

SENATE BILL 195
EMERGENCY BILL

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P5

2001 Regular Session
1r0220

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

Introduced and read first time: January 22, 2001

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; altering the conditions on residential property
5 that constitute public nuisances in Charles County; ratifying the repeal of a
6 certain section of the Annotated Code; providing for the effect and construction
7 of certain provisions of this Act; making this Act an emergency measure; and
8 generally repealing and reenacting with or without amendments certain Acts of
9 the General Assembly that may be subject to possible title or other defects in
10 order to validate those Acts.

11 BY repealing and reenacting, without amendments,
12 Article 66B - Land Use
13 Section 14.01
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Correctional Services
18 Section 8-206
19 Annotated Code of Maryland
20 (1999 Volume and 2000 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Education
23 Section 18-603 and 18-2303
24 Annotated Code of Maryland
25 (1999 Replacement Volume and 2000 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article - Health - General
28 Section 19-374
29 Annotated Code of Maryland

1 (2000 Replacement Volume)

2 BY repealing and reenacting, without amendments,

3 Article - Insurance

4 Section 15-10B-04

5 Annotated Code of Maryland

6 (1997 Volume and 2000 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article - State Government

9 Section 10-112

10 Annotated Code of Maryland

11 (1999 Replacement Volume and 2000 Supplement)

12 BY repealing and reenacting, without amendments,

13 The Public Local Laws of Charles County

14 Section 85-2

15 Article 9 - Public Local Laws of Maryland

16 (1994 Edition and June 1998 Supplement, as amended)

17 (As enacted by Chapter 189 of the Acts of the General Assembly of 2000)

18 BY repealing and reenacting, without amendments,

19 Chapter 520 of the Acts of the General Assembly of 1982, as amended by

20 Chapter 508 of the Acts of the General Assembly of 2000

21 Section 1(1)

22 BY repealing and reenacting, without amendments,

23 Chapter 59 of the Acts of the General Assembly of 2000

24 Section 4 and 9

25 BY repealing and reenacting, with amendments,

26 Chapter 270 of the Acts of the General Assembly of 2000

27 Section 1

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

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

30 **Article 66B - Land Use**

31 14.01.

32 (a) This section applies to Allegany County.

33 (b) The planning commission may consist of seven members.

34 (c) (1) The term of each member is 5 years.

1 (2) Each member shall serve until a successor is appointed and qualifies.

2 (3) The terms of two of the members of the planning commission shall be
3 staggered.

4 DRAFTER'S NOTE:

5 Error: Function paragraph of bill being cured incorrectly indicated that
6 Article 66B, § 3.02(b)(1) was renumbered to be § 7.06, rather than § 14.01.

7 Occurred: Chapter 426 (House Bill 889) of the Acts of 2000.

8 **Article - Correctional Services**

9 8-206.

10 (a) (1) With the approval of the Secretary, the Commission shall appoint an
11 Executive Director.

12 (2) The Executive Director shall perform general administrative
13 functions.

14 (3) The Executive Director serves at the pleasure of the Commission.

15 (b) (1) With the approval of the Secretary, the Commission shall appoint a
16 Deputy Director and any other employees that the Commission considers necessary to
17 perform general administrative and training management functions.

18 (2) The Deputy Director and other employees appointed under
19 paragraph (1) of this subsection shall serve at the pleasure of the Commission.

20 (c) With the approval of the Secretary, the Commission shall employ other
21 individuals as necessary to carry out this subtitle.

22 (d) The Executive Director, the Deputy Director, and other employees of the
23 Commission are entitled to receive compensation as established by the Commission in
24 accordance with the State budget.

25 DRAFTER'S NOTE:

26 Error: Function paragraph of bill being cured incorrectly indicated that §
27 8-206 of the Correctional Services Article was being amended.

28 Occurred: Chapter 483 (House Bill 1414) of the Acts of 2000.

29 **Article - Education**

30 18-603.

31 (a) There is a program of tuition assistance under this section.

1 (b) Any career or volunteer fire fighter, ambulance or rescue squad member
2 who is a resident of Maryland shall receive full and complete reimbursement by the
3 Administration for tuition costs not to exceed the resident tuition rates at the
4 University of Maryland, College Park for courses credited toward a degree in fire
5 service technology or emergency medical technology.

6 (c) (1) The tuition reimbursement application shall be filed with the
7 Administration no later than July 1 immediately following the academic year for
8 which tuition reimbursement is sought.

9 (2) Payment shall be made 1 year after successful completion of each
10 academic year.

11 (3) Payment may be made only if the applicant is still employed or
12 actively engaged as a career or volunteer fire fighter or ambulance or rescue squad
13 member in an organized fire department or ambulance or rescue squad in this State.

14 DRAFTER'S NOTE:

15 Error: Function paragraph of bill being cured incorrectly indicated that §
16 18-603, rather than § 18-603(b), of the Education Article was being
17 amended.

18 Occurred: Chapter 581 (House Bill 231) of the Acts of 2000.

19 18-2303.

