

SENATE BILL 33

P5

EMERGENCY BILL

71r0334

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

Introduced and read first time: January 15, 2007

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 maximum criminal penalty for
5 willfully and knowingly falsifying information filed in a registration or renewal
6 registration of certain affected property under provisions relating to reduction of
7 lead risk in housing; authorizing certain leasehold estates to be subjected to a
8 condominium regime if a municipal corporation is the owner of the reversionary
9 fee simple estate; amending the Community Based Regional Initiatives Loan of
10 2004 to remove a requirement that the Board of Directors of the Mount Olive
11 Community Life Center grant and convey an historic easement to the Maryland
12 Historical Trust; providing for the effect and construction of certain provisions
13 of this Act; making this Act an emergency measure; and generally repealing and
14 reenacting without amendments certain Acts of the General Assembly that may
15 be subject to possible title or other defects in order to validate those Acts.

16 BY repealing and reenacting, without amendments,
17 Article – Agriculture
18 Section 2–511
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2006 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Environment
23 Section 6–813 and 9–1707 (a) and (c)
24 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1996 Replacement Volume and 2006 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Housing and Community Development
4 Section 16–306
5 Annotated Code of Maryland
6 (2006 Volume)

7 BY repealing and reenacting, without amendments,
8 Article – Public Utility Companies
9 Section 7–520 and the part “Part III. Rate Stabilization”; and 7–547 and the
10 part “Part IV. Rate Stabilization – Specific Provisions”
11 Annotated Code of Maryland
12 (1998 Volume and 2006 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Real Property
15 Section 11–102(a)
16 Annotated Code of Maryland
17 (2003 Replacement Volume and 2006 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – State Personnel and Pensions
20 Section 37–101(d)
21 Annotated Code of Maryland
22 (2004 Replacement Volume and 2006 Supplement)

23 BY repealing and reenacting, without amendments,
24 The Public Local Laws of Baltimore City
25 Section 16–46
26 Article 4 – Public Local Laws of Maryland
27 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

28 BY repealing and reenacting, without amendments,
29 Chapter 204 of the Acts of the General Assembly of 2003, as amended by
30 Chapter 322 of the Acts of the General Assembly of 2006
31 Section 12(3) Item (AJ)

32 BY repealing and reenacting, without amendments,
33 Chapter 204 of the Acts of the General Assembly of 2003, as amended by
34 Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 508
35 of the Acts of the General Assembly of 2006
36 Section 13(3)(i) Item (H)

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

3 **Article - Agriculture**

4 2-511.

5 (a) The maximum value of any easement to be purchased shall be the asking
6 price or the difference between the fair market value of the land and the agricultural
7 value of the land, whichever is lower.

8 (b) The fair market value of the land is the price as of the valuation date for
9 the highest and best use of the property which a vendor, willing but not obligated to
10 sell, would accept for the property, and which a purchaser, willing but not obligated to
11 buy, would pay for the property if the property was not subject to any restriction
12 imposed under this subtitle.

13 (c) The agricultural value of land is the price as of the valuation date which
14 a vendor, willing but not obligated to sell, would accept for the property, and which a
15 purchaser, willing but not obligated to buy, would pay for the property as a farm unit,
16 to be used for agricultural purposes.

17 (d) (1) (i) The value of the easement is determined at the time the
18 Foundation is requested in writing to purchase the easement.

19 (ii) The fair market value shall be determined by the
20 Department of General Services based on one or more appraisals by the State
21 appraisers, and appraisals, if any, of the landowner.

22 (iii) The entire contiguous acreage shall be included in the
23 determination of the value of the easement, less 1 acre per single dwelling; however,
24 except as provided in § 2-513(b)(2) of this subtitle, the entire contiguous acreage,
25 including the 1 acre per single dwelling, is subject to the easement restrictions.

26 (2) (i) Subject to subparagraph (ii) of this paragraph, the
27 agricultural value of land shall be determined by a formula approved by the
28 Department that measures the farm productivity of the land on which the applicant
29 has applied to sell an easement by taking into consideration weighted factors that may
30 include rents, location, soil types, development pressure, interest rates, and potential
31 agricultural use.

1 (ii) The agricultural value determined under subparagraph (i) of
2 this paragraph is subject to the approval of the Department.

3 (e) (1) If the landowner and Foundation do not agree on the value of the
4 easement as determined by the State, either the landowner or the Foundation may
5 request, no later than September 30 of the year following the determination of the
6 value, that the matter be referred to the property tax assessment appeal board as
7 provided under § 3-107 of the Tax – Property Article, for arbitration as to the value of
8 the easement.

