

SENATE BILL 93
EMERGENCY BILL

Unofficial Copy
P5

1998 Regular Session
8r0115

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

Introduced and read first time: January 16, 1998

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: January 23, 1998

CHAPTER _____

1 AN ACT concerning

2

Annual Corrective Bill

3 FOR the purpose of correcting certain errors and omissions in certain articles of the
4 Annotated Code and in certain uncodified laws and public local laws; clarifying
5 language; providing that with certain exceptions this Act is not intended to
6 affect any law other than to correct technical errors; renumbering certain
7 sections of the Annotated Code; reorganizing certain sections of the Annotated
8 Code; validating certain corrections made by the publisher of the Annotated
9 Code; providing for the effect and construction of certain provisions of this Act;
10 providing for the application of certain provisions of this Act; and making
11 certain provisions of this Act an emergency measure.

12 BY repealing and reenacting, with amendments,

13 Article 2B - Alcoholic Beverages

14 Section 2-207(a)(3)(v), 6-601(d), 8-202(d)(7) and (e)(5), 8-222(a)(3), 8-302(c),
15 8-402(f)(2), 8-404.1(g)(2), 9-101(a)(1)(ii), 9-102(b-1)(1)(i), 9-213(f)(1),
16 10-401(a)(3)(ix), 11-402(a), 15-112(d)(3)(ii), (o)(5)(ii), and (q)(4)(ii),
17 15-203(d)(3), 16-302, 16-404(b) and (c), 20-101(c), and 20-103(d)

18 Annotated Code of Maryland

19 (1996 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article 2B - Alcoholic Beverages

22 Section 2-207(a)(4), 8-501 through 8-506, 9-101(i)(1), and 11-403(a)(9) and
23 (b)(5)(iii)

24 Annotated Code of Maryland

25 (1996 Replacement Volume and 1997 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article 10 - Legal Officials
3 Section 41
4 Annotated Code of Maryland
5 (1996 Replacement Volume and 1997 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article 23A - Corporations - Municipal
8 Section 2B(b)(4) and 3(b)(3)(ii)
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1997 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article 24 - Political Subdivisions - Miscellaneous Provisions
13 Section 9-706(a)
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1997 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 9(a)(2), 12A-2(b)(1)(i), 17, 36B(e), 77, 139A(a), 277(j)(1), 297(d)(2)(ii),
19 413(e)(3)(i), 435, 551(d)(3), 579B(b), 592(b)(1), 594B(f)(2), 616K(b), 690(e),
20 700B(a), 700D-1(a), 719, 730(j)(1), 732, 737(a)(6) and (g), 770(a)(4), 781(c),
21 792(d)(5), 807(f)(3), 809(b)(2)(i), 813, 818(6), and 828
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1997 Supplement)
- 24 BY repealing and reenacting, without amendments,
25 Article 27 - Crimes and Punishments
26 Section 792(e)(2)(i)
27 Annotated Code of Maryland
28 (1996 Replacement Volume and 1997 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article 27A - Public Defender
31 Section 2(a)
32 Annotated Code of Maryland
33 (1997 Replacement Volume and 1997 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article 28 - Maryland-National Capital Park and Planning Commission
36 Section 2-115(d), 8-105(b), and 8-119.1
37 Annotated Code of Maryland

