

SENATE BILL 79
EMERGENCY BILL

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P5

1999 Regular Session
9lr0244

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

Introduced and read first time: January 14, 1999

Assigned to: Rules

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
4 possible title or other defects; requiring a restaurant in Kent County to meet
5 certain food sale requirements in order to qualify for a special Class B beer and
6 light wine license; prohibiting the sale or possession of stolen manufactured
7 serial numbers or vehicle identification plates or labels; allowing out of court
8 statements concerning certain alleged offenses against a child victim under a
9 certain age to be admitted in certain court proceedings if the statements were
10 made to and are offered by certain persons; requiring local school systems to
11 report in a certain manner to the State Department of Education on the
12 postsecondary anticipated services of certain students with disabilities;
13 authorizing any interested person to request that the Commissioner of Financial
14 Regulation conduct a hearing regarding the conversion of certain converting
15 institutions to a state-chartered commercial bank; extending a sunset provision
16 on certain uses of certain funds in the Maryland Heritage Areas Authority
17 Financing Fund; requiring pharmacy permit holders to place certain notices into
18 certain shipments of prescription drugs; altering the maximum penalty that the
19 Insurance Commissioner may impose on the holder of a certificate of authority
20 for any violation of the Insurance Code; requiring certain private passenger
21 motor vehicle insurance policies that include comprehensive coverage to include
22 coverage for certain replacement vehicles; requiring the Board of Directors of
23 Project Liberty Ship of Baltimore, Inc. to grant and convey to the Maryland
24 Historical Trust a certain perpetual preservation covenant; authorizing the
25 Department of Business and Economic Development in cooperation with the
26 Marine Trades Association of Maryland and other interested trade associations
27 and tourism boards to develop and implement a marketing and tourism plan to
28 promote boating in Maryland; authorizing the creation of a State Debt in the
29 amount of \$325,000, the proceeds to be used as a grant to the Mayor and City
30 Council of Greenbelt for certain acquisition, development, or improvement
31 purposes; authorizing the Maryland Health and Higher Educational Facilities
32 Authority to make its financing programs available to, and issue bonds for,
33 certain noncollegiate educational institutions; providing for the effect and
34 construction of certain provisions of this Act; making this Act an emergency
35 measure; and generally repealing and reenacting without amendments certain

1 Acts of the General Assembly that may be subject to possible title or other
2 defects in order to validate those Acts.

3 BY repealing and reenacting, without amendments,
4 Article 2B - Alcoholic Beverages
5 Section 5-201(p)
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 1998 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article 27 - Crimes and Punishments
10 Section 389 and 775(b)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article 33 - Election Code
15 Section 12-107
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1998 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article - Education
20 Section 21-305
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 1998 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article - Financial Institutions
25 Section 3-801 and 13-1114(g)
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 1998 Supplement)

28 BY repealing and reenacting, without amendments,
29 Article - Health - General
30 Section 19-708(b)
31 Annotated Code of Maryland
32 (1996 Replacement Volume and 1998 Supplement)

33 BY repealing and reenacting, without amendments,
34 Article - Health Occupations
35 Section 12-403(b)(15), (16), and (17) and (f)(7), (8), and (9)
36 Annotated Code of Maryland

1 (1994 Replacement Volume and 1998 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article - Insurance

4 Section 4-113(d) and (e) and 19-512(b)(2)

5 Annotated Code of Maryland

6 (1997 Volume and 1998 Supplement)

7 BY repealing and reenacting, without amendments,

8 Chapter 178 of the Acts of the General Assembly of 1998

9 Section 1

10 BY repealing and reenacting, without amendments,

11 Chapter 485 of the Acts of the General Assembly of 1998

12 Section 2

13 BY repealing and reenacting, without amendments,

14 Chapter 674 of the Acts of the General Assembly of 1998

15 Section 1

16 BY repealing and reenacting, without amendments,

17 Chapter 739 of the Acts of the General Assembly of 1998

18 Section 1

19 BY repealing and reenacting, without amendments,

20 Article 43C - Maryland Health and Higher Educational Facilities Authority

21 Section 2 and 3(f)

22 Annotated Code of Maryland

23 (1998 Replacement Volume)

24 BY repealing and reenacting, without amendments,

25 Chapter 696 of the Acts of the General Assembly of 1998

26 Section 2 and 3

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

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

29 **Article 2B - Alcoholic Beverages**

30 5-201.

