

UNOFFICIAL COPY OF SENATE BILL 904  
EMERGENCY BILL

P5

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

Introduced and read first time: February 21, 2005

Assigned to: Rules

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A BILL ENTITLED

AN ACT concerning

**Annual Corrective Bill**

FOR the purpose of correcting certain errors and omissions in certain articles of the Annotated Code and in certain uncodified laws; clarifying language; correcting certain obsolete references; repealing certain provisions of law; reorganizing certain sections of the Annotated Code; validating and ratifying certain corrections made by the publisher of the Annotated Code; providing that this Act is not intended to affect any law other than to correct technical errors; providing for the future correction of certain errors and obsolete provisions by the publisher of the Annotated Code; providing for the effect and construction of certain provisions of this Act; providing for the effective date for a certain provision of this Act; and making this Act an emergency measure.

BY repealing and reenacting, with amendments,  
Article 2B - Alcoholic Beverages  
Section 6-201(d)(3)(i)2.F. and (r)(7)(iii)1. and (9)(iii)1., 9-102(b-3)(2),  
9-204.1(a)(8)(ii) and (iii), 10-204(n)(5)(i), and 19-301(a)(2)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article 10 - Legal Officials  
Section 40(h)(1)(iv) and (p)(3), (5), and (8)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article 24 - Political Subdivisions - Miscellaneous Provisions  
Section 9-304(c)(2)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article 25 - County Commissioners  
Section 254(h)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article 41 - Governor - Executive and Administrative Departments  
Section 6-704(b)(1)(v) and 14-904(b)(4)(ii)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article 41 - Governor - Executive and Administrative Departments  
Section 14-901(d), 14-902, 14-904(g), 14-906(a), 14-908, 14-911(a), and 14-914  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article 49D - Office for Children, Youth, and Families  
Section 4.1(b)(7) and 15(a)(4)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article 49D - Office for Children, Youth, and Families  
Section 12(b)(2)(iii) and (g)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 536 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, without amendments,

Article 70B - Department of Aging  
Section 4B(a)(7)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article 83A - Department of Business and Economic Development  
Section 5-103(a) and (b), 5-1403(b), 5-1405(d)(1)(iii), 5-1407(b), and the  
subtitle designation "Subtitle 2A. Maryland Technology Development"

Corporation" in Title 5  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,  
Article 83A - Department of Business and Economic Development  
Section 5-2A-01  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,  
Article 88A - Department of Human Resources  
Section 129A(b)(1)(v)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Agriculture  
Section 2-301(a), 2-304.1(c), 2-509(b)(4) and (7), 2-510(k), 2-514(d), and  
8-704.2(c)  
Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Business Occupations and Professions  
Section 10-206(b)(4), 11-603(c)(1), and 17-523(a)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Business Occupations and Professions  
Section 11-603(b)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 520 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Business Occupations and Professions  
Section 17-315(b)(3)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2004 Supplement)

(As enacted by Chapter 541 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Business Regulation  
Section 7-306(a) and 12-207(d)  
Annotated Code of Maryland  
(1998 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Business Regulation  
Section 10-312(3)  
Annotated Code of Maryland  
(1998 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 380 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Business Regulation  
Section 11-515(e)(6)  
Annotated Code of Maryland  
(1998 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 97 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Commercial Law  
Section 7-103(c)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 95 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Commercial Law  
Section 9-102(a)(67)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Commercial Law  
Section 13-301(14)(xvii) through (xxi), 22-209(d), and 22-802(e)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Corporations and Associations  
Section 1-203(a)  
Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 430 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Corporations and Associations  
Section 2-502(b)(2) and 7-201(5)  
Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Correctional Services  
Section 11-706(e)(4)(ii)  
Annotated Code of Maryland  
(1999 Volume and 2004 Supplement)  
(As enacted by Chapter 370 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Courts and Judicial Proceedings  
Section 3-8C-06(e)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 551 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Courts and Judicial Proceedings  
Section 7-202(c) and (e), 10-402(c)(1)(ii)2., (4)(i), and (5) and (e)(2)(i) and (3),  
and 12-302(c)(3)(i) and (vi)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,  
Article - Courts and Judicial Proceedings  
Section 7-507(c)(3)(i)2.  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Criminal Law  
Section 3-802(b)(3), 5-802(a)(1) and (b), 8-301(e), and 9-609(a)(2)  
Annotated Code of Maryland

(2002 Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 3-805.1(a)(4) and (b)(6)(i) and (ii)

Annotated Code of Maryland

(2002 Volume and 2004 Supplement)

(As enacted by Chapter 470 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 7-104(g)(3)

Annotated Code of Maryland

(2002 Volume and 2004 Supplement)

(As enacted by Chapter 130 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,

Article - Criminal Law

Section 13-2435(d)(2)

Annotated Code of Maryland

(2002 Volume and 2004 Supplement)

(As enacted by Chapter 215 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,

Article - Criminal Procedure

Section 2-101(c)(6), 2-102(c)(1), 2-103(a), 2-104(c)(1), 4-101(e)(3),

5-202(c)(2)(ii) and (e)(3), 6-229(c)(2), and 11-912(a)

Annotated Code of Maryland

(2001 Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article - Criminal Procedure

Section 10-236(c)(1)(ii), (2), and (4)

Annotated Code of Maryland

(2001 Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Education

Section 4-107(a)(1), 4-122(a)(1), 4-205(c)(2), 5-603(c), 7-103(a)(3) and (e)(1),

8-406(c)(2), 12-102(c)(1), 12-104(e)(2), 14-104(b) and (p)(3)(ii),

16-106(b)(1)(i), 18-603(b), 18-1001, 18-1008(b)(2)(i), 18-1909(b)(2)(i),

18-2001, 18-2601(g), and 23-301

Annotated Code of Maryland

(2004 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Education

Section 15-106.3(c)(2)

Annotated Code of Maryland

(2004 Replacement Volume and 2004 Supplement)

(As enacted by Chapter 224 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,

Article - Election Law

Section 1-101(e) and 3-204(b)(2)

Annotated Code of Maryland

(2003 Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Environment

Section 4-103(e)(1), 4-105(a)(2)(ii)5. and (iii), 7-406(f)(3), and 9-1601(cc)(2)

Annotated Code of Maryland

(1996 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Environment

Section 9-1601(ff)(1)(i)

Annotated Code of Maryland

(1996 Replacement Volume and 2004 Supplement)

(As enacted by Chapter 428 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,

Article - Estates and Trusts

Section 15-112(a)

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article - Family Law

Section 2-404(b)

Annotated Code of Maryland

(1999 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Family Law

Section 2-404(e), 5-525(g), and 5-525.1(d)(2)

Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Family Law  
Section 9.5-204(b)(1)  
Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 502 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Health - General  
Section 4-305(c)(1), 10-1503, 15-114(a), 15-127(a), 17-214(f)(2)(ii), and  
21-323.1(a)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Health - General  
Section 5-615(c)(1)(i)1.  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 356 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,  
Article - Health - General  
Section 10-409  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 430 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, without amendments,  
Article - Health - General  
Section 13-1403(a)(2)(v) and 24-1203(b)(2)(xvi)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Health - General  
Section 15-141(m)(1)(i)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 4 of the Acts of the General Assembly of the 2004 Special

Session)

BY repealing and reenacting, with amendments,

Article - Health - General

Section 20-1006(a)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

(As enacted by Chapter 319 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, without amendments,

Article - Health Occupations

Section 2-202(a)(7)(ii)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Health Occupations

Section 8-6A-02(b)(4), 14-5A-04(b)(2), and 14-5B-04(b)(2)

Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Insurance

Section 4-405(b)(9)(iv), (b), and (c) and 10-133

Annotated Code of Maryland

(2003 Replacement Volume and 2004 Supplement)

(As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special Session)

BY repealing and reenacting, with amendments,

Article - Insurance

Section 10-101(f) and 10-121(b)(2)(ii)

Annotated Code of Maryland

(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Insurance

Section 10-408(e)(2)

Annotated Code of Maryland

(2003 Replacement Volume and 2004 Supplement)

(As enacted by Chapters 290 and 291 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,

Article - Insurance  
Section 15-909(b)(2), 15-10A-03(c)(2), and 24-207(b)(1)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Insurance  
Section 27-501(d)(3)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 464 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, without amendments,  
Article - Labor and Employment  
Section 3-707(d)  
Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Labor and Employment  
Section 11-403(a)(2) and (6)  
Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Natural Resources  
Section 1-501(c), 4-215(a), 4-604(f)(3), 4-701(i)(2) and (j-1)(1), 4-711(a),  
4-745(c)(4) and (d)(2)(i), 5-209(b), 5-212.1(a)(2) and (h), 8-723(e),  
8-729(a), and 8-2102(d)(5)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,  
Article - Natural Resources  
Section 4-208(g), 4-209(g), 5-103(e)(7), 5-212(g), 5-212.1(g)(1), 5-215(c),  
5-908(d), 5-908.1(d), 5-909(c), 8-723(f), 10-209(g), and 10-301(n)(7)(i)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Natural Resources  
Section 8-743(b)(2)  
Annotated Code of Maryland

(2000 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 458, Section 1, of the Acts of the General Assembly of  
2004)

BY repealing and reenacting, with amendments,

Article - Natural Resources  
Section 8-1808(c)(1)(vii)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 526 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, without amendments,

Article - Public Safety  
Section 12-1003(b)(5)  
Annotated Code of Maryland  
(2003 Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Public Utility Companies  
Section 7-505(b)(3)  
Annotated Code of Maryland  
(1998 Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Real Property  
Section 11-109(c)(4)(ii), (5)(ii), (8)(iii)1., and (12), 11-137(a), 13-101(b), and  
14-128(a)(1)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article - State Finance and Procurement  
Section 3-901(d) and (e), 3-902(a), 3-905, 3-906(a), and 13-107.1(c)(1) and (k)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - State Finance and Procurement  
Section 3-903, 3-1002(a), 7-208(c), 7-209(e)(3)(ii), 7-314(m) and (q)(4)(i),  
8-112(e)(3), and 11-203(e)(3)(ii)2. and (7)(iii)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - State Government  
Section 6-308  
Annotated Code of Maryland  
(2004 Replacement Volume)  
(As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special Session)

BY repealing and reenacting, with amendments,

Article - State Government  
Section 8-403(b), 9-2603(b)(1)(i) and (ii), 12-101(a)(10), 12-301(2), and  
15-516(b)(3)(ii) and (4)  
Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)

BY adding to

Article - State Government  
Section 10-630  
Annotated Code of Maryland  
(1999 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - State Personnel and Pensions  
Section 11-208(b), 11-305(a)(1), 21-123(f)(1)(i), 21-305.3(d)(2), 22-220(a),  
24-401.1(h)(5)(i), 26-201(a)(12), 26-401.1(h)(5)(i), 31-2A-03(c), and  
34-101(g)  
Annotated Code of Maryland  
(2004 Replacement Volume)

BY repealing and reenacting, without amendments,

Article - Tax - General  
Section 7-203(b)(2)(v)  
Annotated Code of Maryland  
(1997 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Tax - Property  
Section 9-105(a)(6)(i)2.  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 501 of the Acts of the General Assembly of 2004)

BY repealing and reenacting, with amendments,

Article - Transportation

Section 2-103.1(g), 4-101(i)(1), and 8-627(b)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,  
Article - Transportation  
Section 2-103.3(c)(4), (e)(1), (g), and (h) and 2-606(b)(1)(viii)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Transportation  
Section 13-618(d)(4), 13-815(a)(4) and (6) and (g), 13-920(a)(1),  
16-205.1(a)(1)(i), 16-815(a)(1), 23-201(a), 23-301(a), 27-101(k)(2) and (3),  
and 27-107(a)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Chapter 246 of the Acts of the General Assembly of 2000, as amended by  
Chapter 160 of the Acts of the General Assembly of 2004  
Section 1(3)

BY repealing and reenacting, with amendments,  
Chapter 5 of the Acts of the General Assembly of the 2004 Special Session  
Section 3, 4, and 15

BY repealing  
Chapter 5 of the Acts of the General Assembly of the 2004 Special Session  
Section 11 and 12

BY repealing and reenacting, with amendments,  
The Public Local Laws of Frederick County  
Section 2-1-1  
Article 11 - Public Local Laws of Maryland  
(2004 Edition, as amended)

BY repealing and reenacting, with amendments,  
Article - Natural Resources  
Section 8-743(b)(2)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)  
(As enacted by Chapter 458, Section 2, of the Acts of the General Assembly of  
2004)

## BY repealing

Article 41 - Governor - Executive and Administrative Departments  
Title designation "Title 20. Statewide Cultural Programs"  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

## BY repealing and reenacting, with amendments,

Article - Transportation  
Section 11-127.1, 11-127.2, 11-178, 13-939.1(1), and 16-205.1(a)(1)(ii)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)

## BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings  
Section 10-307(g)  
Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)

## BY repealing and reenacting, with amendments,

Article - Natural Resources  
Section 8-738(b)(2)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

## BY repealing and reenacting, with amendments,

Article 2B - Alcoholic Beverages  
Section 1-201(f)(7), 7.5-106(a) and (b), 16-404(b) and (c), and 16-407  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

## BY repealing and reenacting, with amendments,

Article - Criminal Procedure  
Section 2-101(c)(13)  
Annotated Code of Maryland  
(2001 Volume and 2004 Supplement)

## BY repealing and reenacting, with amendments,

Article - Health - General  
Section 18-213(a)(3)(ix) and 18-213.2(a)(8)(ix)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

## BY repealing and reenacting, with amendments,

Article - Public Safety  
Section 3-101(e)(1)(ii)12. and 3-201(e)(2)(i)  
Annotated Code of Maryland  
(2003 Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - State Personnel and Pensions  
Section 8-301(b) and 26-201(a)(2)  
Annotated Code of Maryland  
(2004 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article - Tax - General  
Section 2-107(a), (b), (c)(2), and (d)(2)  
Annotated Code of Maryland  
(2004 Replacement Volume)

BY repealing and reenacting, with amendments,  
Article 41 - Governor - Executive and Administrative Departments  
Section 6-704(b)(1)(i)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Health - General  
Section 10-806(c)(4)(ii) and 13-506(a)(2)(iii)  
Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - State Finance and Procurement  
Section 14-101(b)(3) and 14-109(a)(3)  
Annotated Code of Maryland  
(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article 41 - Governor - Executive and Administrative Departments  
Section 6-7A-01(j)  
Annotated Code of Maryland  
(2003 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,  
Article - Health - General

Section 15-103(b)(9)(i)1., 17-214(f)(2)(i), 19-308(b)(2)(iii), and 19-360(a)(2)(ii) and (3)

Annotated Code of Maryland  
(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Insurance

Section 15-901(f), 15-912(c)(10), 15-926, and 15-1003(b) and (d)(2)(i)

Annotated Code of Maryland  
(2002 Replacement Volume and 2004 Supplement)

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

**Article 2B - Alcoholic Beverages**

6-201.

- (d) (3) (i) 2. "Arena" means a facility that is a:  
F. Concert facility; OR

DRAFTER'S NOTE:

Error: Omitted word in Article 2B, § 6-201(d)(3)(i)2F.

Occurred: Ch. 481, Acts of 1993.

(r) (7) (iii) 1. The Board may issue a [Class B,] CLASS B beer, wine and liquor license, known as an "arena license", for the sale of beer, wine, and liquor by the drink and by the bottle within the arena, from one or more outlets, for consumption on the licensed premises.

DRAFTER'S NOTE:

Error: Extraneous comma in Article 2B, § 6-201(r)(7)(iii)1.

Occurred: Ch. 837, Acts of 1973.

(9) (iii) 1. Notwithstanding the provisions of § 9-217(e)(1) of this article, the Board may issue a [Class B/ECF,] CLASS B/ECF beer, wine and liquor license, to be known as an "educational conference facility" license, to the University of Maryland, University College Center of Adult Education.

DRAFTER'S NOTE:

Error: Extraneous comma in Article 2B, § 6-201(r)(9)(iii)1.

Occurred: Ch. 663, Acts of 1980.

9-102.

(b-3) (2) In Anne Arundel County, a Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued except by way of renewal to a person, corporation, or limited liability company holding an alcoholic beverage license in any other state or IN Washington, D.C.

DRAFTER'S NOTE:

Error: Omitted word in Article 2B, § 9-102(b-3)(2).

Occurred: Ch. 517, Acts of 1976.

9-204.1.

(a) (8) The 39th alcoholic beverages district, as defined in subsection (d) of this section, except for the following areas:

(ii) The portion of ward 21, [precinct 1] PRECINCT 1, east of Greene Street;

(iii) The portion of ward 22, [precinct 1] PRECINCT 1, west of South Howard Street;

DRAFTER'S NOTE:

Error: Omitted commas in Article 2B, § 9-204.1(a)(8)(ii) and (iii).

Occurred: Ch. 461, Acts of 1992.

10-204.

(n) (5) (i) Prior to the beginning of each fiscal year, the Board shall submit an annual budget to the COUNTY Council and County Executive for review.

DRAFTER'S NOTE:

Error: Omitted word in Article 2B, § 10-204(n)(5)(i).

Occurred: Ch. 5, Acts of 1993.

19-301.

(a) (2) In this [section] SECTION, "unless authorized" means the possession and presentation of a written consent by the owner of the property.

DRAFTER'S NOTE:

Error: Omitted comma in Article 2B, § 19-301(a)(2).

Occurred: Ch. 3, Acts of 1994.

**Article 10 - Legal Officials**

40.

(h) (1) (iv) In addition to the compensation provided for in this section, the State's [Attorney] ATTORNEY, for the operation of his office and the performance of his duties, shall be entitled to a reasonable expense allowance which shall be as provided for in the Cecil County budget.

**DRAFTER'S NOTE:**

Error: Omitted comma in Article 10, § 40 (h)(1)(iv).

Occurred: Ch. 31, Acts of 1986.

(p) In Montgomery County:

(3) The State's Attorney may appoint the number of administrative assistants, special investigators, clerks, administrative aides, [para-legal] PARALEGAL interns, and other personnel as approved from time to time by the County Council.

(5) All deputy State's Attorneys, assistant State's Attorneys, administrative assistants, special investigators, clerks, administrative aides, [para-legal] PARALEGAL interns, and other personnel of the office of the State's Attorney are subject to his exclusive control and are entitled to all benefits provided for county employees under the merit system.

(8) The deputy State's [Attorneys,] ATTORNEYS and assistant State's Attorneys shall perform any work directed by the State's Attorney or authorized by law, and under his direction, may present cases to the grand jury, sign indictments and criminal informations, and perform other acts and duties relating to the grand jury and the operation of the office of the State's Attorney as are necessary and proper.

**DRAFTER'S NOTE:**

Error: Misspellings in Article 10, § 40(p)(3) and (5); extraneous comma in Article 10, § 40(p)(8).

Occurred: Ch. 812, Acts of 1974.

**Article 24 - Political Subdivisions - Miscellaneous Provisions**

9-304.

(c) (2) Notwithstanding subsection (b)(1) OF THIS SECTION, a code county in the Western Maryland class may set a hotel rental tax rate that is greater than 3%, but not exceeding 8%, with the unanimous consent of the county commissioners for the county.

## DRAFTER'S NOTE:

Error: Stylistic error in Article 24, § 9-304(c)(2).

Occurred: Chapter 42, Acts of 2003.

**Article 25 - County Commissioners**

254.

(h) In Frederick County, in addition to the authority provided in this section, the Frederick County Commissioners may establish, maintain, and operate a nursing or convalescent home or homes and any other facilities and services for the proper care and treatment of THE aged, convalescent, and chronically ill.

## DRAFTER'S NOTE:

Error: Omitted article in Article 25, § 254(h).

Occurred: Ch. 294, Acts of 2004.

**Article 41 - Governor - Executive and Administrative Departments**

6-704.

(b) The Committee shall consist of the following:

(1) 1 representative each from:

(v) The MARYLAND Commission ON DISABILITIES;

## DRAFTER'S NOTE:

Error: Misnomer in Article 41, § 6-704(b)(1)(v).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to the "Maryland Advisory Council for Individuals with Disabilities" was partially corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and the partial correction is validated by this Act.

14-901.

(d) "Secretary" means the Secretary of Disabilities.

## DRAFTER'S NOTE:

Error: Misnomer in Article 41, § 14-901(d).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former references to the "Director" and the "Office for

Individuals with Disabilities" were corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and are validated by this Act.

14-902.

There is an Assistive Technology Guaranteed Loan Program administered by the Department of Disabilities.

DRAFTER'S NOTE:

Error: Misnomer in Article 41, § 14-902.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to the "Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

14-904.

(b) The Board of Directors shall consist of:

(4) Eight individuals appointed by the Governor, confirmed by the Senate of Maryland, as follows:

(ii) Four members of the public with disabilities or who assist individuals with disabilities at least one of whom must be a member of the MARYLAND Commission ON DISABILITIES.

(g) The Department of Disabilities shall staff the Board.

DRAFTER'S NOTE:

Error: Misnomer in Article 41, § 14-904(b)(4)(ii) and (g).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference in Article 41, § 14-904(b)(4)(ii) to the "Advisory Council for Individuals with Disabilities" was partially corrected, and the former reference in Article 41, § 14-904(g) to the "Office for Individuals with Disabilities" was corrected, by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and the partial correction and the correction are validated by this Act.