- 1 (1997 Replacement Volume and 1997 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article 29 - Washington Suburban Sanitary District
4 Section 3-106(b), 3-107(a), 6-111(e), and 11-113(a)
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 1997 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article 31B - Patuxent Institution
9 Section 3
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1997 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article 33 - Election Code
14 Section 16-4(f)(2), 26-16(a)(4)(ii)2., and 26-20A(g)(1)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1997 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article 38A - Fires and Investigations
19 Section 37(a)(3)(ii) and 45D(a)(1)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 1997 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article 41 - Governor - Executive and Administrative Departments
24 Section 1-505(a)(2), 4-301(b)(7), 4-611, 4-1412(b)(4), and 13-103(a)
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 1997 Supplement)
- 27 BY repealing and reenacting, without amendments,
28 Article 41 - Governor - Executive and Administrative Departments
29 Section 18-313(d)
30 Annotated Code of Maryland
31 (1997 Replacement Volume and 1997 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article 49B - Human Relations Commission
34 Section 11(e) and 36(c)
35 Annotated Code of Maryland
36 (1994 Replacement Volume and 1997 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article 49D - Office for Children, Youth, and Families
3 Section 10(b)(5)(iv)
4 Annotated Code of Maryland
5 (1994 Replacement Volume and 1997 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article 83A - Department of Business and Economic Development
8 Section 5-923(d)(1), 6-210(d), 6-309(d)(1), and 6-509(d)(1)
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1997 Supplement)
- 11 BY repealing and reenacting, without amendments,
12 Article 83A - Department of Business and Economic Development
13 Section 5-1205(2)
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1997 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article 83B - Department of Housing and Community Development
18 Section 5-101(b) and 5-612(i)
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1997 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article 88A - Department of Human Resources
23 Section 48(b)(2)
24 Annotated Code of Maryland
25 (1995 Replacement Volume and 1997 Supplement)
- 26 BY repealing and reenacting, without amendments,
27 Article - Business Occupations and Professions
28 Section 6-312(a)(3)(i), 18-3A-08(a)(2), and 18-401(d)(1)
29 Annotated Code of Maryland
30 (1995 Replacement Volume and 1997 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article - Business Occupations and Professions
33 Section 10-406(a), 18-3A-03(d), and 18-401(c)(1)
34 Annotated Code of Maryland
35 (1995 Replacement Volume and 1997 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article - Business Regulation
38 Section 5-201(c)(3)(i), 5-202(a)(1), 5-605(b)(1), 11-515(a), 11-614(1),
39 14-113.1(a)(2), and 17-206(a)(2)
40 Annotated Code of Maryland

- 1 (1992 Volume and 1997 Supplement)
- 2 BY repealing and reenacting, without amendments,
3 Article - Business Regulation
4 Section 5-501(b)(3), 11-403(b)(1), and 12-204(g)(1)
5 Annotated Code of Maryland
6 (1992 Volume and 1997 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article - Commercial Law
9 Section 2-103(3), 2A-525(2), 2A-527(1), 2A-528(1), and 9-206(1)
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1997 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article - Commercial Law
14 Section 12-103(f)(2), 14-102(a)(3), and 14-1207(e)
15 Annotated Code of Maryland
16 (1990 Replacement Volume and 1997 Supplement)
- 17 BY repealing and reenacting, without amendments,
18 Article - Commercial Law
19 Section 14-901(a) and the part designation "Part I. Definitions"
20 Annotated Code of Maryland
21 (1990 Replacement Volume and 1997 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article - Corporations and Associations
24 Section 1-406(b)(1)(iii), 5-209(d), 5-5A-24(d)(5), 11-101(i)(1), 11-503.1(a),
25 11-506(b)(2), 11-510.1(a) and (c)(1) and (2), 11-601(14)(i), and 11-704(a)
26 Annotated Code of Maryland
27 (1993 Replacement Volume and 1997 Supplement)
- 28 BY repealing and reenacting, without amendments,
29 Article - Corporations and Associations
30 Section 2-105(a)(11)
31 Annotated Code of Maryland
32 (1993 Replacement Volume and 1997 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article - Courts and Judicial Proceedings
35 Section 1-202(a), 3-2A-02(d), 3-2A-05(b)(1), 3-821(b)(3)(ii)1. and (c)(2)(ii),
36 6-403(b), 7-206(b), 7-301(f)(2), 9-123(e), 10-304(d)(2)(iv), 10-912,
37 10-915(e), 12-201, 12-303(3)(vii), and 12-608(a)