31 (p) (1) This subsection applies only in Kent County.

32 (2) The annual license fee is \$1,000.

1 (3) Any restaurant qualifying under § 6-201(p)(2)(ii) and (iii) of this
2 article may apply to the Board of License Commissioners for a special Class B beer
3 and light wine license.

4 DRAFTER'S NOTE:

5 Error: Purpose paragraph of bill being cured failed to accurately describe
6 the changes made by the bill.

7 Occurred: Chapter 593 (Senate Bill 252) of the Acts of 1998.

8 **Article 27 - Crimes and Punishments**

9 389.

10 (a) It shall be unlawful for any person to remove, deface or obliterate any
11 manufacturer's serial number punched or affixed by plate to any manufactured
12 article or product where the intent or purpose is to prevent the tracing or
13 identification of said article or product.

14 (b) It shall be unlawful for any person knowingly to retain in his possession or
15 to offer for sale any manufactured article or product from which the manufacturer's
16 serial number has been so removed, defaced or obliterated.

17 (c) It shall be unlawful for any person:

18 (1) To sell or possess stolen:

19 (i) Manufactured serial numbers; or

20 (ii) Vehicle identification plates or labels; or

21 (2) To possess manufactured serial numbers or vehicle identification
22 plates or labels with the intent for the serial numbers or vehicle identification plates
23 or labels to be affixed to stolen property or to be used for fraudulent purposes.

24 (d) Any person who violates any provision of this section shall be deemed
25 guilty of a misdemeanor and upon conviction thereof shall be fined not more than
26 \$500 or imprisoned not exceeding 18 months or be both fined and imprisoned for each
27 and every offense.

28 DRAFTER'S NOTE:

29 Error: Purpose paragraph of bill being cured failed to accurately describe
30 the changes made by the bill.

31 Occurred: Chapter 249 (House Bill 620) of the Acts of 1998.

1 775.

2 (b) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection,
3 if a court finds that the requirements of subsection (c) of this section are satisfied, a
4 court may admit into evidence in a juvenile court proceeding or in a criminal
5 proceeding an out of court statement, to prove the truth of the matter asserted in the
6 statement, made by a child victim under the age of 12 years, who is the alleged victim
7 or the child alleged to need assistance in the case before the court, concerning an
8 alleged offense against the child of:

9 (i) Child abuse, as defined in § 35C of this article;

10 (ii) Rape or sexual offense, as defined in §§ 462 through 464B of
11 this article;

12 (iii) Attempted rape or attempted sexual offense in the first or
13 second degree, as defined in § 464F of this article; or

14 (iv) In a juvenile court proceeding, abuse or neglect as defined in §
15 5-701 of the Family Law Article.

16 (2) An out of court statement may be admissible under this section only
17 if:

18 (i) The statement was made to and is offered by:

19 1. A physician;

20 2. A psychologist;

21 3. A nurse;

22 4. A social worker; or

23 5. A principal, vice principal, teacher, or school counselor at a
24 public or private preschool, elementary school, or secondary school; and

25 (ii) The individual described under item (i) of this paragraph was
26 lawfully acting in the course of the individual's profession when the statement was
27 made.

28 (3) An out of court statement may be admissible under this section only
29 if the statement possesses particularized guarantees of trustworthiness.

30 DRAFTER'S NOTE:

31 Error: Purpose paragraphs of bills being cured failed to accurately
32 describe the changes made by the bills.

33 Occurred: Chapter 638 (Senate Bill 688) and Chapter 639 (House Bill 590)
34 of the Acts of 1998.

Article 33 - Election Code

12-107.

(a) In this section, "petitioner" includes a counterpetitioner.

(b) (1) Except as provided in paragraph (2) of this subsection, each petitioner shall pay the cost of a recount requested under this subtitle and the petitioner's bond is liable for the cost.

(2) The petitioner is not liable for the costs of the recount if:

(i) The outcome of the election is changed;

(ii) The petitioner has gained a number of votes, for the petitioner's candidacy or for or against the question that is the subject of the petition, equal to 2% or more of the total votes cast for the office or on the question, in all precincts being recounted; or

(iii) 1. The margin of difference in the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.1% or less of the total votes cast for those candidates; or

2. In the case of a question, the margin of difference between the number of votes cast for and the number cast against the question is 0.1% or less.