14-906.

(a) There is an Assistive Technology Guaranteed Loan Fund in the Department of Disabilities.

DRAFTER'S NOTE:

Error: Misnomer in Article 41, § 14-906(a).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to the "Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

14-908.

Annually, the State Treasurer shall report to the Board and the Secretary as to:

- (1) The status of the money invested under this subtitle;
- (2) The market value of the assets in the Fund as of the date of the report; and
- (3) The interest received from investments during the period covered by the report.

DRAFTER'S NOTE:

Error: Misnomer in Article 41, § 14-908.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to the "Director" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

14-911.

(a) To apply for financial assistance, an applicant shall submit to the Board an application on the form provided by the Secretary.

DRAFTER'S NOTE:

Error: Misnomer in Article 41, § 14-911(a).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to the "Director" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

14-914.

The Board, through the Secretary, shall report annually to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly, on or before January 1 of each year on the number, amount, and use of loans and subsidies for which the Program has provided guarantees of loans and subsidies of loan interest under this subtitle.

## DRAFTER'S NOTE:

Error: Misnomer in Article 41, § 14-914.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to the "Director" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

**Article 49D - Office for Children, Youth, and Families**

## 4.1.

(b) The Subcabinet for Children, Youth, and Families consists of:

(7) The Secretary of Disabilities; and

## DRAFTER'S NOTE:

Error: Obsolete language in Article 49D, § 4.1(b)(7).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to "Director of the Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

## 12.

(b) (2) The system for outcomes evaluation shall be planned to allow the State to:

(iii) Effectively allocate its resources, based on demonstrated [outcomes.] OUTCOMES;

[(g)] (F) Subject to § 2-1246 of the State Government Article, on or before September 1, 2004, the lead agency and the cooperating departments shall submit a joint report to the General Assembly on the plan for the system for outcomes evaluation and the cost of testing and implementing the system for outcomes evaluation for out-of-home placement of children.

## DRAFTER'S NOTE:

Error: Incorrect punctuation in Article 49D, § 12(b)(2)(iii); erroneous subsection designation in Article 49D, § 12(g).

Occurred: Ch. 536, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume is ratified by this Act.

15.

- (a) The members of the Council are:
  - (4) The Secretary of Disabilities, as a nonvoting, ex officio member;

## DRAFTER'S NOTE:

Error: Obsolete language in Article 49D, § 15(a)(4).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to "Director of the Governor's Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

**Article 70B - Department of Aging**

4B.

- (a) The Interagency Committee on Aging Services consists of the following members:
  - (7) The Secretary of Disabilities;

## DRAFTER'S NOTE:

Error: Misnomer in Article 70B, § 4B(a)(7).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference "Director of the Governor's Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

**Article 83A - Department of Business and Economic Development**

5-103.

- (a) Notwithstanding any other provision of law [except for § 5-701 of this article], the Secretary may transfer funds among any of the various accounts within the Department or subject to its control, that are used to provide financial support of any kind.
- (b) Notwithstanding any other provision of law [except for § 5-701 of this article], the Secretary may transfer funds from any of the accounts described in subsection (a) of this section to the Economic Development Opportunities Program Fund established under § 7-314 of the State Finance and Procurement Article.

## DRAFTER'S NOTE:

Error: Obsolete cross-reference in Article 83A, § 5-103(a) and (b).

Occurred: As a result of Ch. 304, § 3, Acts of 1999.

Subtitle 2A. Maryland [Science, Engineering, and] Technology Development Corporation.

5-2A-01.

In this subtitle, "Corporation" means the Maryland Technology Development Corporation.

DRAFTER'S NOTE:

Error: Erroneous subtitle designation immediately preceding Article 83A, § 5-2A-01.

Occurred: As a result of Ch. 13, Acts of 2000.

5-1403.

(b) [The] EXCEPT AS PROVIDED IN § 5-1405(H)(3) OF THIS SUBTITLE, THE Authority shall, with respect to financial assistance exceeding \$2,500,000:

- (1) Evaluate requests for financial assistance that have been first evaluated by staff of the Department;
- (2) Determine whether to approve requests for financial assistance; and
- (3) Set the terms and conditions for financial assistance.

DRAFTER'S NOTE:

Error: Omitted cross-reference in Article 83A, § 5-1403(b).

Occurred: Ch. 216, Acts of 2004.

5-1405.

(d) To be eligible for financial assistance from the Fund, an applicant must be:

- (1) An individual, private business, not for profit entity, or local government which:
  - (iii) Submits to the Department an application containing:
    1. Any information the Department or the Authority deems necessary in evaluating the request for financial assistance; and
    2. For a qualified distressed county project, the following, in form and content acceptable to the [Department;] DEPARTMENT:

- prospective businesses;
- A. A marketing plan designed to market the project to
  - B. A statement of planned marketing expenditures as a percent of the total financial assistance amount requested; and
  - C. A plan for the project that is consistent with the county's local strategic economic development plan as to the location and type of project; or

## DRAFTER'S NOTE:

Error: Incorrect punctuation in Article 83A, § 5-1405(d)(1)(iii)2.

Occurred: Ch. 216, Acts of 2004.

5-1407.

(b) (1) Except as provided in paragraph (2) of this subsection, to qualify for a grant, a local government shall provide at least an equal and matching grant of funds to the local economic development fund.

(2) A local government that is, or is located in, a qualified distressed county, as defined in [§ 5-701] § 5-1401 of this [title] SUBTITLE, may qualify for a grant under this section by providing a grant to the local economic development fund in an amount equal to at least 50% of the grant made under this section.

## DRAFTER'S NOTE:

Error: Obsolete cross-reference in Article 83A, § 5-1407(b)(2).

Occurred: As a result of Ch. 304, § 3, Acts of 1999.

**Article 88A - Department of Human Resources**

129A.

- Governor:
- (b) (1) The Council shall consist of the following members, appointed by the Governor:
    - (v) One representative from the Department of Disabilities;

## DRAFTER'S NOTE:

Error: Misnomer in Article 88A, § 129A(b)(1)(v).

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference "Governor's Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the 2003 Replacement Volume and is validated by this Act.

**Article - Agriculture**

2-301.

(a) In this [subtitle,] SUBTITLE the following words have the meanings indicated.

**DRAFTER'S NOTE:**

Error: Extraneous comma in § 2-301(a) of the Agriculture Article.

Occurred: Ch. 6, Acts of the First Special Session of 1973.

2-304.1.

(c) The Board may reject an application, or suspend or revoke the license for failure to maintain the facility properly. The rejection, suspension, or revocation shall be in accordance with the procedures set out in § 2-311 OF THIS SUBTITLE.

**DRAFTER'S NOTE:**

Error: Stylistic error in § 2-304.1(c) of the Agriculture Article.

Occurred: Ch. 208, Acts of 1977.

2-509.

(b) (4) (I) Within 120 days after the receipt of the petition, the county governing body shall render a decision as to whether or not the petition shall be recommended to the Foundation for approval.

[(i)] (II) If the county governing body decides to recommend approval of the petition, it shall so notify the Foundation and forward to the Foundation the petition and all accompanying materials, including the recommendations of the advisory board and county planning and zoning body.

[(ii)] (III) If the county governing body recommends denial of the petition, it shall so inform the Foundation and the petitioners.

(7) (I) If the Foundation approves the petition, the agricultural district shall be established by an ordinance of the county governing body, however, the establishment shall not take effect until all landowners in the proposed district have executed and recorded along with land records an agreement with the Foundation stipulating that for a period of five years from the establishment of the agricultural district, the landowner agrees to keep his land in agricultural use and has the right to offer to sell an easement for development rights on his land to the Foundation under the provisions of this subtitle.

[(i)] (II) In the event of severe economic hardship the Foundation, with the concurrence of the county governing body, may release the landowner's property from the agricultural district. Any person aggrieved by a decision of the

Foundation regarding a determination of severe economic hardship is entitled to judicial review.

[(ii)] (III) Nothing in this section shall preclude the landowner from selling his property.

DRAFTER'S NOTE:

Error: Stylistic errors in § 2-509(b)(4) and (7) of the Agriculture Article.

Occurred: Ch. 883, Acts of 1977.

2-510.

(k) (1) At the time of settlement of the purchase of an easement, the landowner and the Foundation may agree upon and establish a schedule of payment such that the landowner may receive consideration for the easement in a lump sum, in installments over a period of up to 10 years from the date of settlement, or as provided in an installment purchase agreement under paragraph [(2)] (3) of this subsection. At the time of settlement, the Foundation shall notify in writing each landowner who sells an agricultural easement to the Foundation of the schedule of anticipated ranges of interest rates to be paid on any unpaid balance after the date of settlement.

[(1)] (2) (i) If a schedule of installments is agreed upon, the Comptroller shall retain in the Maryland Agricultural Land Preservation Fund an amount of money sufficient to pay the landowner according to the schedule.

(ii) The landowner shall receive interest on any unpaid balance remaining after the date of settlement. The State Treasurer shall invest the unpaid balance remaining after the date of settlement in a certificate or certificates of deposit at the maximum interest rate offered by a bank servicing the State or at such other institutions which pay the maximum interest rates payable on time and savings deposits at federally insured commercial banks selected by the Treasurer, to mature in accordance with an agreed upon schedule of installments as provided in this section. Any interest earned on the invested unpaid balance shall be paid with the installment when due, less 1/4 of 1 percent.

[(2)] (3) (i) The Foundation may pay the landowner according to a schedule, up to a maximum term of 15 years, established in an installment purchase agreement.

(ii) The installment purchase agreement shall:

1. Require that the Foundation make annual equal payments to the landowner of interest on the outstanding balance of the purchase price;

2. Require that the Foundation pay the landowner the remainder of the purchase price at the end of the term;

3. State the total amount of money the Foundation will pay the landowner, the interest rate, and the terms of the agreement; and

4. Require that the easement be recorded within 30 days of settlement.

DRAFTER'S NOTE:

Error: Stylistic error in § 2-510(k) of the Agriculture Article.

Occurred: Ch. 883, Acts of 1977.

2-514.

(d) An easement may be terminated only with the approval of the governing body of the county containing the subject land. In deciding whether to approve the request for termination, the county governing body shall receive the recommendation of the county agricultural preservation advisory board established under § 2-504.1 of this subtitle. The decision of the county governing body shall be made after the public hearing required in [paragraph (c)] SUBSECTION (C) OF THIS SECTION. The county governing body shall notify the Foundation of its decision within 30 days after the conclusion of the public hearing required in [paragraph (c)] SUBSECTION (C) OF THIS SECTION.

DRAFTER'S NOTE:

Error: Stylistic errors in § 2-514(d) of the Agriculture Article.

Occurred: Ch. 883, Acts of 1977.

8-704.2.

(c) The purpose of the Project is to establish a [cost-share] COST SHARE matching program to assist in the transportation of poultry or livestock manure from farms:

(1) To be used on land with soil having the capacity to hold additional phosphorus; or

(2) To be used in environmentally acceptable ways other than land application.

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 8-704.2(c) of the Agriculture Article.

Occurred: Ch. 324, Acts of 1998.

**Article - Business Occupations and Professions**

10-206.

(b) This section does not apply to:

(4) [(i)] an officer of a corporation, an employee designated by an officer of a corporation, a partner in a business operated as a partnership or an employee designated by a partner, a member of a limited liability company or an employee designated by a member of a limited liability company, or an employee designated by the owner of a business operated as a sole proprietorship while the officer, partner, member, or employee is appearing on behalf of the corporation, partnership, limited liability company, or business in a civil action in the District Court of Maryland if [the action]:

## (I) THE ACTION:

1. is based on a claim that does not exceed the amount set under § 4-405 of the Courts Article for a small claim action; and

2. is not based on an assignment, to the corporation, partnership, or business, of the claim of another;

(ii) [an] IN THE CASE OF A DESIGNATED employee [designated under subparagraph (i) of this paragraph], THE EMPLOYEE:

1. [may not be] IS NOT assigned on a full-time basis to appear in the District Court on behalf of the corporation, partnership, or business;

2. [shall provide] PROVIDES the court a power of attorney sworn to by the employer that certifies that the designated employee is an authorized agent of the corporation, partnership, limited liability company, or sole proprietorship and may bind the corporation, partnership, limited liability company, or sole proprietorship on matters pending before the court; and

3. [may not be] IS NOT an individual who is disbarred or suspended as a lawyer in any state; AND

(iii) [a] THE corporation, partnership, limited liability company, or business [may] DOES not contract, hire, or employ another business entity to provide appearance services [under subparagraph (i) of this paragraph]; or

## DRAFTER'S NOTE:

Error: Stylistic errors in § 10-206(b)(4) of the Business Occupations and Professions Article.

Occurred: Ch. 281, Acts of 1992.

11-603.

(b) A conflict of [interests] INTEREST exists in situations in [which;] WHICH:

(1) except as provided in subsection (c) of this section, a licensed pilot solicits or accepts financial or other consideration of value from a tugboat, towing, vessel-assist, vessel-owning, or vessel-chartering company, or an agent or officer of that company, or from any other entity providing services in the port community;

(2) a licensed pilot takes any action with the intent to benefit or harm the economic interests of a tugboat, towing, vessel-assist, vessel-owning, or vessel-chartering company, or any other entity providing services in the port community;

(3) a licensed pilot allows personal financial interests to conflict with professional responsibilities;

(4) a licensed pilot solicits business for a tugboat, towing, vessel-assist, vessel-owning, or vessel-chartering company, or any other entity providing services in the port community; or

(5) a licensed pilot discourages a person from engaging the services of a tugboat, towing, vessel-assist, vessel-owning, or vessel-chartering company, or any other entity providing services in the port community.

(c) A conflict of interest does not exist in situations in which:

(1) remuneration IS paid to the pilot through the Association in return for the provision of pilotage services; or

DRAFTER'S NOTE:

Error: Incorrect word and incorrect punctuation in § 11-603(b) of the Business Occupations and Professions Article; omitted word in § 11-603(c)(1) of the Business Occupations and Professions Article.

Occurred: Ch. 520, Acts of 2004. Correction of the punctuation error in § 11-603(b) by the publisher of the Annotated Code in the 2004 Supplement of the Business Occupations and professions Article is ratified by this Act.

17-315.

(b) (3) The requirement of paragraph (2)(iii) of this [subsection,] SUBSECTION does not apply to a licensee who provides real estate brokerage services solely in connection with nonresidential real estate.

DRAFTER'S NOTE:

Error: Extraneous comma in § 17-315(b)(3) of the Business Occupations and Professions Article.

Occurred: Ch. 541, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Business Occupations and Professions Article is ratified by this Act.

17-523.

(a) Each real estate contract submitted to a party by a real estate broker, an associate real estate broker, or a real estate salesperson for use in the sale of residential property used as a dwelling place for one or two single-family units shall contain, in the manner provided under subsection (b) of this section, the following statement, as required by [§ 14-120] § 14-117 of the Real Property Article:

"Section 14-104 of the Real Property Article of the Annotated Code of Maryland provides that, unless otherwise negotiated in the contract or provided by local law, the cost of any recordation tax or any State or local transfer tax shall be shared equally between the buyer and seller."

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 17-523(a) of the Business Occupations and Professions Article.

Occurred: Ch. 756, Acts of 1989.

#### **Article - Business Regulation**

7-306.

(a) (1) A license issued on or before September 30, [1997] 1997, expires on December 31 of the year in which it was issued.

(2) A license issued on or after October 1, [1997] 1997, expires on December 31 in each odd-numbered year after December 31, 1997.

DRAFTER'S NOTE:

Error: Omitted commas in § 7-306(a)(1) and (2) of the Business Regulation Article.

Occurred: Ch. 22, Acts of 1997.

10-312.

Each producer, refiner, or wholesaler of motor fuel who supplies motor fuel to retail service station dealers:

(3) [(2)] during periods of shortage:

(i) shall apportion uniformly and equitably all gasoline and special fuel to all retail service station dealers supplied; and

(ii) may not discriminate among retail service station dealers supplied in their allotments.

DRAFTER'S NOTE:

Error: Extraneous number in § 10-312(3) of the Business Regulation Article.

Occurred: Ch. 380, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Business Regulation Article is ratified by this Act.

11-515.

(e) From the amount that a licensee deducts from each multiple mutuel pool on 3 or more horses, the licensee shall:

(6) [allocated] ALLOCATE 0.75% of each multiple mutuel pool paid to the Maryland Million, Ltd., for purses of Maryland Million races.

DRAFTER'S NOTE:

Error: Grammatical error in § 11-515(e)(6) of the Business Regulation Article.

Occurred: Ch. 97, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Business Regulation Article is ratified by this Act.

12-207.

(d) The Secretary may require a licensee to submit a national and State criminal history RECORDS check with the renewal application.

DRAFTER'S NOTE:

Error: Misnomer in § 12-207(d) of the Business Regulation Article.

Occurred: Ch. 227, Acts of 1997.

**Article - Commercial Law**

7-103.

(c) This title modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7001, [et.] ET seq.) but does not modify, limit, or supersede § 101(c) of that Act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in § 103(b) of that Act (15 U.S.C. § 7003(b)).

DRAFTER'S NOTE:

Error: Extraneous period in § 7-103(c) of the Commercial Law Article.

Occurred: Ch. 95, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Commercial Law Article is ratified by this Act.

9-102.

(a) In this title:

(67) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to [§ 9-620, § 9-621, and § 9-622] §§ 9-620, 9-621, AND 9-622 OF THIS ARTICLE.

DRAFTER'S NOTE:

Error: Stylistic error in § 9-102(a)(67) of the Commercial Law Article.

Occurred: Ch. 282, Acts of 1999.

13-301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

[(xvii) Title 10, Subtitle 8 of the Real Property Article;]

[(xviii) (XVII) Title 14, Subtitle 25 of this article, the Hearing Aid

Sales Act;

[(xix) (XVIII) Title 14, Subtitle 26 of this article, the Maryland

Door-to-Door Solicitations Act;

[(xx) (XIX) Title 14, Subtitle 31 of this article, the Maryland

Household Goods Movers Act; or

[(xxi) (XX) Title 14, Subtitle 32 of this article, the Maryland

Telephone Consumer Protection Act; or

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 13-301(14)(xvii) of the Commercial Law Article.

Occurred: As a result of Ch. 470, Acts of 2001.

22-209.

(d) A term in a [mass market] MASS-MARKET license that limits the duration of the license shall be conspicuous.

DRAFTER'S NOTE:

Error: Omitted hyphen in § 22-209(d) of the Commercial Law Article.

Occurred: Ch. 11, Acts of 2000.

22-802.

(e) Unless a contrary intention clearly appears, an expression such as ["cancellation,"] "CANCELLATION", "rescission", or the like may not be construed as a renunciation or discharge of a claim in damages for an antecedent breach.

DRAFTER'S NOTE:

Error: Misplaced punctuation in § 22-802(e) of the Commercial Law Article.

Occurred: Ch. 11, Acts of 2000.

#### **Article - Corporations and Associations**

1-203.

(a) In addition to any organization and capitalization fee required under § 1-204 of this article, subject to subsection (c) of this section, the Department shall collect [the] the fees specified in the subsection of this section.

DRAFTER'S NOTE:

Error: Redundant word in § 1-203(a) of the Corporations and Associations Article.

Occurred: Ch. 430, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Corporations and Associations Article is ratified by this Act.

2-502.

(b) (2) A request for a special meeting shall state the purpose of the meeting and the matters proposed to be acted on at [it] THE MEETING.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 2-502(b)(2) of the Corporations and Associations Article.

Occurred: Ch. 311, Acts of 1975.

7-201.

This subtitle does not apply to:

(5) A foreign nonstock corporation whose only activity in this State is supplying police, fire, rescue, or emergency services personnel on a nonprofit basis to assist in an area covered by a state of emergency declared by the Governor under [Article 16A, § 6A of the Code] § 14-107 OF THE PUBLIC SAFETY ARTICLE.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 7-201 of the Corporations and Associations Article.

Occurred: Ch. 22, Acts of 2004.

#### **Article - Correctional Services**

11-706.

(e) (4) An individual is eligible for the pretrial release program if the individual:

(ii) has no other charges for a felony or a violation of a crime of violence as defined in § 14-101 of the Criminal Law Article pending in any [jurisdiction] JURISDICTION; and

DRAFTER'S NOTE:

Error: Misspelling in § 11-706(e)(4)(ii) of the Correctional Services Article.

Occurred: Ch. 370, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Correctional Services Article is ratified by this Act.

#### **Article - Courts and Judicial Proceedings**

3-8C-06.

(e) Cases under [the] THIS subtitle are eligible for family support services as provided in the Maryland Rules.

DRAFTER'S NOTE:

Error: Stylistic error in § 3-8C-06(e) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 551, Acts of 2004. Correction by the publisher of the

Annotated Code in the 2004 Supplement of the Courts and Judicial Proceedings Article is ratified by this Act.

7-202.

(c) The clerk is entitled to a reasonable fee for performing any other service that is not enumerated in this subtitle or in §§ 3-601 through 3-603 of the Real Property Article [of the Code].

