

ANTHONY G. BROWN
Attorney General



CANDACE McLAREN LANHAM
Chief of Staff

CAROLYN A. QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
(410) 576-7036

WRITER'S DIRECT DIAL NO.
(410) 576-6584

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TO: The Honorable Joseline Peña-Melnyk
Chair, Health & Government Operations Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB504 - Maryland Developmental Disabilities Council – Establishment -
Support

The Office of the Attorney General supports House Bill 504, Delegate Kaiser's bill to codify the Maryland Developmental Disabilities Council as an independent unit of State government. If enacted, this bill would ensure that Maryland's Developmental Disabilities Council complies with federal law.

Federal "developmental disability" legislation dates back to the Kennedy administration. The 1975 law - the "Developmentally Disabled Assistance and Bill of Rights Act" (DD Act) clearly identified that people with developmental disabilities were entitled to a variety of services and opportunities and that people with developmental disabilities and parents should participate in decisions about services/funding. The DD Act established the Developmental Disabilities Councils (DD Councils) to coordinate and integrate the provision of services for individuals with developmental disabilities in the least restrictive environment.

The most recent amendments to the DD Act were in 2000. The 2000 amendments to the law added that the makeup of DD Councils shall be comprised of 60% of people with developmental disabilities and their families, among a number of other changes, including but not limited to: increasing the accountability of programs funded under the DD Act, and aiming to increase coordination and collaboration within and across those programs. There is a DD Council in every U.S. state, including Maryland, and territory. The 56 DD Councils across states and territories work to address identified needs by conducting advocacy, systems change, and capacity building efforts that promote self-determination, integration, and inclusion. Key activities include conducting outreach, providing training and technical assistance, removing barriers, developing coalitions, encouraging citizen participation, and keeping policymakers informed about developmental disability issues.

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

Approximately 6 million individuals in the U.S. have developmental disabilities. Approximately 108,000 Marylanders have developmental disabilities. The Council is 100% federally funded and must comply with the DD Act. At the State level, the Maryland DD Council was formally established through executive order in 1971, with the most recent changes in 1987. This legislation is necessary because the language in the existing executive order is not current or consistent with the current DD Act. Of the 56 DD Councils across the U.S. states and territories, a majority (33) are formally codified in state statute. Of those 33, 9 are their own designated state agency. It is high time that Maryland caught up with the majority of states and codified it's Developmental Disabilities Council into Maryland law.

For all of the foregoing reasons, the Office of Attorney General Anthony G. Brown urges a favorable report on HB 504.

cc: Committee Members