

SENATE BILL 608

01, 03

3lr1945
CF HB 53

By: **Senator M. Washington**

Introduced and read first time: February 6, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Human Services – Maryland Statewide Independent Living Council**

3 FOR the purpose of codifying the Maryland Statewide Independent Living Council as an
4 instrumentality of the State to submit, monitor, implement, and evaluate the State
5 Plan under the federal Rehabilitation Act in conjunction with ~~a certain State entity,~~
6 ~~establishing a Board of Directors for the Council~~ Centers for Independent Living in
7 the State; requiring the Attorney General to be the legal advisor to the Council; and
8 generally relating to the Maryland Statewide Independent Living Council.

9 BY adding to

10 Article – Human Services

11 Section 7–1001 through 7–1007 to be under the new subtitle “Subtitle 10. Maryland
12 Statewide Independent Living Council”

13 Annotated Code of Maryland

14 (2019 Replacement Volume and 2022 Supplement)

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

17 **Article – Human Services**

18 **SUBTITLE 10. MARYLAND STATEWIDE INDEPENDENT LIVING COUNCIL.**

19 **7–1001.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 ~~(B) "BOARD" MEANS THE BOARD OF DIRECTORS FOR THE MARYLAND~~
4 ~~STATEWIDE INDEPENDENT LIVING COUNCIL.~~

5 ~~(C)~~ (B) "CENTERS FOR INDEPENDENT LIVING" MEANS
6 COMMUNITY-BASED ORGANIZATIONS THAT ARE DESIGNED AND OPERATED BY
7 PEOPLE WITH DISABILITIES.

8 (C) "COUNCIL" MEANS THE MARYLAND STATEWIDE INDEPENDENT LIVING
9 COUNCIL.

10 (D) "DESIGNATED STATE ENTITY" MEANS THE STATE ENTITY IDENTIFIED
11 IN THE STATE PLAN FOR INDEPENDENT LIVING AS HAVING RESPONSIBILITY FOR
12 ADMINISTERING PROVIDING ADMINISTRATIVE SUPPORT AND DISBURSEMENT OF
13 FUNDS TO THE COUNCIL TO CARRY OUT THE STATE PLAN.

14 (E) "STATE PLAN" MEANS THE STATE PLAN FOR INDEPENDENT LIVING
15 THAT IS REQUIRED TO RECEIVE FUNDS UNDER THE FEDERAL REHABILITATION ACT.
16 7-1002.

17 (A) (1) THERE IS A MARYLAND STATEWIDE INDEPENDENT LIVING
18 COUNCIL THAT IS AN INSTRUMENTALITY OF THE STATE.

19 (2) THE COUNCIL IS THE ENTITY THAT WAS CREATED IN 1993 BY AN
20 EXECUTIVE ORDER ISSUED BY THE GOVERNOR, WHICH ESTABLISHED THE COUNCIL
21 IN ACCORDANCE WITH THE FEDERAL REHABILITATION ACT.

22 (B) THE COUNCIL SHALL:

23 (1) WORK IN CONJUNCTION WITH ~~THE DESIGNATED STATE ENTITY~~
24 CENTERS FOR INDEPENDENT LIVING IN SUBMITTING, MONITORING,
25 IMPLEMENTING, AND EVALUATING THE STATE PLAN; AND

26 (2) CARRY OUT OTHER DUTIES AS REQUIRED UNDER THIS SUBTITLE
27 AND THE FEDERAL REHABILITATION ACT TO SUPPORT THE IMPLEMENTATION OF
28 THE STATE PLAN.

29 7-1003.

30 (A) ~~(1) THERE IS A BOARD OF DIRECTORS FOR THE MARYLAND~~
31 ~~STATEWIDE INDEPENDENT LIVING COUNCIL.~~

1 ~~(2) THE BOARD SHALL MANAGE THE ENTITY KNOWN AS THE COUNCIL~~
2 ~~AND EXERCISE ITS ORGANIZATIONAL POWERS.~~

3 ~~(B)~~ (1) THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE ~~BOARD~~
4 COUNCIL IN ACCORDANCE WITH THE FEDERAL REHABILITATION ACT OR ANY
5 OTHER FEDERAL LAW THAT MODIFIES PROVISIONS FOR STATEWIDE INDEPENDENT
6 LIVING COUNCILS.

