

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

Committee Report: Favorable

Senate action: Adopted

Read second time: February 1, 1999

CHAPTER _____

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

1 amount of \$325,000, the proceeds to be used as a grant to the Mayor and City
2 Council of Greenbelt for certain acquisition, development, or improvement
3 purposes; authorizing the Maryland Health and Higher Educational Facilities
4 Authority to make its financing programs available to, and issue bonds for,
5 certain noncollegiate educational institutions; providing for the effect and
6 construction of certain provisions of this Act; making this Act an emergency
7 measure; and generally repealing and reenacting without amendments certain
8 Acts of the General Assembly that may be subject to possible title or other
9 defects in order to validate those Acts.

10 BY repealing and reenacting, without amendments,
11 Article 2B - Alcoholic Beverages
12 Section 5-201(p)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1998 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article 27 - Crimes and Punishments
17 Section 389 and 775(b)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1998 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article 33 - Election Code
22 Section 12-107
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1998 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article - Education
27 Section 21-305
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 1998 Supplement)

30 BY repealing and reenacting, without amendments,
31 Article - Financial Institutions
32 Section 3-801 and 13-1114(g)
33 Annotated Code of Maryland
34 (1998 Replacement Volume and 1998 Supplement)

35 BY repealing and reenacting, without amendments,
36 Article - Health - General
37 Section 19-708(b)
38 Annotated Code of Maryland

1 (1996 Replacement Volume and 1998 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article - Health Occupations
4 Section 12-403(b)(15), (16), and (17) and (f)(7), (8), and (9)
5 Annotated Code of Maryland
6 (1994 Replacement Volume and 1998 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article - Insurance
9 Section 4-113(d) and (e) and 19-512(b)(2)
10 Annotated Code of Maryland
11 (1997 Volume and 1998 Supplement)

12 BY repealing and reenacting, without amendments,
13 Chapter 178 of the Acts of the General Assembly of 1998
14 Section 1

15 BY repealing and reenacting, without amendments,
16 Chapter 485 of the Acts of the General Assembly of 1998
17 Section 2

18 BY repealing and reenacting, without amendments,
19 Chapter 674 of the Acts of the General Assembly of 1998
20 Section 1

21 BY repealing and reenacting, without amendments,
22 Chapter 739 of the Acts of the General Assembly of 1998
23 Section 1

24 BY repealing and reenacting, without amendments,
25 Article 43C - Maryland Health and Higher Educational Facilities Authority
26 Section 2 and 3(f)
27 Annotated Code of Maryland
28 (1998 Replacement Volume)

29 BY repealing and reenacting, without amendments,
30 Chapter 696 of the Acts of the General Assembly of 1998
31 Section 2 and 3

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

1 **Article 2B - Alcoholic Beverages**

2 5-201.

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

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

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

8 DRAFTER'S NOTE:

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

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

12 **Article 27 - Crimes and Punishments**

13 389.

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

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

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

22 (1) To sell or possess stolen:

23 (i) Manufactured serial numbers; or

24 (ii) Vehicle identification plates or labels; or

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

28 (d) Any person who violates any provision of this section shall be deemed
29 guilty of a misdemeanor and upon conviction thereof shall be fined not more than
30 \$500 or imprisoned not exceeding 18 months or be both fined and imprisoned for each
31 and every offense.

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 249 (House Bill 620) of the Acts of 1998.

4 775.

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

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

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

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

17 (iv) In a juvenile court proceeding, abuse or neglect as defined in §
18 5-701 of the Family Law Article.

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

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

22 1. A physician;

23 2. A psychologist;

24 3. A nurse;

25 4. A social worker; or

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

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

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

33 DRAFTER'S NOTE:

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

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

5 **Article 33 - Election Code**

6 12-107.

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

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

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

12 (i) The outcome of the election is changed;

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

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

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

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

24 **DRAFTER'S NOTE:**

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

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

30 **Article - Education**

31 21-305.

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

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

3 (3) "Transition services" means a coordinated set of activities for a
4 student with a disability who meets the definition of a transitioning student that
5 promotes movement from school to postschool activities, including postsecondary
6 education, vocational training, integrated employment, supported employment, adult
7 services, independent living, and community participation.

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

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

13 (c) The Plan involves the collaborative efforts of the following units of State
14 government:

15 (1) Within the Department:

16 (i) The Division of Special Education;

17 (ii) The Division of Rehabilitation Services; and

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

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

20 (i) The Developmental Disabilities Administration;

21 (ii) The Mental Hygiene Administration; and

22 (iii) The other relevant divisions;

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

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

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

28 (e) The Plan shall identify:

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

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

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

- 1 (i) The student's current age;
- 2 (ii) The projected year of exit of the student from school;
- 3 (iii) Anticipated needs of the student;
- 4 (iv) The student's county of residence; and
- 5 (v) Any other information that the Department considers
6 appropriate.

