

CHAPTER 4

(Senate Bill 33)

AN ACT concerning

Annual Curative Bill

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

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

BY repealing and reenacting, without amendments,
Article – Environment
Section 6–813 and 9–1707 (a) and (c)
Annotated Code of Maryland
(1996 Replacement Volume and 2006 Supplement)

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

BY repealing and reenacting, without amendments,

Article – Public Utility Companies

Section 7–520 and the part “Part III. Rate Stabilization”; and 7–547 and the part “Part IV. Rate Stabilization – Specific Provisions”

Annotated Code of Maryland

(1998 Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – Real Property

Section 11–102(a)

Annotated Code of Maryland

(2003 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 37–101(d)

Annotated Code of Maryland

(2004 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,

The Public Local Laws of Baltimore City

Section 16–46

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

BY repealing and reenacting, without amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by

Chapter 322 of the Acts of the General Assembly of 2006

Section 12(3) Item (AJ)

BY repealing and reenacting, without amendments,

Chapter 204 of the Acts of the General Assembly of 2003, as amended by

Chapter 432 of the Acts of the General Assembly of 2004 and Chapter 508 of the Acts of the General Assembly of 2006

Section 13(3)(i) Item (H)

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

Article – Agriculture

2–511.

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

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

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

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

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

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

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

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

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

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

DRAFTER’S NOTE:

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

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

Article – Environment

6–813.

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

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

DRAFTER’S NOTE:

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

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

9–1707.

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

(2) (i) “Newsprint” means paper of the type generally used in the publication of newspapers or commercial advertising inserts printed by the publisher

that are made primarily from mechanical woodpulp combined with some chemical woodpulp.

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

(3) "Reporting period" means:

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

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

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

(2) The recycled content percentage requirement is:

(i) 12% for 1992;

(ii) 12% for 1993;

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

(iv) 25% for 2000;

(v) 30% for 2001 and 2002;

(vi) 35% for 2003 and 2004; and

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

DRAFTER'S NOTE:

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

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

Article - Housing and Community Development

16-306.

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

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

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

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

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

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

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

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

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

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

(e) The ballot shall contain:

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

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

(3) an option for no representation.

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

(2) The ballot shall contain:

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

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

(iii) a provision for "No representation".

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

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

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

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

DRAFTER'S NOTE:

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

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

Article – Public Utility Companies

Part III. Rate Stabilization.

7-520.

- (a) In this part the following words have the meanings indicated.
- (b) “Assignee” means any individual, corporation, or other legally recognized entity to which an electric company transfers all or a portion of its interest in rate stabilization property, other than as security, including any assignee of that party.
- (c) (1) “Financing party” means a holder of rate stabilization bonds.
- (2) “Financing party” includes a trustee, collateral agent, and any other person acting for the benefit of the holder.
- (d) “Qualified rate order” means an order of the Commission approving one or more qualified rate stabilization charges.
- (e) “Qualified rate stabilization charge” means that portion of a usage-based nonbypassable rate, charge, or similar appropriate mechanism for the provision, availability, or termination of electric service, approved in connection with a rate stabilization plan in accordance with § 7-522 or § 7-548 of this subtitle, that a qualified rate order of the Commission authorizes to be imposed for the recovery of rate stabilization costs.
- (f) “Rate stabilization bond” means a bond, debenture, note, certificate of participation or beneficial interest, or other evidence of indebtedness or ownership that:
- (1) is authorized in a qualified rate order and issued under an executed trust indenture or other agreement of an electric company or assignee; and
- (2) is secured by, evidences an ownership interest in, or is payable from rate stabilization property.
- (g) (1) “Rate stabilization cost” means a cost, liability, or investment that an electric company incurs or will incur under a rate stabilization plan approved by the Commission.
- (2) “Rate stabilization cost” includes:

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

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

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

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

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

(2) "Rate stabilization property" includes:

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

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

Part IV. Rate Stabilization – Specific Provisions.

7-547.

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

DRAFTER'S NOTE:

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

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

Article – Real Property

11–102.

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

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

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

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

DRAFTER’S NOTE:

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

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

Article – State Personnel and Pensions

37-101.

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

DRAFTER'S NOTE:

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

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

Article 4 - Baltimore City

16-46.

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

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

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

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

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

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

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

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

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

(6) All witness testimony shall be recorded.

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

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

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

(ii) not sustain the complaint;

(iii) exonerate the police officer;

(iv) find that the complaint is unfounded; or

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

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

DRAFTER'S NOTE:

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

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

**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)

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

DRAFTER’S NOTE:

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

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

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

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

Approved March 22, 2007.