1 Annotated Code of Maryland
2 (1995 Replacement Volume and 1997 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article - Courts and Judicial Proceedings
5 Section 3-904(c)(2)
6 Annotated Code of Maryland
7 (1995 Replacement Volume and 1997 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 2-205(q)(2), 3-201(d), 3-1005(c), 3-1203(a), 4-122(c)(4), 5-402(3),
11 7-305(e)(4)(i), 7-901(d), (e), and (f), 8-412(a)(5), 11-105(i)(1),
12 13-303(h)(2), 13-511(b)(2), 16-305(b), 16-505(g)(4), 17-103(b)(3),
13 18-505(c), 18-601(d)(1), 18-704(a), 18-1101, 23-402(c)(2), 24-504(b),
14 24-512(b)(1), and 26-102(d)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1997 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - Education
19 Section 3-1001(f); the subtitle "Subtitle 2. Gifted and Talented Students" of
20 Title 8; 12-109(f)(3), and 13-303(l)
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 1997 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Environment
25 Section 1-605(d), 1-606(d)(2), 2-603(b)(2), 2-604(b)(1), 4-412(b), 6-401(i),
26 6-843(a)(3)(i), 7-221(e), 7-506(c)(2), and 7-512(b)(1)
27 Annotated Code of Maryland
28 (1996 Replacement Volume and 1997 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article - Estates and Trusts
31 Section 1-101(n), 6-301, 8-103(b), 13-404(b)(4), 13-704, 13-705(c), and
32 13-709(c)(6)
33 Annotated Code of Maryland
34 (1991 Replacement Volume and 1997 Supplement)

35 BY repealing and reenacting, without amendments,
36 Article - Family Law
37 Section 10-119.3(e)(2) and 12-105(a)(1)
38 Annotated Code of Maryland

- 1 (1991 Replacement Volume and 1997 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article - Family Law
4 Section 5-704(a)(1), 9-205, 9-212, and 10-141(c)(2)
5 Annotated Code of Maryland
6 (1991 Replacement Volume and 1997 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article - Financial Institutions
9 Section 1-207(b)(2)(i), 3-103(b), 9-708(e)(1), 11-501(j)(2)(i); and 12-401(d) to be
10 under the amended subtitle "Subtitle 4. Money Transmission - Licensure
11 and Regulation"
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1997 Supplement)
- 14 BY repealing and reenacting, without amendments,
15 Article - Financial Institutions
16 Section 12-401(f) and 12-412
17 Annotated Code of Maryland
18 (1992 Replacement Volume and 1997 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 2-104(b)(2)(ii), 4-306(b)(6)(ii) and (iii), 4-307(h)(1)(ii)1., 5-603 Form II
22 Part A (2)b., 15-103(b)(21)(iv)2., 15-124(a)(2)(ii)4.A., and
23 18-338.1(a)(2)(i)2.
24 Annotated Code of Maryland
25 (1994 Replacement Volume and 1997 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article - Health - General
28 Section 19-705.1(b)(2)(ii), 19-706(s), 19-1509(a)(3)(i), 20-504(d)(4), and
29 21-101(d)(4)
30 Annotated Code of Maryland
31 (1996 Replacement Volume and 1997 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article - Health Occupations
34 Section 7-316(a)(31), 8-507(a)(5)(ii)3., 12-102(c)(2)(iv)5., 12-202(a)(4)(ii)3.,
35 14-411(j)(1)(ii), and 19-302(g)(2)
36 Annotated Code of Maryland
37 (1994 Replacement Volume and 1997 Supplement)

- 1 BY repealing and reenacting, without amendments,
2 Article - Insurance
3 Section 2-112.1(a)(3)(i), 14-138(a), and 27-401
4 Annotated Code of Maryland
5 (1997 Volume)
- 6 BY repealing and reenacting, with amendments,
7 Article - Insurance
8 Section 3-306(c)(2), 4-402(a)(3), 5-306(b)(1) and (d)(3)(ii)2., 8-454(c),
9 9-213(c)(2)(i), 10-115, 10-126(a), 10-131, 14-132(c)(3) and (4),
10 14-206(b)(1)(iv), 15-824(b)(3), 15-901(k)(2)(i), 15-919(d)(3)(i),
11 20-101(c)(1), and 27-606(c)(4)
12 Annotated Code of Maryland
13 (1997 Volume)
- 14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment
16 Section 4-602(b), 8-303(e) and (h), 8-607(b)(1)(ii), 8-1101(c)(2) and (d)(1)(ii),
17 8-1104(c)(1)(i), 9-104(d)(5)(iv), 9-739(a), 11-504(a) and (b), and 11-505(a),
18 (c), and (d)(1)(i)
19 Annotated Code of Maryland
20 (1991 Volume and 1997 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article - Natural Resources
23 Section 1-210(a)(1), 1-507(b), 3-605(c)(5), 3-921, 3-9A-01(f), 4-728(b),
24 4-735(e) and (f), 4-1203, 5-208(b), 5-903(c), and 5-905(a)(5)
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 1997 Supplement)
- 27 BY repealing and reenacting, without amendments,
28 Article - Natural Resources
29 Section 5-1203(p)(1)
30 Annotated Code of Maryland
31 (1997 Replacement Volume and 1997 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article - Natural Resources
34 Section 8-716.2(e)(2) and 8-1817(a)
35 Annotated Code of Maryland
36 (1990 Replacement Volume and 1997 Supplement)
- 37 BY repealing and reenacting, with amendments,
38 Article - Real Property

