

SENATE BILL 73
EMERGENCY BILL

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P5

2004 Regular Session
4r0589

By: The President (By Request - Department of Legislative Services)

Introduced and read first time: January 15, 2004

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 18, 2004

CHAPTER 24

1 AN ACT concerning

2

Annual Curative Bill

3 FOR the purpose of generally curing previous Acts of the General Assembly with
4 possible title or other defects; providing for the effect and construction of certain
5 provisions of this Act; providing for the effective date of certain provisions of this
6 Act; making this Act an emergency measure; making certain provisions of this
7 Act subject to a certain contingency; and generally repealing and reenacting
8 without amendments certain Acts of the General Assembly that may be subject
9 to possible title or other defects in order to validate those Acts.

10 BY repealing and reenacting, without amendments,

11 Article 49B - Human Relations Commission

12 Section 5(e)(2)

13 Annotated Code of Maryland

14 (2003 Replacement Volume)

15 BY repealing and reenacting, without amendments,

16 Article - Business Occupations and Professions

17 Section 8-202(h)

18 Annotated Code of Maryland

19 (2000 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article - Insurance

22 Section 27-209

23 Annotated Code of Maryland

1 (2002 Replacement Volume and 2003 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article - State Finance and Procurement

4 Section 7-305

5 Annotated Code of Maryland

6 (2001 Replacement Volume and 2003 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article - Education

9 Section 22-301

10 Annotated Code of Maryland

11 (2001 Replacement Volume and 2003 Supplement)

12 (As enacted by Chapter 53 of the Acts of the General Assembly of 2003)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 49B - Human Relations Commission**

16 5.

17 (e) (2) This section does not require structural changes, modifications, or
18 additions to buildings or vehicles, except as required by this paragraph or as
19 otherwise required by law. In addition, any building constructed, modified or altered
20 in compliance with, or pursuant to a waiver from, the Maryland Accessibility Code
21 under § 12-202 of the Public Safety Article shall not be subject to this section.

22 (i) When structural changes, modifications, or the provision of
23 special equipment is necessary to accommodate an individual with a disability, the
24 accommodation shall be "reasonable".

25 (ii) 1. "Reasonable accommodation" for the purposes of this
26 paragraph means to make a public accommodation suitable for access, use, and
27 patronage by a person without danger to the person's health or safety and without
28 undue hardship or expense to a business or other activity making such an
29 accommodation.

30 2. With respect to a private motor coach transportation
31 carrier, for the purposes of this subsection, "reasonable accommodation" means that
32 any requirement to satisfy the provisions of this article will not exceed a maximum
33 expense of \$2,500 per operating vehicle. However, beginning January 1, 1990, at least
34 10 percent of the total operating fleet of any private motor coach transportation
35 carrier doing business in the State shall comply with the provisions of this article.

36 3. The Human Relations Commission shall make a
37 determination in the first instance whether an accommodation is "reasonable". In
38 making this determination for buildings, the Human Relations Commission may

1 consult with the Department of Housing and Community Development and such
2 others as may be useful as to the cost and feasibility of any structural changes,
3 modifications, additions or the provision of special equipment.

4 DRAFTER'S NOTE:

5 Error: Body of bill being cured failed to show Article 49B, § 5(e)(2) in its
6 entirety.

7 Occurred: Chapter 17 (Senate Bill 192) of the Acts of 2003.

8 **Article - Business Occupations and Professions**

9 8-202.

10 (h) (1) The term of a member is 3 years and begins on July 1.

11 (2) The terms of members are staggered as required by the terms
12 provided for members of the Board on July 1, 1991.

13 (3) At the end of a term, a member continues to serve until a successor is
14 appointed and qualifies.

15 (4) A member who is appointed after a term has begun serves only for
16 the rest of the term and until a successor is appointed and qualifies.

17 DRAFTER'S NOTE:

18 Error: Function paragraph of bill being cured incorrectly indicated that §
19 8-202(h) of the Business Occupations and Professions Article was being
20 amended.

21 Occurred: Chapter 227 (Senate Bill 267) of the Acts of 2003.

22 **Article - Insurance**

23 27-209.