(c) If the petitioner is not liable for the costs of the recount as provided in subsection (b) of this section, a county shall pay the costs of the recount in that county.

DRAFTER'S NOTE:

Error: Function paragraph and body of bill being cured incorrectly indicated that Article 33, § 12-106, rather than § 12-107 (as enacted by Chapter 585 of the Acts of the General Assembly of 1998), was being amended.

Occurred: Chapter 666 (House Bill 122) of the Acts of 1998.

Article - Education

21-305.

(a) (1) In this section the following words have the meanings indicated.

(2) "Plan" means the Interagency State Plan for Transitioning Students with Disabilities.

(3) "Transition services" means a coordinated set of activities for a student with a disability who meets the definition of a transitioning student that promotes movement from school to postschool activities, including postsecondary

1 education, vocational training, integrated employment, supported employment, adult
2 services, independent living, and community participation.

3 (4) "Transitioning student" means a student with a disability who is
4 between the ages of 14 and 21 years who meets the eligibility criteria of the federal
5 Individuals with Disabilities Education Act or § 7 of the Federal Rehabilitation Act.

6 (b) There is an Interagency State Plan for Transitioning Students with
7 Disabilities that is within the Division of Rehabilitation Services of the Department.

8 (c) The Plan involves the collaborative efforts of the following units of State
9 government:

10 (1) Within the Department:

11 (i) The Division of Special Education;

12 (ii) The Division of Rehabilitation Services; and

13 (iii) The Division of Career Technology and Adult Learning;

14 (2) Within the Department of Health and Mental Hygiene:

15 (i) The Developmental Disabilities Administration;

16 (ii) The Mental Hygiene Administration; and

17 (iii) The other relevant divisions;

18 (3) The Department of Labor, Licensing, and Regulation; and

19 (4) The Governor's Office for Individuals with Disabilities.

20 (d) The purpose of the Plan is to undertake changes in the structure, quality,
21 and availability of transition services available to transitioning students that will
22 effect broad improvement in the quality and delivery of the services.

23 (e) The Plan shall identify:

24 (1) A statewide assessment to identify the number, geographic location,
25 and needs of transitioning students in the State;

26 (2) Methods for interagency collaboration at the State and local levels,
27 including outreach and cooperative efforts with employers and community
28 organizations that provide services for transitioning students;

29 (3) Methods to coordinate with school for success system reform efforts;

30 (4) Projections regarding the potential fiscal impact on the State if
31 services are phased in over 3 years as follows:

- 1 (i) In Fiscal Year 1997, for transitioning students with
2 developmental disabilities who leave school at age 18 and older;
- 3 (ii) In Fiscal Year 1998, for transitioning students who leave school
4 at age 18 and older who may require extended services through the Mental Hygiene
5 and Developmental Disabilities Administrations of the Department of Health and
6 Mental Hygiene; and
- 7 (iii) In Fiscal Year 1999, for all transitioning students at the time
8 they leave school;
- 9 (5) State, local, and federal funding sources that would be needed to
10 finance transition services;
- 11 (6) A coordinated management system that focuses on the effective
12 delivery of transition services;
- 13 (7) Methods to ensure that transitioning students and families receive
14 training and support to become informed and active participants;
- 15 (8) Models for replication on the local level;
- 16 (9) Statewide systems to provide training and technical assistance on
17 best practices to the range of professionals who are critical to the effective transition
18 to the community of students with disabilities; and
- 19 (10) Interagency policies and initiatives needed to implement the plan.
- 20 (f) (1) Each county board shall transmit to the Department information
21 relating to the postsecondary anticipated services of the county's students with
22 disabilities between the ages of 14 and 21. The information shall be reported in the
23 manner required by the Department.
- 24 (2) The Department shall aggregate the information provided under
25 paragraph (1) of this subsection and forward the information annually to:
- 26 (i) The Mental Hygiene Administration of the Department of
27 Health and Mental Hygiene;
- 28 (ii) The Developmental Disabilities Administration of the
29 Department of Health and Mental Hygiene; and
- 30 (iii) Other appropriate State adult services agencies, as determined
31 by the Department.
- 32 (3) The information under this section shall include, for each student:
- 33 (i) The student's current age;
- 34 (ii) The projected year of exit of the student from school;

- 1 (iii) Anticipated needs of the student;
- 2 (iv) The student's county of residence; and
- 3 (v) Any other information that the Department considers
- 4 appropriate.

