

## EMERGENCY BILL

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**By: The President (Department of Legislative Reference)**

Introduced and read first time: January 17, 1997

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Supplemental Corrective Bill - Agency Designations**  
3 **(Chapter 120 of the Acts of 1995)**

4 FOR the purpose of correcting erroneous references to the Department of Business and  
5 Economic Development and the Secretary of Business and Economic Development  
6 in certain statutory laws of this State; and making this Act an emergency measure.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 681E(3)  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume)

12 BY repealing and reenacting, with amendments,  
13 Article 49D - Office for Children, Youth, and Families  
14 Section 23(a)(3)  
15 Annotated Code of Maryland  
16 (1994 Replacement Volume and 1996 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article 70B - Office on Aging  
19 Section 4B(a)(6)  
20 Annotated Code of Maryland  
21 (1995 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article 83C - Juvenile Justice  
24 Section 2-113(5)  
25 Annotated Code of Maryland  
26 (1995 Replacement Volume and 1996 Supplement)

27 BY repealing and reenacting, with amendments,  
28 Article - Courts and Judicial Proceedings  
29 Section 7-201(a)

2

1 Annotated Code of Maryland  
2 (1995 Replacement Volume and 1996 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Education  
5 Section 16-106(d)(3), 18-1802(a), 18-1803(b)(1) and (c)(1), 18-1804(a), (b)(1),  
6 and (c), 18-1805, 18-1806(a), 18-1807(c)(1), 18-1808(a), (b)(1), and (c),  
7 18-1809, and 21-305(c)(3)  
8 Annotated Code of Maryland  
9 (1997 Replacement Volume)

10 BY repealing and reenacting, with amendments,  
11 Article - Environment  
12 Section 7-406(j)(7) and 8-404(2)  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Labor and Employment  
17 Section 7-102(a)(4)  
18 Annotated Code of Maryland  
19 (1991 Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - State Finance and Procurement  
22 Section 13-222(a)(1) and (b)(1)  
23 Annotated Code of Maryland  
24 (1995 Replacement Volume and 1996 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article - State Government  
27 Section 9-1107(b)(9), 10-203(a)(5), and 10-302(a)(3)  
28 Annotated Code of Maryland  
29 (1995 Replacement Volume and 1996 Supplement)

30 BY repealing and reenacting, with amendments,  
31 Article - Tax - General  
32 Section 10-702(a)(5)  
33 Annotated Code of Maryland  
34 (1988 Volume and 1996 Supplement)

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

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1           **Article 27 - Crimes and Punishments**

2 681E.

3           The Commissioner and General Manager shall develop programs of occupational  
4 experiences to complement the manpower development plans of the State Department of  
5 Education and other agencies serving the residents of Division of Correction institutions.  
6 In this function, the Commissioner and General Manager shall consult with the following  
7 individuals who shall be responsible to provide appropriate assistance:

8                   (3) The Assistant Secretary, Division of Employment and Training,  
9 Department of [Business and Economic Development] LABOR, LICENSING, AND  
10 REGULATION;

11           **Article 49D - Office for Children, Youth, and Families**

12 23.

13           (a) The Council consists of the following 20 members appointed by the Governor:

14                   (3) The Secretary of [Business and Economic Development] LABOR,  
15 LICENSING, AND REGULATION;

16           **Article 70B - Office on Aging**

17 4B.

18           (a) The Interagency Committee on Aging Services consists of the following  
19 members:

20                   (6) The Secretary of [Business and Economic Development] LABOR,  
21 LICENSING, AND REGULATION;

22           **Article 83C - Juvenile Justice**

23 2-113.

24           To carry out the objectives of this article, the following State units shall cooperate  
25 fully with the Department:

26                   (5) Department of [Business and Economic Development] LABOR,  
27 LICENSING, AND REGULATION;

28           **Article - Courts and Judicial Proceedings**

29 7-201.

30           (a) Except for an appeal from the State Workers' Compensation Commission or  
31 an appeal, by an individual claiming benefits, from a decision of the Board of Appeals of  
32 the Department of [Business and Economic Development] LABOR, LICENSING, AND  
33 REGULATION, no case may be docketed and no writ of attachment, fieri facias, or  
34 execution on judgment may be issued unless the plaintiff or appellant pays the required  
35 fee.

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1                   **Article - Education**

2 16-106.