1 Section 3-105(d)(5), 7-105(c)(2), 8-208.1(a)(1), 8-211(e), (f), and (n),
2 11-109(c)(8), 11-118(b), 11-126(a)(2)(i), 11-135(f), 11-137(a)(2), 12-101,
3 12-102(2), 12-107(d)(1), 12-108(a), 13-406(c)(2), 14-103(a), 14-117(f)(21),
4 and 14-313
5 Annotated Code of Maryland
6 (1996 Replacement Volume and 1997 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article - State Finance and Procurement
9 Section 5-7B-01(d)(1)(iii)6. and (v) and 5-7B-03(h)(3)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Finance and Procurement
14 Section 5-7B-06(b), 6-201(d)(2), 6-222(a)(7) and (d)(7), and 7-314(a)(3)(ii) and
15 (6)(ii)2.
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - State Government
20 Section 2-1242, 8-403(a)(11), (12), and (13) and (d)(19) and (20),
21 10-616(p)(5)(viii), 15-102(kk)(4), 15-601(b), and 15-704(d)(3)(i) and
22 (e)(4)(i)
23 Annotated Code of Maryland
24 (1995 Replacement Volume and 1997 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - State Personnel and Pensions
27 Section 21-210(a), 24-203, and 25-306(a)
28 Annotated Code of Maryland
29 (1997 Replacement Volume)

30 BY repealing and reenacting, without amendments,
31 Article - State Personnel and Pensions
32 Section 24-207(1), 26-201(a), and 26-202(b)(1)
33 Annotated Code of Maryland
34 (1997 Replacement Volume)

35 BY repealing and reenacting, without amendments,
36 Article - Tax - General
37 Section 5-101(h) and 5-104(a)(1)(i)1.
38 Annotated Code of Maryland

- 1 (1997 Replacement Volume)
- 2 BY repealing and reenacting, with amendments,
3 Article - Tax - General
4 Section 5-104(a)(1)(i)3., 7-217(a), (b), (c), and (d), 11-215(b)(2), 13-817(a), and
5 13-912(c)(1)(ii) and (d)(2)
6 Annotated Code of Maryland
7 (1997 Replacement Volume)
- 8 BY repealing and reenacting, with amendments,
9 Article - Tax - Property
10 Section 2-104(c), 7-220, 9-230(c)(2)(iii), 9-312(b)(2)(i), 13-101(e), 13-404(a),
11 14-806(b)(1)(i), 14-843(b)(2), and 14-908
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1997 Supplement)
- 14 BY repealing and reenacting, without amendments,
15 Article - Tax - Property
16 Section 14-813(a)(2)
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1997 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article - Transportation
21 Section 16-103.1(10), 16-404.1(a), 23-201(i), 26-305(a), and 27-111(g)(5)
22 Annotated Code of Maryland
23 (1992 Replacement Volume and 1997 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 The Public Local Laws of Washington County
26 Section 1-907(d)(2)(iv), 5-103, and 6-202(h)
27 Article 22 - Public Local Laws of Maryland
28 (1991 Edition and December 1997 Supplement, as amended)
- 29 BY repealing and reenacting, with amendments,
30 Chapter 385 of the Acts of the General Assembly of 1991, as amended by
31 Chapter 135 of the Acts of the General Assembly of 1993, Chapter 266 of
32 the Acts of the General Assembly of 1995, and Chapter 14 of the Acts of the
33 General Assembly of 1997
34 Section 2
- 35 BY repealing and reenacting, with amendments,
36 Chapter 57 of the Acts of the General Assembly of 1997
37 Section 20