5 DRAFTER'S NOTE:

6 Error: Purpose paragraph of bill being cured failed to accurately describe

7 the changes made by the bill.

8 Occurred: Chapter 266 (House Bill 770) of the Acts of 1998.

9 **Article - Financial Institutions**

10 3-801.

11 (a) (1) In this section the following words have the meanings indicated.

12 (2) "Capital stock" includes both common and preferred stock.

13 (3) "Converting institution" means a national banking association, a

14 federal stock savings and loan association, or a federal stock savings bank.

15 (4) "Federal stock savings and loan association" means an institution

16 that is incorporated under federal law as a savings and loan association that has

17 authority to issue capital stock.

18 (5) "Federal stock savings bank" means an institution that is

19 incorporated under federal law as a savings bank that has authority to issue capital

20 stock.

21 (6) "National banking association" has the meaning stated in § 1-101(o)

22 of this article.

23 (b) A converting institution that is located in this State may convert into a

24 commercial bank as provided by federal law and this section.

25 (c) (1) The converting institution shall meet the requirements of this title

26 for incorporation of a commercial bank.

27 (2) The procedures for incorporation may be modified as required by the

28 difference between incorporation and conversion.

29 (3) Pursuant to regulations adopted by the Commissioner, any interested

30 person may request that the Commissioner conduct a hearing regarding the

31 conversion.

32 (d) The consenting stockholders of the converting institution shall sign,

33 acknowledge, and file articles of incorporation. The articles shall state that the

1 conversion has been approved by the stockholders in the manner required by federal
2 law.

3 (e) The requirement for cash payment for stock may be met by exchanging
4 shares of the new commercial bank for those of the converting institution valued at
5 not more than fair cash market value.

6 (f) (1) The new commercial bank shall be considered the same business and
7 corporate entity as the converting institution and, except as limited by this article or
8 by its charter or bylaws, has all of the rights, powers, and duties of the converting
9 institution.

10 (2) The converting institution's rights, franchises, and interests in any
11 property become the property of the new commercial bank, subject to the liabilities of
12 the converting institution that exist at the time of the conversion.

13 (g) (1) Unless this construction would be unreasonable, any reference to the
14 converting institution in any writing, whether executed or taking effect before or after
15 the conversion, shall be interpreted as a reference to the new commercial bank.

16 (2) The new commercial bank may use the name of the converting
17 institution if it can do any act more conveniently under that name.

18 (h) If a converting institution has assets or engages in business activities that
19 do not conform to the law governing commercial banks, the Commissioner may allow
20 a reasonable time for the new commercial bank to conform to that law.

21 DRAFTER'S NOTE:

22 Error: Purpose paragraph of bill being cured failed to accurately describe
23 the changes made by the bill.

24 Occurred: Chapter 689 (House Bill 428) of the Acts of 1998.

25 13-1114.

26 (g) (1) In this subsection, "Program Open Space funds transferred to the
27 Authority" means the moneys appropriated to the Fund from Program Open Space
28 funds under § 5-903(a) of the Natural Resources Article.

29 (2) Except as provided in paragraph (3) of this subsection, Program Open
30 Space funds transferred to the Authority may not be used to pay the operating
31 expenses of the Authority, debt service of bonds issued by the Authority, or
32 administrative expenses related to bonds issued by the Authority.

33 (3) For the period beginning October 1, 1996 and ending on September
34 30, 2001:

35 (i) Up to 10% of Program Open Space funds transferred to the
36 Authority may be used to pay the operating expenses of the Authority; and

1 (ii) Up to 50% of Program Open Space funds transferred to the
2 Authority may be expended for debt service on bonds issued by the Authority.

3 DRAFTER'S NOTE:

4 Error: Purpose paragraph of bill being cured failed to accurately describe
5 the changes made by the bill.

6 Occurred: Chapter 740 (House Bill 1254) of the Acts of 1998.

7 **Article - Health - General**

8 19-708.