20 (a) Except for an Educational Excellence Award under § 18-301 of this title or
21 a Distinguished Scholar Award under § 18-1101 of this title, the recipient of a
22 Maryland HOPE Scholarship may not hold any other scholarship awarded under this
23 title.

24 (b) Each recipient of a Maryland HOPE Scholarship shall:

25 (1) Be accepted for admission in a regular undergraduate program at an
26 eligible institution in the State;

27 (2) Be a resident of the State;

28 (3) Earn a cumulative grade point average of at least 3.0 on a 4.0 scale or
29 its equivalent in core curriculum courses as calculated and indicated on the high
30 school transcript after the first semester of the senior year of high school;

31 (4) Begin attending an eligible institution within 2 years of completing
32 high school or, failing to do so, provide evidence satisfactory to the Administration of
33 extenuating circumstances;

34 (5) Enroll as a full-time student at an eligible institution;

35 (6) Have an annual total family income of \$80,000 or below;

1 (7) Accept any other conditions attached to the award; and

2 (8) Satisfy any additional criteria the Maryland Higher Education
3 Commission may establish.

4 DRAFTER'S NOTE:

5 Error: Function paragraph of bill being cured incorrectly indicated that §
6 18-2303, rather than § 18-2303(a) and (b)(3), of the Education Article was
7 being amended.

8 Occurred: Chapter 581 (House Bill 231) of the Acts of 2000.

9 **Article - Health - General**

10 19-374.

11 (a) On the request of a petitioner, an advisory committee shall give advice
12 concerning the options for medical care and treatment of an individual with a
13 life-threatening condition.

14 (b) (1) The advisory committee shall make a good faith effort to notify a
15 patient, a patient's immediate family members, a patient's guardians, and an
16 individual with a power of attorney to make a decision with a medical consequence for
17 a patient, of the individual's right:

18 (i) To be a petitioner;

19 (ii) To meet with the advisory committee concerning the options for
20 medical care and treatment; and

21 (iii) To receive an explanation of the basis of the advisory
22 committee's advice.

23 (2) Any information or document that indicates the wishes of the patient
24 shall take precedence in the deliberations of the advisory committee.

25 (c) An advisory committee or a member of an advisory committee who gives
26 advice in good faith may not be held liable in court for the advice given.

27 (d) A person that assists one or more hospitals or related institutions in the
28 establishment of an advisory committee may not be held liable in court for any advice
29 given in good faith by that person, the related institution, the advisory committee, or
30 any member of the advisory committee and the committee and its members may not
31 be held liable for any advice given in good faith.

32 (e) (1) The proceedings and deliberations of an advisory committee are
33 confidential as provided in § 14-501 of the Health Occupations Article.

1 (2) The advice of an advisory committee concerning a patient's medical
2 care and treatment shall become part of the patient's medical record and is
3 confidential under §§ 4-301 and 4-302 of this article.

4 (f) A hospital or related institution may not be held liable in a civil action for
5 failing to carry out the advice of an advisory committee concerning a patient's medical
6 care if the advice given is inconsistent with the written policies of the hospital or
7 related institution.

8 DRAFTER'S NOTE:

9 Error: Function paragraph of bill being cured incorrectly indicated that §
10 19-374 of the Health - General Article was being amended.

11 Occurred: Chapter 51 (Senate Bill 100) of the Acts of 2000.

12 **Article - Insurance**

13 15-10B-04.

14 (a) An applicant for a certificate shall:

15 (1) submit an application to the Commissioner; and

16 (2) pay to the Commissioner the application fee established by the
17 Commissioner through regulation.

18 (b) The application shall:

19 (1) be on a form and accompanied by any supporting documentation that
20 the Commissioner requires; and

21 (2) be signed and verified by the applicant.

22 (c) The fees required under subsection (a)(2) of this section or §
23 15-10B-10(b)(2) of this subtitle shall be sufficient to pay for the administrative costs
24 of the certificate program and any other costs associated with carrying out the
25 provisions of this subtitle.

26 DRAFTER'S NOTE:

27 Error: Function paragraph of bill being cured incorrectly indicated that §
28 15-10B-04 of the Insurance Article was unamended.

29 Occurred: Chapter 123 (House Bill 412) of the Acts of 2000.

Article - State Government

10-112.

(a) (1) This subsection does not apply to the emergency adoption of a regulation.

(2) To have a proposed regulation published in the Register, a unit shall submit to the Administrator:

(i) 2 certified copies of the proposed regulation; and

(ii) a notice of the proposed adoption.

(3) The notice under this subsection shall:

(i) state the estimated economic impact of the proposed regulation on:

1. the revenues and expenditures of units of the State government and of local government units; and

2. groups such as consumer, industry, taxpayer, or trade groups; and

(ii) give persons an opportunity to comment before adoption of the proposed regulation, by:

1. setting a date, time, and place for a public hearing at which oral or written views and information may be submitted; or

2. giving a telephone number that a person may call to comment and an address to which a person may send comments.