1 BY repealing and reenacting, with amendments,
2 Chapter 105 of the Acts of the General Assembly of 1997
3 Section 29(29-2)

4 BY repealing and reenacting, with amendments,
5 Chapter 222 of the Acts of the General Assembly of 1997
6 Section 1(5)(d)

7 BY repealing and reenacting, with amendments,
8 Chapter 254 of the Acts of the General Assembly of 1997
9 Section 1(c)

10 BY repealing and reenacting, with amendments,
11 Chapter 267 of the Acts of the General Assembly of 1997
12 Section 1(5)(e)

13 BY repealing and reenacting, with amendments,
14 Chapter 396 of the Acts of the General Assembly of 1997
15 Section 1(b)

16 BY repealing and reenacting, with amendments,
17 Chapter 598 of the Acts of the General Assembly of 1997
18 Section 2

19 BY repealing and reenacting, with amendments,
20 Chapter 615 of the Acts of the General Assembly of 1997
21 Section 2

22 BY repealing and reenacting, with amendments,
23 Chapter 675 of the Acts of the General Assembly of 1997
24 Section 10

25 BY repealing and reenacting, with amendments,
26 Chapter 726 of the Acts of the General Assembly of 1997
27 Section 7

28 BY repealing and reenacting, with amendments,
29 Chapter 754 of the Acts of the General Assembly of 1997
30 Section 4

31 BY repealing and reenacting, with amendments,
32 Article - Courts and Judicial Proceedings
33 Section 1-708(c) and 4-401(10)
34 Annotated Code of Maryland
35 (1995 Replacement Volume and 1997 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - State Government
3 Section 2-1502(c)(1)
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1997 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Corporations and Associations
8 Section 1-203(5), 1-401(a); and 9-1204(a)(1) to be under the amended title
9 "Title 9. Revised Uniform Partnership Act"
10 Annotated Code of Maryland
11 (1993 Replacement Volume and 1997 Supplement)
12 (As enacted by Section 2 of Chapter 654 of the Acts of the General Assembly of
13 1997)

14 BY repealing and reenacting, without amendments,
15 Article - Corporations and Associations
16 Section 9-101(a)
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1997 Supplement)
19 (As enacted by Section 2 of Chapter 654 of the Acts of the General Assembly of
20 1997)

21 BY repealing and reenacting, with amendments,
22 Article - Corporations and Associations
23 Section 11-503.1(a)
24 Annotated Code of Maryland
25 (1993 Replacement Volume and 1997 Supplement)
26 (As enacted by Section 3 of Chapter 613 of the Acts of the General Assembly of
27 1997)

28 BY repealing and reenacting, with amendments,
29 Article - Tax - Property
30 Section 13-101(e) and 13-404(a)
31 Annotated Code of Maryland
32 (1994 Replacement Volume and 1997 Supplement)
33 (As enacted by Section 2 of Chapter 654 of the Acts of the General Assembly of
34 1997)

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

Article 2B - Alcoholic Beverages

1 2-207.

2 (a) A Class 6 pub-brewery license shall be issued:

3 (3) Throughout the State, but not in the following subdivisions:

4 (v) St. Mary's County; [and]

5 (4) The license may be issued also in the City of Annapolis.

6 DRAFTER'S NOTE:

7 Error: Incorrect and misplaced conjunction in Article 2B, § 2-207(a)(3)(v);
8 erroneous language in Article 2B, § 2-207(a)(4).

9 Occurred: Ch. 32, Acts of 1997. Correction by the Michie Company in the
10 1997 Supplement to the 1996 Replacement Volume is validated by this Act.

11 6-601.

12 (d) The provisions of §§ 9-102, 9-102.2, and 10-103(b)(12) and (15) of this
13 article do not apply to this license.

14 DRAFTER'S NOTE:

15 Error: Incomplete cross-reference in Article 2B, § 6-601(d).

16 Occurred: As a result of Ch. 702, Acts of 1997.

17 8-202.