9 (b) The application shall include or be accompanied by:

10 (1) A copy of the basic health maintenance organizational document and
11 any amendments to it that, where applicable, are certified by the Department of
12 Assessments and Taxation;

13 (2) A copy of the bylaws of the health maintenance organization, if any,
14 that are certified by the appropriate officer;

15 (3) A list of the individuals who are to be responsible for the conduct of
16 the affairs of the health maintenance organization, including all members of the
17 governing body, the officers and directors if it is a corporation, and the partners or
18 associates if it is a partnership or association;

19 (4) The addresses of those individuals and their official capacity with the
20 health maintenance organization;

21 (5) A statement by each individual referred to in item (3) of this
22 subsection that fully discloses the extent and nature of any contract or arrangement
23 between the individual and the health maintenance organization and any possible
24 conflict of interest;

25 (6) A resume of the qualifications of:

26 (i) The administrator;

27 (ii) The medical director, who shall be a physician licensed in this
28 State and certified under Title 15, Subtitle 10C of the Insurance Article;

29 (iii) The enrollment director; and

30 (iv) Any other individual who is associated with the health
31 maintenance organization that the Commissioner and the Secretary request under
32 their joint internal procedures;

33 (7) A statement that describes generally:

- 1 (i) The health maintenance organization, including:
- 2 1. Its operations;
- 3 2. Its enrollment process;
- 4 3. Its quality assurance mechanism; and
- 5 4. Its internal grievance procedures;
- 6 (ii) The methods the health maintenance organization proposes to
- 7 use to offer its members and public representatives an opportunity to participate in
- 8 matters of policy and operation;
- 9 (iii) The location of the facilities where health care services will be
- 10 available regularly to members;
- 11 (iv) The type and specialty of physicians and health care personnel
- 12 who are engaged to provide health care services;
- 13 (v) The number of physicians and personnel in each category; and
- 14 (vi) The health and medical records system to provide
- 15 documentation of use by members;
- 16 (8) The form of each contract that the health maintenance organization
- 17 proposes to offer to subscribers showing the benefits to which they are entitled and a
- 18 table of the rates charged or proposed to be charged for each form of contract;
- 19 (9) A statement that describes with reasonable certainty each geographic
- 20 area to be served by the health maintenance organization;
- 21 (10) A statement of the financial condition of the health maintenance
- 22 organization, including:
- 23 (i) Sources of financial support;
- 24 (ii) A balance sheet showing assets, liabilities, and minimum
- 25 tangible net worth; and
- 26 (iii) Any other financial information the Commissioner requires for
- 27 adequate financial evaluation;
- 28 (11) Copies of any proposed advertising and proposed techniques and
- 29 methods of selling the services of the health maintenance organization;
- 30 (12) A power of attorney that is executed by the health maintenance
- 31 organization appointing the Commissioner as agent of the organization in this State
- 32 to accept service of process in any action, proceeding, or cause of action arising in this
- 33 State against the health maintenance organization; and

1 (13) Copies of the agreements proposed to be made between the health
2 maintenance organizations and providers of health care services.

3 DRAFTER'S NOTE:

4 Error: Function paragraph of bill being cured incorrectly indicated that §
5 19-708, rather than § 19-708(b), of the Health - General Article was being
6 amended.

7 Occurred: Chapter 112 (House Bill 3) of the Acts of 1998.

8 **Article - Health Occupations**

9 12-403.

10 (b) Except as otherwise provided in this section, a pharmacy for which a
11 pharmacy permit has been issued under this title:

12 (15) Shall provide such personnel, automation, and technology as are
13 necessary to allow the licensed pharmacist employee sufficient time to utilize the
14 pharmacist's knowledge and training and to perform competently the functions of a
15 licensed pharmacist as required by law;

16 (16) Shall provide such personnel, automation, and technology as are
17 necessary to allow the licensed pharmacist employee to comply with the labeling
18 requirements specified in § 12-505; and

19 (17) With regard to a prescription drug that is delivered in this State by
20 the United States mail, a common carrier, or a delivery service and is not personally
21 hand delivered directly to a patient or to the agent of the patient at the residence of
22 the patient or at another location designated by the patient, shall:

23 (i) Provide a general written notice in each shipment of a
24 prescription drug that alerts a consumer that, under certain circumstances, a
25 medication's effectiveness may be affected by exposure to extremes of heat, cold, or
26 humidity; and

27 (ii) Provide a specific written notice in each shipment of a
28 prescription drug that provides a consumer with a toll-free or local consumer access
29 telephone number accessible during regular hours of operation, which is designed to
30 respond to consumer questions pertaining to medications.

31 (f) A nonresident pharmacy shall:

32 (7) Disclose its toll-free telephone number on a label affixed to each
33 container of drug or devices;

34 (8) Comply with the laws of this State relating to the confidentiality of
35 prescription records if there are no laws relating to the confidentiality of prescription
36 records in the state in which the nonresident pharmacy is located; and

1 (9) Comply with the requirements of subsection (b)(17) of this section.

