY UNIT IN THE DEPARTMENT.

10 9-1104.

11 (A) THE SECRETARY IS RESPONSIBLE FOR THE BUDGET OF THE
12 DEPARTMENT.

13 (B) (1) THE SECRETARY MAY ADOPT RULES AND REGULATIONS NECESSARY
14 TO CARRY OUT THE PROVISIONS OF LAW THAT ARE WITHIN THE JURISDICTION OF
15 THE SECRETARY.

16 (2) THE SECRETARY SHALL ADOPT REGULATIONS FOR THE
17 DEPARTMENT AND ITS UNITS.

18 (C) (1) THE SECRETARY SHALL REVIEW NEW OR PROPOSED CHANGES TO
19 REGULATIONS SUBMITTED BY A UNIT OF STATE GOVERNMENT THAT RELATE TO THE
20 PROVISION OF RESOURCES AND SERVICES TO INDIVIDUALS WITH DISABILITIES
21 PRIOR TO PUBLIC NOTIFICATION.

22 (2) THE REGULATIONS SHALL INCLUDE AN ASSESSMENT THAT
23 DESCRIBES THE IMPACT OF THE PROPOSED REGULATIONS ON INDIVIDUALS WITH
24 DISABILITIES.

25 (D) (1) THE SECRETARY SHALL REVIEW, COORDINATE, AND CONCUR WITH
26 APPLICATIONS FOR FEDERAL AID, WAIVERS, OR GRANTS SUBMITTED BY OR
27 THROUGH ANY UNITS OF STATE GOVERNMENT WHEN THE APPLICATIONS ARE
28 SPECIFIC TO DISABILITY SERVICES.

29 (2) EXCEPT AS OTHERWISE PROHIBITED BY LAW, THE SECRETARY MAY
30 APPLY FOR, RECEIVE, AND USE GRANTS-IN-AID, FUNDS, OR SERVICES FROM THE
31 FEDERAL GOVERNMENT OR ANY OF ITS AGENCIES, OR ANY PUBLIC OR PRIVATE
32 SOURCE MADE AVAILABLE TO THE DEPARTMENT FOR USE IN CARRYING OUT THE
33 POWERS AND DUTIES OF THE SECRETARY OR THE DEPARTMENT.

34 (E) THE SECRETARY MAY CREATE CITIZENS' ADVISORY BODIES THAT THE
35 SECRETARY CONSIDERS NECESSARY FOR THE EFFECTIVE OPERATION OF THE
36 DEPARTMENT.

1 (F) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE SECRETARY SHALL PAY
2 ALL MONEY COLLECTED BY THE DEPARTMENT UNDER THIS TITLE INTO THE
3 GENERAL FUND OF THE STATE.

4 9-1105.

5 (A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE DEPARTMENT.

6 (B) THE ATTORNEY GENERAL SHALL ASSIGN TO THE DEPARTMENT THE
7 NUMBER OF ASSISTANT ATTORNEYS GENERAL AUTHORIZED BY LAW TO BE
8 ASSIGNED TO THE DEPARTMENT.

9 (C) (1) THE ATTORNEY GENERAL SHALL DESIGNATE ONE OF THE
10 ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE DEPARTMENT AS COUNSEL TO
11 THE DEPARTMENT AND MAY NOT REASSIGN THAT INDIVIDUAL WITHOUT
12 CONSULTING WITH THE SECRETARY.

13 (2) THE COUNSEL TO THE DEPARTMENT SHALL HAVE ONLY THE
14 FOLLOWING DUTIES:

15 (I) TO GIVE THE LEGAL AID, ADVICE, AND COUNSEL REQUIRED BY
16 THE SECRETARY AND ANY OTHER OFFICIAL OF THE DEPARTMENT;

17 (II) TO SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL
18 ASSIGNED TO THE DEPARTMENT; AND

19 (III) TO PERFORM FOR THE DEPARTMENT THE DUTIES THAT THE
20 ATTORNEY GENERAL ASSIGNS.

21 (3) THE COUNSEL SHALL PERFORM THE DUTIES UNDER PARAGRAPH (2)
22 OF THIS SUBSECTION, SUBJECT TO THE CONTROL AND SUPERVISION OF THE
23 ATTORNEY GENERAL.

24 9-1106.

