

UNOFFICIAL COPY OF SENATE BILL 903
EMERGENCY BILL

P5

5lr0611

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

Introduced and read first time: February 21, 2005

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; adding solid waste and park facilities to the
5 facilities for which the income from certain building impact fees in St. Mary's
6 County is required to be used to defray certain additional costs; repealing a
7 requirement that certain deputy sheriffs in Montgomery County provide motor
8 vehicles for their own use in performing their duties; establishing the crime of
9 counterfeiting a check, letter of credit, negotiable instrument, or endorsement or
10 assignment of a check; establishing the crime of possessing a counterfeit of
11 certain instruments and documents; authorizing commencement of a
12 prosecution for certain violations in certain jurisdictions; generally relating to
13 counterfeiting certain instruments and documents and possession of certain
14 counterfeit instruments and documents; requiring the Department of Budget
15 and Management to review and update as necessary certain goals, objectives,
16 and performance measures; repealing the process for approving temporary or
17 contractual reemployment of retirees under the University System of Maryland
18 Workforce Flexibility Act of 1998; repealing a certain limit on the reemployment
19 of retirees under the University System of Maryland Workforce Flexibility Act of
20 1998; repealing a certain title designation; providing for the effect and
21 construction of certain provisions of this Act; and making this Act an emergency
22 measure.

23 BY repealing and reenacting, without amendments,
24 Article 25 - County Commissioners
25 Section 10D-1(c)
26 Annotated Code of Maryland
27 (2001 Replacement Volume and 2004 Supplement)

28 BY repealing and reenacting, without amendments,
29 Article - Courts and Judicial Proceedings
30 Section 2-309(q)(2)(i)
31 Annotated Code of Maryland
32 (2002 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Courts and Judicial Proceedings
3 Section 3-2A-05(g) and (h)
4 Annotated Code of Maryland
5 (2002 Replacement Volume and 2004 Supplement)
6 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special
7 Session)

8 BY repealing and reenacting, without amendments,
9 Article - Criminal Law
10 Section 8-601
11 Annotated Code of Maryland
12 (2002 Volume and 2004 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Health - General
15 Section 8-1001 and the subtitle "Subtitle 10. Local Drug and Alcohol Abuse
16 Councils"
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Insurance
21 Section 2-303.2
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2004 Supplement)
24 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special
25 Session)

26 BY repealing and reenacting, without amendments,
27 Article - Insurance
28 Section 24-213 and 24-214
29 Annotated Code of Maryland
30 (2002 Replacement Volume and 2004 Supplement)
31 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special
32 Session)

33 BY repealing and reenacting, without amendments,
34 Article - State Finance and Procurement
35 Section 3-1002(a)
36 Annotated Code of Maryland
37 (2001 Replacement Volume and 2004 Supplement)

1 BY repealing
2 Article - Business Occupations and Professions
3 The title designation "Title 5.5. Docking Masters"
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2004 Supplement)

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

8 **Article 25 - County Commissioners**

9 10D-1.

10 (c) The income derived from subsections (a) and (b) shall be used to defray the
11 additional cost to St. Mary's County for additional educational, water, sewerage, road,
12 sanitation, solid waste, park, or similar facilities.

13 DRAFTER'S NOTE:

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

16 Occurred: Chapter 543 (House Bill 1304) of the Acts of 2004.

17 **Article - Courts and Judicial Proceedings**

18 2-309.

19 (q) (2) (i) The Sheriff may appoint 2 full-time assistant sheriffs and the
20 number of deputies provided in the county budget.

21 DRAFTER'S NOTE:

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

24 Occurred: Chapter 403 (House Bill 1177) of the Acts of 2004.

25 3-2A-05.

26 (g) (1) The arbitration panel shall make its award and deliver it to the
27 Director in writing within 1 year from the date on which all defendants have been
28 served and within 10 days after the close of the hearing.

29 (2) The Director shall cause a copy of it to be served on each party within
30 15 days of having received it from the arbitration panel.

31 (h) (1) A party may apply to the arbitration panel to modify or correct an
32 award as to liability, damages, or costs in accordance with § 3-222 of this title.

1 (2) (i) The application may include a request that damages be reduced
2 to the extent that the claimant has been or will be paid, reimbursed, or indemnified
3 under statute, insurance, or contract for all or part of the damages assessed.

4 (ii) The panel chairman shall receive such evidence in support and
5 opposition to a request for reduction, including evidence of the cost to obtain such
6 payment, reimbursement, or indemnity.

7 (iii) After hearing the evidence in support and opposition to the
8 request, the panel chairman may modify the award if satisfied that modification is
9 supported by the evidence.

10 (iv) The award may not be modified as to any sums paid or payable
11 to a claimant under any workers' compensation act, criminal injuries compensation
12 act, employee benefit plan established under a collective bargaining agreement
13 between an employer and an employee or a group of employers and a group of
14 employees that is subject to the provisions of the federal Employee Retirement
15 Income Security Act of 1974, program of the Department of Health and Mental
16 Hygiene for which a right of subrogation exists under §§ 15-120 and 15-121.1 of the
17 Health - General Article, or as a benefit under any contract or policy of life insurance
18 or Social Security Act of the United States.