(4) (i) The estimated economic impact statement required under paragraph (3)(i) of this subsection shall state whether the proposed regulation imposes a mandate on a local government unit.

(ii) If the proposed regulation imposes a mandate, the fiscal impact statement shall:

1. indicate whether the regulation is required to comply with a federal statutory or regulatory mandate; and

2. include, in addition to the estimate under paragraph (3)(i)1 of this subsection, the estimated effect on local property tax rates, if applicable, and if the required data is available.

(5) The Administrator shall file the regulation with the Committee.

1 (b) As soon as the Committee approves emergency adoption of a regulation,
2 the Committee shall submit to the Administrator 2 certified copies of the regulation.

3 (c) If a regulation under this section amends or repeals an adopted regulation,
4 the text of the regulation under this section shall show the changes with the symbols
5 that the Administrator requires.

6 (d) Immediately after the Administrator receives the copies of a regulation
7 under this section, the Administrator shall:

8 (1) prepare 1 copy for publication; and

9 (2) send to the printer:

10 (i) the copy; and

11 (ii) any notice of the proposed adoption.

12 DRAFTER'S NOTE:

13 Error: Function paragraph of bill being cured incorrectly indicated that §
14 10-112 of the State Government Article was being amended.

15 Occurred: Chapter 585 (House Bill 313) of the Acts of 2000.

16 **Article 9 - Charles County**

17 85-2.

18 The following conditions on residential property are declared to be unhealthy
19 and unsightly conditions constituting public nuisances that endanger the life, health,
20 safety, and welfare of the entire county by affording a breeding place for or attracting
21 insects, rodents, or reptiles, by failing to exercise reasonable care and maintenance of
22 structural improvements located on improved residential property, or by creating a
23 substantial risk of danger to the general public welfare, health, or safety through
24 disease, fire, safety hazards, crime, community degradation, or other means:

25 (1) Accumulations of scrap, paper, junk, vehicle parts, trash, garbage,
26 leaves, cans, vessels, broken bottles, pieces of china, glass, debris, or other waste
27 matter of any kind;

28 (2) Grass, noxious weeds, uncultivated vegetable growth, briars, brush
29 and plants that are more than one foot in height;

30 (3) Grease or oil; or

31 (4) On improved residential property, exterior building disrepair,
32 including broken windows, flaking paint, broken shutters or rainspouts, or other
33 building damage that evidences a general disregard for the reasonable care and
34 maintenance of the improved residential property.

1 DRAFTER'S NOTE:

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

4 Occurred: Chapter 189 (House Bill 1333) of the Acts of 2000.

5 **Chapter 520 of the Acts of 1982, as amended by Chapter 508 of the Acts of**
6 **2000**

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That:

9 (1) The Board of Public Works may borrow money and incur indebtedness on
10 behalf of the State of Maryland through a State loan to be known as the General
11 Construction Loan of 1982 in the aggregate principal amount of \$93,636,675. This
12 loan shall be evidenced by the issuance and sale of State general obligation bonds
13 authorized by a resolution of the Board of Public Works and issued, sold, and
14 delivered in accordance with §§ 19 to 23 of Article 31 of the Annotated Code of
15 Maryland (1976 Replacement Volume and 1981 Supplement, as amended from time
16 to time).

17 DRAFTER'S NOTE:

18 Error: Function paragraph of bill being cured incorrectly indicated that §
19 1(1)5, rather than § 1(1), of Chapter 520 of the Acts of 1982 was being
20 amended.

21 Occurred: Chapter 508 (Senate Bill 225) of the Acts of 2000.

22 **Chapter 59 of the Acts of 2000**

23 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 14-1315 of
24 Article - Commercial Law of the Annotated Code of Maryland be repealed.

25 SECTION 9. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall
26 take effect October 1, 2005.

27 DRAFTER'S NOTE:

28 Error: Function paragraph of bill being cured failed to indicate that §
29 14-1315 of the Commercial Law Article was being repealed.

30 Occurred: Chapter 59 (Senate Bill 145) of the Acts of 2000.

31 **Chapter 270 of the Acts of 2000**

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
33 MARYLAND, That Section(s) 4-302(e) and 4-307(d) through (h), respectively, of the

1 Health - General Article of the Annotated Code of Maryland be renumbered to be
2 Section(s) 4-302[(g)] (F) and 4-307(g) through (k), respectively.

3 DRAFTER'S NOTE:

4 Error: Function paragraph and uncodified provision of bill being cured
5 incorrectly indicated that § 4-302(e) of the Health - General Article was
6 renumbered to be § 4-302(g), rather than § 4-302(f).

7 Occurred: Chapter 270 (Senate Bill 371) of the Acts of 2000.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the repeal of Article 27, §
9 486A, as enacted by Chapter 288 of the Acts of the General Assembly of 2000, is
10 hereby validated.

11 DRAFTER'S NOTE:

12 Error: Function paragraph of bill being cured failed to indicate that Article
13 27, § 486A was being repealed.

14 Occurred: Chapter 288 (Senate Bill 591) of the Acts of 2000.

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

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