25 (A) THE DEPARTMENT IS THE PRINCIPAL STAFF AGENCY RESPONSIBLE FOR
26 DEVELOPING, MAINTAINING, REVISING, AND ENFORCING STATEWIDE DISABILITY
27 POLICIES AND STANDARDS THROUGHOUT THE UNITS OF STATE GOVERNMENT.

28 (B) IN THIS CAPACITY, THE DEPARTMENT SHALL:

29 (1) SERVE AS THE PRINCIPAL ADVISOR TO THE GOVERNOR ON THE
30 MEANS AND METHODS AVAILABLE TO:

31 (I) IMPLEMENT AND FUND SUPPORT TO INDIVIDUALS WITH
32 DISABILITIES IN ACCORDANCE WITH THE STATE DISABILITY IMPLEMENTATION
33 PLAN;

34 (II) MODIFY OR CONSOLIDATE SUPPORT TO INDIVIDUALS WITH
35 DISABILITIES; AND

1 (III) COLLABORATE WITH FEDERAL, REGIONAL, AND LOCAL UNITS
2 OF GOVERNMENT TO ENHANCE THE EFFECTIVENESS OF THE PROVISION AND
3 FUNDING OF SUPPORT TO INDIVIDUALS WITH DISABILITIES.

4 (2) DEVELOP A STATE DISABILITY IMPLEMENTATION PLAN IN
5 ACCORDANCE WITH § 9-1108 OF THIS SUBTITLE;

6 (3) ANNUALLY RECOMMEND TO THE DEPARTMENT OF BUDGET AND
7 MANAGEMENT CAPITAL BUDGET PROJECTS, FOR INCLUSION IN THE CAPITAL
8 BUDGET, TO PROMOTE ACCESS TO STATE-OWNED FACILITIES FOR INDIVIDUALS
9 WITH DISABILITIES;

10 (4) ASSIST UNITS OF STATE GOVERNMENT TO IDENTIFY FEDERAL,
11 STATE, LOCAL, AND PRIVATE FUNDS AVAILABLE TO THE STATE FOR PROGRAMS AND
12 SERVICES FOR INDIVIDUALS WITH DISABILITIES; AND

13 (5) PROVIDE TECHNICAL ASSISTANCE TO LOCAL JURISDICTIONS IN
14 PLANNING AND IMPLEMENTING COLLABORATIVE STRATEGIES CONSISTENT WITH
15 THE STATE IMPLEMENTATION PLAN.

16 (C) AT THE REQUEST OF THE SECRETARY, EACH UNIT OF STATE
17 GOVERNMENT SHALL PROVIDE INFORMATION REGARDING PROGRAMS AND
18 SERVICES FOR INDIVIDUALS WITH DISABILITIES TO THE SECRETARY, UNLESS
19 OTHERWISE PROHIBITED BY LAW.

20 9-1107.

21 (A) (1) BY JULY 1 OF EACH YEAR, EACH UNIT OF STATE GOVERNMENT
22 SHALL DEVELOP A UNIT PLAN TO IMPLEMENT THE STATEWIDE DISABILITY
23 IMPLEMENTATION PLAN ESTABLISHED UNDER § 9-1108 OF THIS SUBTITLE.

24 (2) THE UNIT PLAN SHALL CONTAIN AN IMPLEMENTATION SCHEDULE
25 AND STRATEGIC PERFORMANCE OBJECTIVES.

26 (B) EACH UNIT OF STATE GOVERNMENT SHALL PROVIDE THE DEPARTMENT
27 WITH AN EVALUATION OF THE UNIT'S PERFORMANCE UNDER SUBSECTION (A) OF
28 THIS SECTION BY JULY 1 OF EACH YEAR.

29 (C) THE EVALUATION REQUIRED BY SUBSECTION (B) OF THIS SECTION SHALL:

30 (1) ASSESS THE UNIT'S PERFORMANCE AGAINST THE STRATEGIC
31 PERFORMANCE OBJECTIVES ESTABLISHED UNDER PARAGRAPH (2) OF THIS
32 SUBSECTION; AND

33 (2) IDENTIFY AND MEASURE:

34 (I) CONSUMER SATISFACTION;

35 (II) GAPS IN SERVICES;

36 (III) NUMBERS OF INDIVIDUALS WAITING FOR SERVICES; AND

1 (IV) PROGRESS MADE ON ACHIEVING PERFORMANCE OBJECTIVES.