3                   (d) (3) The Department of [Business and Economic Development] LABOR,  
4 LICENSING, AND REGULATION shall coordinate funds for this Displaced Homemakers  
5 Program according to the provisions of Title II of the federal Job Training Partnership  
6 Act, with the funds to be provided by service delivery areas.

7 18-1802.

8                   (a) The Department of [Business and Economic Development] LABOR,  
9 LICENSING, AND REGULATION in collaboration with the State Superintendent of  
10 Schools and the Secretary of Higher Education may establish a program of  
11 school-to-work transition grants, to be known as the "Youth Apprenticeship Program".

12 18-1803.

13                   (b) A grant recipient shall use the grant in an apprenticeship training program  
14 that is:

15                         (1) A registered apprenticeship program approved by the Apprenticeship  
16 and Training Council within the Department of [Business and Economic Development]  
17 LABOR, LICENSING, AND REGULATION;

18                   (c) The Secretary of [Business and Economic Development] LABOR,  
19 LICENSING, AND REGULATION may ensure that the youth apprenticeship programs  
20 approved under this subtitle:

21                         (1) Foster the expansion of structured, school-to-work transition programs  
22 that link secondary school applied learning experiences with:

23                                 (i) Skilled, high wage, workplace jobs and professions; and

24                                 (ii) Postsecondary technical and occupational work experiences;

25 18-1804.

26                   (a) The Department of [Business and Economic Development] LABOR,  
27 LICENSING, AND REGULATION, after consultation with the Advisory Board and  
28 interested potential grant recipients, may establish guidelines for the review and  
29 evaluation of grant proposals and the selection of grant recipients.

30                   (b) (1) During the month of January each year, the Department of [Business  
31 and Economic Development] LABOR, LICENSING, AND REGULATION may issue a  
32 request for proposals inviting interested persons to submit grant proposals for  
33 participation in the program for the fiscal year that begins on July 1 of that year.

34                   (c) (1) The Department of [Business and Economic Development] LABOR,  
35 LICENSING, AND REGULATION may evaluate grant proposals on a competitive basis and  
36 shall approve only proposals that it determines are of high quality and likely to fulfill the  
37 goals and objectives of the program.

38                         (2) Following a review of all grant proposals received during the period  
39 specified under subsection (b) of this section, the Secretary of [Business and Economic

5

1 Development] LABOR, LICENSING, AND REGULATION may announce the grant  
2 recipients for the fiscal year that begins on July 1 of that year.

3 18-1805.

4 If a Youth Apprenticeship Program is established under the authority granted  
5 under this subtitle, the Secretary of [Business and Economic Development] LABOR,  
6 LICENSING, AND REGULATION may:

7 (1) Determine the amount that is needed to fund the grants awarded under  
8 this subtitle; and

9 (2) Submit this information to the Department of Budget and Management  
10 for inclusion in the annual budget.

11 18-1806.

12 (a) The Department of [Business and Economic Development] LABOR,  
13 LICENSING, AND REGULATION may require that each grant recipient have a matching  
14 requirement for the amount of the grant that is awarded to the recipient under this  
15 subtitle.

16 18-1807.

17 (c) The grant recipient shall:

18 (1) Submit periodic reports to the Secretary of [Business and Economic  
19 Development] LABOR, LICENSING, AND REGULATION summarizing its activities under  
20 the program;

21 18-1808.

22 (a) The Department of [Business and Economic Development] LABOR,  
23 LICENSING, AND REGULATION may establish a Youth Apprenticeship Program Advisory  
24 Board.

25 (b) The Advisory Board shall include:

26 (1) The Secretary of [Business and Economic Development] LABOR,  
27 LICENSING, AND REGULATION;

28 (c) The Advisory Board shall, from time to time, review the program and advise  
29 the Secretary of [Business and Economic Development] LABOR, LICENSING, AND  
30 REGULATION, the State Superintendent of Schools, and the Secretary of Higher  
31 Education about matters regarding the program.

32 18-1809.

33 The Secretary of [Business and Economic Development] LABOR, LICENSING,  
34 AND REGULATION, in collaboration with the State Superintendent of Schools and the  
35 Secretary of Higher Education, may adopt regulations to implement the provisions of this  
36 subtitle.

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1 21-305.

2 (c) The Plan involves the collaborative efforts of the following units of State  
3 government:

4 (3) The Department of [Business and Economic Development] LABOR,  
5 LICENSING, AND REGULATION; and

6 **Article - Environment**

7 7-406.

