

Chapter 43

(House Bill 53)

AN ACT concerning

Human Services – Maryland Statewide Independent Living Council

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

BY adding to

Article – Human Services

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

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)

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

Article – Human Services

SUBTITLE 10. MARYLAND STATEWIDE INDEPENDENT LIVING COUNCIL.

7–1001.

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

~~(B) “BOARD” MEANS THE BOARD OF DIRECTORS FOR THE MARYLAND STATEWIDE INDEPENDENT LIVING COUNCIL.~~

~~(C)~~ (B) “CENTERS FOR INDEPENDENT LIVING” MEANS COMMUNITY–BASED ORGANIZATIONS THAT ARE DESIGNED AND OPERATED BY PEOPLE WITH DISABILITIES.

(C) “COUNCIL” MEANS THE MARYLAND STATEWIDE INDEPENDENT LIVING COUNCIL.

(D) “DESIGNATED STATE ENTITY” MEANS THE STATE ENTITY IDENTIFIED IN THE STATE PLAN FOR INDEPENDENT LIVING AS HAVING RESPONSIBILITY FOR

ADMINISTERING PROVIDING ADMINISTRATIVE SUPPORT AND DISBURSEMENT OF FUNDS TO THE COUNCIL TO CARRY OUT THE STATE PLAN.

(E) "STATE PLAN" MEANS THE STATE PLAN FOR INDEPENDENT LIVING THAT IS REQUIRED TO RECEIVE FUNDS UNDER THE FEDERAL REHABILITATION ACT.

7-1002.

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

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

(B) THE COUNCIL SHALL:

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

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

7-1003.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) A MEMBER OF THE ~~BOARD~~ COUNCIL:

(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ~~BOARD~~ COUNCIL; BUT

(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

~~(D)~~ (C) THE ~~BOARD~~ COUNCIL MAY ACT WITH AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS.

7-1004.

(A) (1) THE COUNCIL SHALL EMPLOY AN EXECUTIVE DIRECTOR.

(2) THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE WITH, AND POSSESS QUALIFICATIONS RELEVANT TO, THE ACTIVITIES AND PURPOSES OF THE COUNCIL.

(B) THE COUNCIL MAY:

(1) EMPLOY A STAFF;

(2) ~~ADOPT A SEAL;~~

~~(3)~~ ADOPT BYLAWS, POLICIES, AND PROCEDURES RELATED TO OPERATING THE COUNCIL;

~~(4)~~ (3) RETAIN ANY NECESSARY ACCOUNTANTS, FINANCIAL ADVISORS, OR OTHER CONSULTANTS;

~~(5)~~ (4) MAINTAIN OFFICES AT A PLACE THE COUNCIL DESIGNATES IN THE STATE;

~~(6)~~ (5) ACCEPT LOANS, GRANTS, OR ASSISTANCE OF ANY KIND FROM ANY ENTITY OF FEDERAL, STATE, OR LOCAL GOVERNMENT, AN INSTITUTION OF HIGHER EDUCATION, OR A PRIVATE SOURCE IF THE COUNCIL GIVES PRIOR NOTICE TO THE DESIGNATED STATE ENTITY;

~~(7)~~ (6) ENTER INTO CONTRACTS AND OTHER LEGAL INSTRUMENTS;

~~(8)~~ (7) SUE OR BE SUED; AND

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

7-1005.

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

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

7-1006.

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

(B) THE COUNCIL IS SUBJECT TO:

(1) THE OPEN MEETINGS ACT; AND

(2) THE PUBLIC INFORMATION ACT.

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

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

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

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

7-1007.

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

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

OR

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

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

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

Approved by the Governor, April 11, 2023.