2 (D) THE SECRETARY MAY PROVIDE TECHNICAL ASSISTANCE TO ANY UNIT OF
3 STATE GOVERNMENT TO MEET THE REQUIREMENTS OF THIS SECTION.

4 (E) THE SECRETARY MAY WAIVE THE REQUIREMENTS OF THIS SECTION FOR
5 ANY UNIT OF STATE GOVERNMENT.

6 9-1108.

7 (A) THE SECRETARY SHALL DEVELOP A STATE DISABILITY IMPLEMENTATION
8 PLAN.

9 (B) THE STATE DISABILITY IMPLEMENTATION PLAN SHALL INCLUDE THE
10 PROVISION OF SUPPORT SERVICES THAT:

11 (1) ASSURE COMPLIANCE WITH THE AMERICANS WITH DISABILITIES
12 ACT AND OTHER RELEVANT FEDERAL AND STATE PROVISIONS INTENDED TO
13 PROTECT THE CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES; AND

14 (2) ARE NECESSARY FOR AN INDIVIDUAL WITH A DISABILITY TO
15 ACHIEVE MAXIMUM PARTICIPATION IN THE MAINSTREAM IN THE MOST INTEGRATED
16 SETTING POSSIBLE; AND

17 (3) ADDRESS, ON A STATEWIDE BASIS, THE IMPROVEMENT OF:

18 (I) THE CAPACITY OF COMMUNITIES TO SUPPORT INDIVIDUALS
19 WITH DISABILITIES WITH PERSONAL ATTENDANT CARE AND OTHER LONG-TERM
20 CARE OPTIONS THAT ARE SELF-DIRECTED;

21 (II) THE AVAILABILITY OF ACCESSIBLE, INTEGRATED, AND
22 AFFORDABLE HOUSING OPTIONS;

23 (III) RELIABLE TRANSPORTATION OPTIONS;

24 (IV) EMPLOYMENT AND TRAINING OPTIONS, INCLUDING
25 NONCONGREGANT, COMPETITIVE OPPORTUNITIES AND SELF-EMPLOYMENT;

26 (V) SOMATIC AND MENTAL HEALTH OPTIONS;

27 (VI) ACCESSIBLE AND UNIVERSALLY DESIGNED TECHNOLOGY;

28 (VII) SUPPORT SERVICES FOR CHILDREN, YOUTH, AND THEIR
29 FAMILIES TO ENABLE THEM TO ACHIEVE SUCCESSFUL LEARNING; AND

30 (VIII) FAMILY SUPPORT SERVICES, INCLUDING RESPITE CARE.

31 (C) THE STATE DISABILITY IMPLEMENTATION PLAN SHALL ASSESS THE
32 PROVISION OF AND RESOURCES FOR SUPPORT SERVICES FOR PEOPLE WITH
33 DISABILITIES.

1 (D) THE SECRETARY SHALL SUBMIT AN ANNUAL ANALYSIS OF THE STATE
2 DISABILITY IMPLEMENTATION PLAN AND RELATED PERFORMANCE OBJECTIVES TO
3 THE GOVERNOR BY OCTOBER 1 OF EACH YEAR.

4 9-1109.

5 THERE IS A MARYLAND ADVISORY COMMISSION ON DISABILITY POLICY.

6 9-1110.

7 (A) THE COMMISSION CONSISTS OF:

8 (1) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

9 (I) ONE INDIVIDUAL WITH A PHYSICAL DISABILITY;

10 (II) ONE INDIVIDUAL WHO HAS EXPERIENCED MENTAL ILLNESS;

11 (III) ONE INDIVIDUAL WITH AN INTELLECTUAL DISABILITY;

12 (IV) ONE INDIVIDUAL WHO IS BLIND;

13 (V) ONE INDIVIDUAL WHO IS DEAF OR HARD OF HEARING;

14 (VI) ONE PARENT OR FOSTER PARENT OF A CHILD WITH A
15 DISABILITY;

16 (VII) FOUR MEMBERS OF THE GENERAL PUBLIC WHO HAVE
17 DISABILITIES;

18 (VIII) THREE REPRESENTATIVES FROM STATEWIDE DISABILITY
19 ADVOCACY ORGANIZATIONS;