2 DRAFTER'S NOTE:

3 Error: Purpose paragraph of bill being cured failed to accurately describe
4 the changes made by the bill.

5 Occurred: Chapter 125 (House Bill 1062) of the Acts of 1998.

6 **Article - Insurance**

7 4-113.

8 (d) Instead of or in addition to suspending or revoking a certificate of
9 authority, the Commissioner may:

10 (1) impose on the holder a penalty of not less than \$100 but not more
11 than \$125,000 for each violation of this article; and

12 (2) require the holder to make restitution to any person who has suffered
13 financial injury because of the violation of this article.

14 (e) The Commissioner shall adopt regulations to:

15 (1) establish standards for the imposition of a penalty under subsection
16 (d) of this section; and

17 (2) carry out the provisions of subsection (b)(11) of this section.

18 DRAFTER'S NOTE:

19 Error: Purpose paragraph of bill being cured failed to accurately describe
20 the changes made by the bill.

21 Occurred: Chapter 755 (House Bill 1355) of the Acts of 1998.

22 19-512.

23 (b) (2) If a private passenger motor vehicle insurance policy issued, sold, or
24 delivered in the State includes:

25 (i) collision coverage under this section, the motor vehicles insured
26 under that coverage shall include any passenger car that is rented by an insured for
27 a period of 30 days or less under a rental agreement as otherwise defined in § 14-2101
28 of the Commercial Law Article; or

29 (ii) comprehensive coverage, the motor vehicles insured under that
30 coverage shall include any replacement vehicle as defined under § 18-102(a)(2)(i) of
31 the Transportation Article.

32 DRAFTER'S NOTE:

1 Error: Purpose paragraph of bill being cured failed to accurately describe
2 the changes made by the bill.

3 Occurred: Chapter 671 (House Bill 164) of the Acts of 1998.

4 **Chapter 178 of the Acts of 1998**

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That:

7 (1) The Board of Public Works may borrow money and incur indebtedness on
8 behalf of the State of Maryland through a State loan to be known as the Baltimore
9 City - Project Liberty Ship Loan of 1998 in a total principal amount equal to the
10 lesser of (i) \$350,000 or (ii) the amount of the matching fund provided in accordance
11 with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and
12 delivery of State general obligation bonds authorized by a resolution of the Board of
13 Public Works and issued, sold, and delivered in accordance with §§ 8-117 through
14 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

15 (2) The bonds to evidence this loan or installments of this loan may be sold as
16 a single issue or may be consolidated and sold as part of a single issue of bonds under
17 § 8-122 of the State Finance and Procurement Article.

18 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
19 and first shall be applied to the payment of the expenses of issuing, selling, and
20 delivering the bonds, unless funds for this purpose are otherwise provided, and then
21 shall be credited on the books of the Comptroller and expended, on approval by the
22 Board of Public Works, for the following public purposes, including any applicable
23 architects' and engineers' fees: as a grant to the Board of Directors of Project Liberty
24 Ship of Baltimore, Inc. (referred to hereafter in this Act as "the grantee") for the
25 repair, renovation, and preservation, including rivet replacement and improvements
26 to the museum and exhibit spaces, of the historic Maryland-built Liberty Ship, the
27 John W. Brown, which is used as a living educational facility for those who visit, sail,
28 and work on the ship today and as a tribute to merchant marines, the United States
29 Naval Armed Guards, and shipyard workers who sailed and built the Liberty Fleet.

30 (4) An annual State tax is imposed on all assessable property in the State in
31 rate and amount sufficient to pay the principal of and interest on the bonds, as and
32 when due and until paid in full. The principal shall be discharged within 15 years
33 after the date of issuance of the bonds.

34 (5) Prior to the payment of any funds under the provisions of this Act for the
35 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
36 matching fund. No part of the grantee's matching fund may be provided, either
37 directly or indirectly, from funds of the State, whether appropriated or
38 unappropriated. No part of the fund may consist of real property, in kind
39 contributions, or funds expended prior to the effective date of this Act. In case of any
40 dispute as to the amount of the matching fund or what money or assets may qualify
41 as matching funds, the Board of Public Works shall determine the matter and the

1 Board's decision is final. The grantee has until June 1, 2000, to present evidence
2 satisfactory to the Board of Public Works that a matching fund will be provided. If
3 satisfactory evidence is presented, the Board shall certify this fact and the amount of
4 the matching fund to the State Treasurer, and the proceeds of the loan equal to the
5 amount of the matching fund shall be expended for the purposes provided in this Act.
6 Any amount of the loan in excess of the amount of the matching fund certified by the
7 Board of Public Works shall be canceled and be of no further effect.