(e) If a party in a proceeding feels aggrieved by any fee permitted under this subtitle or by §§ 3-601 through 3-603 of the Real Property Article [of the Code], the party may request a judge of that circuit court to determine the reasonableness of the fee.

DRAFTER'S NOTE:

Error: Extraneous language in § 7-202(c) and (e) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 684, Acts of 1974.

7-507.

(c) (3) In Cecil County:

(i) In any year in which the amount provided to the court library under subsection (b) of this section and the attorney appearance fees under § 7-204 of this title:

2. Exceeds the amount necessary for library maintenance, the Cecil County Bar and Library Association, Inc., may transfer the excess money to the Cecil County Bar Foundation, Inc., to be used for charitable and educational purposes in accordance with the bylaws of the Foundation; and

DRAFTER'S NOTE:

Error: Omitted comma in § 7-507(c)(3)(i)2 of the Courts and Judicial Proceedings Article.

Occurred: Ch. 26, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Courts and Judicial Proceedings Article is validated by this Act.

10-402.

(c) (1) (ii) 2. The order shall set forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specify the information, facilities, or technical assistance required. A provider of wire or electronic communication service, its officers, employees, or agents, or landlord, custodian, or other specified person may not disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with

respect to which the person has been furnished an order under this subparagraph, except as may otherwise be required by legal process and then only after prior notification to the judge who granted the order, if appropriate, or the State's Attorney of the county where the device was used. Any such [disclosure,] DISCLOSURE shall render the person liable for compensatory damages. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order under this subtitle.

(4) (i) It is lawful under this subtitle for a law enforcement officer in the course of the officer's regular duty to intercept an oral [communication,] COMMUNICATION if:

1. The law enforcement officer initially lawfully detained a vehicle during a criminal investigation or for a traffic violation;
2. The law enforcement officer is a party to the oral communication;
3. The law enforcement officer has been identified as a law enforcement officer to the other parties to the oral communication prior to any interception;
4. The law enforcement officer informs all other parties to the communication of the interception at the beginning of the communication; and
5. The oral interception is being made as part of a video tape recording.

(5) It is lawful under this subtitle for an officer, employee, or agent of a governmental emergency communications center to intercept a wire, oral, or electronic communication where the officer, [agent] AGENT, or employee is a party to a conversation concerning an emergency.

(e) (2) If an offense is a first offense under paragraph (1) of this subsection and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain, and the wire or electronic communication with respect to which the offense occurred is a radio communication that is not scrambled or encrypted, and:

(i) The communication is not the radio portion of a cellular telephone communication, a public land mobile radio service communication, or a paging service communication, the offender is subject to a fine of not more than \$1,000 or imprisonment for not more than [one] 1 year, or both; or

(3) Unless the conduct is for the purpose of direct or indirect commercial advantage or private financial gain, conduct which would otherwise be an offense under this subsection is not an offense under this [subsection,] SUBSECTION if the

conduct consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted:

**DRAFTER'S NOTE:**

Error: Extraneous commas in § 10-402(c)(1)(ii)2 and (4)(i) and (e)(3); omitted comma in § 10-402(c)(5); stylistic error in § 10-402(e)(2)(i) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 692, Acts of 1977; Ch. 607, Acts of 1988; Ch. 140, Acts of 1992.

12-302.

(c) In a criminal case, the State may appeal as provided in this subsection.

(3) (i) In a case involving a crime of violence as defined in § 14-101 of the Criminal Law Article, and in cases under §§ 5-602 through 5-609 and §§ 5-612 through 5-614 of the Criminal Law Article, the State may appeal from a decision of a trial court that excludes evidence offered by the State or requires the return of property alleged to have been seized in violation of the Constitution of the United States, the [Constitution of] Maryland CONSTITUTION, or the Maryland Declaration of Rights.

(vi) If the State loses the appeal, the jurisdiction shall pay all the costs related to the appeal, including reasonable [attorney] ATTORNEY'S fees incurred by the defendant as a result of the appeal.

**DRAFTER'S NOTE:**

Error: Stylistic error in § 12-302(c)(3)(i); incorrect word usage in § 12-302(c)(3)(vi) of the Courts and Judicial Proceedings Article.

Occurred: Ch. 493, Acts of 1982.

**Article - Criminal Law**

3-802.

(b) The provisions of this section do not apply to conduct that is:

(3) [is] authorized, required, or protected by local, State, or federal law.

**DRAFTER'S NOTE:**

Error: Extraneous language in § 3-802(b)(3) of the Criminal Law Article.

Occurred: Ch. 313, Acts of 2003.

3-805.1.

(a) (4) "Electronic mail service provider" means any person, including an Internet service provider, that is an intermediary in sending and receiving electronic mail and that provides to the public the ability to send or receive electronic mail to or from an electronic mail account or [online] ON-LINE user account.

(b) A person may not conspire to or knowingly:

(6) violate item (1), (2), (3), (4), or (5) of this subsection by providing or selecting addresses to which a message was transmitted, knowing that:

(i) the electronic mail addresses of the recipients were obtained using an automated means from an Internet website or proprietary [online] ON-LINE service operated by another person; and

(ii) the website or [online] ON-LINE service included, at the time the addresses were obtained, a notice stating that the operator of the website or [online] ON-LINE service will not transfer addresses maintained by the website or [online] ON-LINE service to any other party for the purposes of initiating or enabling others to initiate electronic mail messages; or

DRAFTER'S NOTE:

Error: Omitted hyphens in § 3-805.1(a)(4) and (b)(6)(i) and (ii) of the Criminal Law Article.

Occurred: Ch. 470, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Criminal Law Article is ratified by this Act.

5-802.

(a) (1) Notwithstanding any other law, a law enforcement officer of the Maryland Transportation Authority Police, [the Maryland Port Administration Police, or] a municipal [corporation] CORPORATION, or A county may investigate and otherwise enforce this title and Title 12 of the Criminal Procedure Article throughout the State without any limitation as to jurisdiction and to the same extent as a law enforcement officer of the Department of State Police.

(b) If action is taken under the authority granted in this section, notification of an investigation or enforcement action shall be made:

(1) in a municipal corporation, to the chief of police or designee of the chief of police;

(2) in a county that has a county police department, to the chief of police or designee of the chief of police;

(3) in a county without a police department, to the sheriff or designee of the sheriff;

(4) in Baltimore City, to the Police Commissioner or the Police Commissioner's designee; and

(5) on property owned, leased, or operated by or under the control of the Maryland Transportation Authority, the Maryland Aviation Administration, or the Maryland Port Administration, to the [respective] chief of police OF THE MARYLAND TRANSPORTATION AUTHORITY or the chief's designee.

DRAFTER'S NOTE:

Error: Obsolete terminology in § 5-802(a)(1) and (b)(5) of the Criminal Law Article.

Occurred: As a result of Ch. 514, Acts of 1998.

7-104.

(g) (3) A person convicted of theft of property or services with a value of less than [\$100,] \$100 is guilty of a misdemeanor and:

(i) is subject to imprisonment not exceeding 90 days or a fine not exceeding \$500 or both; and

(ii) shall restore the property taken to the owner or pay the owner the value of the property or services.

DRAFTER'S NOTE:

Error: Extraneous comma in § 7-104(g)(3) of the Criminal Law Article.

Occurred: Ch. 130, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Criminal Law Article is ratified by this Act.

8-301.

(e) A person [who violates] DESCRIBED IN SUBSECTION (D)(2) OR (4) OF this section is subject to § 5-106(b) of the Courts Article.

DRAFTER'S NOTE:

Error: Incorrect word usage and erroneous internal reference in § 8-301(e) of the Criminal Law Article.

Occurred: As a result of Ch. 509, Acts of 2002.

9-609.

(a) This section does not apply:

(2) in Frederick County if the Board of County Commissioners of Frederick County adopts regulations under Article 25, [§ 211A] § 221A of the Code providing for the registration of alarm system contractors and alarm users, the issuance of civil citations, and penalties for a violation of a regulation; or

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 9-609(a)(2) of the Criminal Law Article.

Occurred: Ch. 26, Acts of 2002.

13-2435.

(d) (2) Subject to [paragraphs (3) and (4)] PARAGRAPH (3) of this subsection, a person subject to this subsection shall deposit with a financial institution designated by the gaming commission, to the credit of the fund, the gross profits from each tip jar that the person operates.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 13-2435(d)(2) of the Criminal Law Article.

Occurred: Ch. 215, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Criminal Law Article is ratified by this Act.

#### **Article - Criminal Procedure**

2-101.

(c) "Police officer" means a person who in an official capacity is authorized by law to make arrests and is:

(6) a member of the Maryland Transit Administration Police Force[, Maryland Port Administration Police Force,] or Maryland Transportation Authority Police Force;

2-102.

(c) (1) A police officer who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;

2. the Police Commissioner or Police Commissioner's designee, when in Baltimore City;
3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;
4. the sheriff or sheriff's designee, when in a county without a county police department;
5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or
6. the [respective] chief of police OF THE MARYLAND TRANSPORTATION AUTHORITY or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and
  - (ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

2-103.

- (a) In this section, "primary law enforcement officer" means:
  - (1) the chief of police, if any, or the chief's designee, in a municipal corporation;
  - (2) the chief of police or the chief's designee in a county with a county police department;
  - (3) the sheriff or the sheriff's designee in a county without a police department;
  - (4) the Police Commissioner or the Police Commissioner's designee in Baltimore City;
  - (5) the Secretary of Natural Resources or the Secretary's designee on any property owned, leased, operated by, or under the control of the Department of Natural Resources;
  - (6) the [respective] chief of police OF THE MARYLAND TRANSPORTATION AUTHORITY or chief's designee on property owned, leased, operated by, or under the control of the Maryland Aviation Administration, the Maryland Port Administration, or the Maryland Transportation Authority; or
  - (7) the Secretary of the State Police.

2-104.

(c) (1) A federal law enforcement officer who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

- (i)
1. the chief of police, if any, or chief's designee, when in a municipal corporation;
  2. the police commissioner or police commissioner's designee, when in Baltimore City;
  3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;
  4. the sheriff or sheriff's designee, when in a county without a county police department;
  5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or
  6. the [respective] chief of police OF THE MARYLAND TRANSPORTATION AUTHORITY or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and

(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

**DRAFTER'S NOTE:**

Error: Obsolete terminology in §§ 2-101(c)(6), 2-102(c)(1)(i)6, 2-103(a)(6), and 2-104(c)(1)(i)6 of the Criminal Procedure Article.

Occurred: As a result of Ch. 514, Acts of 1998.

4-101.

(e) (3) Except for the uniform motor vehicle citation form, the law enforcement agencies of the State, the United States Park Police, and the Office of the State Fire Marshal shall reimburse the District Court for printing the citation forms that law enforcement officers and the STATE Fire Marshal require.

**DRAFTER'S NOTE:**

Error: Omitted word in § 4-101(e)(3) of the Criminal Procedure Article.

Occurred: As a result of Ch. 5, Acts of 2003.

5-202.

(c) (2) (ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule [4-216(g)] 4-216(F), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

(e) (3) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule [4-216(g)] 4-216(F), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.

DRAFTER'S NOTE:

Error: Incorrect cross-references in § 5-202(c)(2)(ii) and (e)(3) of the Criminal Procedure Article.

Occurred: As a result of amendments to the Maryland Rules of Procedure.

6-229.

(c) (2) In order to qualify for a nolle prosequi with the requirement of drug or alcohol treatment or a stet with the requirement of drug or alcohol abuse treatment, a defendant shall be evaluated for drug or alcohol abuse by the Department of Health and Mental Hygiene, a designee of the Department, or a private provider under regulations of the Alcohol and Drug Abuse [Administration] ADMINISTRATION, and the evaluation shall determine whether the defendant is amenable to treatment and, if so, recommend an appropriate treatment program.

DRAFTER'S NOTE:

Error: Omitted comma in § 6-229(c)(2) of the Criminal Procedure Article.

Occurred: Chs. 237 and 238, Acts of 2004.

10-236.

(c) (1) As part of the application for a criminal history records check, the Chief Administrative Officer of Prince George's County shall submit to the Central Repository:

(ii) the fee authorized under § 10-221(b)(7) of this subtitle for access to Maryland criminal history records; and

(2) In accordance with §§ 10-201 through 10-234 of this subtitle, the Central Repository shall forward to the prospective employee and the Chief Administrative Officer of Prince George's County the prospective employee's criminal history record information.

(4) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of this subtitle.

DRAFTER'S NOTE:

Error: Stylistic error in § 10-236(c)(1)(ii), (2), and (4) of the Criminal Procedure Article.

Occurred: Ch. 364 of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement to the Criminal Procedure Article is validated by this Act.

11-912.

(a) The Board consists of the following 22 members:

(1) as ex officio members:

- (i) the Governor or the Governor's designee;
- (ii) the Attorney General or the Attorney General's designee;
- (iii) the chairman of the Maryland Criminal Injuries Compensation Board;
- (iv) the Secretary of Human Resources or the Secretary's designee;
- (v) the Secretary of Juvenile Services or the Secretary's designee;
- (vi) the Secretary of Public Safety and Correctional Services or the Secretary's designee; and
- (vii) the Executive Director or the Executive Director's designee;

[and]

(2) 14 persons appointed by the Governor as follows:

- (i) two State's Attorneys, recommended by the Attorney General;
- (ii) six members of the public, recommended by the Executive Director;
- (iii) four professional victim service providers, recommended by the Executive Director;

- (iv) one representative of the Maryland Chiefs of Police; AND
- (v) one representative of the Maryland State Sheriff's Association;

and

(3) one member of the judiciary of the State, appointed by the Chief Judge of the Court of Appeals.

DRAFTER'S NOTE:

Error: Misplaced conjunction in § 11-912(a) of the Criminal Procedure Article.

Occurred: Ch. 10, Acts of 2001.

**Article - Education**

4-107.

(a) Each county board shall hold an annual meeting on or as near as possible to the second Tuesday in July, except that:

(1) In Allegany County, the annual meeting shall be held on the second Tuesday [of] IN January;

DRAFTER'S NOTE:

Error: Incorrect word usage in § 4-107(a)(1) of the Education Article.

Occurred: Ch. 22, Acts of 1978.

4-122.

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

DRAFTER'S NOTE:

Error: Stylistic error in § 4-122(a)(1) of the Education Article.

Occurred: Ch. 123, Acts of 1986.

4-205.

(c) (2) Subject to the provisions of § 6-203 and [Subtitle 4 of Title 6] TITLE 6, SUBTITLE 4 of this article and without charge to the parties concerned, each county superintendent shall decide all controversies and disputes that involve:

- (i) The rules and regulations of the county board; and
- (ii) The proper administration of the county public school system.

## DRAFTER'S NOTE:

Error: Stylistic error in § 4-205(c)(2) of the Education Article.

Occurred: Ch. 22, Acts of 1978.

5-603.

(c) The county may apply funds received from any source to the payment of THE principal of and interest on the bonds.

## DRAFTER'S NOTE:

Error: Omitted word in § 5-603(c) of the Education Article.

Occurred: Chs. 306 and 307, Acts of 2004.

7-103.

(a) Except as provided in subsections (b), (e), and (f) of this section, each public school under the jurisdiction of a county board:

(3) May not be open on Saturdays, Sundays, or holidays in order to meet the [180 day] 180-DAY or [1,080 hour] 1,080-HOUR requirement of this subsection.

(e) (1) The county boards of Allegany, Anne Arundel, Calvert, Howard, and Montgomery counties, and the Board of School Commissioners of Baltimore City, may elect to operate one or more schools within the county or Baltimore City on a year-round basis, provided that the [180 day] 180-DAY and the minimum hour requirements under this section are met.

## DRAFTER'S NOTE:

Error: Omitted hyphens in § 7-103(a)(3) and (e)(1) of the Education Article.

Occurred: Ch. 120, Acts of 1982; Ch. 108, Acts of 1994.

8-406.

(c) (2) Subject to availability of funding in the State budget, for a child who qualifies for a nonpublic educational program under subsection (b)(2) of this section and who requires wraparound services in order to receive special education and related services in the least restrictive environment, the cost of providing the services shall be paid by the State and the county in which the child is domiciled in accordance with § 8-415(d) of this subtitle, if a State or local agency documents that the child's parent or [local] LEGAL guardian is unable to provide the wraparound services.

## DRAFTER'S NOTE:

Error: Incorrect word usage in § 8-406(c)(2) of the Education Article.

Occurred: Ch. 563, Acts of 2002.

12-102.

(c) The Board of Regents consists of 17 members as follows:

(1) (i) Except as provided in subparagraph (ii) of this paragraph, one member shall be a full-time student in good academic standing at an institution under the jurisdiction of the [Board.] BOARD; AND

(ii) A student member who is in good academic standing at the University of Maryland University College shall be exempt from the full-time student requirement in subparagraph (i) of this [paragraph.] PARAGRAPH;

DRAFTER'S NOTE:

Error: Incorrect punctuation and omitted conjunction in § 12-102(c)(1) of the Education Article.

Occurred: Chs. 515 and 614, Acts of 1999.

12-104.

(e) (2) On or before November 1 each year, the Board shall submit to the Governor, the Comptroller, the STATE Treasurer, and, in accordance with § 2-1246 of the State Government Article, the General Assembly, an annual investment performance report comparing the various components of the University's gift and endowment investment portfolio to appropriate benchmarks.

DRAFTER'S NOTE:

Error: Omitted word in § 12-104(e)(2) of the Education Article.

Occurred: Ch. 485, Acts of 2004.

14-104.

(b) In addition to the powers set forth in Title 19 of this article and subject to the approval of the Board of Public Works, THE UNIVERSITY MAY borrow money from any source for any corporate purpose, including working capital for its operations, reserve funds or interest, and mortgage, pledge, or otherwise encumber the property or funds of the University, and contract with or engage the services of any person in connection with any financing, including financial institutions, issuers of credit, or insurers.

(p) (3) (ii) Subject to all exclusions and limitations in that subtitle, the immunity of the [College] UNIVERSITY is waived to the extent of any insurance coverage purchased under this subsection.

DRAFTER'S NOTE:

Error: Grammatical error in § 14-104(b); erroneous terminology in § 14-104(p)(3)(ii) of the Education Article.

Occurred: Ch. 273, Acts of 2004.

15-106.3.

(c) A public institution of higher education shall try to assist the National Guard student in completing the course requirements by either:

(2) Transferring the National Guard student to an [online] ON-LINE course of instruction offered at an institution such as:

(i) The University of Maryland University College's Distance Education Courses; or

(ii) The Southern Regional Education Board's Electronic Campus.

DRAFTER'S NOTE:

Error: Omitted hyphen in § 15-106.3(c)(2) of the Education Article.

Occurred: Ch. 224, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Education Article is ratified by this Act.

16-106.

(b) (1) (i) In this [subsection] SUBSECTION, "tuition" means the basic instructional charge for courses offered at a community [college;] COLLEGE.

DRAFTER'S NOTE:

Error: Omitted comma and incorrect punctuation in § 16-106(b)(1)(i) of the Education Article.

Occurred: Ch. 667, Acts of 1991.

18-603.

(b) Any career or volunteer [firefighter,] FIREFIGHTER OR ambulance or rescue squad member who is a resident of Maryland shall receive full and complete reimbursement by the Office for tuition costs not to exceed the resident tuition rates at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full-time resident undergraduate, for courses credited toward a degree in fire service technology or emergency medical technology.

DRAFTER'S NOTE:

Error: Omitted word in § 18-603(b) of the Education Article.

Occurred: Ch. 330, Acts of 1986.

18-1001.

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

(b) "Board" means the Board of Directors of the Maryland Higher Education Loan Corporation.

(c) "College" means any institution of higher education that:

(1) Is recognized and approved by the state accrediting agency for the state where it is located; and

(2) Offers a course of study leading to a postsecondary degree or diploma.

(d) "CORPORATION" MEANS THE MARYLAND HIGHER EDUCATION LOAN CORPORATION.

(E) "DEPENDENT STUDENT" HAS THE MEANING INDICATED IN REGULATIONS ISSUED BY THE SECRETARY AND CERTIFIED BY AN OFFICER OF THE COLLEGE OR VOCATIONAL SCHOOL.

(F) "FORBEARANCE" MEANS PERMITTING THE TEMPORARY CESSATION OF PAYMENTS, ALLOWING AN EXTENSION OF TIME FOR MAKING PAYMENTS, OR ACCEPTING SMALLER PAYMENTS THAN WERE PREVIOUSLY SCHEDULED.

(G) "INDEPENDENT STUDENT" HAS THE MEANING INDICATED IN REGULATIONS ISSUED BY THE SECRETARY AND CERTIFIED BY AN OFFICER OF THE COLLEGE OR VOCATIONAL SCHOOL.

(H) "Secretary" means the United States Secretary of Education or a successor.

[(e) "Corporation" means the Maryland Higher Education Loan Corporation.

(f)] (I) "Vocational school" means a business or trade school, technical institution, or other technical or vocational school found to be eligible by the Corporation.

[(g) "Forbearance" means permitting the temporary cessation of payments, allowing an extension of time for making payments, or accepting smaller payments than were previously scheduled.