20 (IX) ONE REPRESENTATIVE FROM A STATEWIDE ORGANIZATION OF
21 PROVIDERS OF SERVICES AND SUPPORT FOR INDIVIDUALS WITH DISABILITIES; AND

22 (X) ONE REPRESENTATIVE FROM THE ALLIANCE OF LOCAL
23 COMMISSIONS ON DISABILITY;

24 (2) TWO REPRESENTATIVES FROM THE STATE DISABILITY
25 IMPLEMENTATION BOARD SELECTED BY THE SECRETARY, ONE OF WHOM
26 REPRESENTS THE DEPARTMENT OF BUDGET AND MANAGEMENT;

27 (3) ONE REPRESENTATIVE FROM THE SENATE OF MARYLAND,
28 APPOINTED BY THE PRESIDENT OF THE SENATE; AND

29 (4) ONE REPRESENTATIVE FROM THE MARYLAND HOUSE OF
30 DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

31 (B) IN MAKING THE APPOINTMENTS REQUIRED UNDER THIS SECTION, THE
32 GOVERNOR SHALL APPOINT MEMBERS FROM AMONG:

1 (1) THE GEOGRAPHIC REGIONS OF THE STATE; AND

2 (2) DIVERSE BACKGROUNDS.

3 (C) A MAJORITY OF THE MEMBERSHIP SHALL BE INDIVIDUALS WITH
4 DISABILITIES.

5 (D) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

6 (2) THE TERMS OF THE MEMBERS APPOINTED BY THE GOVERNOR
7 SHALL BE STAGGERED FROM THE INITIAL APPOINTMENT.

8 (E) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
9 SUCCESSOR IS APPOINTED AND QUALIFIES.

10 (F) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SHALL SERVE
11 FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
12 QUALIFIES.

13 (G) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO 3-YEAR
14 TERMS CONSECUTIVELY.

15 (H) ANY MEMBER WHO FAILS TO ATTEND AT LEAST 50% OF THE REGULARLY
16 SCHEDULED MEETINGS DURING ANY 12-MONTH PERIOD SHALL BE CONSIDERED TO
17 HAVE RESIGNED.

18 (I) FROM AMONG THE MEMBERS OF THE COMMISSION, THE GOVERNOR
19 SHALL DESIGNATE A CHAIRMAN FOR A 2-YEAR TERM.

20 9-1111.

21 (A) A MEMBER OF THE COMMISSION:

22 (1) MAY NOT RECEIVE COMPENSATION; BUT

23 (2) IF THE SECRETARY APPROVES, IS ENTITLED TO REIMBURSEMENT
24 FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED
25 IN THE STATE BUDGET.

26 (B) THE DEPARTMENT SHALL PROVIDE STAFF TO THE COMMISSION AS
27 NECESSARY.

28 9-1112.

29 MEMBERS OF THE COMMISSION SHALL:

30 (1) ADVISE THE DEPARTMENT IN CARRYING OUT ITS DUTIES;

31 (2) MEET TWICE A YEAR IN MEETINGS OPEN TO THE PUBLIC; AND

1 (3) SERVE ON SUBCOMMITTEES ESTABLISHED BY THE SECRETARY TO
2 CARRY OUT THE MISSION OF THE DEPARTMENT.

3 9-1113.

4 (A) THERE IS A DISABILITY IMPLEMENTATION BOARD WITHIN THE
5 DEPARTMENT CONVENED BY THE GOVERNOR.

6 (B) THE PURPOSE OF THE BOARD IS TO DEVELOP AND CARRY OUT THE STATE
7 DISABILITY IMPLEMENTATION PLAN.

8 9-1114.

9 (A) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

10 (1) THE SECRETARY OF DISABILITIES, WHO SHALL SERVE AS CHAIRMAN
11 OF THE BOARD;

12 (2) THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;

13 (3) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE
14 SECRETARY'S DESIGNEE;

15 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE
16 SECRETARY'S DESIGNEE;

17 (5) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR
18 THE SECRETARY'S DESIGNEE;

19 (6) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S
20 DESIGNEE;

21 (7) THE SECRETARY OF LABOR, LICENSING AND REGULATION, OR THE
22 SECRETARY'S DESIGNEE;

23 (8) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;

24 (9) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE
25 SUPERINTENDENT'S DESIGNEE;

26 (10) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S
27 DESIGNEE;

28 (11) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH AND FAMILIES, OR
29 THE SPECIAL SECRETARY'S DESIGNEE;

30 (12) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF THE DEAF AND
31 HARD OF HEARING, OR THE DIRECTOR'S DESIGNEE; AND

32 (13) REPRESENTATIVES FROM ANY OTHER UNIT OF STATE GOVERNMENT
33 AS THE GOVERNOR MAY DESIGNATE.