8 (6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey
9 to the Maryland Historical Trust a perpetual preservation covenant to the extent of
10 its interest on the exterior and interior, where appropriate, of the historic vessel.

11 (b) The covenant must be in form and substance acceptable to the Trust
12 and the extent of the interest to be encumbered must be acceptable to the Trust.

13 DRAFTER'S NOTE:

14 Error: Purpose paragraph of bill being cured failed to accurately describe
15 the changes made by the bill.

16 Occurred: Chapter 178 (Senate Bill 430) of the Acts of 1998.

17

Chapter 485 of the Acts of 1998

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
19 Business and Economic Development in cooperation with the Marine Trades
20 Association of Maryland, Inc. and other interested trade associations and tourism
21 boards, may develop and implement a marketing and tourism plan to promote
22 boating in Maryland.

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 485 (House Bill 531) of the Acts of 1998.

27

Chapter 674 of the Acts of 1998

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That:

30 (1) The Board of Public Works may borrow money and incur indebtedness on
31 behalf of the State of Maryland through a State loan to be known as the Prince
32 George's County - Greenbelt Community Center Loan of 1998 in the total principal
33 amount of \$325,000. This loan shall be evidenced by the issuance, sale, and delivery of
34 State general obligation bonds authorized by a resolution of the Board of Public
35 Works and issued, sold, and delivered in accordance with §§ 8-117 through 8-124 of
36 the State Finance and Procurement Article and Article 31, § 22 of the Code.

1 (2) The bonds to evidence this loan or installments of this loan may be sold as
2 a single issue or may be consolidated and sold as part of a single issue of bonds under
3 § 8-122 of the State Finance and Procurement Article.

4 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer
5 and first shall be applied to the payment of the expenses of issuing, selling, and
6 delivering the bonds, unless funds for this purpose are otherwise provided, and then
7 shall be credited on the books of the Comptroller and expended, on approval by the
8 Board of Public Works, for the following public purposes, including any applicable
9 architects' and engineers' fees: as a grant to the Mayor and City Council of Greenbelt
10 (referred to hereafter in this Act as "the grantee") for the repair or replacement of the
11 windows in the historic section of the building and the removal of lead paint and other
12 repairs inherent in and associated with the window repair or replacement.

13 (4) An annual State tax is imposed on all assessable property in the State in
14 rate and amount sufficient to pay the principal of and interest on the bonds, as and
15 when due and until paid in full. The principal shall be discharged within 15 years
16 after the date of issuance of the bonds.

17 (5) Prior to the payment of any funds under the provisions of this Act for the
18 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
19 matching fund of \$75,000. No part of the grantee's matching fund may be provided,
20 either directly or indirectly, from funds of the State, whether appropriated or
21 unappropriated. No part of the fund may consist of real property, in kind
22 contributions, or funds expended prior to the effective date of this Act. In case of any
23 dispute as to the amount of the matching fund or what money or assets may qualify
24 as matching funds, the Board of Public Works shall determine the matter and the
25 Board's decision is final. The grantee has until June 1, 2000, to present evidence
26 satisfactory to the Board of Public Works that a matching fund will be provided. If
27 satisfactory evidence is presented, the Board shall certify this fact and the amount of
28 the matching fund to the State Treasurer, and the proceeds of the loan equal to the
29 amount of the matching fund shall be expended for the purposes provided in this Act.
30 Any amount of the loan in excess of the amount of the matching fund certified by the
31 Board of Public Works shall be canceled and be of no further effect.

32 (6) (a) Prior to the issuance of the bonds, the grantee shall grant and convey
33 to the Maryland Historical Trust a perpetual preservation easement to the extent of
34 its interest:

35 (i) On the land or such portion of the land acceptable to the Trust;
36 and

37 (ii) On the exterior and interior, where appropriate, of the historic
38 structures.

39 (b) The easement must be in form and substance acceptable to the Trust
40 and the extent of the interest to be encumbered must be acceptable to the Trust.

