

EMERGENCY BILL

(PRE-FILED)

P5

7lr1129

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**By: The President (Dept of Legislative Ref)**

Requested: June 25, 1996

Introduced and read first time: January 8, 1997

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with possible  
4 title or other defects; requiring the Secretary of Health and Mental Hygiene to work  
5 with the Maryland Health Care Access and Cost Commission on development of a  
6 certain bundled payment; ratifying the repeal of § 7-801 of the State Personnel and  
7 Pensions Article by Chapter 347 of the Acts of the General Assembly of 1996;  
8 providing for the effect and construction of certain provisions of this Act; making  
9 this Act an emergency measure; and generally repealing and reenacting without  
10 amendments certain Acts of the General Assembly that may be subject to possible  
11 title or function paragraph or other defects in order to validate those Acts.

12 BY repealing and reenacting, without amendments,

13 Article - Education

14 Section 22-201

15 Annotated Code of Maryland

16 (1997 Replacement Volume)

17 BY repealing and reenacting, without amendments,

18 Article - Family Law

19 Section 1-201(c) and (d)

20 Annotated Code of Maryland

21 (1991 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article - State Personnel and Pensions

24 Section 2-305(a)

25 Annotated Code of Maryland

26 (1994 Volume and 1996 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article - Tax - General

29 Section 13-901(f)(1)(ii)5.

30 Annotated Code of Maryland

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1 (1988 Volume and 1996 Supplement)

2 BY repealing and reenacting, without amendments,  
3 Chapter 503 of the Acts of the General Assembly of 1996  
4 Section 5

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

7 **Article - Education**

8 22-201.

9 (a) The Secretary of Health and Mental Hygiene shall appoint a director of  
10 educational programs in the Department of Health and Mental Hygiene.

11 (b) The Director shall receive the salary provided in the budget of the  
12 Department of Health and Mental Hygiene.

13 (c) The Director shall:

14 (1) Implement and operate the educational programs in the State hospital  
15 centers; and

16 (2) Consult with the Director of Mental Hygiene, the Director of the  
17 Developmental Disabilities Administration, and the superintendent of each center about  
18 the operation of these programs.

19 DRAFTER'S NOTE:

20 %Error: Function paragraph of bill being cured incorrectly indicated that  
21 former § 22-203(c) of the Education Article, rather than § 22-203 (currently  
22 § 22-201), was being amended.  
23 Occurred: Chapter 341 (House Bill 1442) of the Acts of 1996.

24 **Article - Family Law**

25 1-201.

26 (c) Except as provided in subsection (d) of this section, this section does not take  
27 away or impair the jurisdiction of a juvenile court or a criminal court with respect to the  
28 custody, guardianship, visitation, and support of a child.

29 (d) In Montgomery County, if an adoption or guardianship with the right to  
30 consent to adoption or long-term care short of adoption is ordered by the equity court, as  
31 to a child previously adjudicated to be a child in need of assistance, a neglected child, an  
32 abused child, or a dependent child, the jurisdiction of a juvenile court with regard to these  
33 issues is terminated.

34 DRAFTER'S NOTE:

35 %Error: Function paragraphs of bills being cured incorrectly indicated that §  
36 1-201(c) of the Family Law Article was being amended rather than set out as  
37 without amendment and that § 1-201(d) was being repealed, rather than

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1 amended.  
2 Occurred: Chapter 595 (Senate Bill 711) and Chapter 596 (House Bill 1145)  
3 of the Acts of 1996.

4 **Article - State Personnel and Pensions**

5 2-305.

6 (a) This section applies to all employees of all units in the Executive, Judicial, and  
7 Legislative Branches of State government, including all units with independent personnel  
8 systems except for the Department of Transportation and University of Maryland System.

9 DRAFTER'S NOTE:

10 %Error: Function paragraph of bill being cured failed to reflect the addition of  
11 § 2-305(a) of the State Personnel and Pensions Article.  
12 Occurred: Chapter 347 (House Bill 774) of the Acts of 1996.

13 **Article - Tax - General**

14 13-901.

15 (f) (1) A claim for refund of motor fuel tax may be filed by a claimant who pays  
16 the tax on:

17 (ii) motor fuel, as defined in § 9-101 of this article, that:

18 5. is used by a system of transportation based in the State, in a  
19 vehicle that is used to provide transportation to elderly, handicapped, or low income  
20 individuals, if the system is operated by a nonprofit organization for purposes relating to  
21 the charge for which the nonprofit organization was established, and it is a nonprofit  
22 organization that:

23 A. is exempt for federal income tax purposes under § 501(c) of  
24 the Internal Revenue Code;

25 B. is funded to provide transportation to elderly, handicapped,  
26 or low income individuals;

27 C. receives part of its operating funding from the Maryland  
28 Department of Transportation or the Maryland Department of Health and Mental  
29 Hygiene;

30 D. has stated in its charter or bylaws that operating  
31 transportation services for elderly, handicapped, or low income individuals is one of the  
32 purposes for which it was established; and

33 E. is actively operating a system of transportation for elderly,  
34 handicapped, or low income individuals.

35 DRAFTER'S NOTE:

36 %Error: Function paragraph of bill being cured incorrectly indicated that

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1 § 13-901(f)(1)(ii)5 of the Tax - General Article was unamended.  
2 Occurred: Chapter 355 (Senate Bill 28) of the Acts of 1996.

3 **Chapter 503 of the Acts of 1996**

4 SECTION 5. AND BE IT FURTHER ENACTED, That the Secretary of the  
5 Department of Health and Mental Hygiene shall work with the Maryland Health Care  
6 Access and Cost Commission on development of a bundled payment for medical  
7 screening that meets the requirements of the federal Emergency Medical Treatment and  
8 Active Labor Act. Should a flat fee not take effect on or before March 31, 1997, Section  
9 2 of this Act shall be abrogated and of no further force and effect. The Secretary of  
10 Health and Mental Hygiene, within 5 days after a bundled payment takes effect, shall  
11 forward notice that the bundled payment has taken effect to the Department of  
12 Legislative Reference. If a bundled payment has not taken effect on or before March 31,  
13 1997, the Secretary of Health and Mental Hygiene, on or before April 5, 1997, shall  
14 forward a notice that the bundled payment has not taken effect by that date to the  
15 Department of Legislative Reference.

16 DRAFTER'S NOTE:

17 %Error: Purpose paragraph of bill being cured failed to accurately describe  
18 the changes made by the bill.  
19 Occurred: Chapter 503 (House Bill 859) of the Acts of 1996.

20 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7-801 of Article  
21 - State Personnel and Pensions of the Annotated Code of Maryland (1994 Volume and  
22 1995 Supplement) be repealed.

23 DRAFTER'S NOTE:

24 %Error: Function paragraph of bill being cured incorrectly indicated that §  
25 7-801 of the State Personnel and Pensions Article was being amended, rather  
26 than repealed.  
27 Occurred: Chapter 347 (House Bill 774) of the Acts of 1996.

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

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency  
32 measure, is necessary for the immediate preservation of the public health and safety, has  
33 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
34 each of the two Houses of the General Assembly, and shall take effect from the date it is  
35 enacted.