1 (B) THE DEPARTMENT SHALL PROVIDE STAFF TO THE BOARD AS NECESSARY.
2 9-1115.

3 (A) THE SECRETARY SHALL DIRECT THE WORK OF THE BOARD AND IS
4 CHARGED WITH OVERSIGHT, DIRECTION, AND ACCOUNTABILITY TO:

5 (1) PROVIDE ONGOING EXAMINATION OF THE STRUCTURE AND
6 ORGANIZATION OF THE STATE'S SYSTEM OF SERVICES AND SUPPORT TO
7 INDIVIDUALS WITH DISABILITIES TO ENSURE EQUAL ACCESS TO SUPPORT SERVICES
8 AND RESOURCES BY INDIVIDUALS WITH DISABILITIES;

9 (2) FACILITATE THE DEVELOPMENT OF PERFORMANCE OBJECTIVES
10 THAT WILL RESULT IN A COMPREHENSIVE, EFFECTIVE, EFFICIENT, AND
11 INTEGRATED SERVICE DELIVERY SYSTEM FOR INDIVIDUALS WITH DISABILITIES;

12 (3) DEVELOP AND IMPLEMENT AN INTERAGENCY FUNDING APPROACH
13 TO MAXIMIZE EFFICIENCIES AND STREAMLINE ACCESS TO SERVICES AND SUPPORT
14 FOR INDIVIDUALS WITH DISABILITIES; AND

15 (4) FORMULATE POLICIES ON LEGISLATIVE ISSUES AND, UNDER THE
16 DIRECTION OF THE GOVERNOR, COMMUNICATE THE POLICIES TO THE GENERAL
17 ASSEMBLY.

18 (B) THE SECRETARY MAY ESTABLISH SUBCOMMITTEES TO CARRY OUT THE
19 RESPONSIBILITIES UNDER THIS SECTION.

20 9-1116.

21 THE DEPARTMENT SHALL OVERSEE AND ADMINISTER THE FOLLOWING
22 PROGRAMS:

23 (1) CONSTITUENT SERVICES AND OMBUDSMEN PROGRAMS; AND

24 (2) THE ASSISTIVE TECHNOLOGY GUARANTEED LOAN PROGRAM UNDER
25 ARTICLE 41, TITLE 14, SUBTITLE 9 OF THE CODE.

26 SECTION 3. AND BE IT FURTHER ENACTED, That all employees of the
27 Governor's Office for Individuals with Disabilities whose positions are transferred to
28 the Department of Disabilities by this Act shall be so transferred on the effective date
29 of this Act without any diminution of their rights, benefits, or employment and
30 retirement status.

31 SECTION 4. AND BE IT FURTHER ENACTED, That except as otherwise
32 provided by law, all existing laws, rules and regulations, proposed rules and
33 regulations, standards and guidelines, policies, orders and other directives, forms,
34 plans, memberships, contracts, property, investigations, administrative and judicial
35 responsibilities, rights to sue and be sued, and all other duties and responsibilities
36 associated with the functions of the Governor's Office for Individuals with Disabilities
37 prior to the effective date of this Act shall continue in effect under the Department of

1 Disabilities until completed, withdrawn, canceled, modified, or otherwise changed
2 pursuant to law.

3 SECTION 5. AND BE IT FURTHER ENACTED, That all contracts,
4 agreements, grants, or other obligations entered into by the Governor's Office for
5 Individuals with Disabilities prior to July 1, 2004, are hereby declared to be valid,
6 legal, and binding obligations of the Department of Disabilities, enforceable in
7 accordance with their terms.

8 SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the
9 Annotated Code of Maryland, subject to the approval of the Department of Legislative
10 Services, shall propose the correction of any agency names and titles throughout the
11 Annotated Code that are rendered incorrect by this Act and any necessary corrections
12 shall be satisfied by passage of the Annual Corrective Bill of 2005.

13 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2004.