(h) As used in this subtitle, the terms "dependent student" or "independent student" have the meanings indicated in regulations issued by the Secretary and certified by an officer of the college or vocational school.]

DRAFTER'S NOTE:

Error: Stylistic errors in § 18-1001 of the Education Article.

Occurred: Ch. 313, Acts of 1981.

18-1008.

(b) (2) A loan may be made to a part-time student who:

(i) Carries at least [one half] ONE-HALF the normal full-time academic workload as determined by the college or vocational school; and

DRAFTER'S NOTE:

Error: Omitted hyphen in § 18-1008(b)(2)(i) of the Education Article.

Occurred: Ch. 22, Acts of 1978.

18-1909.

(b) (2) For the purposes of determining residency for the purchase of a prepaid contract:

(i) For residency in Maryland, "resident" has the meaning stated in [§ 10-101(h)] § 10-101 of the Tax - General Article; and

DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 18-1909(b)(2)(i) of the Education Article.

Occurred: As a result of corrections made by the publisher of the Annotated Code in the 2004 Replacement Volume of the Tax-General Article under the authority of Ch. 25, § 6, Acts of 2004.

18-2001.

(A) In this subtitle the following words have the meanings indicated.

[(1)] (B) "Office" means the Office of Student Financial Assistance as defined in § 18-101(c) of this title.

[(2)] (C) "Regular undergraduate program" means an academic program of study in an institution of higher education at or below the baccalaureate level leading to either an associate's degree or bachelor's degree.

[(3) (i)] (D) (1) "Service obligation" means employment in the State in an occupation directly related to the eligible program of study as determined by the Maryland Higher Education Commission.

[(ii)] (2) "Service obligation" does not mean paid student internships, paid fellowships, or volunteer service.

## DRAFTER'S NOTE:

Error: Stylistic errors in § 18-2001 of the Education Article.

Occurred: Chs. 566 and 567, Acts of 1998.

18-2601.

(g) Funds for the Maryland Graduate and Professional SCHOLARSHIP Program shall be as provided in the State budget and as set forth in § 13-613 of the Transportation Article.

## DRAFTER'S NOTE:

Error: Omitted word in § 18-2601(g) of the Education Article.

Occurred: Ch. 315, Acts of 2002.

23-301.

(A) [As used in this subtitle:] IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "DEPOSITORY LIBRARY" MEANS A LIBRARY DESIGNATED FOR THE RECEIPT AND MAINTENANCE OF STATE PUBLICATIONS.

(2) "DEPOSITORY LIBRARY" INCLUDES:

(I) THE STATE LIBRARY RESOURCE CENTER;

(II) THE MARYLAND DEPARTMENT OF LEGISLATIVE SERVICES

LIBRARY;

(III) THE STATE ARCHIVES;

(IV) THE MARYLAND STATE LAW LIBRARY;

(V) THE MCKELDIN LIBRARY OF THE UNIVERSITY OF MARYLAND;

(VI) THE LIBRARY OF CONGRESS; AND

(VII) ANY OTHER LIBRARY DESIGNATED BY THE COMMISSION ON STATE PUBLICATIONS DEPOSITORY AND DISTRIBUTION PROGRAM AS A DEPOSITORY LIBRARY.

(C) "PROGRAM" MEANS THE STATE PUBLICATIONS DEPOSITORY AND DISTRIBUTION PROGRAM.

(D) "STATE AGENCY" MEANS ANY PERMANENT OR TEMPORARY STATE OFFICE, DEPARTMENT, DIVISION OR UNIT, BUREAU, BOARD, COMMISSION, TASK FORCE, AUTHORITY, INSTITUTION, STATE COLLEGE OR UNIVERSITY, AND ANY OTHER UNIT

OF STATE GOVERNMENT, WHETHER EXECUTIVE, LEGISLATIVE, OR JUDICIAL, AND INCLUDES ANY SUBUNITS OF STATE GOVERNMENT.

(E) (1) "State publication" means informational materials produced, regardless of format, by the authority of, or at the total or partial expense of any State agency.

(2) [It] "STATE PUBLICATION" includes a publication sponsored by a State agency, issued in conjunction with, or under contract with the federal government, local units of government, private individuals, institutions, corporations, research [firms] FIRMS, or other entities.

(3) "State publication" does not include correspondence, interoffice and intraoffice memoranda, routine forms or other internal records[. It also does not include publications], PUBLICATIONS of bicounty agencies which comply with this program as required in § 23-304 of this [article and it does not include] SUBTITLE, OR any informational listing which any State statute provides shall be sold to members of the public for a fee.

[(2) "State agency" means any permanent or temporary State office, department, division or unit, bureau, board, commission, task force, authority, institution, State college or university, and any other unit of State government, whether executive, legislative, or judicial, and includes any subunits of State government.

(3) "Depository library" means a library designated for the receipt and maintenance of State publications. It includes but is not limited to:

- (i) The State Library Resource Center;
- (ii) The Maryland Department of Legislative Services Library;
- (iii) The State Archives;
- (iv) The Maryland State Law Library;
- (v) The McKeldin Library of the University of Maryland;
- (vi) The Library of Congress; and

(vii) Any other library that the Commission on State Publications Depository and Distribution Program may designate as a depository library.

(4) "Program" means the State Publications Depository and Distribution Program.

(5) "Commission" means the Commission on the State Publications Depository and Distribution Program.]

DRAFTER'S NOTE:

Error: Stylistic errors and obsolete language in § 23-301 of the Education Article.

Occurred: Ch. 912, Acts of 1982; as a result of Ch. 341, Acts of 1996.

#### Article - Election Law

1-101.

(e) "Ballot face" means a single side of a sheet on which are printed some or all of the contests to be voted ON by a voter.

DRAFTER'S NOTE:

Error: Omitted word in EL, § 1-101(e).

Occurred: Ch. 291, Acts of 2002.

3-204.

(b) Except for a public institution of higher education in the State, which institution shall comply with the requirements of subsection (c) of this section, each voter registration agency, as provided in subsection (a)(2) and (3) of this section, shall:

(2) provide a document to prospective registrants that includes:

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote together with the statement (in close proximity to the boxes and in prominent type), "If you do not check either box, you will be considered to have decided not to register to vote at this time.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.";

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the State Board of [Elections";] ELECTIONS."; and

(vi) the address and toll free telephone number of the State Board;

DRAFTER'S NOTE:

Error: Omitted punctuation in EL, § 3-204(b)(2)(v).

Occurred: Ch. 291, Acts of 2002.

#### Article - Environment

4-103.

(e) (1) [(i) Subject to subparagraph (ii) of this paragraph, but notwithstanding] NOTWITHSTANDING any other provision of State law or local ordinance, [effective April 1, 1985,] it shall be the sole responsibility of the Department [of the Environment] to enforce compliance with the provisions of this subtitle and of any approved plan, except in those counties and municipalities to which enforcement authority has been delegated in accordance with paragraph (2) of this subsection.

[(ii) The Department of Natural Resources has the exclusive authority to enforce compliance with the provisions of this subtitle and of any approved plan with respect to mining operations that require a permit under Title 15 of this article, and on abandoned mine reclamation projects.]

DRAFTER'S NOTE:

Error: Obsolete language and a stylistic error in § 4-103(e)(1) of the Environment Article.

Occurred: As a result of Ch. 488, Acts of 1995.

4-105.

(a) (2) (ii) Except as provided in subsection (b) of this section, the approval authority is:

5. For abandoned mine reclamation projects conducted by the Department [of Natural Resources] pursuant to Title 15, Subtitles 5, 6, and 11 of this article, the Department [of Natural Resources].

(iii) Criteria used by the Department [of Natural Resources] for review and approvals under subparagraph (ii)4 of this paragraph:

1. Shall meet or exceed current Maryland standards and specifications for soil erosion and sediment control; or

2. If alternative standards are applied, shall be reviewed and approved by the Department.

DRAFTER'S NOTE:

Error: Misnomer in § 4-105(a)(2)(ii)5 and (iii) of the Environment Article.

Occurred: As a result of Ch. 488, Acts of 1995.

7-406.

(f) (3) Within 30 days after the Board seeks the advice of a party listed under [subsection (f)(1) of this section] PARAGRAPH (1) OF THIS SUBSECTION, the party shall respond to the Board in writing by either:

(i) Setting forth the advice and comments of the party as to the proposed certification; or

(ii) Stating that the party has no comments as to the proposed certification.

DRAFTER'S NOTE:

Error: Stylistic error in § 7-406(f)(3) of the Environment Article.

Occurred: Ch. 528, Acts of 1980.

9-1601.

(cc) (2) "Person" does not include a county, municipal corporation, bi-county or [multi-county] MULTICOUNTY agency under Article 28 or 29 of the Code, housing authority under Article 44A of the Code, school board, community college, or any other unit of a county or municipal corporation.

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 9-1601(cc)(2) of the Environment Article.

Occurred: Ch. 428, Acts of 2004.

(ff) (1) "User" means any person discharging wastewater to:

(i) A wastewater facility that has a State discharge permit or national pollutant discharge elimination system discharge [permit:] PERMIT;

DRAFTER'S NOTE:

Error: Incorrect punctuation in § 9-1601(ff)(1)(i) of the Environment Article.

Occurred: Ch. 428, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Environment Article is ratified by this Act.

**Article - Estates and Trusts**

15-112.

- (a) (1) [Mandatory grounds.] A court shall remove a fiduciary who has:
- (i) Willfully misrepresented material facts leading to his appointment or to other action by the court in reference to the fiduciary estate;
  - (ii) Willfully disregarded an order of court;
  - (iii) Shown himself incapable, with or without fault to properly perform the duties of his office; or
  - (iv) Breached his duty of good faith or loyalty in the management of property of the fiduciary estate.
- (2) [Discretionary grounds.] A court may remove a fiduciary who has:
- (i) Negligently failed to file a bond within the time required by rule or order of court;
  - (ii) Negligently failed to obey an order of court; or
  - (iii) Failed to perform any of his duties as fiduciary, or to competently administer the fiduciary estate.

**DRAFTER'S NOTE:**

Error: Stylistic errors in § 15-112(a)(1) and (2) of the Estates and Trusts Article.

Occurred: Ch. 11, Acts of 1974.

**Article - Family Law**

2-404.

- (b) Except as otherwise provided in this section:
- (1) any county or group of 2 or more counties may set an additional fee of up to \$25 for each license; and
  - (2) the proceeds shall be used to fund domestic violence programs.
- (e) In Baltimore County:
- (1) IN ADDITION TO THE FEE AUTHORIZED UNDER SUBSECTION (B)(1) OF THIS SECTION, the County Council may set by resolution an additional fee of up to \$15 for each license;

(2) the clerk shall pay the proceeds from the additional fee to the Director of Finance of the county each month;

(3) the proceeds, in addition to designated federal, State, and county funds, shall be used to fund battered spouse shelters and domestic violence programs established under Title 4, Subtitle 5 of this article; and

(4) the County Executive shall prepare and make available an annual report on or before December 1 of each year on the disposition of fees collected under this subsection during the previous fiscal year.

DRAFTER'S NOTE:

Error: Failure to clarify § 2-404(e) of the Family Law Article in light of erroneous revision of § 2-404(b) of the Family Law Article. Clarifying correction is consistent with legislative intent and extensive legislative history as outlined by Assistant Attorney General Kathryn M. Rowe in letter of advice to J. Patrick Ford, Dept. of Leg. Services, January 21, 2005, and is consistent with long-standing practice in Baltimore County.

Occurred: As a result of Ch. 336, Acts of 1999.

5-525.

(g) Unless a child has received a review from the local board of review of foster care under § 5-544 of [Part IV of] this subtitle, the local department shall perform an administrative review every 6 months to determine the success of the efforts to meet the goals set out in the permanency plan or the agreement with the parents or guardians in voluntary placements.

DRAFTER'S NOTE:

Error: Stylistic error in § 5-525(g) of the Family Law Article.

Occurred: Ch. 608, Acts of 1987.

5-525.1.

(d) This section may not be construed to:

(2) require a local department to file a petition or, except as otherwise provided by law, require expedited termination of parental rights for a child in kinship care[, as defined in § 5-501 of this subtitle].

DRAFTER'S NOTE:

Error: Extraneous cross-reference in § 5-525.1(d)(2) of the Family Law Article.

Occurred: Ch. 539, Acts of 1998.

9.5-204.

(b) (1) If there is no previous child custody determination that is entitled to be enforced under this title and a child custody proceeding has not been commenced in a court of a state having jurisdiction under §§ 9.5-201 through 9.5-203 of this subtitle, a child custody determination made under this section remains in effect until an order is obtained from a court of a state having jurisdiction under §§ 9.5-201 through 9.5-203 of this [subsection] SUBTITLE.

DRAFTER'S NOTE:

Error: Stylistic error in § 9.5-204(b)(1) of the Family Law Article.

Occurred: Ch. 502, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Family Law Article is ratified by this Act.

#### **Article - Health - General**

4-305.

(c) (1) The disclosure of medical records under [subsection (b)(9)] SUBSECTION (B)(10) of this section to a person that is not employed by or under contract with the Montgomery County Department of Health and Human Services shall be conducted in accordance with this subtitle.

DRAFTER'S NOTE:

Error: Erroneous internal reference in § 4-305(c)(1) of the Health - General Article.

Occurred: Chs. 1 and 2, Acts of 1998.

5-615.

(c) (1) The Department, in consultation with the Office of the Attorney General, shall develop an information sheet that provides information relating to advance directives, which shall include:

(i) Written statements informing an individual that an advance directive:

1. Is a useful, legal, and [well-established] WELL ESTABLISHED way for an individual to direct medical care;

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 5-615(c)(1)(i)1 of the Health - General Article.

Occurred: Ch. 356, Acts of 2004. Correction by the publisher of the

Annotated Code in the 2004 Supplement of the Health - General Article is ratified by this Act.

10-409.

[(a)] The administrative head of the Eastern Shore Hospital Center shall:

(1) Advertise for and receive bids for a contract to provide laundry services; and

(2) Contract for the services with the low bidder unless the administrative head finds that the bidder would not fulfill the contract satisfactorily.

DRAFTER'S NOTE:

Error: Stylistic error in § 10-409 of the Health - General Article.

Occurred: Ch. 430, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Health - General Article is ratified by this Act.

10-1503.

On or before December 31, 2005, the Child Care Administration, in collaboration with the Mental Hygiene Administration, the State Department of Education, and the Governor's Office [of] FOR Children, Youth, and Families, shall submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly that evaluates the Pilot Program established under this subtitle and comparable programs as applicable.

DRAFTER'S NOTE:

Error: Misnomer in § 10-1503 of the Health - General Article.

Occurred: Ch. 148, Acts of 2003.

13-1403.

(a) (2) Of the 11 members of the Board:

(v) Two members, appointed by the Governor from a list submitted by the Department of Disabilities, shall be individuals who have a spinal cord injury or who have a family member with a spinal cord injury; and

DRAFTER'S NOTE:

Error: Misnomer in § 13-1403(a)(2)(v) of the Health - General Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to "Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004

Supplement of the Health - General Article and is validated by this Act.

15-114.

(a) In this section, "related institution" includes any of the following facilities, as classified from time to time by law, rule, or regulation:

- (1) A comprehensive care [facility.] FACILITY;
- (2) An extended care [facility.] FACILITY;
- (3) An intermediate care [facility.] FACILITY; AND
- (4) A skilled nursing facility.

DRAFTER'S NOTE:

Error: Incorrect punctuation and missing conjunction in § 15-114(a) of the Health - General Article.

Occurred: Ch. 21, Acts of 1982.

15-127.

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

[1] (2) "Child" means any individual under the age of 18 years.

[2] (3) "Initial assessment" includes:

- (i) A psychological evaluation;
- (ii) Parental interview; and
- (iii) Medical evaluation.

[3] (4) (i) For purposes of this section, "sexual abuse" means any act that involves sexual molestation or exploitation of a child whether or not the sexual molestation or exploitation of the child is by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member.

(ii) "Sexual abuse" includes:

1. Incest, rape, or sexual offense in any degree;
2. Sodomy; and
3. Unnatural or perverted sexual practices.

DRAFTER'S NOTE:

Error: Stylistic error in § 15-127(a) of the Health - General Article.

Occurred: Ch. 487, Acts of 1990.

15-141.

(m) (1) In arranging for the benefits required under subsection (d) of this section, the community care organization shall:

(i) [A.] 1. Reimburse nursing homes not less than the Medicaid-established rate based on the waiver recipient's medical condition plus allowable ancillary services, as established by the Department based on its nursing home Medicaid rate setting methodology; or

[B.] 2. For waiver recipients that would have been paid by the Medicare program for services provided, reimburse nursing homes not less than the applicable reimbursement rate payable by Medicare for that waiver recipient;

DRAFTER'S NOTE:

Error: Erroneous subsubparagraph designations in § 15-141(m)(1)(i) of the Health - General Article.

Occurred: Ch. 4, Acts of the 2004 Special Session.

17-214.

(f) (2) In addition to any other laboratory standards, the regulations shall:

(ii) Require that a laboratory performing confirmation tests[,] for controlled dangerous substances or alcohol be inspected and accredited in forensic drug analysis by the College of American Pathologists, the [U.S. Health Care Financing Administration (HCFA)] CENTERS FOR MEDICARE AND MEDICAID SERVICES, or any other government agency or program designated to inspect and accredit a laboratory that is acceptable to the Secretary;

DRAFTER'S NOTE:

Error: Extraneous comma and misnomer in § 17-214(f)(2)(ii) of the Health - General Article.

Occurred: Extraneous comma in Ch. 594, Acts of 1997; misnomer as a result of federal agency name change from the U.S. Health Care Financing Administration to the Centers for Medicare and Medicaid Services.

20-1006.

(a) On or before the 15th day of each regular session of the General Assembly, the Department shall submit an annual report on the Office of Minority Health and Health Disparities to the Governor and, subject to § 2-1246 [of this Article] OF THE STATE GOVERNMENT Article, to the General Assembly.

## DRAFTER'S NOTE:

Error: Erroneous cross-reference in § 20-1006(a) of the Health - General Article.

Occurred: Ch. 319, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Health - General Article is ratified by this Act.

21-323.1.

(a) In this section, "bed and breakfast establishment" means a lodging or rooming house as defined in § 9-201 of the Public Safety Article having eight rooms or [less] FEWER for rent.

## DRAFTER'S NOTE:

Error: Incorrect word usage in § 21-323.1(a) of the Health - General Article.

Occurred: Ch. 312, Acts of 2004.

24-1203.

(b) (2) Of the 17 members:

(xvi) One member shall represent the Department of Disabilities;

and

## DRAFTER'S NOTE:

Error: Misnomer in § 24-1203(b)(2)(xvi) of the Health - General Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to "Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the Health - General Article and is validated by this Act.

### Article - Health Occupations

2-202.

(a) (7) (ii) 1. The Governor shall appoint the hearing impaired consumer member from a list submitted to the Secretary and the Governor by the Department of Disabilities.

2. The Department of Disabilities shall solicit nominees from each of the hearing impaired associations in the State.

## DRAFTER'S NOTE:

Error: Misnomer in § 2-202(a)(7)(ii) of the Health Occupations Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former references to "Governor's Office for Individuals with Disabilities" were corrected by the publisher of the Annotated Code in the 2004 Supplement of the Health Occupations Article and are validated by this Act.

8-6A-02.

(b) This subtitle does not apply to an individual who:

(4) Performs nursing assistant tasks as a student while:

(i) Enrolled in a [Board approved] BOARD-APPROVED nursing assistant training program;

(ii) Practicing under the direct supervision of qualified faculty or preceptors; or

(iii) Practicing under the direct supervision of a licensed nurse while working as a nursing assistant;

DRAFTER'S NOTE:

Error: Omitted hyphen in § 8-6A-02(b)(4)(i) of the Health Occupations Article.

Occurred: Ch. 393, Acts of 1998.

14-5A-04.

(b) (2) The Comptroller shall distribute all fees to the [State] Board [of Physicians] established under § 14-201 of this title.

DRAFTER'S NOTE:

Error: Stylistic error in § 14-5A-04(b)(2) of the Health Occupations Article.

Occurred: Ch. 516, Acts of 1996.

14-5B-04.

(b) (2) The Comptroller shall distribute all fees to the [State] Board [of Physicians] established under § 14-201 of this title.

DRAFTER'S NOTE:

Error: Stylistic error in § 14-5B-04(b)(2) of the Health Occupations Article.

Occurred: Ch. 373, Acts of 2002.

### Article - Insurance

4-405.

(b) In addition to the information required under subsection (a) of this section, each insurer providing professional liability insurance to a health care provider in the State shall submit to the Commissioner the following information:

(9) (iv) if THE case did go to trial, whether the case WAS tried by a jury;

[(b)] (C) The Commissioner may adopt regulations that require insurers of other lines of liability insurance to submit reports containing information that is substantially similar to the information described in subsection (a) of this section.

