

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

Committee Report: Favorable

Senate action: Adopted

Read second time: February 6, 2007

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; 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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 BY repealing and reenacting, without amendments,
2 Article – Environment
3 Section 6–813 and 9–1707 (a) and (c)
4 Annotated Code of Maryland
5 (1996 Replacement Volume and 2006 Supplement)
- 6 BY repealing and reenacting, without amendments,
7 Article – Housing and Community Development
8 Section 16–306
9 Annotated Code of Maryland
10 (2006 Volume)
- 11 BY repealing and reenacting, without amendments,
12 Article – Public Utility Companies
13 Section 7–520 and the part “Part III. Rate Stabilization”; and 7–547 and the
14 part “Part IV. Rate Stabilization – Specific Provisions”
15 Annotated Code of Maryland
16 (1998 Volume and 2006 Supplement)
- 17 BY repealing and reenacting, without amendments,
18 Article – Real Property
19 Section 11–102(a)
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2006 Supplement)
- 22 BY repealing and reenacting, without amendments,
23 Article – State Personnel and Pensions
24 Section 37–101(d)
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2006 Supplement)
- 27 BY repealing and reenacting, without amendments,
28 The Public Local Laws of Baltimore City
29 Section 16–46
30 Article 4 – Public Local Laws of Maryland
31 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
- 32 BY repealing and reenacting, without amendments,
33 Chapter 204 of the Acts of the General Assembly of 2003, as amended by
34 Chapter 322 of the Acts of the General Assembly of 2006
35 Section 12(3) Item (AJ)

1 BY repealing and reenacting, without amendments,
2 Chapter 204 of the Acts of the General Assembly of 2003, as amended by
3 Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 508
4 of the Acts of the General Assembly of 2006
5 Section 13(3)(i) Item (H)

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

8 **Article - Agriculture**

9 2-511.

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

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

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

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

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

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

31 (2) (i) Subject to subparagraph (ii) of this paragraph, the
32 agricultural value of land shall be determined by a formula approved by the
33 Department that measures the farm productivity of the land on which the applicant

1 has applied to sell an easement by taking into consideration weighted factors that may
2 include rents, location, soil types, development pressure, interest rates, and potential
3 agricultural use.

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

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

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

18 DRAFTER’S NOTE:

19 Error: Function paragraph of bill being cured incorrectly indicated that § 2–511
20 of the Agriculture Article was being amended.

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

22 **Article – Environment**

23 6–813.

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

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

31 DRAFTER’S NOTE:

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

3 Occurred: Chapter 398 (House Bill 1450) of the Acts of 2006.
4 9–1707.

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

6 (2) (i) “Newsprint” means paper of the type generally used in the
7 publication of newspapers or commercial advertising inserts printed by the publisher
8 that are made primarily from mechanical woodpulp combined with some chemical
9 woodpulp.

10 (ii) “Newsprint” includes paper made from old newspapers that
11 have been deinked, using the recycled pulp in lieu of virgin pulp.

12 (3) “Reporting period” means:

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

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

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

20 (2) The recycled content percentage requirement is:

21 (i) 12% for 1992;

22 (ii) 12% for 1993;

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

24 (iv) 25% for 2000;

25 (v) 30% for 2001 and 2002;

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

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

2 DRAFTER'S NOTE:

3 Error: Function paragraph of bill being cured incorrectly indicated that §
4 9-1707(a) of the Environment Article was unamended and that § 9-1707(c) was
5 repealed and added.

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

7 **Article - Housing and Community Development**

8 16-306.

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

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

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

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

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

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

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

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

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

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

6 (e) The ballot shall contain:

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

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

11 (3) an option for no representation.

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

16 (2) The ballot shall contain:

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

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

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

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

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

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

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

3 DRAFTER'S NOTE:

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

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

7 **Article – Public Utility Companies**

8 **Part III. Rate Stabilization.**

9 7–520.

10 (a) In this part the following words have the meanings indicated.

11 (b) “Assignee” means any individual, corporation, or other legally recognized
12 entity to which an electric company transfers all or a portion of its interest in rate
13 stabilization property, other than as security, including any assignee of that party.

14 (c) (1) “Financing party” means a holder of rate stabilization bonds.

15 (2) “Financing party” includes a trustee, collateral agent, and any
16 other person acting for the benefit of the holder.