7 DRAFTER'S NOTE:

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

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

11 **Article - Financial Institutions**

12 3-801.

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

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

15 (3) "Converting institution" means a national banking association, a
16 federal stock savings and loan association, or a federal stock savings bank.

17 (4) "Federal stock savings and loan association" means an institution
18 that is incorporated under federal law as a savings and loan association that has
19 authority to issue capital stock.

20 (5) "Federal stock savings bank" means an institution that is
21 incorporated under federal law as a savings bank that has authority to issue capital
22 stock.

23 (6) "National banking association" has the meaning stated in § 1-101(o)
24 of this article.

25 (b) A converting institution that is located in this State may convert into a
26 commercial bank as provided by federal law and this section.

27 (c) (1) The converting institution shall meet the requirements of this title
28 for incorporation of a commercial bank.

29 (2) The procedures for incorporation may be modified as required by the
30 difference between incorporation and conversion.

1 (3) Pursuant to regulations adopted by the Commissioner, any interested
2 person may request that the Commissioner conduct a hearing regarding the
3 conversion.

4 (d) The consenting stockholders of the converting institution shall sign,
5 acknowledge, and file articles of incorporation. The articles shall state that the
6 conversion has been approved by the stockholders in the manner required by federal
7 law.

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

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

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

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

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

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

26 DRAFTER'S NOTE:

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

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

30 13-1114.

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

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

1 (3) For the period beginning October 1, 1996 and ending on September
2 30, 2001:

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

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

7 DRAFTER'S NOTE:

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

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

11 **Article - Health - General**

12 19-708.

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

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

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

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

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

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

29 (6) A resume of the qualifications of:

30 (i) The administrator;

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

33 (iii) The enrollment director; and

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

4 (7) A statement that describes generally:

5 (i) The health maintenance organization, including:

6 1. Its operations;

7 2. Its enrollment process;

8 3. Its quality assurance mechanism; and

9 4. Its internal grievance procedures;

10 (ii) The methods the health maintenance organization proposes to
11 use to offer its members and public representatives an opportunity to participate in
12 matters of policy and operation;

13 (iii) The location of the facilities where health care services will be
14 available regularly to members;

15 (iv) The type and specialty of physicians and health care personnel
16 who are engaged to provide health care services;

17 (v) The number of physicians and personnel in each category; and

18 (vi) The health and medical records system to provide
19 documentation of use by members;

20 (8) The form of each contract that the health maintenance organization
21 proposes to offer to subscribers showing the benefits to which they are entitled and a
22 table of the rates charged or proposed to be charged for each form of contract;

23 (9) A statement that describes with reasonable certainty each geographic
24 area to be served by the health maintenance organization;

25 (10) A statement of the financial condition of the health maintenance
26 organization, including:

27 (i) Sources of financial support;

28 (ii) A balance sheet showing assets, liabilities, and minimum
29 tangible net worth; and

30 (iii) Any other financial information the Commissioner requires for
31 adequate financial evaluation;

32 (11) Copies of any proposed advertising and proposed techniques and
33 methods of selling the services of the health maintenance organization;

1 (12) A power of attorney that is executed by the health maintenance
2 organization appointing the Commissioner as agent of the organization in this State
3 to accept service of process in any action, proceeding, or cause of action arising in this
4 State against the health maintenance organization; and

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

7 DRAFTER'S NOTE:

8 Error: Function paragraph of bill being cured incorrectly indicated that §
9 19-708, rather than § 19-708(b), of the Health - General Article was being
10 amended.

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

12 **Article - Health Occupations**

13 12-403.

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

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

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

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

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

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

35 (f) A nonresident pharmacy shall:

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

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

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

7 DRAFTER'S NOTE:

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

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

11 **Article - Insurance**

12 4-113.

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

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

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

19 (e) The Commissioner shall adopt regulations to:

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

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

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 755 (House Bill 1355) of the Acts of 1998.

27 19-512.