[(c)] (D) The Commissioner shall report, in accordance with § 2-1246 of the State Government Article, the Commissioner's findings as to the impact of [Chapter] CHAPTER 5 of the Acts of the 2004 Special Session of the General Assembly [(H.B. 2)] and Chapter 477 of the Acts of the General Assembly of 1994 on the availability of health care malpractice and other liability insurance in the State to the Legislative Policy Committee on or before September 1 of each year.

#### DRAFTER'S NOTE:

Error: Omitted words in § 4-405(b)(9)(iv); erroneous subsection designations in § 4-405(b) and (c); omitted chapter number in § 4-405(d) of the Insurance Article.

Occurred: Ch. 5, Acts of the 2004 Special Session.

10-101.

(f) "Limited line credit insurance producer" means a person who sells, [solicits] SOLICITS, or negotiates one or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy.

#### DRAFTER'S NOTE:

Error: Missing comma in § 10-101(f) of the Insurance Article.

Occurred: Ch. 731, Acts of 2001.

10-121.

(b) (2) (ii) For purposes of [this] subparagraph (i) of this paragraph, a person is not considered a controlling owner of a corporation if the person:

1. is a stockholder of the corporation;

2. does not manage or have day-to-day control over the operation of the corporation; and

3. is not an officer, director, or employee of the corporation who in any other way renders services for the corporation for which the person is compensated by the corporation.

DRAFTER'S NOTE:

Error: Extraneous word in § 10-121(b)(2)(ii) of the Insurance Article.

Occurred: Ch. 731, Acts of 2001.

10-133.

(A) IN THIS SECTION, "MEDICAL PROFESSIONAL LIABILITY INSURANCE" MEANS INSURANCE PROVIDING COVERAGE AGAINST DAMAGES DUE TO MEDICAL INJURY ARISING OUT OF THE PERFORMANCE OF PROFESSIONAL SERVICES RENDERED OR WHICH SHOULD HAVE BEEN RENDERED BY A HEALTH CARE PROVIDER.

(B) A licensed insurance producer may not enter into an exclusive appointment agreement with an authorized insurer that issues medical professional liability insurance.

DRAFTER'S NOTE:

Error: Codification error in § 10-133 of the Insurance Article. Definition of term erroneously codified in § 24-214 of the Insurance Article.

Occurred: Ch. 5, Acts of the 2004 Special Session.

10-408.

(e) (2) If the holder of a license files an application for renewal before the license expires, the [certificate of qualification] LICENSE shall remain in effect until:

(i) the Commissioner issues a renewal license; or

(ii) 5 days after the Commissioner refuses in writing to renew the license and serves notice of the refusal on the holder.

DRAFTER'S NOTE:

Error: Misnomer in § 10-408(e)(2) of the Insurance Article.

Occurred: Chs. 290 and 291, Acts of 2004. Correction by the publisher of the Annotated Code in the 2003 Supplement of the Insurance Article is ratified by this Act.

15-909.

(b) (2) Notwithstanding [subsection (b)(1)(ii) of this section,] PARAGRAPH (1)(II) OF THIS SUBSECTION, a carrier may include in a Medicare supplement policy a provision that complies with subsection (d) of this section.

DRAFTER'S NOTE:

Error: Incorrect internal reference in § 15-909(b)(2) of the Insurance Article.

Occurred: Ch. 35, Acts of 1997.

15-10A-03.

(c) (2) The Commissioner may extend the period within which a final decision is to be made under paragraph (1) of this subsection for up to an additional 30 working days if [the Commissioner has not yet received]:

(i) THE COMMISSIONER HAS NOT YET RECEIVED information requested by the Commissioner; and

(ii) the information requested is necessary for the Commissioner to render a final decision on the complaint.

DRAFTER'S NOTE:

Error: Incorrect tabulation in § 15-10A-03(c)(2) of the Insurance Article.

Occurred: Chs. 111 and 112, Acts of 1998.

24-207.

(b) Notwithstanding subsection (a) of this section, if the Society meets all applicable requirements of this article about the sale of nonassessable policies, including the requirements of §§ 4-104, 4-105, and 4-106 of this article, the Society may issue nonassessable policies subject to:

(1) [§ 3-333] § 3-113 of this article;

DRAFTER'S NOTE:

Error: Incorrect cross-reference in § 24-207(b)(1) of the Insurance Article.

Occurred: Ch. 57, Acts of 1997.

27-501.

(d) (3) An insurer may cancel a policy of homeowner's insurance under which a [one-time] ONETIME guaranteed fully refundable deposit is required for a stated amount of coverage, if the cancellation:

(i) takes effect on the anniversary date of the inception of the policy;

(ii) is not based on a claim that occurred more than 3 years before the anniversary date of the policy on which the proposed cancellation would take effect; and

(iii) is otherwise in accordance with this subtitle.

**DRAFTER'S NOTE:**

Error: Incorrect hyphenation in § 27-501(d)(3) of the Insurance Article.

Occurred: Ch. 464, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Insurance Article is ratified by this Act.

**Article - Labor and Employment**

3-707.

(d) (1) If an interpreter is requested under this section, the employer, employee organization, or union shall request the Department of Disabilities to assist in locating a qualified interpreter to assist at the hearing.

(2) The Department of Disabilities shall promptly assist in locating an interpreter.

**DRAFTER'S NOTE:**

Error: Misnomers in § 3-707(d) of the Labor and Employment Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former references to "Office for Individuals with Disabilities" were corrected by the publisher of the Annotated Code in the 2004 Supplement of the Labor and Employment Article and are validated by this Act.

11-403.

(a) (2) Four of the members shall be representatives of employee organizations; [1] ONE shall be an employee; [5] FIVE shall be representatives of employers and [2] TWO shall be appointed from the general public.

(6) The Governor, with the advice of the Secretary may appoint up to [3] THREE additional consultants to the Council from the public at large.

DRAFTER'S NOTE:

Error: Stylistic error in § 11-403(a)(2) and (6) of the Labor and Employment Article.

Occurred: Ch. 64, Acts of 1983.

**Article - Natural Resources**

1-501.

(c) "Political subdivision" means a county, the City of Baltimore, a [multi-county] MULTICOUNTY agency, municipal corporation, single purpose district, and soil conservation or sanitary district.

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 1-501(c) of the Natural Resources Article.

Occurred: Ch. 838, Acts of 1978.

4-208.

(g) The Fund may be used only for:

(1) The scientific investigation, protection, propagation, and management of nontidal finfish; and

(2) Administrative costs calculated in accordance with § 1-103(b)(2) of this article.

DRAFTER'S NOTE:

Chs. 472 and 550, of the Acts of 2004, both amended § 4-208(g) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

4-209.

(g) Subject to §§ 4-701(n), 4-1020, 4-1028, and 4-1035 of this title, the Fund may be used for:

(1) Replenishing fisheries resources and related research;

(2) Matching federal funds available for research and development of fisheries resources; and

(3) Administrative costs calculated in accordance with § 1-103(b)(2) of this article.

DRAFTER'S NOTE:

Chs. 472 and 550, of the Acts of 2004, both amended § 4-209(g) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

4-215.

(a) (1) In this section the following [terms] WORDS have the meanings [indicated:] INDICATED.

[(1)] (2) "Conservation and management measures" means 1 or more techniques through which the objectives of a fishery management plan are [achieved:] ACHIEVED.

[(2)] (3) "Fishery" or "fishery resource" means:

(i) One or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographic, scientific, technical, recreational, and economic characteristics; or

(ii) The group or industry harvesting those [stocks:] STOCKS.

[(3)] (4) "Fishery management" means the system used to conserve and allocate the fishery resource, including research and data collection, determination of objectives and management measures, and establishment, enforcement, and periodic evaluation of [regulations; and] REGULATIONS.

[(4)] (5) "Fishery management plan" means a document or report that contains a systematic description of a given fishery and the objectives and conservation and management measures for the fishery.

DRAFTER'S NOTE:

Error: Stylistic errors in § 4-215(a) of the Natural Resources Article.

Occurred: Ch. 665, Acts of 1990.

4-604.

(f) (3) Before an angler's license may be issued, the applicant for the license shall sign a statement [which] THAT says:

"I understand that this license does not of itself permit me to fish on private property, and if I do so without permission of the owner I may be subject to a fine."

DRAFTER'S NOTE:

Error: Grammatical error in § 4-604(f)(3) of the Natural Resources Article.

Occurred: Ch. 76, Acts of 1974.

4-701.

(i) (2) The Department shall review and may approve the permanent transfer of a license or an authorization to a person who is the licensee's spouse, daughter, son, stepchild, grandchild, [step grandchild] STEPGRANDCHILD, parent, sister, brother, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law, and only:

(i) If the licensee makes application to the Department requesting transfer and the transferee has paid the fee for the license or authorization; or

(ii) Upon death of the licensee, if the licensee or an authorized representative of the licensee indicates or had indicated that person's name to the Department.

(j-1) (1) At the time of license renewal, a licensee who possesses three or more authorizations under [subsections] SUBSECTION (d)(2)(ii)1 and 2A through E of this section, one of which is a crabbing authorization, may relinquish each authorization and receive an authorization under subsection (d)(2)(ii)2F of this section.

DRAFTER'S NOTE:

Error: Misspelling in § 4-701(i)(2); stylistic error in § 4-701(j-1)(1) of the Natural Resources Article.

Occurred: Ch. 31, Acts of 1996; as a result of Ch. 83, Acts of 2004.

4-711.

(a) A person may not set any pound net or any line of these nets [which] THAT is greater in length than one third the distance across the waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs navigation on or blocks in any way the main channel of the bay, sound, river, creek, cove, or [inlet the] INLET. THE length limit provided here shall not be construed to apply to any line of nets running parallel to the bank or shore of any bay, sound, river, creek, cove, or [inlet] INLET, but no net may be set across the mouth on any tributary, [harbor] HARBOR, or navigation channel.

DRAFTER'S NOTE:

Error: Grammatical error in § 4-711(a); run-on sentence and omitted commas in § 4-711(a) of the Natural Resources Article.

Occurred: Ch. 4, First Special Session, Acts of 1973; Ch. 671, Acts of 1974.

4-745.

(c) A person may fish for finfish in the Chesapeake Bay or its tidal tributaries without a Chesapeake Bay sport fishing license if the person:

(4) Is fishing with a hook and line from a public bridge or public pier [which] THAT has been designated by the Department as a free fishing area;

(d) (2) (i) The Department may provide by regulation for issuance of an annual special Chesapeake Bay sport fishing license, which when permanently affixed to a boat registered in any state shall authorize any person on the boat to fish for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries, except that such a license may not be used on a boat [which] THAT has been hired to take such persons fishing.

DRAFTER'S NOTE:

Error: Grammatical errors in § 4-745(c)(4) and (d)(2)(i) of the Natural Resources Article.

Occurred: Ch. 792, Acts of 1984.

5-103.

(e) (7) (i) Subject to subparagraph (ii) of this paragraph, the Fund may be used only to:

1. Plant trees on State or other publicly owned lands located in the county and watershed in which construction projects giving rise to Fund contributions are located; or

2. If reforestation cannot be reasonably accomplished in the county and watershed in which the construction activity is located:

A. Plant trees on State or other publicly owned lands located in the county or in the watershed in the State in which the construction activity is located; or

B. Purchase credits in, establish, or maintain a forest mitigation bank in the county or watershed in which the construction activity is located in accordance with Department regulations.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, moneys in the Fund may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

2. The Fund may not be used to finance administrative activities associated with a mitigation bank.

3. Any credits created by the Fund may not be sold to compensate for additional forest impacts.

(iii) 1. The Department shall accomplish the reforestation for which money is deposited in the Fund within 1 year or two growing seasons after project completion, as appropriate.

2. Money deposited in the Fund under subsection (d) of this section shall remain in the Fund for a period of 1 year or two growing seasons, and at the end of that time period, any portion that is not used to meet the reforestation requirements shall be returned to the constructing agency.

DRAFTER'S NOTE:

Chs. 472 and 550, of the Acts of 2004, both amended § 5-103(e)(7)(i) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

5-209.

(b) The Secretary shall promulgate rules and regulations regarding equipment standards and the operation of off-road vehicles by type, as defined in § 10-410(d) of this article, on property owned or controlled by the Department. [He] THE SECRETARY shall conduct appropriate studies and, by January 1, 1975 [he shall designate], DESIGNATE and identify areas for use by the general public for operation of motorcycles, snowmobiles and other off-road vehicles on that property exclusive of wildlife management areas or State fisheries management areas to the extent such use is compatible with the character and established uses of property controlled by the Department. Prior to March 31, 1976, every off-road vehicle to be used on Department [of Natural Resources] lands shall be registered and provided suitable identification by the Department [of Natural Resources], which shall charge an annual uniform fee for all registrants, revenues derived from which shall be used to acquire and maintain areas for off-road vehicle use by the general public. Any investment earnings derived from the revenues shall be credited to the General Fund of the State. Revenues from the fee are not subject to § 7-302 of the State Finance and Procurement Article. Revenues may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article. Any property to be acquired or designated for off-road vehicle use shall be subject to a public hearing held in the county or counties wherein the property is situated. However, no off-road vehicle may be permitted where its operation will damage the wildland character of the property or where the noise from its operation will be audible at or interfere with the use of a picnic or camping area open to public use.

DRAFTER'S NOTE:

Error: Stylistic errors and omitted comma in § 5-209(b) of the Natural Resources Article.

Occurred: Ch. 4, First Special Session, Acts of 1973; Ch. 841, Acts of 1974.

5-212.

(g) The Fund may be used only for:

(1) Purchasing and managing in the name of the State lands suitable for forest culture, reserves, watershed protection, State parks, scenic preserves, historic monuments, parkways, and State recreational reserves;

(2) Annual payments to counties in the amount of:

(i) If the State forest or park reserve comprises less than 10% of the total land area of the county, a sum equal to 15% of the net revenue derived from the State forest or park reserve located in that county; and

(ii) If the State forest or park reserve comprises 10% or more of the total land area of the county, a sum equal to 25% of the net revenue derived from the State forest or park reserve located in that county; and

(3) Administrative costs calculated in accordance with § 1-103(b)(2) of this article.

DRAFTER'S NOTE:

Chs. 472 and 550, of the Acts of 2004, both amended § 5-212(g) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

5-212.1.

(a) (2) "Account" means the Forest [or] AND Park Concession Account.

(g) (1) Except as provided in paragraph (2) of this subsection, the Account shall be used only for:

(i) The maintenance and operation of concession operations;

(ii) The function of State forests and parks to the extent of the projected balance of the Account from the prior fiscal year; and

(iii) Administrative costs calculated in accordance with § 1-103(b)(2) of this article.

(h) (1) The Treasurer shall invest the money of the Account in the same manner as other State money may be invested.

(2) Any investment earnings of the [Fund] ACCOUNT shall be credited to the General Fund of the State.

DRAFTER'S NOTE:

Error: Misnomer in § 5-212.1(a)(2); incorrect word usage in § 5-212.1(h) of the Natural Resources Article.

Occurred: Ch. 550, Acts of 2004. Chs. 472 and 550, of the Acts of 2004, both amended § 5-212.1(g)(1) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

5-215.

(c) (1) Except as provided in paragraphs (2) and (4) of this subsection, the Department shall pay all fees collected for boat launching at Deep Creek Lake State Park, all funds collected from lake and buffer use permits, contracts, grants, and gifts as a result of the Deep Creek Lake management program, and any investment earnings of the Fund, into the Fund.

(2) At the end of each quarter of the fiscal year, the Department shall pay 25% of the total revenue collected during the quarter under paragraph (1) of this subsection to the Board of County Commissioners of Garrett County.

(3) (i) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(ii) Any investment earnings of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund.

(4) Moneys in the Fund may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

DRAFTER'S NOTE:

Chs. 472 and 550, of the Acts of 2004, both amended § 5-215(c) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

5-908.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) Any investment earnings of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund.

(3) Moneys in the Fund may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

DRAFTER'S NOTE:

Chs. 472 and 550, of the Acts of 2004, both amended § 5-908(d) of the

Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

5-908.1.

(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) Any investment earnings of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund.

(3) Moneys in the Fund may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

DRAFTER'S NOTE:

Chs. 472 and 550, of the Acts of 2004, both amended § 5-908.1(d) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

5-909.

(c) (1) The Fund is a special, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(2) Any investment earnings of the Fund shall be credited to the General Fund of the State.

(3) Moneys in the Fund may be used for administrative costs calculated in accordance with § 1-103(b)(2) of this article.

DRAFTER'S NOTE:

Chs. 472 and 550, of the Acts of 2004, both amended § 5-909(c) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

8-723.

(e) Unless otherwise provided, the Fund consists of:

(1) [Except as provided in § 8-716(h) of this subtitle, moneys] MONEYS received from any fee and other revenue the Department collects under authority of this subtitle;

(2) Moneys appropriated in the State budget to the Fund; and

(3) Any moneys received and accepted as gifts, contributions, or grants.

(f) The Department shall use the Fund:

(1) For the administration of this subtitle;

(2) To cover the costs of fulfilling the duties and responsibilities of the Department under this title; and

(3) For administrative costs calculated in accordance with § 1-103(b)(2) of this article.

DRAFTER'S NOTE:

Error: Obsolete cross-reference in § 8-723(e)(1) of the Natural Resources Article.

Occurred: As a result of Ch. 460, Acts of 2004. Chs. 472 and 550, of the Acts of 2004, both amended § 8-723(f) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

8-729.

(a) Unless excepted by § 8-728 of this subtitle, a security interest in a vessel is not valid against creditors of the owner or subsequent transferees or secured parties of the vessel unless perfected as provided under [§§ 8-729] THIS SECTION AND §§ 8-730 through 8-732 of this subtitle.

DRAFTER'S NOTE:

Error: Stylistic error in § 8-729(a) of the Natural Resources Article.

Occurred: Ch. 432, Acts of 1975.

8-743.

(b) (2) If the child is under the age of 4 years, the personal flotation device may feature additional safety precautions, as appropriate for an infant, toddler, or young child, so as to:

(i) Hold the child securely within the personal [floatation] FLOTATION device, including a strap that is secured between the child's legs to fasten together the front and back of the personal flotation device;

(ii) Maintain the buoyancy of the child, including an inflatable headrest or high collar; or

(iii) Ensure the ready accessibility of the child from the vessel, including a web handle.

DRAFTER'S NOTE:

Error: Misspelling in § 8-743(b)(2)(i) of the Natural Resources Article.

Occurred: Ch. 458, Section 1, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Natural Resources Article is ratified by this Act.

8-1808.

(c) (1) At a minimum, a program sufficient to meet the goals stated in subsection (b) of this section includes:

(vii) Requirements for minimum setbacks for structures and septic fields along shorelines, including the establishment of a minimum buffer landward from the mean high water line of tidal waters, tributary streams, and tidal [wetlands.] WETLANDS;

DRAFTER'S NOTE:

Error: Incorrect punctuation in § 8-1808(c)(1)(vii) of the Natural Resources Article.

Occurred: Ch. 526, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Natural Resources Article is ratified by this Act.

8-2102.

(d) (5) The Department shall establish priorities to target cost sharing assistance to wetlands restoration and enhancement where:

- (i) Phragmites [threaten] THREATENS rare or endangered wildlife or plants;
- (ii) The highest diversity and abundance of native plants, wildlife, or fish exist; and
- (iii) Phragmites can be effectively controlled.

DRAFTER'S NOTE:

Error: Grammatical error in § 8-2102(d)(5)(i) of the Natural Resources Article.

Occurred: Ch. 429, Acts of 1996.

10-209.

(g) The Fund may be used for:

- (1) The scientific investigation, protection, propagation, and management of wildlife; and

(2) Administrative costs calculated in accordance with § 1-103(b)(2) of this article.

**DRAFTER'S NOTE:**

Chs. 472 and 550, of the Acts of 2004, both amended § 10-209(g) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

10-301.

(n) (7) (i) The Fund may be used only for:

1. Providing cost-share assistance to landowners for planting upland wildlife habitat;
2. Providing matching funds to acquire grant funding for upland wildlife habitat programs;
3. Hiring contractual staff to implement upland wildlife habitat programs in the State;
4. Promoting the Fund and upland wildlife habitat programs; and
5. Covering administrative costs calculated in accordance with § 1-103(b)(2) of this article.

**DRAFTER'S NOTE:**

Chs. 472 and 550, of the Acts of 2004, both amended § 10-301(n)(7)(i) of the Natural Resources Article. The merger of Chs. 472 and 550 by the publisher in the 2004 Supplement of the Natural Resources Article gives effect to both enactments and is validated by this Act.

**Article - Public Safety**

12-1003.

(b) The Council consists of the following 27 members:

- (5) the Secretary of Disabilities or the Secretary's designee; and

**DRAFTER'S NOTE:**

Error: Misnomer in § 12-1003(b)(5) of the Public Safety Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to the "Governor's Office for Individuals with Disabilities or the Director's" was corrected by the publisher of the

Annotated Code in the 2004 Supplement of the Public Safety Article and is validated by this Act.

### Article - Public Utility Companies

7-505.

(b) (3) The Commission shall order an electric company to adopt policies and practices reasonably designed to prevent:

(i) discrimination against a person, locality, or particular class of service or [give] GIVING undue or unreasonable preference in favor of the electric company's own electricity supply, other services, divisions, or affiliates, if any; and

(ii) any other forms of self-dealing or practices that could result in noncompetitive electricity prices to customers.