9 (2) The value determined by that arbitration shall be binding upon the
10 owner and the Foundation in a purchase of the easement made subsequent to the
11 arbitration for a period of 2 years, unless the landowner and the Foundation agree
12 upon a lesser value or the landowner or the Foundation appeals the results of the
13 arbitration to the Maryland Tax Court, and either party may further appeal from the
14 Tax Court as provided in § 13-532 of the Tax – General Article.

15 DRAFTER'S NOTE:

16 Error: Function paragraph of bill being cured incorrectly indicated that § 2-511
17 of the Agriculture Article was being amended.

18 Occurred: Chapter 192 (House Bill 769) of the Acts of 2006.

19 **Article – Environment**

20 6-813.

21 (a) An owner who fails to register an affected property under § 6-811 of this
22 subtitle, or who fails to renew the registration of an affected property under § 6-812 of
23 this subtitle, is not in compliance with respect to that affected property with the
24 provisions of this subtitle for purposes of § 6-836 of this subtitle.

25 (b) A person who willfully and knowingly falsifies information filed in a
26 registration or renewal under this part is guilty of a misdemeanor and on conviction is
27 subject to a fine not exceeding \$2,000.

28 DRAFTER'S NOTE:

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

31 Occurred: Chapter 398 (House Bill 1450) of the Acts of 2006.

1 9-1707.

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

3 (2) (i) "Newsprint" means paper of the type generally used in the
4 publication of newspapers or commercial advertising inserts printed by the publisher
5 that are made primarily from mechanical woodpulp combined with some chemical
6 woodpulp.

7 (ii) "Newsprint" includes paper made from old newspapers that
8 have been deinked, using the recycled pulp in lieu of virgin pulp.

9 (3) "Reporting period" means:

10 (i) The calendar year for 2005 and earlier; and

11 (ii) The calendar year and the immediately preceding two
12 calendar years for 2006 and all subsequent years.

13 (c) (1) To satisfy the recycled content percentage requirement of this
14 section for a reporting period, at least the percentage specified in paragraph (2) of this
15 subsection, by weight, of the total newsprint used by the publisher during that
16 reporting period for newspapers distributed in the State shall be recycled materials.

17 (2) The recycled content percentage requirement is:

18 (i) 12% for 1992;

19 (ii) 12% for 1993;

20 (iii) 20% for 1994, 1995, 1996, 1997, 1998, and 1999;

21 (iv) 25% for 2000;

22 (v) 30% for 2001 and 2002;

23 (vi) 35% for 2003 and 2004; and

24 (vii) 40% for 2005 and all subsequent reporting periods.

25 DRAFTER'S NOTE:

1 Error: Function paragraph of bill being cured incorrectly indicated that §
2 9–1707(a) of the Environment Article was unamended and that § 9–1707(c) was
3 repealed and added.

4 Occurred: Chapter 487 (House Bill 1238) of the Acts of 2006.

1 **Article – Housing and Community Development**

2 16–306.

3 (a) The labor relations administrator shall hold an election for an exclusive
4 representative after:

5 (1) an employee organization shows by petition that at least 30% of
6 the eligible employees in a bargaining unit support representation by an exclusive
7 representative for collective bargaining; or

8 (2) an employee or an employee organization shows by petition that at
9 least 30% of the eligible employees in a bargaining unit no longer support the current
10 exclusive representative.

11 (b) (1) Elections may not be held:

12 (i) within 1 year after the date of an election under this
13 subtitle; or

14 (ii) except as provided in paragraph (2) of this subsection,
15 during the term of a collective bargaining agreement.

16 (2) During the term of a collective bargaining agreement, a petition for
17 an election may be filed only in November of the fiscal year in which the agreement
18 expires.

19 (c) (1) At least 30 days before an election under subsection (a) of this
20 section, the labor relations administrator shall get from the Montgomery Commission
21 and provide to the employee organization a list of the name, home address, and
22 telephone number of each employee in the bargaining unit.

23 (2) Providing a list under this subsection by the Montgomery
24 Commission, the labor relations administrator, or any Montgomery Commission
25 officials, employees, or other agents does not violate § 10–617(e) of the State
26 Government Article or any State or local law.

27 (d) An election shall be held by secret ballot.

28 (e) The ballot shall contain:

1 (1) the name of each employee organization that submits a valid
2 petition for an election;

3 (2) the name of any other employee organization supported by a
4 petition signed by at least 10% of the eligible employees in the bargaining unit; and

5 (3) an option for no representation.

6 (f) (1) If a petition described in subsection (a)(1) is submitted at the same
7 time that a petition described in subsection (a)(2) is submitted, one election shall be
8 held to determine which employee organization, if any, shall be the exclusive
9 representative.