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

30 (i) collision coverage under this section, the motor vehicles insured
31 under that coverage shall include any passenger car that is rented by an insured for

1 a period of 30 days or less under a rental agreement as otherwise defined in § 14-2101
2 of the Commercial Law Article; or

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

6 DRAFTER'S NOTE:

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

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

10 **Chapter 178 of the Acts of 1998**

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That:

13 (1) The Board of Public Works may borrow money and incur indebtedness on
14 behalf of the State of Maryland through a State loan to be known as the Baltimore
15 City - Project Liberty Ship Loan of 1998 in a total principal amount equal to the
16 lesser of (i) \$350,000 or (ii) the amount of the matching fund provided in accordance
17 with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and
18 delivery of State general obligation bonds authorized by a resolution of the Board of
19 Public Works and issued, sold, and delivered in accordance with §§ 8-117 through
20 8-124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

21 (2) The bonds to evidence this loan or installments of this loan may be sold as
22 a single issue or may be consolidated and sold as part of a single issue of bonds under
23 § 8-122 of the State Finance and Procurement Article.

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

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

1 (5) Prior to the payment of any funds under the provisions of this Act for the
2 purposes set forth in Section 1(3) above, the grantee shall provide and expend a
3 matching fund. No part of the grantee's matching fund may be provided, either
4 directly or indirectly, from funds of the State, whether appropriated or
5 unappropriated. No part of the fund may consist of real property, in kind
6 contributions, or funds expended prior to the effective date of this Act. In case of any
7 dispute as to the amount of the matching fund or what money or assets may qualify
8 as matching funds, the Board of Public Works shall determine the matter and the
9 Board's decision is final. The grantee has until June 1, 2000, to present evidence
10 satisfactory to the Board of Public Works that a matching fund will be provided. If
11 satisfactory evidence is presented, the Board shall certify this fact and the amount of
12 the matching fund to the State Treasurer, and the proceeds of the loan equal to the
13 amount of the matching fund shall be expended for the purposes provided in this Act.
14 Any amount of the loan in excess of the amount of the matching fund certified by the
15 Board of Public Works shall be canceled and be of no further effect.

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

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

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 178 (Senate Bill 430) of the Acts of 1998.

25 **Chapter 485 of the Acts of 1998**

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

31 DRAFTER'S NOTE:

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

34 Occurred: Chapter 485 (House Bill 531) of the Acts of 1998.

35 **Chapter 674 of the Acts of 1998**

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
37 MARYLAND, That:

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

8 (2) The bonds to evidence this loan or installments of this loan may be sold as
9 a single issue or may be consolidated and sold as part of a single issue of bonds under
10 § 8-122 of the State Finance and Procurement Article.

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

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

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

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

42 (i) On the land or such portion of the land acceptable to the Trust;
43 and

1 (ii) On the exterior and interior, where appropriate, of the historic
2 structures.

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

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 674 (House Bill 197) of the Acts of 1998.

9 **Chapter 739 of the Acts of 1998**

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

12 **Article 20 - Somerset County**

13 2-409.

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

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

21 DRAFTER'S NOTE:

22 Error: Function paragraph of bill being cured incorrectly indicated that §
23 2-410, rather than § 2-409, of the Public Local Laws of Somerset County
24 was being added.

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

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

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

29 2.

30 It is hereby declared that for the benefit of the people of the State of Maryland,
31 the increase of their commerce, welfare and prosperity and the improvement of their
32 health and living conditions, it is essential that this and future generations of youth
33 be given the fullest opportunity to learn and to develop their intellectual and mental

1 capacities; that it is essential that institutions for higher education and noncollegiate
2 educational institutions within the State be provided with appropriate additional
3 means to assist such youths in achieving the required levels of learning and
4 development of their intellectual and mental capacities; that it is essential that
5 hospitals within the State be provided with appropriate additional means to expand,
6 enlarge and establish hospitals and other related health care facilities; that it is
7 essential that institutions for higher education, noncollegiate educational
8 institutions, and hospitals within the State be able to finance and refinance projects
9 at the least cost to the users thereof; that existing facilities for education and health
10 care and existing financing vehicles available to the institutions concerned are
11 insufficient to meet these needs and such institutions are not able with present
12 means to construct sufficient such facilities and adequately to finance and refinance
13 such facilities, in order to provide such facilities at the least cost to the users thereof;
14 and that it is the purpose of this article to provide a measure of assistance and an
15 additional method to enable institutions for higher education, noncollegiate
16 educational institutions, and hospitals in the State to provide, and to finance and
17 refinance, at the least cost to the users thereof, the facilities and structures which are
18 needed to accomplish the purposes of this article, all to the public benefit and good to
19 the extent and in the manner provided herein.

20 3.

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

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

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

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

36

Chapter 696 of the Acts of 1998

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

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

6 DRAFTER'S NOTE:

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

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

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

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