8 (j) On issuance of a certificate the Board shall file a copy of that certificate with  
9 the Secretary to the Board and the Secretary of State. Copies of the certificate shall be  
10 sent by the Secretary to the Board to:

11 (7) The Department of [Business and Economic Development] LABOR,  
12 LICENSING, AND REGULATION; and

13 8-404.

14 The following State agencies shall assist the Secretary in evaluating any technology  
15 or means for the permanent disposal of low-level nuclear waste:

16 (2) The Department of [Business and Economic Development] LABOR,  
17 LICENSING, AND REGULATION.

18 **Article - Labor and Employment**

19 7-102.

20 (a) This title does not apply:

21 (4) to an agricultural operation when engaging a farm labor contractor  
22 through the Department of [Business and Economic Development] LABOR, LICENSING,  
23 AND REGULATION; or

24 **Article - State Finance and Procurement**

25 13-222.

26 (a) For a State procurement contract for \$10,000 or more, except as provided in  
27 subsection (c) of this section, at the time a bid or proposal for any State procurement  
28 contract is submitted, the bidder or offeror shall certify to the procurement officer that:

29 (1) the bidder or offeror has paid all taxes, unemployment insurance  
30 contributions, reimbursement payments, and interest not barred by limitations and  
31 payable to the Comptroller, the Department of Assessments and Taxation, or the  
32 Department of [Business and Economic Development] LABOR, LICENSING, AND  
33 REGULATION or has provided for payment in a manner satisfactory to the unit  
34 responsible for collection; and

35 (b) Before a unit awards any procurement contract for \$100,000 or more, the unit  
36 shall verify through the Office of the Comptroller:

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1 (1) that all taxes, unemployment insurance contributions, reimbursement  
2 payments, and interest not barred by limitations and payable by the contractor to the  
3 Comptroller, the Department of Assessments and Taxation, and the Secretary of  
4 [Business and Economic Development] LABOR, LICENSING, AND REGULATION are  
5 paid or that payment has been provided for in a manner satisfactory to the unit  
6 responsible for collection; and

7 **Article - State Government**

8 9-1107.

9 (b) Of the 28 Council members:

10 (9) 1 shall be the Secretary or a designee from the Department of [Business  
11 and Economic Development] LABOR, LICENSING, AND REGULATION;

12 10-203.

13 (a) This subtitle does not apply to:

14 (5) unemployment insurance claim determinations, tax determinations, and  
15 appeals in the Department of [Business and Economic Development] LABOR,  
16 LICENSING, AND REGULATION except as specifically provided in Subtitle 5 of Title 8 of  
17 the Labor and Employment Article; or

18 10-302.

19 (a) This subtitle does not apply to:

20 (3) the Board of Appeals of the Department of [Business and Economic  
21 Development] LABOR, LICENSING, AND REGULATION;

22 **Article - Tax - General**

23 10-702.

24 (a) (5) "Economically disadvantaged individual" means an individual who is  
25 certified by provisions that the Department of [Business and Economic Development]  
26 LABOR, LICENSING, AND REGULATION adopts as an individual who, before becoming  
27 employed by a business entity in an enterprise zone:

28 (i) was both unemployed for at least 30 consecutive days and qualified  
29 to participate in training activities for the economically disadvantaged under Title II, Part  
30 B of the federal Job Training Partnership Act or its successor; or

31 (ii) in the absence of an applicable federal act, met the criteria for an  
32 economically disadvantaged individual that the Secretary of [Business and Economic  
33 Development] LABOR, LICENSING, AND REGULATION sets.

34 **DRAFTER'S NOTE:**

35 %The amendments to the Annotated Code contained in Section 1 of this Act  
36 correct erroneous agency designations that occurred as a result of Chapter  
37 120, Section 19, Acts of 1995, as ratified by Chapter 10, Section 14, Acts of  
38 1996.

1           SECTION 2. AND BE IT FURTHER ENACTED, That the publishers of the  
2 Annotated Code of Maryland are directed to include the Drafter's Note in Section 1 of  
3 this Act after each section of law amended in Section 1 of this Act.

4           SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
5 measure, is necessary for the immediate preservation of the public health and safety, has  
6 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
7 each of the two Houses of the General Assembly, and shall take effect from the date it is  
8 enacted.