18 (d) (7) The granting of a "special Sunday license" in addition to a license of
19 any other class, to the same licensee, shall not be deemed to be in conflict with the
20 provisions of § 9-102 OR § 9-102.2 of this article.

21 DRAFTER'S NOTE:

22 Error: Incomplete cross-reference in Article 2B, § 8-202(d)(7).

23 Occurred: As a result of Ch. 702, Acts of 1997.

24 (e) (5) This [section] SUBSECTION does not apply to the sixth district,
25 which is the City of Annapolis.

26 DRAFTER'S NOTE:

27 Error: Erroneous internal cross-reference in Article 2B, § 8-202(e)(5).

28 Occurred: Ch. 10, Acts of 1996.

1 8-222.

2 (a) (3) Such licensees shall be subject to all laws, rules and regulations
3 applicable in Washington County to the sale of beer, not inconsistent with the
4 provisions of this section; nothing contained in § 9-102 OR § 9-102.2 of this article
5 shall apply to any license issued pursuant to this section.

6 DRAFTER'S NOTE:

7 Error: Incomplete cross-reference in Article 2B, § 8-222(a)(3).

8 Occurred: As a result of Ch. 702, Acts of 1997.

9 8-302.

10 (c) A special BWF license entitles the holder to display and sell at retail wine
11 for consumption on or off the [license] LICENSED premises on the days and for the
12 hours designated for the Baltimore Wine Festival in Baltimore City.

13 DRAFTER'S NOTE:

14 Error: Incorrect word usage in Article 2B, § 8-302(c).

15 Occurred: Ch. 724, Acts of 1997.

16 8-402.

17 (f) The provisions of this section are not restricted by:

18 (2) The provisions of law under § 9-102 OR § 9-1012.2 of this article
19 prohibiting the issuance of 2 licenses for the same premises.

20 DRAFTER'S NOTE:

21 Error: Incomplete cross-reference in Article 2B, § 8-402(f)(2).

22 Occurred: As a result of Ch. 702, Acts of 1997.

23 8-404.1.

24 (g) The provisions of this section are not restricted by:

25 (2) The provisions of law in § 9-102 OR § 9-102.2 of this article which
26 prohibit the issuance of 2 licenses for the same premises.

27 DRAFTER'S NOTE:

28 Error: Incomplete cross-reference in Article 2B, § 8-404.1(g)(2).

29 Occurred: As a result of Ch. 702, Acts of 1997.

1 8-501.

- 2 (a) This section applies only in Carroll County.
- 3 (b) There is a Class C (golf course) beer, wine and liquor (on-sale) license.
- 4 (c) The license may be issued for the use of a golf course or organization that:
- 5 (1) Is open to the public;
- 6 (2) Is operated for profit;
- 7 (3) Owns real estate in the county; and
- 8 (4) Has a golf course with a minimum of 9 holes.
- 9 (d) The annual license fee is \$1,500.
- 10 (e) Subject to the approval of the Board of License Commissioners, the
11 licensee may sell beer, wine and liquor for consumption only on the land and in the
12 buildings which are part of the golf course.
- 13 (f) A patron need not be seated to be served.
- 14 (g) The hours and days of sale are as specified in § 11-507 of this article.

15 8-502.

- 16 (a) This section applies only in Charles County.
- 17 (b) A licensee may sell and a person may consume alcoholic beverages
18 permitted by the license on the grounds of any privately owned golf course.

19 8-503.

- 20 (a) This section applies only in Harford County.
- 21 (b) There is a Class GC (golf course) beer, wine and liquor license.
- 22 (c) The licensee shall own or operate a golf course that:
- 23 (1) Is open to the public;
- 24 (2) Is operated for profit; and
- 25 (3) Has a minimum of 18 holes.
- 26 (d) The annual license fee is \$2,200.
- 27 (e) The licensee may sell beer, wine and liquor for consumption only on the
28 land and in the buildings, including the clubhouse, used for golfing purposes.