19 (v) An award may not be modified as to any damages assessed for
20 any future expenses, costs, and losses unless:

21 1. The panel chairman orders the defendant or the
22 defendant's insurer to provide adequate security; or

23 2. The insurer is authorized to do business in this State and
24 maintains reserves in compliance with rules of the Insurance Commissioner to assure
25 the payment of all such future damages up to the amount by which the award has
26 been modified as to such future damages in the event of termination.

27 (vi) Except as expressly provided by federal law, no person may
28 recover from the claimant or assert a claim of subrogation against a defendant for any
29 sum included in the modification of an award.

30 DRAFTER'S NOTE:

31 Error: Function paragraph of bill being cured incorrectly indicated that §
32 3-2A-06(g) and (h) of the Courts Article, rather than § 3-2A-05(g) and (h), was being
33 amended.

34 Occurred: Chapter 5 (House Bill 2) of the Acts of the 2004 Special Session.

1

Article - Criminal Law

2 8-601.

3 (a) A person, with intent to defraud another, may not counterfeit, cause to be
4 counterfeited, or willingly aid or assist in counterfeiting any:

5 (1) bond;

6 (2) check;

7 (3) deed;

8 (4) draft;

9 (5) endorsement or assignment of a bond, draft, check, or promissory
10 note;

11 (6) entry in an account book or ledger;

12 (7) letter of credit;

13 (8) negotiable instrument;

14 (9) power of attorney;

15 (10) promissory note;

16 (11) release or discharge for money or property;

17 (12) title to a motor vehicle;

18 (13) waiver or release of mechanics' lien; or

19 (14) will or codicil.

20 (b) A person may not knowingly, willfully, and with fraudulent intent possess
21 a counterfeit of any of the items listed in subsection (a) of this section.

22 (c) (1) A person who violates subsection (a) of this section is guilty of a
23 felony and on conviction is subject to imprisonment not exceeding 10 years or a fine
24 not exceeding \$1,000 or both.

25 (2) A person who violates subsection (b) of this section is guilty of a
26 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a
27 fine not exceeding \$1,000 or both.

28 (d) Notwithstanding any other provision of law, the prosecution of an alleged
29 violation of this section or for an alleged violation of a crime based on an act that
30 establishes a violation of this section may be commenced in any county in which:

- 1 (1) an element of the crime occurred;
- 2 (2) the victim resides; or
- 3 (3) if the victim is not an individual, the victim conducts business.

4 DRAFTER'S NOTE:

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

7 Occurred: Chapter 484 (Senate Bill 837) of the Acts of 2004.

8 **Article - Health - General**

9 Subtitle 10. Local Drug and Alcohol Abuse Councils.

10 8-1001.

11 (a) Each county shall have a local drug and alcohol abuse council.

12 (b) On application from a county, the Governor or the Governor's designee
13 may designate a county criminal justice coordinating council, substance abuse
14 advisory council, or other agency or organization as the local drug and alcohol abuse
15 council for that county.

16 (c) Except as provided in subsection (b) of this section, a local drug and alcohol
17 abuse council shall consist of the following individuals:

- 18 (1) The health officer of the local health department, or the health
19 officer's designee;
- 20 (2) The director of the local department of social services, or the
21 director's designee;
- 22 (3) The Regional Director of the Department of Juvenile Services, or the
23 Director's designee;
- 24 (4) The Regional Director of the Division of Parole and Probation, or the
25 Director's designee;
- 26 (5) The State's Attorney for the county, or the State's Attorney's designee;
- 27 (6) The district public defender for the district in which the county is
28 located, or the district public defender's designee;
- 29 (7) The chief of the county police department, if the county has a police
30 force, or the sheriff, if the county does not have a police force, or that individual's
31 designee;

1 (8) The president of the local board of education, or the president's
2 designee;

3 (9) A representative of the county executive, the Mayor of Baltimore City,
4 or the county commissioners or county council in counties with no county executive,
5 as appropriate;

6 (10) For charter counties and in Baltimore City, a representative of the
7 county council or the city council in Baltimore City, appointed by the chairperson or
8 president of the county council or city council;

9 (11) The county administrative judge of the circuit court for the county, or
10 the judge's designee;

11 (12) The administrative judge of the district court for that district, or the
12 judge's designee; and

13 (13) The following individuals appointed by the county executive, the
14 Mayor of Baltimore City, or the county commissioners or county council in counties
15 with no county executive, as appropriate:

16 (i) At least one recipient of addictions treatment services;

17 (ii) Two substance abuse providers, at least one of whom has
18 experience with services to individuals with co-occurring substance abuse and mental
19 health disorders;

20 (iii) At least one substance abuse prevention provider;

21 (iv) At least one individual who is knowledgeable and active on
22 substance abuse issues that affect the county;

23 (v) The superintendent, warden, or director of the local correctional
24 facility located in the county or in Baltimore City the warden of the Baltimore City
25 Detention Center; and

26 (vi) At least one other individual who is knowledgeable about
27 treatment of substance abuse in the county, including members of civic organizations,
28 the chamber of commerce, health care professional organizations, or the clergy.

