

HOUSE BILL 1130

L6, L5

2lr0397

By: **The Speaker (By Request – Department of Legislative Services – Code Revision)**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Land Use Article in the
4 Annotated Code of Maryland; correcting certain errors and omissions in and
5 relating to the Land Use Article; clarifying the application of certain provisions;
6 making stylistic changes; providing for the termination of a certain provision of
7 this Act, subject to a certain contingency; and generally relating to the Land
8 Use Article and cross-references and corrections to it.

9 BY repealing and reenacting, with amendments,
10 Article 2B – Alcoholic Beverages
11 Section 9–103
12 Annotated Code of Maryland
13 (2011 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article 23A – Corporations – Municipal
16 Section 9(c)(2) and 19(o)(4) and (s)
17 Annotated Code of Maryland
18 (2011 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article 25 – County Commissioners
21 Section 10J–1
22 Annotated Code of Maryland
23 (2011 Replacement Volume)

24 BY repealing and reenacting, with amendments,
25 Article 25A – Chartered Counties of Maryland
26 Section 5(X)(1)(ii) and (BB)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Courts and Judicial Proceedings
5 Section 4–401(10)(ii), (v), and (xi)
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2011 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Economic Development
10 Section 5–1303(d)(19)
11 Annotated Code of Maryland
12 (2008 Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Environment
15 Section 5–203.1(b)(2)(i), 9–505(a)(1), 9–506(a)(1)(ii), 9–1601(ee), 14–508(a)(9),
16 and 15–804(a)
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2011 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Financial Institutions
21 Section 13–1014(a)(3)(ii)1., 13–1101(g), and 13–1111(g)(8)(ii)1.
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2011 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Natural Resources
26 Section 5–102.1(d)(2)(i) and (e) and 5–9B–04(b)(1)
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2011 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – Natural Resources
31 Section 8–1304(b) and 8–1808(d)
32 Annotated Code of Maryland
33 (2007 Replacement Volume and 2011 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article – Public Utilities
36 Section 4–209(a) and 21–301(a)
37 Annotated Code of Maryland
38 (2010 Replacement Volume and 2011 Supplement)

39 BY repealing and reenacting, with amendments,

1 Article – Real Property
 2 Section 3–108.1(a)(4) and (f)(1) and 4–110
 3 Annotated Code of Maryland
 4 (2010 Replacement Volume and 2011 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – State Finance and Procurement
 7 Section 5–706 and 5–7B–01(e)
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2011 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – State Government
 12 Section 15–821(c), 15–830, and 15–835(a)(1)
 13 Annotated Code of Maryland
 14 (2009 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,
 16 Article – Tax – Property
 17 Section 7–241(a) and 9–204(a)(3)
 18 Annotated Code of Maryland
 19 (2007 Replacement Volume and 2011 Supplement)

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

22 **Article 2B – Alcoholic Beverages**

23 9–103.

24 No license or permit under the provisions of this article shall be issued in
 25 violation of any zoning rule or regulation as the same may from time to time exist
 26 under and by virtue of any ordinance or ordinances passed pursuant to the authority
 27 contained in [Article 66B of the Code, title “Land Use”,] **DIVISION I OF THE LAND**
 28 **USE ARTICLE** or **IN** Chapter 599 of the Acts of the General Assembly of 1933.

29 **Article 23A – Corporations – Municipal**

30 9.

31 (c) (2) If the county expressly approves, the municipality, without regard
 32 to the provisions of [Article 66B, § 4.05(a) of the Code] **§ 4–204 OF THE LAND USE**
 33 **ARTICLE**, may place the annexed land in a zoning classification that permits a land
 34 use or density different from the land use or density specified in the zoning
 35 classification of the county or agency having planning and zoning jurisdiction over the
 36 land prior to its annexation applicable at the time of the annexation.

1 19.