24 Except as otherwise expressly provided by law, a person may not knowingly:

25 (1) allow, make, or offer to make a contract of life insurance or health
26 insurance or an annuity contract or an agreement as to the contract other than as
27 plainly expressed in the contract;

28 (2) pay, allow, give, or offer to pay, allow, or give directly or indirectly as
29 an inducement to the insurance or annuity:

30 (i) a rebate of premiums payable on the contract;

31 (ii) a special favor or advantage in the dividends or other benefits
32 under the contract;

1 (iii) paid employment or a contract for services of any kind; or
2 (iv) any valuable consideration or other inducement not specified in
3 the contract;

4 (3) directly or indirectly give, sell, purchase, offer or agree to give, sell, or
5 purchase, or allow as inducement to the insurance or annuity or in connection with
6 the insurance or annuity, regardless of whether specified in the policy or contract, an
7 agreement that promises returns and profits, or stocks, bonds, or other securities, or
8 a present or contingent interest in or measured by stocks, bonds, or other securities,
9 of an insurer or other corporation, association, or partnership, or dividends or profits
10 accrued or to accrue on stocks, bonds, or other securities; or

11 (4) offer, promise, or give any valuable consideration not specified in the
12 contract, except for educational materials, promotional materials, or articles of
13 merchandise that cost less than \$10, regardless of whether a policy is purchased.

14 DRAFTER'S NOTE:

15 Error: Function paragraph of bill being cured incorrectly indicated that §
16 27-209 of the Insurance Article was unamended.

17 Occurred: Chapter 173 (House Bill 711) of the Acts of 2003.

18 **Article - State Finance and Procurement**

19 7-305.

20 (a) In this section, "capital expenditure" includes an expenditure for:

- 21 (1) acquisition of land, buildings, or equipment; or
22 (2) new construction.

23 (b) At the end of a fiscal year, the unspent part of an appropriation for a
24 capital expenditure made through the State budget or a supplementary appropriation
25 act other than an enabling act for a general obligation loan:

- 26 (1) does not revert to the General Fund; and
27 (2) with the approval of the Board of Public Works, may be carried in a
28 capital account until it is spent in accordance with subsection (c) of this section or
29 until the authority to spend the appropriation for a project terminates.

30 (c) Money carried in a capital account under subsection (b) of this section may
31 be spent only for a capital purpose.

32 (d) Unless otherwise provided by law, the authority to spend the appropriation
33 for a project terminates:

1 (1) 2 years after the effective date of the appropriation act that
2 authorizes the project, if:

3 (i) evidence that a required matching fund will be provided has not
4 been presented to the Board; or

5 (ii) no part of the project is under contract and the Board has not
6 encumbered money for any part of the project;

7 (2) 1 year after the latest of abandonment, completion, or acceptance of
8 the project; or

9 (3) except to the extent the Board has encumbered money for a State
10 project or program authorized by an appropriation act, 7 years after the effective date
11 of the appropriation act that authorized the project unless:

12 (i) the appropriation act provides otherwise; or

13 (ii) in an emergency, the Board unanimously grants a temporary
14 exception for 1 year.

15 DRAFTER'S NOTE:

16 Error: Short title of bill being cured failed to describe amendments to §
17 7-305 of the State Finance and Procurement Article.

18 Occurred: Chapter 153 (House Bill 444) of the Acts of 2003.

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

21 **Article - Education**

22 22-301.

23 (a) The Department shall develop and implement an educational program
24 designed to meet the particular needs of the population at the Charles H. Hickey, Jr.
25 School in Baltimore County.

26 (b) (1) For each student placed at the Charles H. Hickey, Jr. School, the local
27 school system in which the student was last enrolled shall transmit within 5 days of
28 notice of the placement, the complete record of the student including medical
29 information in the custody of the local school system.

30 (2) The Charles H. Hickey, Jr. School shall transmit the complete
31 student record to the local school system where a student released from the Charles
32 H. Hickey, Jr. School is enrolled within 5 days of notice of the student's enrollment.

33 (3) The State Superintendent may impose appropriate corrective action
34 including withholding or redirection of funding if either a local school system or the

1 Charles H. Hickey, Jr. School fails to comply with the timely transmission of the
2 student record.

3 (c) The Department of Juvenile Services shall work cooperatively with the
4 Department to:

5 (1) Facilitate the full implementation of the educational program at the
6 Charles H. Hickey, Jr. School; and

7 (2) Make students available for attendance during scheduled class time.

8 DRAFTER'S NOTE:

9 Error: Function paragraph of bill being cured incorrectly indicated that §
10 23-301, rather than § 22-301, of the Education Article was being added.

11 Occurred: Chapter 53 (House Bill 860) of the Acts of 2003.

12 SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes
13 contained in this Act are not law and may not be considered to have been enacted as
14 part of this Act.

15 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
16 take effect July 1, 2004, contingent on the taking effect of Section 5 of Chapter 53 of
17 the Acts of the General Assembly of 2003, and if Section 5 of Chapter 53 does not
18 become effective, Section 2 of this Act shall be null and void without the necessity of
19 further action by the General Assembly.

20 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
21 measure, is necessary for the immediate preservation of the public health or safety,
22 has been passed by a yea and nay vote supported by three-fifths of all the members
23 elected to each of the two Houses of the General Assembly and, except as provided in
24 Section 4 of this Act, shall take effect from the date it is enacted.