- 1 (f) A patron need not be seated to be served.
- 2 (g) The hours and days for sale are as specified in § 11-513(b)(1) of this article.
- 3 (h) The prohibition on the distance a licensee must remain from a church or
4 school specified in § 9-213 of this article does not apply to Class GC (golf course)
5 licensees.
- 6 8-504.
- 7 (a) This section applies only in Howard County.
- 8 (b) In this section, "Board" means the Board of License Commissioners.
- 9 (c) The Board may issue 7-day Class GC (golf course) beer, wine and liquor
10 licenses.
- 11 (d) A license may be issued on behalf of an organization that owns or manages
12 a golf course with a minimum of 18 holes.
- 13 (e) The annual license fee is \$1,500.
- 14 (f) The license is for the sale and consumption of alcoholic beverages on the
15 licensed premises.
- 16 (g) The hours and days for sale are found in § 11-514 of this article. However,
17 the Board may reduce the hours and days for sale for all or a portion of the licensed
18 premises.
- 19 (h) The Board may place conditions on the location of sales and consumption,
20 including:
- 21 (1) Prohibiting the sale and consumption of liquor on specified areas of
22 the licensed premises; and
- 23 (2) Permitting the sale and consumption of only beer and light wine on
24 specified areas of the licensed premises.
- 25 (i) The Board may restrict the sale of alcoholic beverages to beer and light
26 wine if the Board determines that circumstances warrant.
- 27 8-505.
- 28 (a) (1) In this section the following words have the meanings indicated.
- 29 (2) "Board" means the Prince George's County Board of License
30 Commissioners.
- 31 (3) "Commission" means the Maryland-National Capital Park and
32 Planning Commission.

1 (b) (1) The Board may issue special 7-day Class B-GC (golf course) on-sale
2 beer and wine licenses for the exclusive use on the premises of the Commission's golf
3 courses located within Prince George's County.

4 (2) The special 7-day Class B-GC on-sale beer and wine license
5 authorizes the holder to sell beer and wine from 1 or more outlets for consumption on
6 the premises of the golf course.

7 (3) (i) A separate license is required for each applicable golf course.

8 (ii) A special 7-day Class B-GC on-sale beer and wine license shall
9 be issued to each of the managers of the Commission's golf courses upon making
10 application and qualifying as a license holder under this article.

11 (4) (i) Except as provided in this subsection, the hours of sale for beer
12 and wine under this license are from 11 a.m. to 10 p.m. daily, Monday through
13 Sunday.

14 (ii) The Commission may:

15 1. Reduce the hours of sale of beer and wine under this
16 license; and

17 2. Discontinue the sale of beer and wine under this license
18 from Labor Day through Memorial Day.

19 (5) The annual fee for a special 7-day Class B-GC on-sale beer and wine
20 license is \$300.

21 8-506.

22 (a) This section applies only in Wicomico County.

23 (b) There is a Class GC (golf course) beer, wine and liquor license.

24 (c) The license may be issued to a golf course or organization that:

25 (1) Is open to the public;

26 (2) Is operated for profit;

27 (3) Owns real estate in the county; and

28 (4) Has a golf course with a minimum of 18 holes.

29 (d) The annual license fee is \$2,200.

30 (e) The licensee may sell beer, wine, and liquor for consumption only on the
31 land and in the buildings, including the clubhouse, used for golfing purposes.

32 (f) A patron need not be seated to be served.

1 (g) All alcoholic beverages, other than beer and light wine, sold or offered for
2 sale shall be purchased from the Liquor Control Board, and each bottle shall be
3 stamped or otherwise designated "on-sale only" by the Board.

4 (h) The hours and days for sale are as specified in § 11-523 of this article.

5 DRAFTER'S NOTE:

6 Error: Renumbering of sections in alphabetical order by county in Article
7 2B, §§ 8-501 through 8-506.

8 Occurred: As a result of Chs. 427, 602, and 728, Acts of 1997. Correction
9 by the Michie Company in the 1997 Supplement to the 1996 Replacement
10 Volume is validated by this Act.

11 9-101.

12 (a) (1) (ii) In Baltimore County, the provisions of this paragraph may not
13 be construed to waive any of the requirements under §§ 9-102, 9-102.2, and 9-301 of
14 this article.