2 (o) (4) (i) A municipal corporation may submit an annexation plan in
 3 accordance with paragraph (3)(ii) of this subsection, if on or after October 1, 2009, a
 4 municipal corporation is granted an extension for the inclusion of a municipal growth
 5 element in accordance with [Article 66B, § 3.05(f) of the Code] **§ 3-304 OF THE LAND**
 6 **USE ARTICLE.**

7 (ii) After the expiration of a final extension granted under
 8 [Article 66B, § 3.05(f) of the Code] **§ 3-304 OF THE LAND USE ARTICLE** for the
 9 inclusion of a municipal growth element, an annexation plan shall be submitted in
 10 accordance with paragraph (3)(iii) of this subsection.

11 (s) The powers granted to municipal corporations by Article XI-E of the
 12 Constitution, by this article, and by [Article 66B of the Code] **DIVISION I OF THE**
 13 **LAND USE ARTICLE**, shall not be deemed to authorize any municipal corporation,
 14 either through procedures under this subheading or other changes in its charter, to
 15 exercise planning (including subdivision control) and zoning jurisdiction or power
 16 within any political subdivision in which such planning and zoning jurisdiction or
 17 power, or either, is exercised by any State, regional or county agency or authority.
 18 Except that where any area is annexed to a municipality authorized to have and
 19 having then a planning and zoning authority, the said municipality shall have
 20 exclusive jurisdiction over planning and zoning and subdivision control within the
 21 area annexed; provided that nothing in this exception shall be construed or
 22 interpreted to grant planning and zoning authority to a municipality not authorized to
 23 exercise such authority at the time of such annexation.

24 **Article 25 – County Commissioners**

25 10J-1.

26 Except as provided in §§ 10-I(f) and 10J(c) of this article[, Article 66B, §§ 7.02
 27 and 14.07(f) of the Code] **AND TITLE 11, SUBTITLE 2 AND § 9-1607 OF THE LAND**
 28 **USE ARTICLE**, and notwithstanding any other provision of law to the contrary, in St.
 29 Mary's County, the County Commissioners may provide that:

30 (1) Violations of county ordinances and resolutions shall be punishable
 31 as misdemeanors and enforced in the same manner and to the same extent as
 32 municipal violations under Article 23A, § 3(a) of the Code; and

33 (2) Violations of county ordinances shall be prosecuted in the same
 34 manner and to the same extent as set forth for municipal infractions in Article 23A, §
 35 3(b) of the Code.

36 **Article 25A – Chartered Counties of Maryland**

1 5.

2 The following enumerated express powers are granted to and conferred upon
3 any county or counties which hereafter form a charter under the provisions of Article
4 XI–A of the Constitution, that is to say:

5 (X)

6 (1) (ii) To provide by ordinance that a violation of a zoning law or
7 regulation enacted under this section may be a civil zoning violation. The violation
8 shall be enforced as provided in [Article 66B, § 7.02 of the Code] **TITLE 11, SUBTITLE**
9 **2 OF THE LAND USE ARTICLE.**

10 (BB)

11 To enact laws generally for historic and landmark zoning and preservation or to
12 enact those laws in accordance with the provisions of [Article 66B, § 8.01 et seq.]
13 **TITLE 8 OF THE LAND USE ARTICLE**, or to enact such laws to be administered
14 generally by an Historic District Commission and to provide for appeals. The authority
15 conferred by this subsection shall be in addition to any existing charter provisions or
16 local law providing for planning and zoning.

17 **Article – Courts and Judicial Proceedings**

18 4–401.

19 Except as provided in § 4–402 of this subtitle, and subject to the venue
20 provisions of Title 6 of this article, the District Court has exclusive original civil
21 jurisdiction in:

22 (10) A proceeding for adjudication of:

23 (ii) A Commission infraction as defined in [Article 28, § 5–113 of
24 the Code] **§ 17–208 OF THE LAND USE ARTICLE;**

25 (v) A zoning violation for which a civil penalty has been
26 provided [pursuant to Article 66B, § 7.02 or Article 28, § 8–120(c) of the Code] **IN**
27 **ACCORDANCE WITH TITLE 11, SUBTITLE 2 OR § 20–526(C) OF THE LAND USE**
28 **ARTICLE;**

29 (xi) A subdivision violation for which a civil penalty has been
30 provided in accordance with [Article 66B, § 14.07(f) of the Code] **§ 9–1607 OF THE**
31 **LAND USE ARTICLE;**

32 **Article – Economic Development**

1 5-1303.

