

SENATE BILL 158
EMERGENCY BILL

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P5

2000 Regular Session
0lr0672

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

Introduced and read first time: January 20, 2000

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 18, 2000

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; 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,

1 Chapter 397 of the Acts of the General Assembly of 1998
2 Section 2 and 3

3 BY repealing and reenacting, without amendments,
4 Chapter 257 of the Acts of the General Assembly of 1998, as amended by
5 Chapter 577 of the Acts of the General Assembly of 1999
6 Section 1

7 BY repealing and reenacting, with amendments,
8 Chapter 703 of the Acts of the General Assembly of 1999
9 Section 3

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

12 **Article 27 - Crimes and Punishments**

13 441.

14 (e) "Crime of violence" means:

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

1 (16) An attempt to commit any of the aforesaid offenses; or

2 (17) Assault with intent to commit any of the aforesaid offenses or any
3 offense punishable by imprisonment for more than 1 year.

4 DRAFTER'S NOTE:

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

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

8 **Article - State Personnel and Pensions**

9 2-804.

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

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

14 (1) develop and conduct training programs for teleworking State
15 employees and their managers; and

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

19 2-805.

20 The Secretary shall provide staff to manage the operations of the Pilot Program.
21 2-806.

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

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

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

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

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

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

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

5 (1) the Department of Budget and Management;

6 (2) the Department of Business and Economic Development;

7 (3) the Department of Education;

8 (4) the Department of the Environment;

9 (5) the Department of Health and Mental Hygiene;

10 (6) the Department of Human Resources;

11 (7) the Department of Labor, Licensing, and Regulation;

12 (8) the Department of Transportation;

13 (9) the community colleges;

14 (10) the Military Department; and

15 (11) any other State agency as determined by the Secretary.

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

18 DRAFTER'S NOTE:

19 Error: Function paragraph of bill being cured incorrectly indicated that
20 §§ 2-804 and 2-806 of the State Personnel and Pensions Article, rather
21 than §§ 2-804 through 2-806, were being added.

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

23 **Chapter 397 of the Acts of 1998**

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

26 **Article - Corporations and Associations**

27 2-405.3.

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

1 (B) A DIRECTOR OF A CORPORATION WHO WITH RESPECT TO THE
2 CORPORATION IS NOT AN INTERESTED PERSON, AS DEFINED BY THE INVESTMENT
3 COMPANY ACT OF 1940, SHALL BE DEEMED TO BE INDEPENDENT AND
4 DISINTERESTED WHEN MAKING ANY DETERMINATION OR TAKING ANY ACTION AS A
5 DIRECTOR.

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

9 DRAFTER'S NOTE:

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

14 **Chapter 257 of the Acts of 1998, as amended by Chapter 577 of the Acts of**
15 **1999**

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That:

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

27 (2) The bonds to evidence this loan or installments of this loan may be sold as
28 a single issue or may be consolidated and sold as part of a single issue of bonds under
29 § 8-122 of the State Finance and Procurement Article.

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

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

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

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 577 (Senate Bill 573) of the Acts of 1999.

25 **Chapter 703 of the Acts of 1999**

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

29 DRAFTER'S NOTE:

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

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

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

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
38 measure, is necessary for the immediate preservation of the public health and safety,
39 has been passed by a ye and nay vote supported by three-fifths of all the members

- 1 elected to each of the two Houses of the General Assembly, and shall take effect from
- 2 the date it is enacted.