#### DRAFTER'S NOTE:

Error: Grammatical error in § 7-505(b)(3) of the Public Utility Companies Article.

Occurred: Ch. 3, Acts of 1999.

### Article - Real Property

11-109.

(c) (4) A regular or special meeting of the council of unit owners may not be held on less than 10 nor more than 90 days':

(ii) Notice sent to each unit owner by electronic transmission, if the requirements of § 11-139.1 of this [subtitle] TITLE are met.

(5) Notice of special meetings of the board of directors shall be given:

(ii) If the requirements of § 11-139.1 of this [subtitle] TITLE are met, by electronic transmission.

(8) (iii) 1. Fifteen days' notice of the time, place, and purpose of the additional meeting shall be delivered, mailed, or sent by electronic transmission if the requirements of [§ 11-139.2] § 11-139.1 OF THIS TITLE are met, to each unit owner at the address shown on the roster maintained under paragraph (2) of this subsection.

(12) Only a unit owner voting in person or by electronic transmission if the requirements of § 11-139.2 OF THIS TITLE are met or a proxy voting for candidates designated by a unit owner may vote for officers and members of the board of directors.

#### DRAFTER'S NOTE:

Error: Stylistic errors in § 11-109(c)(4)(ii), (5)(ii), and (12) of the Real Property Article; erroneous cross-reference and stylistic error in § 11-109(c)(8)(iii)1 of the Real Property Article.

Occurred: Ch. 286, Acts of 2004.

11-137.

(a) (1) In this section the following words have the meanings [indicated:] INDICATED.

[(1)] (2) "Annual income" means the total income from all sources, of a designated household, for the income tax year immediately preceding the year in which the notice is given under § 11-102.1 of this [subtitle] TITLE, whether or not included in the definition of gross income for federal or State tax purposes. For purposes of this section, the inclusions and exclusions from annual income are the same as those listed in [§ 9-104(a)(7)] § 9-104(A)(8) of the Tax - Property Article, "gross income" as that term is defined for the property tax credits for homeowners by reason of income and age, but shall not include unreimbursed medical expenses if the tenant provides reasonable evidence of the unreimbursed medical expenses or consents in writing to authorize disclosure of relevant information regarding medical expense reimbursement at the time of applying for an extended lease.

[(2)] (3) "Designated household" means any of the following households:

(i) A household which includes a senior citizen who has been a member of the household for a period of at least 12 months preceding the giving of the notice required by § 11-102.1 of this title; or

(ii) A household which includes a handicapped citizen who has been a member of the household for a period of at least 12 months preceding the giving of the notice required by § 11-102.1 of this title.

[(3)] (4) "Handicapped citizen" means a person with a measurable limitation of mobility due to congenital defect, disease, or trauma.

[(4)] (5) "Household" means only those persons domiciled in the unit at the time the notice required by § 11-102.1 of this title is given.

[(5)] (6) "Rental facility" means property containing 10 or more dwelling units intended to be leased to persons who occupy the dwellings as their residences.

[(6)] (7) "Senior citizen" means a person who is at least 62 years old on the date that the notice required by § 11-102.1 of this title is given.

DRAFTER'S NOTE:

Error: Stylistic errors in § 11-137(a) of the Real Property Article; erroneous cross-reference in § 11-137(a)(1) of the Real Property Article.

Occurred: Stylistic errors, Ch. 246, Acts of 1981; erroneous cross-reference, as a result of Ch. 154, Acts of 1987.

13-101.

(b) "Abandoned land" means [vacant] land that has boundaries that are located within or contiguous to Green Ridge State Forest:

(1) For which no property tax payment has been made within 20 years immediately preceding the date of an application for a certificate of reservation for public use by a unit of State government; and

(2) Which has not been actually possessed by a person, under claim of title or otherwise, for a continuous period of 20 years immediately preceding the date of an application for a certificate of reservation for public use by a unit of State government.

DRAFTER'S NOTE:

Error: Extraneous language in § 13-101(b) of the Real Property Article.

Occurred: Ch. 334, Acts of 2003. Correction recommended by Attorney General J. Joseph Curran in bill review letter for HB 887 (Ch. 334) of 2003.

14-128.

(a) The provisions of this section shall apply to any residential property, including property that is subject to the provisions of:

(1) Title 8, TITLE 8A, TITLE 11, TITLE 11A, or TITLE 11B of this article; or

DRAFTER'S NOTE:

Error: Stylistic errors in § 14-128(a)(1) of the Real Property Article.

Occurred: Ch. 529, Acts of 2004.

#### **Article - State Finance and Procurement**

3-901.

(d) "Program" means the program developed and administered by the Department in consultation with the Board and the Department of Disabilities to provide financial assistance for the purchase of specialized customer premises equipment (SCPE) by eligible program participants.

(e) "Program participant" means a person who:

(1) is a resident of the State;

(2) is certified by a licensed professional as having a disability which seriously limits or prohibits the use of the basic telephone network without specialized customer premises equipment;

(3) is certified by a licensed professional as being able to use specialized customer premises equipment for which application is made;

(4) meets the financial eligibility requirements established by the Department of Disabilities as a recipient of:

(i) Transitional Emergency Medical and Housing Assistance (TEMHA);

(ii) Supplemental Security Income (SSI); or

(iii) Aid to Families with Dependent Children (AFDC); and

(5) at the time of application is not receiving similar services which are available and can be provided in a timely manner through another program.

**DRAFTER'S NOTE:**

Error: Obsolete language in § 3-901(d) and (e)(4) of the State Finance and Procurement Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former references to "Governor's Office for Individuals with Disabilities" were corrected by the publisher of the Annotated Code in the 2004 Supplement of the State Finance and Procurement Article and are validated by this Act.

3-902.

(a) The Department in consultation with the Board and the Department of Disabilities shall establish and administer a program to assist eligible program participants to purchase specialized customer premises equipment and for reimbursement of costs under § 3-906 of this subtitle in accordance with § 3-807 of this title and the State budget.

**DRAFTER'S NOTE:**

Error: Obsolete language in § 3-902(a) of the State Finance and Procurement Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to "Governor's Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the State Finance and Procurement Article and is validated by this Act.

3-903.

(a) The Department, in consultation with the Board and the Department of Disabilities shall:

- (1) provide a system for eligible program participants to purchase equipment, but no single eligible participant shall receive more than \$6,000;
- (2) establish an information and referral service, including a [toll free] TOLL-FREE number for both voice and TDD, to provide information about the availability of the equipment;
- (3) contract with private vendors or nonprofit organizations to provide the information and referral service and other auxiliary services;
- (4) as necessary, establish interagency agreements with other State agencies [which] THAT provide technical assistance for disabled individuals to prevent duplicative programs; and
- (5) appoint appropriate staff to assist the Board in carrying out its activities under this subtitle.

(b) The Board and the Department of Disabilities shall:

- (1) assist the Department in the development of regulations;
- (2) develop and implement educational outreach programs;
- (3) review and monitor the program; and
- (4) advise the Department on unusual hardship cases.

DRAFTER'S NOTE:

Error: Obsolete language in the introductory language of § 3-903(a) and (b); omitted hyphen in § 3-903(a)(2); grammatical error in § 3-903(a)(4) of the State Finance and Procurement Article.

Occurred: As to the introductory language of § 3-903(a) and (b), as a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former references to "Governor's Office for Individuals with Disabilities" were corrected by the publisher of the Annotated Code in the 2004 Supplement of the State Finance and Procurement Article and are validated by this Act. As to § 3-903(a)(2) and (4), Ch. 770, Acts of 1989.

3-905.

The Department in consultation with the Board and the Department of Disabilities shall adopt regulations to carry out the purposes of this subtitle.

DRAFTER'S NOTE:

Error: Obsolete language in § 3-905 of the State Finance and Procurement Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to "Governor's Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the State Finance and Procurement Article and is validated by this Act.

3-906.

(a) The Department in consultation with the Board and the Department of Disabilities shall enter into an agreement with the State Department of Education, Division of Library Development and Services, providing for an annual payment to be made to the Division in an amount equal to the cost incurred for the distribution of accessible information.

DRAFTER'S NOTE:

Error: Obsolete language in § 3-906(a) of the State Finance and Procurement Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former reference to "Governor's Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the State Finance and Procurement Article and is validated by this Act.

3-1002.

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

- plan; and
- (1) THE goals developed in the managing for results State comprehensive
  - (2) the plan's objectives and performance measures.

DRAFTER'S NOTE:

Error: Erroneous placement of article in § 3-1002(a) of the State Finance and Procurement Article.

Occurred: Ch. 452, Acts of 2004.

7-208.

(c) An amendment of an appropriation for a program of the Legislative Branch of THE State government:

- (1) may not increase the sum of the appropriations from the General Fund of the State for all the programs of the Legislative Branch; and

(2) may authorize the expenditure of money from a special fund or the federal government as provided in § 2-201 or § 7-217(a) of this article.

DRAFTER'S NOTE:

Error: Omitted word in § 7-208(c) of the State Finance and Procurement Article.

Occurred: Ch. 377, Acts of 1986.

7-209.

(e) (3) (ii) Funds transferred under this paragraph may not be expended by the recipient department or unit until each proposed budget amendment has been approved by:

- Management;
1. the Secretary of [the Department of] Budget and
  2. the Governor; and
  3. the Board of Public Works.

DRAFTER'S NOTE:

Error: Extraneous language in § 7-209(e)(3)(ii)1 of the State Finance and Procurement Article.

Occurred: Ch. 430, Acts of 2004.

7-314.

(m) If an executive agency fails to disburse transferred funds to a recipient within 1 year after the expected disbursement date presented to the Legislative Policy Committee under subsection (l) of this section, the funds will revert back to the Account and the Governor shall:

(1) resubmit the proposed budget amendment to transfer money [to] FROM the Account to the Legislative Policy Committee; and

(2) provide the Legislative Policy Committee with the information required under subsection (l) of this section.

(q) (4) (i) In this paragraph, "minority business enterprise" has the meaning stated in § 14-301 of [the State Finance and Procurement Article] THIS ARTICLE.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 7-314(m)(1); stylistic error in § 7-314(q)(4)(i) of the State Finance and Procurement Article.

Occurred: Ch. 430, Acts of 2004; Ch. 206, Acts of 2004.

8-112.

(e) (3) At the same time that the Committee makes its report as required under [paragraph] SUBSECTION (b) of this section, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of the amount of new bonds for academic facilities that prudently may be authorized in the aggregate for the next fiscal year by the University System of Maryland, Morgan State University, and St. Mary's College of Maryland.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 8-112(e)(3) of the State Finance and Procurement Article.

Occurred: Ch. 93, Acts of 1989.

11-203.

(e) (3) (ii) 2. In its review of a contract for services or capital improvements with a value that exceeds [\$500,000] \$500,000, the Board of Public Works may request the comments of the appropriate agencies, including the Department of Budget and Management and the Department of General Services.

(7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

(iii) procurement by the University SYSTEM OF MARYLAND for:

1. services of managers to invest, in accordance with the management and investment policies adopted by the Board of Regents OF THE UNIVERSITY SYSTEM OF MARYLAND, gift and endowment assets received by the University SYSTEM OF MARYLAND in accordance with § 12-104(e) of the Education Article; or

2. expenditures to manage, maintain, and enhance, in accordance with the management and investment policies adopted by the Board of Regents OF THE UNIVERSITY SYSTEM OF MARYLAND, the value of gift and endowment assets received by the University SYSTEM OF MARYLAND in accordance with § 12-104(e) of the Education Article.

DRAFTER'S NOTE:

Error: Omitted comma in § 11-203(e)(3)(ii)2; misnomer and omitted language in § 11-203(e)(7)(iii) of the State Finance and Procurement Article.

Occurred: Ch. 515, Acts of 1999; Ch. 485, Acts of 2004.

13-107.1.

(c) (1) There is an interagency panel consisting of representatives appointed by the Governor from the following:

- (i) the Department of Health and Mental Hygiene;
- (ii) the Department of Human Resources;
- (iii) the Department of Labor, Licensing, and Regulation;
- (iv) the Department of Juvenile Services;
- (v) the Department of Disabilities;
- (vi) the Department of Aging;
- (vii) the Department of Business and Economic Development; and
- (viii) the Council on Management and Productivity.

(k) The following agencies shall implement an educational outreach campaign on the availability of the unsolicited proposal method of procurement:

- (1) the Department of Health and Mental Hygiene;
- (2) the Department of Human Resources;
- (3) the Department of Labor, Licensing, and Regulation;
- (4) the Department of Juvenile Services;
- (5) the Department of Disabilities;
- (6) the Department of Aging; and
- (7) the Department of Business and Economic Development.

**DRAFTER'S NOTE:**

Error: Obsolete language in § 13-107.1(c)(1)(v) and (k)(5) of the State Finance and Procurement Article.

Occurred: Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former references to "Governor's Office for Individuals with Disabilities" were corrected by the publisher of the Annotated Code in the 2004 Supplement of the State Finance and Procurement Article and are validated by this Act.

**Article - State Government**

6-308.

On or before January 1 of each year, the Division shall report to the Governor and, subject to § 2-1246 of [the State Government Article] THIS ARTICLE, to the General Assembly on the activities of the Division during the prior fiscal year.

DRAFTER'S NOTE:

Error: Stylistic error in § 6-308 of the State Government Article.

Occurred: Ch. 5 of the Acts of the 2004 Special Session.

8-403.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

- (1) Acupuncture Board, State (§ 1A-201 of the Health Occupations Article: July 1, 2014);
- (2) Adolescent Pregnancy, Governor's Council on (Article 49D, § 21 of the Code: July 1, 2003);
- (3) Amusement Ride Safety, State Advisory Board (§ 3-303 of the Business Regulation Article: July 1, 2013);
- (4) Apprenticeship and Training Council (§ 11-403 of the Labor and Employment Article: July 1, 2013);
- (5) Architects, State Board of (§ 3-201 of the Business Occupations and Professions Article: July 1, 2012);
- (6) Athletic Commission, State (§ 4-201 of the Business Regulation Article: July 1, 2010);
- (7) Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists, State Board of Examiners for (§ 2-201 of the Health Occupations Article: July 1, 2015);
- (8) Banking Board (§ 2-201 of the Financial Institutions Article: July 1, 2011);
- (9) Barbers, State Board of (§ 4-201 of the Business Occupations and Professions Article: July 1, 2010);
- (10) Boiler Rules, Board of (§ 12-904 of the Public Safety Article: July 1, 2013);

- (11) Cemetery Oversight, Office of (§ 5-201 of the Business Regulation Article: July 1, 2006);
- (12) Children, Youth, and Families, Office for (Article 49D, § 1 of the Code: July 1, 2004);
- (13) Chiropractic Examiners, State Board of (§ 3-201 of the Health Occupations Article: July 1, 2011);
- (14) Collection Agency Licensing Board, State (§ 7-201 of the Business Regulation Article: July 1, 2011);
- (15) Cosmetologists, State Board of (§ 5-201 of the Business Occupations and Professions Article: July 1, 2010);
- (16) Counselors and Therapists, State Board of Professional (§ 17-201 of the Health Occupations Article: July 1, 2008);
- (17) Dental Examiners, State Board of (§ 4-201 of the Health Occupations Article: July 1, 2005);
- (18) Dietetic Practice, State Board of (§ 5-201 of the Health Occupations Article: July 1, 2014);
- [(19)] Repealed by Acts of 2004 Ch. 520, § 2, effective October 1, 2004.
- (20) Economic Growth, Resource Protection, and Planning Commission, State (§ 5-702 of the State Finance and Procurement Article: July 1, 2002);
- [(21)] (19) Electricians, State Board of Master (§ 6-201 of the Business Occupations and Professions Article: July 1, 2012);
- [(22)] (20) Electrology Practice Committee (§ 8-6B-05 of the Health Occupations Article: July 1, 2012);
- [(23)] (21) Elevator Safety Review Board (§§ 12-819 through 12-841 of the Public Safety Article: July 1, 2013);
- [(24)] (22) Engineers, Board of Examining (§ 4-1 of the Public Local Laws of Baltimore City: July 1, 2004);
- [(25)] (23) Engineers, State Board for Professional (§ 14-201 of the Business Occupations and Professions Article: July 1, 2012);
- [(26)] (24) Environmental Sanitarians, State Board of (§ 11-201 of the Environment Article: July 1, 2012);
- [(27)] (25) Financial Regulation, Office of the Commissioner of (§ 2-101 of the Financial Institutions Article: July 1, 2011);

[(28)] (26) Foresters, State Board of (§ 7-201 of the Business Occupations and Professions Article: July 1, 2014);

[(29)] (27) Health Care Commission, Maryland (§ 19-103 of the Health - General Article: July 1, 2007);

[(30)] (28) Health Services Cost Review Commission, State (§ 19-202 of the Health - General Article: July 1, 2007);

[(31)] (29) Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, State Board of (§ 9A-201 of the Business Regulation Article: July 1, 2012);

[(32)] (30) Home Improvement Commission, Maryland (§ 8-201 of the Business Regulation Article: July 1, 2011);

[(33)] (31) Horse Industry Board, Maryland (§ 2-701 of the Agriculture Article: July 1, 2005);

[(34)] (32) Individuals with Disabilities, Office for (§ 9-1102 of the State Government Article: July 1, 2014);

[(35)] (33) Insurance Administration (§§ 2-101 and 2-103 of the Insurance Article: July 1, 2012);

[(36)] (34) Interior Designers, State Board of Certified (§ 8-201 of the Business Occupations and Professions Article: July 1, 2013);

[(37)] (35) Labor and Industry, Division of (Title 2 of the Labor and Employment Article: July 1, 2013);

[(38)] (36) Land Surveyors, State Board for Professional (§ 15-201 of the Business Occupations and Professions Article: July 1, 2012);

[(39)] (37) Landscape Architects, State Board of Examiners of (§ 9-201 of the Business Occupations and Professions Article: July 1, 2012);

[(40)] (38) Law Examiners, State Board of (§ 10-201 of the Business Occupations and Professions Article: July 1, 2009);

[(41)] (39) Maryland-Bred Race Fund Advisory Committee (§ 11-531 of the Business Regulation Article: July 1, 2010);

[(42)] Radiation Oncology/Therapy Technologists, Medical Radiation Technologists, and Nuclear Medicine Technologists Advisory Committee (§ 14-5B-05 of the Health Occupations Article: July 1, 2012);

[(43)] (40) Morticians, State Board of (§ 7-201 of the Health Occupations Article: July 1, 2007);

[(44)] (41) Nursing, State Board of (§ 8-201 of the Health Occupations Article: July 1, 2012);

[(45)] (42) Nursing Home Administrators, State Board of Examiners of (§ 9-201 of the Health Occupations Article: July 1, 2012);

[(46)] (43) Occupational Safety and Health Advisory Board (§ 5-302 of the Labor and Employment Article: July 1, 2013);

[(47)] (44) Occupational Therapy Practice, State Board of (§ 10-201 of the Health Occupations Article: July 1, 2014);

[(48)] (45) Optometry, State Board of Examiners in (§ 11-201 of the Health Occupations Article: July 1, 2012);

[(49)] (46) Pharmacy, State Board of (§ 12-201 of the Health Occupations Article: July 1, 2012);

[(50)] (47) Physical Therapy Examiners, State Board of (§ 13-201 of the Health Occupations Article: July 1, 2011);

[(51)] (48) Physician Assistant Advisory Committee (§ 15-201 of the Health Occupations Article: July 1, 2012);

[(52)] (49) Physicians, State Board of (§ 14-201 of the Health Occupations Article: July 1, 2006);

[(53)] (50) Pilots, State Board of (§ 11-201 of the Business Occupations and Professions Article: July 1, 2012);

[(54)] (51) Plumbing, State Board of (§ 12-201 of the Business Occupations and Professions Article: July 1, 2012);

[(55)] (52) Podiatric Medical Examiners, State Board of (§ 16-201 of the Health Occupations Article: July 1, 2011);

[(56)] (53) Prevailing Wage Rates, Advisory Council on (§ 17-203 of the State Finance and Procurement Article: July 1, 2013);

[(57)] (54) Psychologists, State Board of Examiners of (§ 18-201 of the Health Occupations Article: July 1, 2012);

[(58)] (55) Public Accountancy, State Board of (§ 2-201 of the Business Occupations and Professions Article: July 1, 2014);

[(59)] (56) Racing Commission, State (§ 11-201 of the Business Regulation Article: July 1, 2010);

(57) RADIATION ONCOLOGY/THERAPY TECHNOLOGISTS, MEDICAL RADIATION TECHNOLOGISTS, AND NUCLEAR MEDICINE TECHNOLOGISTS ADVISORY COMMITTEE (§ 14-5B-05 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);

[(60)] (58) Real Estate Appraisers and Home Inspectors, State Commission of (§ 16-201 of the Business Occupations and Professions Article: July 1, 2012);

[(61)] (59) Real Estate Commission, State (§ 17-201 of the Business Occupations and Professions Article: July 1, 2011);

[(62)] Real Estate Hearing Board (§ 17-325 of the Business Occupations and Professions Article: July 1, 2001);

(63) (60) Residential Child Care Program Administrators, State Board for Certification of (§ 20-202 of the Health Occupations Article: July 1, 2013);

[(64)] (61) Respiratory Care Professional Standards Committee, State (§ 14-5A-05 of the Health Occupations Article: July 1, 2012);

[(65)] (62) Security Systems Technicians, Licensing and Regulation of (§ 18-201 of the Business Occupations and Professions Article: July 1, 2015);

[(66)] (63) Social Work Examiners, State Board of (§ 19-201 of the Health Occupations Article: July 1, 2013);

[(67)] (64) Standardbred Race Fund Advisory Committee, Maryland (§ 11-625 of the Business Regulation Article: July 1, 2010);

[(68)] (65) Tobacco Authority (§ 7-201 of the Agriculture Article: July 1, 2005);

[(69)] (66) Veterinary Medical Examiners, State Board of (§ 2-302 of the Agriculture Article: July 1, 2010);

[(70)] (67) Waterworks and Waste Systems Operators, State Board of (§ 12-201 of the Environment Article: July 1, 2010); and

[(71)] (68) Well Drillers, State Board of (§ 13-201 of the Environment Article: July 1, 2010).