2 (d) The Secretary shall consider the following factors in determining whether
3 to designate an area as a BRAC Revitalization and Incentive Zone:

4 (19) the presence of sensitive areas, as defined in [Article 66B, § 1.00(j)
5 of the Code] **§ 1-101 OF THE LAND USE ARTICLE;**

6 **Article – Environment**

7 5-203.1.

8 (b) (2) The following are exempt from the application fees established
9 under paragraph (1) of this subsection:

10 (i) Regulated activities conducted by the State, a municipal
11 corporation, county, bicounty or multicounty agency under [Article 28 of the Code]
12 **DIVISION II OF THE LAND USE ARTICLE** or Division II of the Public Utilities
13 Article, or a unit of the State, a municipal corporation, or a county;

14 9-505.

15 (a) In addition to the other requirements of this subtitle, each county plan
16 shall:

17 (1) Provide for the orderly expansion and extension of the following
18 systems in a manner consistent with all county and local comprehensive plans
19 prepared under [§ 3.05 of Article 66B,] **TITLE 1, SUBTITLE 4, TITLE 3, OR TITLE 21**
20 **OF THE LAND USE ARTICLE, ARTICLE 25A, § 5(X) of [Article 25A,] THE CODE,**
21 **AND ARTICLE 25B, § 13 [of Article 25B, and § 7-108 of Article 28] of the Code:**

22 (i) Community water supply systems and multiuse water
23 supply systems;

24 (ii) Community sewerage systems and multiuse sewerage
25 systems; and

26 (iii) Solid waste disposal systems and solid waste acceptance
27 facilities;

28 9-506.

29 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection,
30 before a county governing body may adopt a county plan or a revision or amendment
31 to the county plan:

1 (ii) The county planning agency shall certify that the plan,
2 revision, or amendment is consistent with the county comprehensive plan prepared
3 under [Article 66B, § 3.05;] **TITLE 1, SUBTITLE 4 OR TITLE 3 OF THE LAND USE**
4 **ARTICLE**, Article 25A, § 5(X);] **OF THE CODE**, or Article 25B, § 13 of the Code.

5 9–1601.

6 (ee) (1) “Person” means an individual, corporation, partnership,
7 association, the State, any unit of the State, commission, special taxing district, or the
8 federal government.

9 (2) “Person” does not include a county, municipal corporation,
10 bi-county or multicounty agency under [Article 28 or 29 of the Code] **DIVISION II OF**
11 **THE LAND USE ARTICLE OR DIVISION II OF THE PUBLIC UTILITIES ARTICLE**,
12 housing authority under Division II of the Housing and Community Development
13 Article, school board, community college, or any other unit of a county or municipal
14 corporation.

15 14–508.

16 (a) Within 90 days following the completion of the public hearing under §
17 14–507 of this subtitle, and after receiving the advisory comments and
18 recommendations of the Secretaries of Natural Resources, Business and Economic
19 Development, and Transportation and the Director of Planning, the Secretary shall
20 decide whether to grant, grant conditionally, or deny the permit. The Secretary’s
21 decision shall be in writing and based upon the economic and environmental
22 statement, the public hearing record, and a determination that the applicant has
23 shown satisfactorily that the facility:

24 (9) Would have no material adverse effect upon critical areas
25 identified and designated pursuant to § 5–611 of the State Finance and Procurement
26 Article and [Article 66B, § 3.05 of the Code] **TITLE 1, SUBTITLE 4 OR TITLE 3 OF**
27 **THE LAND USE ARTICLE**;

28 15–804.

