

EMERGENCY BILL

P5

7lr1129

(PRE-FILED)

By: The President (Department of Legislative Reference)

Requested: June 25, 1996

Introduced and read first time: January 8, 1997

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: January 30, 1997

CHAPTER ____

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

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1 Section 2-305(a)
2 Annotated Code of Maryland
3 (1994 Volume and 1996 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article - Tax - General
6 Section 13-901(f)(1)(ii)5.
7 Annotated Code of Maryland
8 (1988 Volume and 1996 Supplement)

9 BY repealing and reenacting, without amendments,
10 Chapter 503 of the Acts of the General Assembly of 1996
11 Section 5

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

14 **Article - Education**

15 22-201.

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

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

20 (c) The Director shall:

21 (1) Implement and operate the educational programs in the State hospital
22 centers; and

23 (2) Consult with the Director of Mental Hygiene, the Director of the
24 Developmental Disabilities Administration, and the superintendent of each center about
25 the operation of these programs.

26 DRAFTER'S NOTE:

27 %Error: Function paragraph of bill being cured incorrectly indicated that
28 former § 22-203(c) of the Education Article, rather than § 22-203 (currently
29 § 22-201), was being amended.
30 Occurred: Chapter 341 (House Bill 1442) of the Acts of 1996.

31 **Article - Family Law**

32 1-201.

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

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

6 DRAFTER'S NOTE:

7 %Error: Function paragraphs of bills being cured incorrectly indicated that §
8 1-201(c) of the Family Law Article was being amended rather than set out as
9 without amendment and that § 1-201(d) was being repealed, rather than
10 amended.

11 Occurred: Chapter 595 (Senate Bill 711) and Chapter 596 (House Bill 1145)
12 of the Acts of 1996.

13 **Article - State Personnel and Pensions**

14 2-305.

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

18 DRAFTER'S NOTE:

19 %Error: Function paragraph of bill being cured failed to reflect the addition of
20 § 2-305(a) of the State Personnel and Pensions Article.

21 Occurred: Chapter 347 (House Bill 774) of the Acts of 1996.

22 **Article - Tax - General**

23 13-901.

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

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

27 5. is used by a system of transportation based in the State, in a
28 vehicle that is used to provide transportation to elderly, handicapped, or low income
29 individuals, if the system is operated by a nonprofit organization for purposes relating to
30 the charge for which the nonprofit organization was established, and it is a nonprofit
31 organization that:

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

34 B. is funded to provide transportation to elderly, handicapped,
35 or low income individuals;

36 C. receives part of its operating funding from the Maryland
37 Department of Transportation or the Maryland Department of Health and Mental
38 Hygiene;

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

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

6 DRAFTER'S NOTE:

7 %Error: Function paragraph of bill being cured incorrectly indicated that
8 § 13-901(f)(1)(ii)5 of the Tax - General Article was unamended.
9 Occurred: Chapter 355 (Senate Bill 28) of the Acts of 1996.

10 **Chapter 503 of the Acts of 1996**

11 SECTION 5. AND BE IT FURTHER ENACTED, That the Secretary of the
12 Department of Health and Mental Hygiene shall work with the Maryland Health Care
13 Access and Cost Commission on development of a bundled payment for medical
14 screening that meets the requirements of the federal Emergency Medical Treatment and
15 Active Labor Act. Should a flat fee not take effect on or before March 31, 1997, Section
16 2 of this Act shall be abrogated and of no further force and effect. The Secretary of
17 Health and Mental Hygiene, within 5 days after a bundled payment takes effect, shall
18 forward notice that the bundled payment has taken effect to the Department of
19 Legislative Reference. If a bundled payment has not taken effect on or before March 31,
20 1997, the Secretary of Health and Mental Hygiene, on or before April 5, 1997, shall
21 forward a notice that the bundled payment has not taken effect by that date to the
22 Department of Legislative Reference.

23 DRAFTER'S NOTE:

24 %Error: Purpose paragraph of bill being cured failed to accurately describe
25 the changes made by the bill.
26 Occurred: Chapter 503 (House Bill 859) of the Acts of 1996.

27 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 7-801 of Article
28 - State Personnel and Pensions of the Annotated Code of Maryland (1994 Volume and
29 1995 Supplement) be repealed.

30 DRAFTER'S NOTE:

31 %Error: Function paragraph of bill being cured incorrectly indicated that §
32 7-801 of the State Personnel and Pensions Article was being amended, rather
33 than repealed.
34 Occurred: Chapter 347 (House Bill 774) of the Acts of 1996.

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

38 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
39 measure, is necessary for the immediate preservation of the public health and safety, has

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1 been passed by a yea and nay vote supported by three-fifths of all the members elected to
2 each of the two Houses of the General Assembly, and shall take effect from the date it is
3 enacted.