**DRAFTER'S NOTE:**

Error: Obsolete requirement in § 8-403(b)(20) of the State Government Article.

Occurred: As a result of the termination provision enacted in Chapter 437, Acts of 1992.

Error: Obsolete requirement in § 8-403(b)(62) of the State Government Article.

Occurred: As a result of § 8-411(a)(2) of the State Government Article, which provides that after the period of reestablishment has expired the governmental unit terminates unless it is reestablished.

Error: Codification error resulting from failure to place provision in proper alphabetical order in § 8-403(b)(42) of the State Government Article.

Occurred: Ch. 373, Acts of 2002.

9-2603.

(b) (1) The Board shall consist of 37 members[, of whom:

(i) two shall serve ex officio], as follows:

[1.] (I) the Mayor of Baltimore, SERVING EX OFFICIO, or the

Mayor's designee; and

[2. the Chairman of the Commission on African American History and Culture or the Chairman's designee; and]

(ii) [thirty-five shall be] THIRTY-SIX MEMBERS appointed by the Governor, as follows:

1. one representative of Morgan State University, approved by the Board of Regents of the University;

2. [two members of the Commission on African American History and Culture,] THE CHAIRMAN OF THE COMMISSION ON AFRICAN AMERICAN HISTORY AND CULTURE OR THE CHAIRMAN'S DESIGNEE AND TWO OTHER COMMISSION MEMBERS approved by the Commission, to provide continuing coordination and cooperation between the Corporation and the Commission and to ensure consistency with the statewide programs and mandates of the Commission;

3. four representatives of African American historical or cultural institutions in the State; and

4. twenty-eight members who have expertise in African American history, culture, museums, or related areas, expertise in fund-raising, or represent the diversity of communities throughout the State that can benefit from the activities of the Corporation.

**DRAFTER'S NOTE:**

Error: Incorrect tabulation in §§ 9-2603(b)(1)(i) and (ii)2 of the State Government Article.

Occurred: Ch. 26, Acts of 2004.

10-630.

THIS PART III OF THIS SUBTITLE MAY BE CITED AS THE PUBLIC INFORMATION ACT.

## DRAFTER'S NOTE:

Error: Failure to carry name of former Article 76A - "Public Information" forward when provisions derived from former Article 76A were revised in Title 10, Subtitle 6, Part III of the State Government Article. Correction is consistent with numerous cross-references in the Annotated Code to the "Public Information Act".

Occurred: Ch. 284, Acts of 1984.

12-101.

(a) In this subtitle, unless the context clearly requires otherwise, "State personnel" means:

(10) a member of a LOCAL board of [supervisors of] elections [of a county or Baltimore City], or an employee of a LOCAL board of [supervisors of] elections;

## DRAFTER'S NOTE:

Error: Obsolete terminology in § 12-101(a)(10) of the State Government Article.

Occurred: As a result of an administratively changed board name arising from Ch. 291, Acts of 2002.

12-301.

This subtitle does not apply to:

(2) a LOCAL board of [supervisors of] elections [of a county];

## DRAFTER'S NOTE:

Error: Obsolete terminology in § 12-301(2) of the State Government Article.

Occurred: As a result of an administratively changed board name arising from Ch. 291, Acts of 2002.

15-516.

(b) Public access and inspection of an activity or record of the Joint Ethics Committee shall be available for:

(3) information relating to any complaint, proceeding, or record of the Joint Ethics Committee involving an individual member of the General Assembly, if consent to public access and inspection is granted by:

(ii) the Joint ETHICS Committee, upon three-fourths vote of the membership of the Joint ETHICS Committee based on criteria established by rule;

- (4) an opinion or rule issued by the Joint ETHICS Committee; or

DRAFTER'S NOTE:

Error: Omitted word in §§ 15-516(b)(3)(ii) and (4) of the State Government Article.

Occurred: Ch. 129, Acts of 1999.

**Article - State Personnel and Pensions**

11-208.

(b) Reinstatement to a comparable class to which the Secretary has certified EMPLOYEES WHO WERE laid-off or WHO WERE separated under § 11-302 of this title [employees] shall be made from among the five laid-off or separated [under § 11-302 of this title] employees with the most seniority points who are certified to the class.

DRAFTER'S NOTE:

Error: Syntactical and stylistic errors in § 11-208(b) of the State Personnel and Pensions Article.

Occurred: Ch. 347, Acts of 1996.

11-305.

(a) This section only applies to an employee who is in a position:

- (1) under a special appointment; [or]

DRAFTER'S NOTE:

Error: Extraneous conjunction in § 11-305(a)(1) of the State Personnel and Pensions Article.

Occurred: Ch. 347, Acts of 1996.

21-123.

(f) (1) Notwithstanding any other law in force on or after July 1, 1988, unless the law makes specific reference to this subsection, and subject to paragraph (2) of this subsection, the Board of Trustees may keep all analyses, forecasts, negotiations, papers, records, recommendations, and reports closed to public inspection until:

(i) the release of the information would not adversely [effect] AFFECT the negotiation for or market price of a security; and

DRAFTER'S NOTE:

Error: Incorrect word usage in § 21-123(f)(1)(i) of the State Personnel and Pensions Article.

Occurred: Ch. 6, Acts of 1994.

21-305.3.

(d) Except as provided in subsection (e) of this section, the annual special accrued liability contribution of each participating governmental unit shall be the level annual payment that is sufficient to liquidate, over 25 years beginning on the date of approval by the legislative body of the participating governmental unit, the amount by which the special accrued liability of the participating governmental unit exceeds the sum of:

(2) any cash and securities transferred to the [employees' system] EMPLOYEES' PENSION SYSTEM in accordance with § 31-113(d) of this article.

DRAFTER'S NOTE:

Error: Misnomer in § 21-305.3(d)(2) of the State Personnel and Pensions Article.

Occurred: Ch. 661, Acts of 1996.

22-220.

(a) This section applies only to a member who[:

(1) is subject to Selection B (Limited cost-of-living adjustment) on October 1, 1994[; or

(2) on or after October 1, 1994, elects Selection B (Limited cost-of-living adjustment) under § 22-219(c) of this subtitle].

DRAFTER'S NOTE:

Error: Obsolete language in § 22-220(a) of the State Personnel and Pensions Article.

Occurred: As a result of Ch. 532, Acts of 2004.

24-401.1.

(h) (5) During the period that a DROP member participates in the DROP, the DROP member shall:

(i) continue to receive compensation, health insurance and other benefit options established under the State Employee and Retiree Health and Welfare Benefit Program administered by the Secretary of [the Department of] Budget and Management, and any other benefits as an employee of the Maryland State Police;

## DRAFTER'S NOTE:

Error: Stylistic error in § 24-401.1(h)(5)(i) of the State Personnel and Pensions Article.

Occurred: Chs. 122 and 123, Acts of 1999.

26-201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(12) an employee of the Motor Vehicle Administration commissioned by the Secretary of [the Department of] Transportation as a Motor Vehicle Administration police officer;

## DRAFTER'S NOTE:

Error: Stylistic error in § 26-201(a)(12) of the State Personnel and Pensions Article.

Occurred: Ch. 397, Acts of 2000.

26-401.1.

(h) (5) During the period that a DROP member participates in the DROP, the DROP member shall:

(i) continue to receive compensation, health insurance, and other benefit options established under the State Employee and Retiree Health and Welfare Benefit Program administered by the Secretary of [the Department of] Budget and Management, and any other benefits as an employee of the State;

## DRAFTER'S NOTE:

Error: Stylistic error in § 26-401.1(h)(5)(i) of the State Personnel and Pensions Article.

Occurred: Ch. 395, Acts of 2000.

31-2A-03.

(c) If at least 60% of the firefighters of an eligible governmental unit who are members of a local pension system petition to become members of the Law Enforcement Officers' PENSION System, the legislative body of the eligible governmental unit may approve the participation of these firefighters in the Law Enforcement Officers' PENSION System as though the local pension system were not in operation.

## DRAFTER'S NOTE:

Error: Omitted word in § 31-2A-03(c) of the State Personnel and Pensions Article.

Occurred: Ch. 532, Acts of 2004.

34-101.

(g) For fiscal year 2006 through fiscal year [2016] 2015, no payments may be made from the Postretirement Health Benefits Trust Fund.

DRAFTER'S NOTE:

Error: Erroneous year reference in § 34-101(g) of the State Personnel and Pensions Article.

Occurred: Ch. 466, Acts of 2004.

#### **Article - Tax - General**

7-203.

(b) (2) The inheritance tax does not apply to the receipt of property that passes from a decedent to or for the use of:

(v) a spouse of a child of the decedent or a spouse of a lineal descendant of a child of the decedent;

DRAFTER'S NOTE:

Error: Extraneous word in § 7-203(b)(2)(v) of the Tax - General Article.

Occurred: Ch. 145, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Tax - General Article is validated by this Act.

#### **Article - Tax - Property**

9-105.

(a) (6) "Agricultural limited liability company" means a limited liability company that:

(i) owns real property that:

2. includes land used as a homesite that is part of or contiguous to a parcel described in [item 1.] ITEM 1 of this item;

DRAFTER'S NOTE:

Error: Extraneous period in § 9-105(a)(6)(i)2 of the Tax - Property Article.

Occurred: Ch. 501, Acts of 2004. Correction by the publisher of the Annotated Code in the 2004 Supplement of the Tax - Property Article is ratified by this Act.

### Article - Transportation

2-103.1.

(g) Beginning with the year 2002 State Report on Transportation and continuing thereafter, before the General Assembly considers the proposed Maryland Transportation Plan and THE proposed Consolidated Transportation Program, the Department shall submit an annual report on the attainment of transportation goals and benchmarks for the approved and proposed Maryland Transportation Plan and THE approved and proposed Consolidated Transportation Program to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly.

DRAFTER'S NOTE:

Error: Omitted articles in § 2-103.1(g) of the Transportation Article.

Occurred: Ch. 303, Acts of 2000.

2-103.3.

(c) (4) The Secretary shall consult with the Department of Aging and the Department of Disabilities in distributing the funds available under this section.

(e) (1) If any of the allocated funds described in subsection (c) of this section are not applied for by the counties within 6 months after the beginning of the fiscal year, the Secretary shall make those funds available to counties pursuant to application procedures and criteria developed by the Secretary, in consultation with the Department of Aging and the Department of Disabilities. The criteria shall provide that:

(i) Such funds may be made available to counties in which the Secretary determines that additional funds for transportation service to the elderly and handicapped are most needed; and

(ii) Local match requirements described in subsection (f) of this section shall apply to all disbursements.

(g) The Secretary, in consultation with the Department of Aging and the Department of Disabilities, shall develop procedures for the proper enforcement of this section. The procedures shall provide that:

(1) A county shall use all amounts distributed to it under this section only for the acquisition or replacement of equipment or for the operating costs of the county's transportation service;

(2) A county, in consultation with the local area agency on aging, shall determine the most effective means of serving the transportation needs of its elderly and handicapped residents;

(3) Each county shall cooperate with the others to best serve the transportation needs of the State's elderly and handicapped residents; and

(4) A county administering a transportation service that receives funds under this section:

(i) Shall provide trips for any purpose;

(ii) Shall serve the elderly and handicapped citizens within the service areas identified in its application;

(iii) May not restrict its transportation service to clients of social service agencies;

(iv) May establish reasonable fares; and

(v) May permit persons other than the elderly and handicapped to use or benefit from its transportation service to the extent capacity is available.

(h) The Secretary in consultation with the Department of Aging and the Department of Disabilities shall monitor the use of funds provided under this section.

**DRAFTER'S NOTE:**

Error: Obsolete language in § 2-103.3(c)(4), (e)(1), (g), and (h) of the Transportation Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425, Section 8, the former references to "Governor's Office for Individuals with Disabilities" were corrected by the publisher of the Annotated Code in the 2004 Supplement of the Transportation Article and are validated by this Act.

2-606.

(b) The Committee shall consist of the following:

(1) 1 representative each from:

(viii) The Department of Disabilities;

**DRAFTER'S NOTE:**

Error: Obsolete language in § 2-606(b)(1)(viii) of the Transportation Article.

Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,

Section 8, the former reference to "Governor's Office for Individuals with Disabilities" was corrected by the publisher of the Annotated Code in the 2004 Supplement of the Transportation Article and is validated by this Act.

4-101.

(i) "Transportation facilities project" includes:

(1) The Susquehanna River Bridge, the Harry W. Nice Memorial Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, THE FORT MCHENRY TUNNEL, the Francis Scott Key Bridge, and the John F. Kennedy Memorial Highway, together with their appurtenant causeways, approaches, interchanges, entrance plazas, toll stations, and service facilities;

DRAFTER'S NOTE:

Error: Omitted language in § 4-101(i)(1) of the Transportation Article.

Occurred: As a result of acquisition of the Fort McHenry Tunnel by the Maryland Transportation Authority from Baltimore City in 1983.

8-627.

(b) This section applies to property owned by a person, the State, or A political subdivision:

(1) Engaged in, or preparing to engage in, the manufacture, transportation, or storage of a product to be used in a defense-related activity;

(2) Engaged in, or preparing to engage in, the manufacture, transportation, distribution, or storage of gas, oil, coal, electricity, or water; or

(3) Operating a public utility.

DRAFTER'S NOTE:

Error: Omitted article in § 8-627(b) of the Transportation Article.

Occurred: Ch. 166, Acts of 2001.

13-618.

(d) (4) No portion of the additional initial registration or renewal fees may be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under § 8-403 or § 8-404 of [the Transportation Article] THIS ARTICLE.

DRAFTER'S NOTE:

Error: Stylistic error in § 13-618(d)(4) of the Transportation Article.

Occurred: Ch. 69, Acts of 1990.

13-815.

(a) (4) "Maximum available power" means the maximum value of the sum of the heat engine and electric drive system power or other [non-heat] NONHEAT energy conversion devices available for a driver's command for maximum acceleration at vehicle speeds under 75 miles per hour.

(6) "Qualified hybrid vehicle" means an automobile that:

(i) Meets all applicable regulatory requirements;

(ii) Meets the current vehicle exhaust standard set under the National Low-Emission Vehicle Program for gasoline-powered passenger cars; and

(iii) Can draw propulsion energy from both of the following [on-board] ONBOARD sources of stored energy:

1. Gasoline or diesel fuel; and

2. A rechargeable energy storage system.

(g) On or after October 1 of each year, the [Motor Vehicle] Administration shall certify to the [comptroller] COMPTROLLER the total amount of credits allowed under this section against the excise tax for the preceding fiscal year.

DRAFTER'S NOTE:

Error: Extraneous hyphen in § 13-815(a)(4) and (a)(6)(iii); stylistic error and capitalization error in § 13-815(g) of the Transportation Article.

Occurred: Chs. 295 and 296, Acts of 2000.

13-920.

(a) (1) In this [section] SECTION, "tow truck" means a vehicle that:

(i) Is a Class E (truck) vehicle that is designed to lift, pull, or carry a vehicle by a hoist or mechanical apparatus;

(ii) Has a manufacturer's gross vehicle weight rating of 10,000 pounds or more; and

(iii) Is equipped as a tow truck or designed as a rollback as defined in § 11-151.1 of this article.

DRAFTER'S NOTE:

Error: Omitted comma in § 13-920(a)(1) of the Transportation Article.

Occurred: Ch. 701, Acts of 1990.

16-205.1.

(a) (1) (i) In this section[,] the following words have the meanings indicated.

DRAFTER'S NOTE:

Error: Extraneous comma in § 16-205.1(a)(1)(i) of the Transportation Article.

Occurred: Ch. 413, Acts of 1990.

16-815.

(a) (1) A Class A commercial driver's license authorizes the licensee to drive the following motor vehicles and combinations of motor vehicles:

(i) Any [combinations] COMBINATION of vehicles with a gross combination weight of 26,001 or more pounds if the GVW of the vehicles being towed is in excess of 10,000 pounds; and

(ii) Any vehicle or combination of vehicles that a Class B commercial driver's license authorizes its holder to drive.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 16-815(a)(1)(i) of the Transportation Article.

Occurred: Ch. 291, Acts of 1989.

23-201.

(a) In this subtitle[,] the following words have the meanings indicated.

DRAFTER'S NOTE:

Error: Extraneous comma in § 23-201(a) of the Transportation Article.

Occurred: Ch. 517, Acts of 1983.

23-301.

(a) In this subtitle[,] the following words have the meanings indicated.

DRAFTER'S NOTE:

Error: Extraneous comma in § 23-301(a) of the Transportation Article.

Occurred: Ch. 106, Acts of 1988.

27-101.

(k) (2) For the purpose of second or subsequent offender penalties for violation of § 21-902(a) of this article provided under this subsection, a prior conviction [of] UNDER § 21-902(b), (c), or (d) of this article, within 5 years of the conviction for a violation of § 21-902(a) of this article, shall be considered a conviction [of] UNDER § 21-902(a) of this article.

(3) For the purpose of second or subsequent offender penalties for violation of § 21-902(d) of this article provided under this subsection, a prior conviction [of] UNDER § 21-902(a), (b), or (c) of this article, within 5 years of the conviction for a violation of § 21-902(d) of this article, shall be considered a conviction [of] UNDER § 21-902(d) of this article.

DRAFTER'S NOTE:

Error: Incorrect word usage in § 27-101(k)(2) and (3) of the Transportation Article.

Occurred: Ch. 592, Acts of 1994; Ch. 334, Acts of 2004.

27-107.

(a) In this [section] SECTION, "ignition interlock system" means a device that:

(1) Connects a motor vehicle ignition system to a breath analyzer that measures a driver's blood alcohol level; and

(2) Prevents a motor vehicle ignition from starting if a driver's blood alcohol level exceeds the calibrated setting on the device.

DRAFTER'S NOTE:

Error: Omitted comma in § 27-107(a) of the Transportation Article.

Occurred: Chs. 252 and 253, Acts of 1988.

**Chapter 246 of the Acts of 2000, as amended by Chapter 160 of the Acts of 2004**

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

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of the U.S.S. Constellation Museum, Inc. (referred to hereafter in this Act as "the grantee") for the

design, repair, restoration, improvement, and preservation of the U.S.S. Constellation.

DRAFTER'S NOTE:

Error: Misnomer in Section 1(3) of Ch. 246, Acts of 2000, as amended by Ch. 160 of the Acts of 2004.

Occurred: Ch. 160, Acts of 2004.

**Chapter 5 of the Acts of the 2004 Special Session**

SECTION 3. AND BE IT FURTHER ENACTED, That §§ 3-2A-01, 3-2A-05(h), and 5-615 of the Courts Article [and § 1-401 of the Health Occupations Article], as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

DRAFTER'S NOTE:

Error: Extraneous cross-reference in Section 3 of Ch. 5, Acts of the 2004 Special Session.

Occurred: Ch. 5, Acts of the 2004 Special Session.

SECTION 4. AND BE IT FURTHER ENACTED, That §§ 3-2A-04(b), 3-2A-06(b)[, (f) and (i)] AND (F), 3-2A-06C, 3-2A-06D, and 3-2A-08A of the Courts Article and § 14-405 of the Health Occupations Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim filed in the Health Claims Arbitration Office or case filed in a court before the effective date of this Act.

DRAFTER'S NOTE:

Error: Erroneous cross-reference in Section 4 of Ch. 5, Acts of the 2004 Special Session.

Occurred: Ch. 5, Acts of the 2004 Special Session.

[SECTION 11. AND BE IT FURTHER ENACTED, That:

(a) Except for a managed care organization authorized by Title 15, Subtitle 1 of the Health - General Article, an insurer, nonprofit health service plan, health maintenance organization, dental plan, organization, or any other person that provides health benefit plans subject to regulation by the State may not reimburse a health care practitioner in an amount less than the global fee, capitation rate, or per unit sum or rate being paid to the health care practitioner on November 1, 2004; and

(b) The Maryland Health Care Commission shall study the impact of the reimbursement requirements in subsection (a) of this Section on access to health care,

health care costs, and the health insurance market and shall report the results of its study to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly, on or before January 1, 2006.]