29 (a) The Department shall review mineral resources plan elements developed
30 by local planning commissions under [Article 66B, § 3.05 of the Code] **§ 1–411 OR §**
31 **3–107 OF THE LAND USE ARTICLE** to determine whether the proposed plan is
32 consistent with the programs and goals of the Department.

33 **Article – Financial Institutions**

34 13–1014.

1 (a) Except as provided in subsection (b) of this section and notwithstanding
2 any power vested in the Authority by this subtitle, the Authority may not make any
3 expenditure until:

4 (3) The Mayor and City Council of the City of Cumberland:

5 (ii) Enact an ordinance that:

6 1. Consistent with [§§ 8.01 through 8.17 of Article 66B
7 of the Code] **TITLE 8 OF THE LAND USE ARTICLE**, creates a Historic District
8 Commission for portions of the Heritage Area within the City of Cumberland;

9 13–1101.

10 (g) (1) “Local plan” means the policies, statements, goals, and interrelated
11 plans for private and public land use, transportation, and community facilities
12 documented in texts and maps which constitute the guide for the area’s future
13 development.

14 (2) “Local plan” includes a general plan, master plan, comprehensive
15 plan, community plan, and the like as adopted in accordance with [Article 66B, Titles
16 3 and 14 of the Code] **TITLE 1, SUBTITLE 4 OR TITLE 3 OF THE LAND USE
17 ARTICLE**.

18 13–1111.

19 (g) A management plan for a certified heritage area shall include:

20 (8) A description of the techniques or means for the preservation and
21 protection of the natural and cultural resources within the recognized heritage area,
22 including:

23 (ii) If the plan proposes the enactment of one or more
24 ordinances to provide for one or more historic preservation commissions for specific
25 sites, structures, or districts within the recognized heritage area, provisions that:

26 1. Are consistent with [Article 66B, §§ 8.01 through 8.17
27 of the Code] **TITLE 8 OF THE LAND USE ARTICLE**;

28 **Article – Natural Resources**

29 5–102.1.

30 (d) (2) It is the intent of this subsection to:

1 (i) Encourage forestry practices in local comprehensive plans
2 developed in accordance with [Article 66B, § 3.05 of the Code] **TITLE 1, SUBTITLE 4**
3 **OR TITLE 3 OF THE LAND USE ARTICLE**; and

4 (e) Since it is in the State and public interests to preserve the forest land
5 base and other natural resources, a local government with planning and zoning
6 powers shall support forestry by a reasonable exercise of these powers, including the
7 consideration, development, and interpretation of planning and zoning requirements
8 that beneficially impact the efficient and economic practice of forestry in a manner
9 consistent with the local government's implementation of the visions listed in [Article
10 66B, § 1.01 of the Code] **§ 1-201 OF THE LAND USE ARTICLE**.

11 5-9B-04.

12 (b) A sponsor may satisfy the requirements of subsection (a)(1) of this section
13 with materials developed under or in conjunction with:

14 (1) The comprehensive plan for the jurisdiction reviewed and revised
15 under [Article 66B, § 1.04(d) or § 4.09 of the Code] **§ 1-416 OR § 3-303 OF THE**
16 **LAND USE ARTICLE**;

17 8-1304.

18 (b) This power and authority is in addition to that which is stated in [Article
19 28 of the Code] **DIVISION II OF THE LAND USE ARTICLE**.

20 8-1808.2.

21 (d) A bona fide intrafamily transfer from a parcel of land shall be a
22 subdivision of the parcel of land that is subject to local approval under [the
23 "Subdivision Control" subtitle of Article 66B of the Code, under Title 7 of Article 28 of
24 the Code,] **TITLE 5 OR TITLE 23 OF THE LAND USE ARTICLE** or under any
25 subdivision control provisions of a charter county.

26 Article – Public Utilities

27 4-209.

28 (a) With respect to the net capital costs associated with the relocation
29 underground of utility lines and facilities in connection with projects required by
30 [Article 66B, § 8.16 of the Code] **§ 8-401 OF THE LAND USE ARTICLE**, the
31 Commission shall:

32 (1) set the amount of the monthly surcharge required to support the
33 costs and determine which customers of the applicable utility are subject to the
34 surcharge;

- 1 (2) include in the rate base the related net capital costs; or
2 (3) adopt another method to apportion the costs appropriately.