10 (2) The ballot shall contain:

11 (i) the name of the current certified employee organization;

12 (ii) the name of the petitioning employee organization; and

13 (iii) a provision for "No representation".

14 (g) If none of the choices on the ballot receives a majority of the votes, the
15 labor relations administrator shall hold a runoff election between the two choices
16 receiving the most votes.

17 (h) (1) After the election, the labor relations administrator shall certify
18 the employee organization with the most votes as the exclusive representative.

19 (2) If the petitioning employee organization is certified as a result of
20 an election carried out under subsection (f) of this section, that employee organization
21 shall be treated as a successor in interest and party to any collective bargaining
22 agreement to which the previous employee organization was a party.

23 (i) The Montgomery Commission and the employee organization shall share
24 the costs of the election procedures equally.

25 DRAFTER'S NOTE:

26 Error: Function paragraph of bill being cured incorrectly indicated the lr
27 number of Chapter 63 (Senate Bill 11) of the Acts of 2006.

28 Occurred: Chapter 598 (House Bill 1021) of the Acts of 2006.

1 (i) the excess of the contracted price incurred by an electric
2 company for the purchase of energy supplies to be required for retail customers to
3 whom it provides standard offer service, over the amounts that it is authorized to
4 charge currently to those customers under the rate stabilization plan;

5 (ii) the approved costs of issuing, supporting, and servicing rate
6 stabilization bonds; and

7 (iii) any approved costs for retiring and refunding existing debt
8 and equity securities of the electric company issued to temporarily finance those rate
9 stabilization costs.

10 (h) "Rate stabilization plan" means a plan approved by the Commission in
11 accordance with this part.

12 (i) (1) "Rate stabilization property" means the right, title, and interest of
13 an electric company or assignee in a qualified rate order.

14 (2) "Rate stabilization property" includes:

15 (i) all rights in, to, and under a qualified rate order, including
16 the right to impose and collect rate stabilization charges and rights to revenues,
17 collections, claims, payments, money, or other property and amounts arising from the
18 imposition of rate stabilization charges under the qualified rate order; and

19 (ii) in the hands of an assignee, the right to require the electric
20 company to provide electric services and to collect and remit the qualified rate
21 stabilization charges authorized in the qualified rate order, but not the right or duty to
22 provide electric services.

23 Part IV. Rate Stabilization – Specific Provisions.

24 7–547.

25 This part applies to an investor–owned electric company that has an obligation
26 to provide standard offer service under § 7–510(c) of this subtitle to residential electric
27 customers for whom rate cap or price freeze service established under a settlement
28 agreement approved in accordance with § 7–505(d) of this subtitle expires at the end of
29 June 30, 2006.

30 DRAFTER'S NOTE:

31 Error: Function paragraph of bill being cured incorrectly described part
32 designations.

1 Occurred: Chapter 5 (Senate Bill 1) of the Acts of the 2006 Special Session.

2 **Article – Real Property**

3 11–102.

4 (a) (1) The fee simple owner or lessee under a lease that exceeds 60 years
5 of any property in the State may subject the property to a condominium regime by
6 recording among the land records of the county where the property is located, a
7 declaration, bylaws, and condominium plat that comply with the requirements
8 specified in this title.

9 (2) (i) Notwithstanding the provisions of paragraph (1) of this
10 subsection, a leasehold estate may not be subjected to a condominium regime if it is
11 used for residential purposes unless the State, a county that has adopted charter home
12 rule under Article XI–A of the Maryland Constitution, a municipal corporation, or,
13 subject to the provisions of subparagraph (ii) of this paragraph, the Washington
14 Metropolitan Area Transit Authority is the owner of the reversionary fee simple
15 estate.

16 (ii) The Washington Metropolitan Area Transit Authority may
17 establish a leasehold estate for a condominium regime that is used for residential
18 purposes under subparagraph (i) of this paragraph if, when the initial term of the
19 lease expires, there is a provision in the lease that allows the lessee to automatically
20 renew the lease for another term.

21 (3) Notwithstanding paragraph (2) of this subsection or any
22 declaration, rule, or bylaw, a developer or any other person may not be prohibited from
23 granting a leasehold estate in an individual unit used for residential purposes.

24 **DRAFTER’S NOTE:**

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

27 Occurred: Chapter 526 (Senate Bill 544) of the Acts of 2006.

28 **Article – State Personnel and Pensions**

29 37–101.

1 (d) "Contributory system" means a State or local retirement or pension
2 system under which member contributions are deducted from all compensation.

3 DRAFTER'S NOTE:

4 Error: Function paragraph of bill being cured incorrectly indicated that §
5 37-201(d), rather than § 37-101(d), of the State Personnel and Pensions Article was
6 being amended.