[SECTION 12. AND BE IT FURTHER ENACTED, That Section 11 of this Act shall take effect January 1, 2005. It shall remain effective for a period of 1 year and 6 months and, at the end of June 30, 2006, with no further action required by the General Assembly, Section 11 of this Act shall be abrogated and of no further force and effect.]

**DRAFTER'S NOTE:**

Error: Failure to strike extraneous language in Sections 11 and 12 of Ch. 5, Acts of the 2004 Special Session, consistent with legislative intent as indicated by amendments to the title of the Act.

Occurred: As a result of amendments to the title of Ch. 5, Acts of the 2004 Special Session, which removed language describing the effect of Sections 11 and 12 of the Act. Because Sections 11 and 12 were not reflected in the title of the Act, they could not be given effect under Art. III, § 29 of the Maryland Constitution. Correction in this Act suggested by Attorney General J. Joseph Curran in Bill Review Letter for H.B. 2 (Ch. 5) of the 2004 Special Session.

SECTION 15. AND BE IT FURTHER ENACTED, That[, subject to Section 12 of this Act,] this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye 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. If this Act does not secure sufficient votes to pass as an emergency measure, it shall take effect January 1, 2005, pursuant to Article III, § 31 of the Maryland Constitution.

**DRAFTER'S NOTE:**

Error: Erroneous cross-reference in Section 15 of Ch. 5, Acts of the 2004 Special Session.

Occurred: Ch. 5, Acts of the 2004 Special Session.

**Article 11 - Frederick County**

2-1-1.

The provisions embraced in this and the following chapters and sections shall constitute and be designated "Code of Public Local Laws of Frederick County[, 1979,]" and may be so cited. The Code of Public Local Laws of Frederick County[, 1979] shall constitute Article 11 of the Public Local Laws of Maryland.

**DRAFTER'S NOTE:**

Error: Obsolete reference in § 2-1-1 of the Public Local Laws of Frederick County.

Occurred: As a result of republication of the Frederick County Code in 2004.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article - Natural Resources**

8-743.

(b) (2) If the child is under the age of 4 years, the personal flotation device shall feature additional safety precautions, as appropriate for an infant, toddler, or young child, so as to:

(i) Hold the child securely within the personal [floatation] FLOTATION device, including a strap that is secured between the child's legs to fasten together the front and back of the personal [floatation] FLOTATION device;

(ii) Maintain the buoyancy of the child, including an inflatable headrest or high collar; [or] AND

(iii) Ensure the ready accessibility of the child from the vessel, including a web handle.

DRAFTER'S NOTE:

Error: Misspellings in § 8-743(b)(2)(i); erroneous conjunction in § 8-743(b)(2)(ii) of the Natural Resources Article.

Occurred: Ch. 458, Section 2, Acts of 2004. Correction of § 8-743(b)(2)(i) by the publisher of the Annotated Code in the 2004 Supplement of the Natural Resources Article is ratified by this Act. Correction of § 8-743(b)(2)(ii) recommended by Attorney General J. Joseph Curran, Jr. in bill review letter for S.B. 429 of 2004 (Ch. 458, Acts of 2004), May 6, 2004.

SECTION 3. AND BE IT FURTHER ENACTED, That the title designation "Title 20. Statewide Cultural Programs" of Article 41 of the Annotated Code of Maryland be repealed.

DRAFTER'S NOTE:

Error: Obsolete title designation in Article 41.

Occurred: As a result of Ch. 26, Acts of 2004.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article - Transportation**

[11-127.1.] 11-174.1.

(a) "Under the influence of alcohol per se" means having an alcohol concentration at the time of testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(b) If the alcohol concentration is measured by milligrams of alcohol per deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court or an administrative law judge, as the case may be, shall convert the measurement into grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

[11-127.2.] 11-127.1.

(a) "Lease intended as security" means a lease of a vehicle by an individual primarily for personal, family, or household purposes for more than 180 consecutive days, including renewal periods, in which:

(1) The lessee is provided the option to purchase the leased vehicle; and

(2) Under the terms of the purchase option, the lessee becomes or has the option to become the owner of the vehicle for:

(i) No additional consideration; or

(ii) 1. In the case of a new vehicle, a nominal consideration of:

A. 20 percent or less of the "value at consummation" of the vehicle as that term is defined in 12 C.F.R. § 213.2(a)(18); or

B. If the value at consummation is not stated in the lease, 20 percent or less of the Monroney sticker price for the vehicle; or

2. In the case of a used vehicle, a nominal consideration of 20 percent or less of the wholesale value of the vehicle as shown in the official used car guide of the National Automobile Dealer's Association (N.A.D.A.), taking into account accessories and mileage plus any costs incurred by the lessor in repairing and servicing the vehicle in anticipation of a lease.

(b) "Lease not intended as security" means a lease of a vehicle by an individual primarily for personal, family, or household purposes for more than 180 consecutive days, including renewal periods, in which:

(1) The lessee may return the motor vehicle at the end of the lease term with no financial obligations other than payments required under, and disclosed in, the lease for excess wear and tear and excess mileage charges and for administration, disposition, and similar costs incurred at the end of the lease; and

(2) The lessee is provided the option to purchase the leased vehicle for:

(i) In the case of a new vehicle, a consideration in excess of:

1. 20 percent of the "value at consummation" of the vehicle as that term is defined in 12 C.F.R. § 213.2(a)(18); or

2. If the value at consummation is not stated in the lease, 20 percent of the Monrone sticker price for the vehicle; or

(ii) In the case of a used vehicle, a consideration in excess of 20 percent of the wholesale value of the vehicle as shown in the official used car guide of the National Automobile Dealer's Association (N.A.D.A.), taking into account accessories and mileage plus any costs incurred by the lessor in repairing and servicing the vehicle in anticipation of a lease.

[11-178.] 11-148.1.

(a) "Rental vehicle" means a passenger car or a vehicle that may be registered as a Class E, F, G, or M vehicle under Title 13, Subtitle 9 of this article:

(1) That is acquired solely for rental purposes but will not be rented to the same person for a period of more than 180 consecutive days;

(2) (i) That, at the time of purchase, is part of a fleet of passenger cars owned by the same person, at least five of which meet the criteria in item (1) of this subsection;

(ii) That, at the time of purchase, is part of a fleet of rental trucks owned by the same person, at least five of which meet the criteria in item (1) of this subsection; or

(iii) That, at the time of purchase, is part of a fleet of multipurpose passenger vehicles owned by the same person, at least five of which meet the criteria in item (1) of this subsection;

(3) For which the owner does not provide a driver; and

(4) That, if the vehicle is a passenger car or multipurpose passenger vehicle, will not be used to transport individuals or property for hire.

(b) "Rental vehicle" does not include:

(1) A dump truck, as described in § 13-919 of this article;

(2) A tow truck, as described in § 13-920 of this article; or

(3) A farm vehicle exempt from the sales and use tax under § 11-201(a) of the Tax - General Article.

DRAFTER'S NOTE:

Error: Failure to codify definitions in proper alphabetical order in Title

11, Subtitle 1, of the Transportation Article.

Occurred: Ch. 652, Acts of 1996 for §§ 11-127.1 and 11-127.2 of the Transportation Article; Ch. 706, Acts of 1998 for § 11-178 of the Transportation Article.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article - Courts and Judicial Proceedings**

10-307.

(g) If at the time of testing a person has an alcohol concentration of 0.08 or more, as determined by an analysis of the person's blood or breath, the person shall be considered under the influence of alcohol per se as defined in § [11-127.1] 11-174.1 of the Transportation Article.

**Article - Natural Resources**

8-738.

(b) (2) If at the time of testing an individual has an alcohol concentration that meets the definition of "under the influence of alcohol per se" in § [11-127.1] 11-174.1 of the Transportation Article, as determined by an analysis of the individual's blood or breath, it shall be prima facie evidence that the individual was operating a vessel while under the influence of alcohol.

**Article - Transportation**

13-939.1.

Notwithstanding any other provision of this subtitle, for a rental vehicle as defined in § [11-178] 11-148.1 of this article, the annual registration fee is:

- (1) For a Class A (passenger) vehicle with a manufacturer's shipping weight of:
- (i) 3,700 pounds or less - \$27.00; and
  - (ii) More than 3,700 pounds - \$40.50;

16-205.1.

(a) (1) (ii) "Under the influence of alcohol" includes under the influence of alcohol per se as defined by § [11-127.1] 11-174.1 of this article.

DRAFTER'S NOTE:

Error: Erroneous cross-references in § 10-307(g) of the Courts and

Judicial Proceedings Article, § 8-738(b)(2) of the Natural Resources Article, and §§ 13-939.1(1) and 16-205.1(a)(1)(ii) of the Transportation Article.

Occurred: As a result of the renumbering of §§ 11-127.1, 11-127.2, and 11-178 of the Transportation Article as enacted by Section 4 of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article 2B - Alcoholic Beverages**

1-201.

(f) (7) An officer confiscating any unlicensed distillery or unlawful distillery materials, equipment or devices under circumstances which render it impractical or impossible to move them to a safe place of custody and storage, or confiscating any illicit alcoholic beverages, except that seized for evidence or forfeiture, shall forthwith destroy them only insofar as is necessary to render them unfit for further unlawful use and shall report the confiscation and destruction to the Alcohol and Tobacco Tax [Division] BUREAU of the Comptroller of the Treasury of Maryland.

7.5-106.

(a) Wine that is delivered to a personal consumer shall be:

(1) Shipped freight prepaid to a wholesaler licensed in this State who is designated by the Alcohol and Tobacco Tax [Division] BUREAU of the Office of the Comptroller; and

(2) Delivered by the wholesaler to a retail dealer.

(b) The Alcohol and Tobacco Tax [Division] BUREAU of the Office of the Comptroller shall record the receipt and disposition of all wine sold by direct wine sellers.

16-404.

(b) The Comptroller is authorized to delegate the Comptroller's authority under this article to the director of the Alcohol and Tobacco Tax [Division] BUREAU of the Comptroller's office to issue or refuse to issue licenses and permits.

(c) The Comptroller is authorized to delegate the Comptroller's authority to conduct hearings of violations of this article or of any regulations issued thereunder to the director of the Alcohol and Tobacco Tax [Division] BUREAU of the Comptroller's office or any other employee of the Comptroller's office; provided, however, the director of the Alcohol and Tobacco Tax [Division] BUREAU of the Comptroller's office or any other employee of the Comptroller's office delegated by the Comptroller shall not have the authority to invoke penalties provided for under this article, but shall

report the employee's findings and recommendations to the Comptroller, for the taking of such action as the latter deems appropriate.

16-407.

(a) There is a Field Enforcement [Division] BUREAU under the Comptroller, with such officers and employees as may be provided for in the budget from time to time.

(b) The officers and employees of the Field Enforcement [Division] BUREAU shall be sworn police officers and shall have all the powers, duties and responsibilities of peace officers for the enforcement of the provisions of this article having to do generally with (1) the illegal importation of alcoholic beverages into this State; (2) the illegal manufacture of alcoholic beverages in this State; (3) the transportation and/or distribution throughout this State of alcoholic beverages which were manufactured illegally and/or on which any alcoholic beverages taxes imposed by this State are due and illegally unpaid; and (4) the manufacture, sale, barter, transportation, distribution or other form of owning, handling or dispersing alcoholic beverages by any person, persons, associations or corporation not licensed or authorized therefor under the provisions of this article. They are authorized and empowered, from time to time to make cooperative arrangements for and to work and cooperate with the various State's Attorneys, sheriffs, constables, bailiffs, police and other prosecuting and peace officers of every sort, in order to enforce the provisions of this article and as provided in this section.

(c) The Field Enforcement [Division] BUREAU shall consult and advise with the several State's Attorneys and other law enforcement officials and police officers as to enforcement problems in their respective jurisdictions, and may make suggestions and recommendations for changes to improve the execution and administration of the provisions of this article.

#### **Article - Criminal Procedure**

2-101.

(c) "Police officer" means a person who in an official capacity is authorized by law to make arrests and is:

(13) an authorized employee of the Field Enforcement [Division] BUREAU of the Comptroller's Office;

#### **Article - Health - General**

18-213.

(a) (3) "Law enforcement officer" means any person who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

Office;  
 18-213.2.

(a) (8) "Law enforcement officer" means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

(ix) The Field Enforcement [Division] BUREAU of the Comptroller's Office; or

#### **Article - Public Safety**

3-101.

(e) (1) "Law enforcement officer" means an individual who:

(ii) is a member of one of the following law enforcement agencies:

12. the Field Enforcement [Division] BUREAU of the Comptroller's Office;

3-201.

(e) (2) "Police officer" includes:

(i) a member of the Field Enforcement [Division] BUREAU of the Comptroller's Office;

#### **Article - State Personnel and Pensions**

8-301.

(b) This subtitle does not apply to a law enforcement employee of the Field Enforcement [Division] BUREAU of the State Comptroller's Office.

26-201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(2) a law enforcement officer employed by the Field Enforcement [Division] BUREAU;

#### **Article - Tax - General**

2-107.

(a) Authorized employees of the Field Enforcement [Division] BUREAU of the Comptroller's Office:

- (1) shall be individuals who are sworn police officers; and
- (2) have all the powers, duties, and responsibilities of a peace officer for the purpose of enforcing the laws pertaining to:
- (i) alcoholic beverage tax;
  - (ii) tobacco tax;
  - (iii) motor fuel tax;
  - (iv) motor carrier tax;
  - (v) motor fuel and lubricants; and
  - (vi) transient vendors within the meaning of Subtitle 20A of Title 17 of the Business Regulation Article.

(b) (1) The Department of State Police shall help the Field Enforcement [Division] BUREAU in enforcing the motor carrier tax, motor fuel tax and motor fuel and lubricants laws.

(2) The Comptroller shall pay the salaries and expenses of all Department of State Police staff assigned to the Field Enforcement [Division] BUREAU.

- (c) (2) The Field Enforcement [Division] BUREAU:
- (i) shall advise a State's Attorney and law enforcement officers about enforcement problems; and
  - (ii) otherwise may work cooperatively with law enforcement officers and prosecutors to carry out the duties of the unit.

(d) (2) The Field Enforcement [Division] BUREAU shall cooperate with and help the federal government, other states, and local governments and law enforcement personnel of those jurisdictions to enforce the motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

**DRAFTER'S NOTE:**

Error: Obsolete references in Article 2B, §§ 1-201(f)(7), 7.5-106(a) and (b), 16-404(b) and (c), and 16-407; § 2-101(c)(13) of the Criminal Procedure Article; §§ 18-213(a)(3)(ix) and 18-213.2(a)(8)(ix) of the Health - General Article; §§ 3-101(e)(1)(ii)12 and 3-201(e)(2)(i) of the Public Safety Article; §§ 8-301(b) and 26-201(a)(2) of the State Personnel and Pensions Article; and 2-107(a)(1), (b), (c)(2), and (d)(2) of the Tax - General Article.

Occurred: As a result of the administrative renaming and merger on January 8, 2004 of two "Divisions" formerly known as the Field

Enforcement Division and the Alcohol and Tobacco Tax Division to be "Bureaus" under the new Regulatory and Enforcement Division within the Office of the Comptroller of the Treasury.

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article 41 - Governor - Executive and Administrative Departments**

6-704.

(b) The Committee shall consist of the following:

(1) 1 representative each from:

(i) The Division of [Vocational] Rehabilitation SERVICES of the Department of Education;

**Article - Health - General**

10-806.

(c) (4) As resources allow, services shall be provided to individuals released from a State facility in accordance with the aftercare plan required by § 10-809 of this subtitle, as follows:

(ii) The Division of [Vocational] Rehabilitation SERVICES shall provide, to individuals determined to be eligible, vocational rehabilitation services and occupational placement opportunities consistent with the assessed needs and abilities of the individual; and

13-506.

(a) (2) Of the 15 members:

(iii) 1 shall be a representative of the Division of [Vocational] Rehabilitation SERVICES;

**Article - State Finance and Procurement**

14-101.

(b) "Sheltered workshop" means an agency:

(3) that is accredited by the Division of [Vocational] Rehabilitation SERVICES of the State Department of Education;

14-109.

(a) (3) "Division" means the Division of [Vocational] Rehabilitation SERVICES in the Department of Education.

**DRAFTER'S NOTE:**

Error: Obsolete reference in Article 41, § 6-704(b)(1)(i); §§ 10-806(c)(4)(ii) and 13-506(a)(2)(iii) of the Health - General Article; and §§ 14-101(b)(3) and 14-109(a)(3) of the State Finance and Procurement Article.

Occurred: As a result of Ch. 42, Acts of 1992.

SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article 41 - Governor - Executive and Administrative Departments**

6-7A-01.

(j) "Nursing home transition grant" means the grants available to states through the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES.

**Article - Health - General**

15-103.

(b) (9) Each managed care organization shall:

(i) Have a quality assurance program in effect which is subject to the approval of the Department and which, at a minimum:

1. Complies with any health care quality improvement system developed by the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES;

17-214.

(f) (2) In addition to any other laboratory standards, the regulations shall:

(i) Require that the laboratory comply with the guidelines for laboratory accreditation, if any, as set forth by the College of American Pathologists, the [U.S. Health Care Financing Administration (HCFA)] CENTERS FOR MEDICARE AND MEDICAID SERVICES, or any other government agency or program designated to certify or approve a laboratory that is acceptable to the Secretary;

19-308.

(b) (2) An accredited hospital and an accredited residential treatment center shall be subject to inspections under this subtitle by the Department to:

(iii) Monitor corrective action, in accordance with § 19-360 of this subtitle, for any serious or life-threatening patient care deficiency identified by the Joint Commission on Accreditation of Healthcare Organizations, the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES, or the Department.

19-360.

(a) This section applies to:

(2) Accredited hospitals:

(ii) Subject to inspection by the Department under § 19-308(b)(2) of this subtitle as a result of a serious or life-threatening patient care deficiency identified by the Joint Commission on Accreditation of Healthcare Organizations, the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES, or the Department; and

(3) Accredited residential treatment centers subject to inspection by the Department under § 19-308(b)(2) of this subtitle as a result of a serious or life-threatening patient care deficiency identified by the Joint Commission on Accreditation of Healthcare Organizations, the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES, or the Department.

#### **Article - Insurance**

15-901.

(f) ["HCFA"] "CMS" means the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES of the United States Department of Health and Human Services.

15-912.

(c) The standards may cover, but are not limited to:

(10) any other provisions required under federal Medicare law or [HCFA] CMS regulations.

15-926.

(a) Each carrier that issues Medicare supplement policies shall provide to [HCFA] CMS any data, statistics, or other information that [HCFA] CMS requests about the carrier's Medicare supplement policies.

(b) On request from [HCFA] CMS, the Commissioner may provide to [HCFA] CMS any information about Medicare supplement policies that are issued in the State.

15-1003.

(b) The Commissioner shall adopt by regulation as the uniform claims form for reimbursement of hospital services in the State the uniform claims form adopted by the National Uniform Billing Committee and approved by the [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES for Hospital Payments under Title XVIII of the Social Security Act.

(d) (2) In adopting the regulations required under paragraph (1)(i) of this subsection, the Commissioner shall consider:

(i) standards for attachments required by the federal [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES for the Medicare Program;

**DRAFTER'S NOTE:**

Error: Obsolete name of federal agency in Article 41, § 6-7A-01(j); §§ 15-103(b)(9)(i)1, 17-214(f)(2)(i), 19-308(b)(2)(iii), and 19-360(a)(2)(ii) and (3) of the Health - General Article; and §§ 15-901(f), 15-912(c)(10), 15-926, and 15-1003(b) and (d)(2)(i) of the Insurance Article.

Occurred: As a result of the renaming and restructuring of the Health Care Financing Administration (HCFA) by the U.S. Department of Health and Human Services announced on June 14, 2001.

SECTION 9. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall make any changes in the text of the Annotated Code necessary to effectuate any termination provision that was enacted by the General Assembly and has taken effect or will take effect prior to October 1, 2005. Any enactment of the 2004 Special Session of the General Assembly or of the 2005 Session of the General Assembly that negates or extends the effect of a previously enacted termination provision shall prevail over the provisions of this section.

SECTION 10. 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 11. AND BE IT FURTHER ENACTED, That the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That any reference in the Annotated Code of Maryland rendered obsolete by an Act of the 2004 Special Session of the General Assembly or by an Act of the General Assembly of 2005 shall be corrected by the publisher of the Annotated Code, in consultation with and subject to the approval of the Department of Legislative Services, with no further action

required by the General Assembly. The publisher shall adequately describe any such correction in an editor's note following the section affected.

SECTION 13. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, at the time of publication of a new supplement, new volume, or replacement volume of the Annotated Code, shall make nonsubstantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any reference rendered obsolete by an Act of the General Assembly, with no further action required by the General Assembly. The publisher shall adequately describe any such correction in an editor's note following the section affected.

SECTION 14. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect on the taking effect of Section 2 of Chapter 458 of the Acts of the General Assembly of 2004.

SECTION 15. AND BE IT FURTHER ENACTED, That, except as provided in Section 14 of this Act, 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.