3 21–301.

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

5 (2) (i) “District council” has the meaning [as provided in Article 28,
6 Title 8 of the Code] **STATED IN § 14–101 OF THE LAND USE ARTICLE.**

7 (ii) “District council” includes a designee or hearing officer
8 appointed by the district council.

9 (3) “Regional district” [means the Maryland–Washington Regional
10 District, as set forth in Article 28, Title 7 of the Code] **HAS THE MEANING STATED IN**
11 **§ 14–101 OF THE LAND USE ARTICLE.**

12 Article – Real Property

13 3–108.1.

14 (a) (4) “Subdivision approval” means approval required under subdivision
15 regulations adopted in Queen Anne’s County in accordance with [Article 66B of the
16 Code] **TITLE 5 OF THE LAND USE ARTICLE.**

17 (f) A person who is recording a plat shall submit, along with the plat, a
18 written certificate that is signed by:

19 (1) A person authorized to certify subdivision approval under
20 regulations concerning subdivisions adopted by the county or a municipal corporation
21 under [Article 66B of the Code] **TITLE 5 OF THE LAND USE ARTICLE**, and which
22 states that:

23 (i) Subdivision approval has been given; or

24 (ii) Subdivision approval is not required; or

25 4–110.

26 Notwithstanding [the provisions of § 5.06 of Article 66B, Annotated Code of
27 Maryland,] **§ 5–302 OF THE LAND USE ARTICLE** or [of] any similar public local law
28 or ordinance, every deed executed or recorded before June 1, 1974, conveying land in a
29 subdivision a plat of which had not been approved by a planning commission is fully
30 valid and effective according to its terms if the deed would have been valid and

1 effective but for [the provisions of § 5.06, as enacted by § 1 of Chapter 672, Acts of
2 1970,] **§ 5-302 OF THE LAND USE ARTICLE** or a similar public local law or
3 ordinance.

4 **Article – State Finance and Procurement**

5 5-7B-01.

6 (e) “Locally designated growth area” means an area determined by the
7 county to be suitable for development in compliance with [Article 66B, § 3.05 of the
8 Code] **TITLE 1, SUBTITLE 4 OR TITLE 3 OF THE LAND USE ARTICLE**.

9 **Article – State Government**

10 15-821.

11 (c) (1) **(I)** In Montgomery County, an applicant for appointment or
12 reappointment to the Maryland-National Capital Park and Planning Commission
13 shall file the statement not later than 5 days before the interview conducted under
14 [Article 28, § 2-114 of the Code] **§ 15-104 OF THE LAND USE ARTICLE**.

15 **(II)** The statement shall cover the 12-month period ending 60
16 days before the day the statement is filed.

17 (2) **(I)** In Prince George’s County, an applicant for appointment to
18 the Maryland-National Capital Park and Planning Commission shall file the
19 statement not later than 5 days before the confirmation hearing conducted under
20 [Article 28, § 2-101 of the Code] **§ 15-103 OF THE LAND USE ARTICLE**.

21 **(II)** The statement shall cover the 12-month period ending 60
22 days before the initial date set for the confirmation hearing.

23 15-830.

24 Notwithstanding any other provision of law, the provisions of [Article 28 of the
25 Code] **DIVISION II OF THE LAND USE ARTICLE** affecting that part of the
26 Maryland-Washington Regional District in Prince George’s County shall be carried
27 out consistent with the provisions of this Part IV.

28 15-835.

29 (a) (1) The Ethics Commission or any other aggrieved person may file a
30 petition for injunctive or other relief in the Circuit Court of Prince George’s County for
31 the purpose of requiring compliance with this Part IV, and may assert as error any
32 violation of this Part IV in [an appeal taken pursuant to the provisions of Article 28, §

1 8–106(e) of the Code] **JUDICIAL REVIEW REQUESTED UNDER § 22–407 OF THE**
2 **LAND USE ARTICLE.**

3 **Article – Tax – Property**

4 7–241.