41 DRAFTER'S NOTE:

1 Error: Purpose paragraph of bill being cured failed to accurately describe
2 the changes made by the bill.

3 Occurred: Chapter 674 (House Bill 197) of the Acts of 1998.

4 **Chapter 739 of the Acts of 1998**

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

7 **Article 20 - Somerset County**

8 2-409.

9 (a) Subject to the provisions of subsection (b) of this section, the county
10 commissioners may adopt an ordinance or regulation, or take any other action that
11 the county commissioners consider necessary, to protect a person's right to farm or
12 engage in agricultural or forestry operations.

13 (b) Before adopting an ordinance or regulation, or taking other action, under
14 subsection (a) of this section, the county commissioners shall hold a public hearing
15 and provide reasonable notice of the hearing.

16 DRAFTER'S NOTE:

17 Error: Function paragraph of bill being cured incorrectly indicated that §
18 2-410, rather than § 2-409, of the Public Local Laws of Somerset County
19 was being added.

20 Occurred: Chapter 739 (House Bill 1247) of the Acts of 1998.

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

23 **Article 43C - Maryland Health and Higher Educational Facilities Authority**

24 2.

25 It is hereby declared that for the benefit of the people of the State of Maryland,
26 the increase of their commerce, welfare and prosperity and the improvement of their
27 health and living conditions, it is essential that this and future generations of youth
28 be given the fullest opportunity to learn and to develop their intellectual and mental
29 capacities; that it is essential that institutions for higher education and noncollegiate
30 educational institutions within the State be provided with appropriate additional
31 means to assist such youths in achieving the required levels of learning and
32 development of their intellectual and mental capacities; that it is essential that
33 hospitals within the State be provided with appropriate additional means to expand,
34 enlarge and establish hospitals and other related health care facilities; that it is
35 essential that institutions for higher education, noncollegiate educational
36 institutions, and hospitals within the State be able to finance and refinance projects

1 at the least cost to the users thereof; that existing facilities for education and health
 2 care and existing financing vehicles available to the institutions concerned are
 3 insufficient to meet these needs and such institutions are not able with present
 4 means to construct sufficient such facilities and adequately to finance and refinance
 5 such facilities, in order to provide such facilities at the least cost to the users thereof;
 6 and that it is the purpose of this article to provide a measure of assistance and an
 7 additional method to enable institutions for higher education, noncollegiate
 8 educational institutions, and hospitals in the State to provide, and to finance and
 9 refinance, at the least cost to the users thereof, the facilities and structures which are
 10 needed to accomplish the purposes of this article, all to the public benefit and good to
 11 the extent and in the manner provided herein.

12 3.

13 (f) (1) "Institution for higher education" shall mean an educational
 14 institution situated within the State which by virtue of law or charter is a public or
 15 other nonprofit educational institution empowered to provide a program of education
 16 beyond the high school level and awards a bachelor's or advanced degree or provides
 17 a program of not less than two (2) years' duration which is accepted for full credit
 18 toward a bachelor's degree, and which meets the standards, rules and regulations
 19 prescribed by the Maryland Higher Education Commission and is thereby empowered
 20 to issue a certificate, diploma or degree pursuant to Title 12 of the Education Article
 21 of the Maryland Code. This term shall not mean any institution owned and operated
 22 by the State.

23 (2) "Noncollegiate educational institution" means an institution as
 24 defined in § 2-206 of the Education Article that:

25 (i) Has received a certificate of approval from the State Board of
 26 Education; or

27 (ii) Is an institution operated by a bona fide church organization.

28

Chapter 696 of the Acts of 1998

29 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
 30 General Assembly that the Maryland Health and Higher Educational Facilities
 31 Authority may assist noncollegiate educational institutions in obtaining funding for
 32 financing capital projects.

33 SECTION 3. AND BE IT FURTHER ENACTED, That subject to the approval of
 34 the Executive Director of the Department of Legislative Services, the publisher of the
 35 Annotated Code of Maryland shall alter references in Article 43C of the Annotated
 36 Code relating to "institutions of higher education" to include "noncollegiate
 37 educational institutions" where applicable.

38 DRAFTER'S NOTE:

39 Error: Purpose paragraph of bill being cured failed to accurately describe
 40 the changes made by the bill.

1 Occurred: Chapter 696 (House Bill 541) of the Acts of 1998.

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

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