

**SENATE BILL 158**  
**EMERGENCY BILL**

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P5

2000 Regular Session  
0lr0672

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

Introduced and read first time: January 20, 2000

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with  
4 possible title or other defects; providing that certain directors of certain  
5 investment companies shall be deemed to be independent and disinterested for  
6 purposes of performing their duties; providing for the application of certain  
7 provisions of this Act; amending Chapter 257 of the Acts of the General  
8 Assembly of 1998, the Prince George's County-NAFEO Community Center Loan  
9 of 1998, to alter the name of the recipient of the proceeds of the bonds; providing  
10 for the effect and construction of certain provisions of this Act; making this Act  
11 an emergency measure; and generally repealing and reenacting with or without  
12 amendments certain Acts of the General Assembly that may be subject to  
13 possible title or other defects in order to validate those Acts.

14 BY repealing and reenacting, without amendments,  
15 Article 27 - Crimes and Punishments  
16 Section 441(e)  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article - State Personnel and Pensions  
21 Section 2-804 through 2-806  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume and 1999 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Chapter 397 of the Acts of the General Assembly of 1998  
26 Section 2 and 3

27 BY repealing and reenacting, without amendments,  
28 Chapter 257 of the Acts of the General Assembly of 1998, as amended by  
29 Chapter 577 of the Acts of the General Assembly of 1999

1 Section 1

2 BY repealing and reenacting, with amendments,  
3 Chapter 703 of the Acts of the General Assembly of 1999  
4 Section 3

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

7 **Article 27 - Crimes and Punishments**

8 441.

9 (e) "Crime of violence" means:

- 10 (1) Abduction;
- 11 (2) Arson in the first degree;
- 12 (3) Assault in the first or second degree;
- 13 (4) Burglary in the first, second, or third degree;
- 14 (5) Carjacking and armed carjacking;
- 15 (6) Escape in the first degree;
- 16 (7) Kidnapping;
- 17 (8) Voluntary manslaughter;
- 18 (9) Maiming;
- 19 (10) Mayhem as previously proscribed under former § 384 of this article;
- 20 (11) Murder in the first or second degree;
- 21 (12) Rape in the first or second degree;
- 22 (13) Robbery;
- 23 (14) Robbery with a dangerous or deadly weapon;
- 24 (15) Sexual offense in the first, second, or third degree;
- 25 (16) An attempt to commit any of the aforesaid offenses; or
- 26 (17) Assault with intent to commit any of the aforesaid offenses or any  
27 offense punishable by imprisonment for more than 1 year.

28 DRAFTER'S NOTE:

1 Error: Function paragraph of bill being cured incorrectly indicated that  
2 Article 27, § 441, rather than § 441(e), was being amended.

3 Occurred: Chapter 422 (House Bill 463) of the Acts of 1999.

4 **Article - State Personnel and Pensions**

5 2-804.

6 (a) The Secretary shall hire a telework consultant to provide technical  
7 assistance in implementing the Pilot Program.

8 (b) In addition to any other duties assigned by the Secretary, the consultant  
9 shall:

10 (1) develop and conduct training programs for teleworking State  
11 employees and their managers; and

12 (2) identify telework centers, including distributive training technology  
13 centers, which are available to State teleworkers and develop a proposal for a  
14 Telework Center Pilot Program.

15 2-805.

16 The Secretary shall provide staff to manage the operations of the Pilot Program.  
17 2-806.

18 (a) The Secretary shall establish a Telework Steering Committee.

19 (b) The purpose of the Committee is to:

20 (1) assist the Secretary in establishing telework programs in all agencies  
21 in the Executive Branch of State government;

22 (2) conduct a survey of the number of potentially eligible teleworkers in  
23 each Executive Branch State agency;

24 (3) determine the cost effectiveness of implementing telework programs  
25 in Executive Branch State agencies, including an analysis of cost savings resulting  
26 from increased productivity, reduction in the use of sick leave, decrease in employee  
27 turnover, and reduction in required office space; and

28 (4) develop and distribute to managers in each Executive Branch State  
29 agency a list of the benefits to managers, employees, and the public that result from  
30 implementation of telework programs.