5 (a) Subject to subsection (b) of this section, property reserved by the Charles
6 County Planning Commission under [Article 66B, § 5.03(b)(4) of the Code] **§ 9–805 OF**
7 **THE LAND USE ARTICLE** is not subject to property tax.

8 9–204.

9 (a) To qualify under this section, a structure shall:

10 (3) be designated under [Article 66B, § 2.12 or §§ 8.01 through 8.17,]
11 **TITLE 8, § 10–204, OR § 22–108 OF THE LAND USE ARTICLE**, Article 25A, § 5(X)
12 or (BB)[, or Article 28, § 8–101(c)] of the Code, or the charter powers of Baltimore City,
13 as:

14 (i) an architecturally compatible new structure that is located
15 in a historic district; or

16 (ii) a landmark.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
18 read as follows:

19 **Article – State Finance and Procurement**

20 5–706.

21 The Commission shall:

22 (1) assess and advise on the progress of State, regional, and local
23 planning in Maryland in achieving the goals of the State economic growth, resource
24 protection, and planning policy, as defined in § 5–7A–01 of this title;

25 (2) make recommendations on the adequacy, coordination, and
26 implementation of funding mechanisms and other State assistance for planning
27 activities and infrastructure and land preservation needs, consistent with the State
28 economic growth, resource protection, and planning policy;

29 (3) promote planning coordination and interjurisdictional cooperation
30 among the State and local jurisdictions and recommend mechanisms to facilitate
31 voluntary joint planning;

1 (4) advise on the content and preparation of the State development
2 plan, State transportation plan, and State housing plan and the implementation of
3 these plans, including the relationship of these plans with local land use plans;

4 (5) promote and make recommendations regarding efficient and
5 predictable model State and local development regulations to achieve the goals of the
6 State economic growth, resource protection, and planning policy;

7 (6) evaluate the continuing viability and effectiveness of the State and
8 local government smart growth indicators contained in [Article 66B, § 3.10 of the
9 Code] **§ 1-208 OF THE LAND USE ARTICLE**, and make recommendations for
10 amendments or additions to the indicators;

11 (7) review the reports of local jurisdictions on adequate public
12 facilities development restrictions required by [Article 66B, § 10.01 of the Code]
13 **TITLE 7, SUBTITLE 1 OF THE LAND USE ARTICLE**, and assess whether and to what
14 extent adequate public facilities ordinances affect the achievement of the goals of the
15 State economic growth, resource protection, and planning policy;

16 (8) develop and assist in the implementation of educational and
17 outreach programs about smart growth;

18 (9) review periodically the educational requirements for members of
19 planning boards and commissions and boards of appeals required by [Article 66B, §§
20 3.02 and 4.07 of the Code] **§ 1-206 OF THE LAND USE ARTICLE**, and evaluate
21 compliance rates for the members;

22 (10) make recommendations for changes in State law, regulations,
23 policies, and procedures, if any, that the Commission believes are necessary to achieve
24 the State's economic growth, resource protection, and planning policy; and

25 (11) serve as an advisory board to the Governor's Smart Growth
26 Subcabinet, providing advice and guidance.

27 SECTION 3. AND BE IT FURTHER ENACTED, That § 5-706 of the State
28 Finance and Procurement Article, as enacted by Section 2 of this Act, shall remain
29 effective until the taking effect of the termination provisions specified in Section 3 of
30 Chapter 488 and Section 3 of Chapter 489 of the Acts of the General Assembly of 2010.
31 If those termination provisions take effect, § 5-706 of the State Finance and
32 Procurement Article, as enacted by Section 2 of this Act, shall be abrogated and of no
33 further force and effect. This Act may not be interpreted to have any effect on those
34 termination provisions.

35 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
of Section 3 of this Act, this Act shall take effect October 1, 2012.