7 Occurred: Chapter 618 (House Bill 1430) of the Acts of 2006.

8 **Article 4 - Baltimore City**

9 16-46.

10 (a) (1) The Board shall review all complaints alleging police misconduct
11 described in § 16-42(a)(1) of this subheading.

12 (2) The Board may investigate, simultaneously with the Internal
13 Investigative Division, each complaint it deems appropriate and report its findings to
14 the Internal Investigative Division.

15 (b) (1) The Board may issue a subpoena, signed by the Chairman of the
16 Board, to compel:

17 (i) the attendance and testimony of a witness other than the
18 accused officer; and

19 (ii) the production of any book, record or other document.

20 (2) If a person fails to comply with a subpoena issued under this
21 subsection, on petition of the Board, a court of competent jurisdiction may compel
22 compliance with the subpoena.

23 (3) A police officer may submit a witness list to the Board 10 days or
24 more before the Board takes testimony.

25 (4) The Chairman or the Secretary of the Board may administer oaths
26 in connection with any proceeding of the Board.

27 (5) The police officer or the police officer's representative shall have
28 the right to question witnesses who testify about the complaint.

1 (6) All witness testimony shall be recorded.

2 (c) (1) The Board shall review the Internal Investigative Division's
3 Report.

4 (2) On review of the Internal Investigative Division Report and the
5 Board's investigative report, if any, of each case, the Board shall recommend to the
6 head of the appropriate law enforcement unit one of the following actions:

7 (i) sustain the complaint and may recommend the appropriate
8 disciplinary action against the police officer;

9 (ii) not sustain the complaint;

10 (iii) exonerate the police officer;

11 (iv) find that the complaint is unfounded; or

12 (v) require further investigation by the Internal Investigative
13 Division.

14 (d) The Board shall submit a statement of its findings and recommendations
15 to the head of the appropriate law enforcement unit within 30 days of receipt of the
16 Internal Investigative Division Report.

17 DRAFTER'S NOTE:

18 Error: Function paragraph of bill being cured incorrectly indicated that § 16-46
19 of the Public Local Laws of Baltimore City was unamended.

20 Occurred: Chapter 499 (House Bill 1470) of the Acts of 2006.

21 **Chapter 204 of the Acts of 2003, as amended by Chapter 322**
22 **of the Acts of 2006**

23 SECTION 12. AND BE IT FURTHER ENACTED, That:

24 (3)

1 (AJ) Mount Olive Community Life Center. Provide a grant
 2 equal to the lesser of (i) \$300,000 or (ii) the amount of the
 3 matching fund provided, to the Board of Directors of the
 4 Mount Olive Community Development Corporation, Inc.
 5 for the acquisition, design, construction, and capital
 6 equipping of the Mount Olive Community Life Center to
 7 provide community outreach, entrepreneurial and
 8 business development services, and employment and
 9 computer technology training, located in Annapolis.
 10 Notwithstanding the provisions of Section 12(5) of this
 11 Act, the matching fund may include real property, in
 12 kind contributions, or funds expended prior to the
 13 effective date of this Act (Anne Arundel County)..... 300,000

14 DRAFTER’S NOTE:

15 Error: Purpose paragraph and short title of bill being cured failed to accurately
 16 describe the changes made by the bill.

17 Occurred: Chapter 322 (House Bill 374) of the Acts of 2006.

18 **Chapter 204 of the Acts of 2003, as amended by Chapter 432 of the Acts of**
 19 **2004 and Chapter 508 of the Acts of 2006**

20 SECTION 13. AND BE IT FURTHER ENACTED, That:

21 (3) (i)

22 (H) Carroll Mansion Museum. Provide a grant equal to the
 23 lesser of (i) \$75,000 or (ii) the amount of the matching
 24 fund provided, to the Board of Directors of the Carroll
 25 Museums, Inc. for the acquisition of heating,
 26 ventilating, and air condition equipment, and for the

1 repair and renovation of the Carroll Mansion Museum,
 2 located in Baltimore City, subject to a requirement that
 3 the grantee grant and convey an historic easement to
 4 the Maryland Historical Trust. Notwithstanding Section
 5 13(5) of this Act, the matching fund may consist of in
 6 kind contributions and the grantee must present
 7 evidence that a matching fund will be provided by June
 8 1, 2008 (Baltimore City)..... 75,000

9 DRAFTER’S NOTE:

10 Error: Function paragraph and body of bill being cured incorrectly indicated
 11 the Act being amended.

12 Occurred: Chapter 508 (Senate Bill 80) of the Acts of 2006.

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

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