31 (c) The Committee shall consist of a representative of:

32 (1) the Department of Budget and Management;

- 1 (2) the Department of Business and Economic Development;
- 2 (3) the Department of Education;
- 3 (4) the Department of the Environment;
- 4 (5) the Department of Health and Mental Hygiene;
- 5 (6) the Department of Human Resources;
- 6 (7) the Department of Labor, Licensing, and Regulation;
- 7 (8) the Department of Transportation;
- 8 (9) the community colleges;
- 9 (10) the Military Department; and
- 10 (11) any other State agency as determined by the Secretary.

11 (d) Staff for the Committee shall be provided by the Department of Budget  
12 and Management.

13 DRAFTER'S NOTE:

14 Error: Function paragraph of bill being cured incorrectly indicated that  
15 §§ 2-804 and 2-806 of the State Personnel and Pensions Article, rather  
16 than §§ 2-804 through 2-806, were being added.

17 Occurred: Chapter 466 (House Bill 870) of the Acts of 1999.

18 **Chapter 397 of the Acts of 1998**

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

21 **Article - Corporations and Associations**

22 2-405.3.

23 (A) THIS SECTION APPLIES TO A CORPORATION THAT IS AN INVESTMENT  
24 COMPANY, AS DEFINED BY THE INVESTMENT COMPANY ACT OF 1940.

25 (B) A DIRECTOR OF A CORPORATION WHO WITH RESPECT TO THE  
26 CORPORATION IS NOT AN INTERESTED PERSON, AS DEFINED BY THE INVESTMENT  
27 COMPANY ACT OF 1940, SHALL BE DEEMED TO BE INDEPENDENT AND  
28 DISINTERESTED WHEN MAKING ANY DETERMINATION OR TAKING ANY ACTION AS A  
29 DIRECTOR.

1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
2 be construed retroactively and shall be applied to and interpreted to affect only those  
3 cases filed on or after January 30, 1998.

4 DRAFTER'S NOTE:

5 Sections 2 and 3 of Chapter 397 (Senate Bill 468) of the Acts of 1998 are  
6 being repealed and reenacted, without amendment, to ratify their  
7 enactment and to address objections regarding a possible violation of the  
8 one subject requirement of Article III, § 29 of the Maryland Constitution.

9 **Chapter 257 of the Acts of 1998, as amended by Chapter 577 of the Acts of**  
10 **1999**

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 Prince  
15 George's County - Minority Access, Inc. Community Center Loan of 1998 in a total  
16 principal amount equal to the lesser of (i) \$350,000 or (ii) the amount of the matching  
17 fund provided in accordance with Section 1(5) below. This loan shall be evidenced by  
18 the issuance, sale, and delivery of State general obligation bonds authorized by a  
19 resolution of the Board of Public Works and issued, sold, and delivered in accordance  
20 with §§ 8-117 through 8-124 of the State Finance and Procurement Article and  
21 Article 31, § 22 of the Code.

22 (2) The bonds to evidence this loan or installments of this loan may be sold as  
23 a single issue or may be consolidated and sold as part of a single issue of bonds under  
24 § 8-122 of the State Finance and Procurement Article.

25 (3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer  
26 and first shall be applied to the payment of the expenses of issuing, selling, and  
27 delivering the bonds, unless funds for this purpose are otherwise provided, and then  
28 shall be credited on the books of the Comptroller and expended, on approval by the  
29 Board of Public Works, for the following public purposes, including any applicable  
30 architects' and engineers' fees: as a grant to Minority Access, Inc. (referred to  
31 hereafter in this Act as "the grantee") for the planning, design, repair, renovation, and  
32 capital equipping of a building in Hyattsville, the building to be used by Minority  
33 Access as a community center that offers a variety of services to the people of the  
34 surrounding area and including a community art center.

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

39 (5) Prior to the payment of any funds under the provisions of this Act for the  
40 purposes set forth in Section 1(3) above, the grantee shall provide and expend a

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

15 DRAFTER'S NOTE:

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

18 Occurred: Chapter 577 (Senate Bill 573) of the Acts of 1999.

19

**Chapter 703 of the Acts of 1999**

20 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 10-612(d)  
21 through [(h)] (I), respectively, of the Natural Resources Article of the Annotated Code  
22 of Maryland be renumbered to be Section(s) 10-612(c) through [(g)] (H), respectively.

23 DRAFTER'S NOTE:

24 Error: Function paragraph and uncodified provision of bill being cured  
25 incorrectly indicated that § 10-612(d) through (h) of the Natural Resources  
26 Article, rather than § 10-612(d) through (i), was being renumbered.

27 Occurred: Chapter 703 (House Bill 1187) of the Acts of 1999.

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

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