29 (d) (1) The term of a member appointed under subsection (c)(11) of this
30 section is 4 years.

31 (2) The terms of members are staggered as required by the terms
32 provided for members of the council on July 1, 2004.

33 (3) At the end of a term, a member continues to serve until a successor is
34 appointed and qualifies.

35 (4) A member who is appointed after a term has begun serves only for
36 the rest of the term and until a successor is appointed and qualifies.

1 (e) The local drug and alcohol abuse council shall:

2 (1) Determine its own governing structure, including issues relating to
3 appointment of a member to serve as chairman;

4 (2) Develop and submit a plan to the Administration as required in this
5 section;

6 (3) Submit a summary report to the Governor or the Governor's designee
7 on or before December 1, 2004, on its membership, organization, rules, progress in
8 developing a plan, and compliance with this section; and

9 (4) (i) On July 1, 2005, and every 2 years thereafter, submit a local
10 plan as described in subsection (f) of this section to the Governor, or the Governor's
11 designee; and

12 (ii) Report every 6 months to the Administration on its progress in
13 implementing the plan.

14 (f) A local plan shall:

15 (1) Include the plans, strategies, and priorities of the county for meeting
16 the identified needs of the general public and the criminal justice system for alcohol
17 and drug abuse evaluation, prevention, and treatment services;

18 (2) Include a survey of all federal, State, local, and private funds used in
19 the county for alcohol and drug abuse evaluation, prevention, and treatment; and

20 (3) Be in a format as prescribed by the Administration.

21 (g) A county or unit of a county applying for funds from a State unit for any
22 alcohol or drug abuse evaluation, prevention, or treatment services within that
23 county shall submit that application to the local drug and alcohol abuse council for its
24 consideration.

25 (h) (1) The local drug and alcohol abuse council may recommend to any
26 federal or State unit or private foundation that an application for any funds for drug
27 or alcohol abuse evaluation, prevention, or treatment services in the county be
28 approved.

29 (2) (i) A local drug and alcohol abuse council shall consider whether
30 the grant application is consistent with the local plan and the strategies and priorities
31 set out in the local plan.

32 (ii) A recommendation by a local drug and alcohol abuse council
33 may include any additional information the council considers useful to the
34 governmental unit or private foundation in its consideration of the application.

35 (i) (1) The Administration may provide each local drug and alcohol abuse
36 council with any necessary technical assistance.

1 Error: Function paragraph of bill being cured incorrectly indicated that §
2 2-302.2 of the Insurance Article, rather than § 2-303.2, was being added.

3 Occurred: Chapter 5 (House Bill 2) of the Acts of the 2004 Special Session.

4 24-213.

5 (a) The Legislative Auditor annually shall conduct a fiscal and compliance
6 audit of the accounts and transactions of the Society.

7 (b) The Society shall pay the cost of each audit.

8 24-214.

9 (a) In this section, "medical professional liability insurance" means insurance
10 providing coverage against damages due to medical injury arising out of the
11 performance of professional services rendered or which should have been rendered by
12 a health care provider.

13 (b) Notwithstanding § 10-130(a) of this subtitle, the Society shall:

14 (1) offer policyholders and potential policyholders the ability to purchase
15 and renew coverage directly from the Society; and

16 (2) for a policyholder that purchases or renews coverage directly, provide
17 a premium discount or rebate in an amount equivalent to the commission the Society
18 would have paid an insurance producer to sell the same policy less 1% for
19 administrative expense.

20 (c) Beginning January 1, 2005 until December 31, 2009, an authorized insurer
21 that issues policies of medical professional liability insurance in the State may not
22 pay a commission at a rate that exceeds 5% of the premium.

23 DRAFTER'S NOTE:

24 Error: Function paragraph of bill being cured incorrectly indicated that §§
25 24-313 and 24-414 of the Insurance Article, rather than §§ 24-213 and 24-214, were
26 being added.

27 Occurred: Chapter 5 (House Bill 2) of the Acts of the 2004 Special Session.

28 **Article - State Finance and Procurement**

29 3-1002.

30 (a) The Department shall review and update as necessary the:

31 (1) goals developed in the managing for results State comprehensive
32 plan; and

33 (2) the plan's objectives and performance measures.

1 DRAFTER'S NOTE:

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

4 Occurred: Chapter 452 (Senate Bill 381) of the Acts of 2004.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the title designation
6 "Title 5.5. Docking Masters" of Article - Business Occupations and Professions of the
7 Annotated Code of Maryland be repealed.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the repeal of Chapter 675
9 of the Acts of the General Assembly of 1998, Section 3, as enacted by Chapter 48 of the
10 Acts of the General Assembly of 2004, is hereby validated.

11 DRAFTER'S NOTE:

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

14 Occurred: Chapter 48 (House Bill 507) of the Acts of 2004.

15 DRAFTER'S NOTE:

16 Error: Function paragraph and body of bill being cured failed to repeal title
17 designation preceding sections that were repealed.

18 Occurred: Chapter 520 (House Bill 884) of the Acts of 2004.

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

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