17 (d) “Qualified rate order” means an order of the Commission approving one
18 or more qualified rate stabilization charges.

19 (e) “Qualified rate stabilization charge” means that portion of a usage-based
20 nonbypassable rate, charge, or similar appropriate mechanism for the provision,
21 availability, or termination of electric service, approved in connection with a rate
22 stabilization plan in accordance with § 7–522 or § 7–548 of this subtitle, that a
23 qualified rate order of the Commission authorizes to be imposed for the recovery of
24 rate stabilization costs.

25 (f) “Rate stabilization bond” means a bond, debenture, note, certificate of
26 participation or beneficial interest, or other evidence of indebtedness or ownership
27 that:

28 (1) is authorized in a qualified rate order and issued under an
29 executed trust indenture or other agreement of an electric company or assignee; and

1 (2) is secured by, evidences an ownership interest in, or is payable
2 from rate stabilization property.

3 (g) (1) “Rate stabilization cost” means a cost, liability, or investment that
4 an electric company incurs or will incur under a rate stabilization plan approved by
5 the Commission.

6 (2) “Rate stabilization cost” includes:

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

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

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

16 (h) “Rate stabilization plan” means a plan approved by the Commission in
17 accordance with this part.

18 (i) (1) “Rate stabilization property” means the right, title, and interest of
19 an electric company or assignee in a qualified rate order.

20 (2) “Rate stabilization property” includes:

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

25 (ii) in the hands of an assignee, the right to require the electric
26 company to provide electric services and to collect and remit the qualified rate
27 stabilization charges authorized in the qualified rate order, but not the right or duty to
28 provide electric services.

29 Part IV. Rate Stabilization – Specific Provisions.

30 7-547.

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

6 **DRAFTER'S NOTE:**

7 Error: Function paragraph of bill being cured incorrectly described part
 8 designations.

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

10 **Article – Real Property**

11 11-102.

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

17 (2) (i) Notwithstanding the provisions of paragraph (1) of this
 18 subsection, a leasehold estate may not be subjected to a condominium regime if it is
 19 used for residential purposes unless the State, a county that has adopted charter home
 20 rule under Article XI-A of the Maryland Constitution, a municipal corporation, or,
 21 subject to the provisions of subparagraph (ii) of this paragraph, the Washington
 22 Metropolitan Area Transit Authority is the owner of the reversionary fee simple
 23 estate.

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

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

32 **DRAFTER'S NOTE:**

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

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

4 **Article – State Personnel and Pensions**

5 37–101.

6 (d) “Contributory system” means a State or local retirement or pension
7 system under which member contributions are deducted from all compensation.

8 DRAFTER’S NOTE:

9 Error: Function paragraph of bill being cured incorrectly indicated that §
10 37–201(d), rather than § 37–101(d), of the State Personnel and Pensions Article was
11 being amended.

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

13 **Article 4 – Baltimore City**

14 16–46.

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

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

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

22 (i) the attendance and testimony of a witness other than the
23 accused officer; and

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

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

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

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

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

7 (6) All witness testimony shall be recorded.

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

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

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

15 (ii) not sustain the complaint;

16 (iii) exonerate the police officer;

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

18 (v) require further investigation by the Internal Investigative
19 Division.

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

23 **DRAFTER'S NOTE:**

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

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

27 **Chapter 204 of the Acts of 2003, as amended by Chapter 322**

of the Acts of 2006

SECTION 12. AND BE IT FURTHER ENACTED, That:

(3)

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

DRAFTER’S NOTE:

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

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

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

SECTION 13. AND BE IT FURTHER ENACTED, That:

(3) (i)

1 (H) Carroll Mansion Museum. Provide a grant equal to the
2 lesser of (i) \$75,000 or (ii) the amount of the matching
3 fund provided, to the Board of Directors of the Carroll
4 Museums, Inc. for the acquisition of heating,
5 ventilating, and air condition equipment, and for the
6 repair and renovation of the Carroll Mansion Museum,
7 located in Baltimore City, subject to a requirement that
8 the grantee grant and convey an historic easement to
9 the Maryland Historical Trust. Notwithstanding
10 Section 13(5) of this Act, the matching fund may consist
11 of in kind contributions and the grantee must present
12 evidence that a matching fund will be provided by June
13 1, 2008 (Baltimore City) 75,000

14 DRAFTER’S NOTE:

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

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

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

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