7 (2) A MEMBER OF THE ~~BOARD~~ COUNCIL SHALL RESIDE IN THE
8 STATE.

9 (3) IN MAKING APPOINTMENTS TO THE ~~BOARD~~ COUNCIL, THE
10 GOVERNOR SHALL CONSIDER:

11 (I) DIVERSITY BASED ON SEX, GENDER IDENTITY, SEXUAL
12 ORIENTATION, RACE, ETHNICITY, AND ECONOMIC STATUS; AND

13 (II) REPRESENTATION FROM ALL GEOGRAPHIC REGIONS OF
14 THE STATE.

15 ~~(C)~~ (B) (1) (I) A MEMBER OF THE ~~BOARD~~ COUNCIL MAY NOT SERVE MORE
16 THAN TWO CONSECUTIVE FULL 3-YEAR TERMS.

17 (II) ~~AT THE END OF A TERM, AN APPOINTED MEMBER~~
18 ~~CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES~~ IN THE
19 EVENT OF A VACANCY ON THE COUNCIL:

20 1. THE COUNCIL MAY CONTINUE TO EXECUTE ITS
21 DUTIES; AND

22 2. THE GOVERNOR SHALL APPOINT A MEMBER OF THE
23 COUNCIL IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

24 (III) A MEMBER APPOINTED TO FILL A VACANCY SHALL SERVE
25 ONLY FOR THE BALANCE OF THE REMAINING TERM AT THE TIME OF APPOINTMENT.

26 (2) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR
27 INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE
28 POSITION.

29 (3) EACH YEAR THE ~~BOARD~~ COUNCIL SHALL ELECT A CHAIR FROM
30 AMONG ITS MEMBERS.

1 ~~(9)~~ (8) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT
2 THE POWERS GRANTED BY THIS SUBTITLE.

3 **7-1005.**

4 (A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE COUNCIL.

5 (B) WITH THE APPROVAL OF THE ATTORNEY GENERAL, THE COUNCIL MAY
6 RETAIN ANY OTHER NECESSARY ATTORNEYS.

7 **7-1006.**

8 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B), (C), AND (E) OF THIS
9 SECTION, THE COUNCIL IS EXEMPT FROM TITLE 10 AND DIVISION II OF THE STATE
10 FINANCE AND PROCUREMENT ARTICLE.

11 (B) THE COUNCIL IS SUBJECT TO:

12 (1) THE OPEN MEETINGS ACT; AND

13 (2) THE PUBLIC INFORMATION ACT.

14 (C) ~~THE BOARD AND THE~~ EMPLOYEES OF THE COUNCIL ARE SUBJECT TO
15 THE PUBLIC ETHICS LAW.

16 (D) ~~THE BOARD AND THE~~ EMPLOYEES OF THE COUNCIL ARE NOT SUBJECT
17 TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND PENSIONS
18 ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

19 (E) THE COUNCIL, ~~THE BOARD,~~ AND THE EMPLOYEES OF THE COUNCIL ARE
20 SUBJECT TO TITLE 12, SUBTITLE 4 OF THE STATE FINANCE AND PROCUREMENT
21 ARTICLE.

22 (F) EACH YEAR, THE DESIGNATED STATE ENTITY SHALL AUDIT THE BOOKS
23 AND RECORDS OF THE COUNCIL.

24 **7-1007.**

25 (A) A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE COUNCIL IS
26 NOT:

27 (1) A DEBT, A CLAIM, AN OBLIGATION, OR A LIABILITY OF THE STATE;

28 OR

29 (2) A PLEDGE OF THE CREDIT OF THE STATE.

1 **(B) THE COUNCIL IS EXEMPT FROM STATE AND LOCAL TAXES.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.