15 DRAFTER'S NOTE:

16 Error: Incomplete cross-reference in Article 2B, § 9-101(a)(1)(ii).

17 Occurred: As a result of Ch. 702, Acts of 1997.

18 (i) (1) In Worcester County, an alcoholic beverage license, except a Class B
19 beer, wine and liquor license, may not be issued to a corporation or limited liability
20 company unless one of the applicants has been a registered voter, a taxpayer and a
21 resident of Worcester County and owns at least 10 percent of the total issued capital
22 stock of the corporation or 10 percent of the interests of the limited liability company,
23 as the case may be.

24 DRAFTER'S NOTE:

25 Error: Incorrect word usage in Article 2B, § 9-101(i)(1).

26 Occurred: Various chapters. Correction by the Michie Company in the
27 1997 Supplement to the 1996 Replacement Volume is validated by this Act.

28 9-102.

29 (b-1) (1) The provisions of subsection (a) of this section do not apply to licenses
30 issued:

31 (i) Under § 3-401[, § 5-202,] or § 5-401 of this article for premises
32 operated as a bowling establishment having 30 lanes or more with automatic
33 pinsetters; or

34 DRAFTER'S NOTE:

1 Error: Erroneous cross-reference in Article 2B, § 9-102(b-1)(1)(i).

2 Occurred: Ch. 497, Acts of 1997.

3 9-213.

4 (f) (1) In Harford County an alcoholic [beverage] BEVERAGES license with
5 an off-sale privilege of any class, except by way of renewal, may not be transferred, or
6 issued to any business establishment of the type commonly known as chain stores,
7 supermarkets, discount houses or their franchisors, and franchisees or
8 concessionaires of every kind and description. Those establishments holding an
9 alcoholic [beverage] BEVERAGES license on July 1, 1976 may continue to hold that
10 license, or apply to upgrade to Class A-1 or A-2.

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in Article 2B, § 9-213(f)(1).

13 Occurred: Various chapters.

14 10-401.

15 (a) (3) The license or permit must be revoked or suspended, except as
16 provided in § 10-402, for the following causes:

17 (ix) Suspension or revocation of a permit issued to any licensee or
18 permittee by the Federal [Alcohol Administration,] BUREAU OF ALCOHOL, TOBACCO
19 AND FIREARMS or for conviction of violating any federal laws relating to alcoholic
20 beverages; and

21 DRAFTER'S NOTE:

22 Error: Obsolete terminology in Article 2B, § 10-401(a)(3)(ix).

23 Occurred: Various chapters.

24 11-402.

25 (a) This section applies [only] PRIMARILY to January 1 of each year, New
26 Year's Day BUT MAY ALSO APPLY TO DECEMBER 24 AND 31, AS SPECIFIED FOR EACH
27 JURISDICTION.

28 DRAFTER'S NOTE:

29 Error: Omitted language in Article 2B, § 11-402(a).

30 Occurred: Ch. 32, Acts of 1997.

1 11-403.

2 (a) (9) In Garrett County, Sunday sales, where permitted, are governed by
3 subsection (b)(5) of this section, § 11-402 of this subtitle, and § 11-512 of this title.

4 (b) (5) (iii) Provisions for Sunday sales for Class B and C licensees are
5 governed by § 11-512(c) of this title.

6 DRAFTER'S NOTE:

7 Error: Incomplete internal reference in Article 2B, § 11-403(a)(9) and
8 (b)(5)(iii).

9 Occurred: As a result of Ch. 470, Acts of 1996. Correction by the Michie
10 Company in the 1997 Supplement to the 1996 Replacement Volume is
11 validated by this Act.

12 15-112.

13 (d) (3) (ii) Any employee of the Board who violates any of the provisions of
14 this subsection shall be removed[, after a hearing before the Board].

15 (o) (5) (ii) A person or corporation engaged in the manufacture or sale of
16 beer or other alcoholic beverages, [nor] OR any agent or employee of that person or
17 corporation, and a licensee licensed under the provisions of this article[, either
18 directly or indirectly,] may not offer, EITHER DIRECTLY OR INDIRECTLY, to pay any
19 commission, profit or remuneration or make any gift to any commissioner or County
20 or Board employee or to anyone on behalf of the commissioners or County or Board
21 employee.

22 (q) (4) (ii) A person or corporation engaged in the manufacture or sale of
23 beer or other alcoholic beverages, [nor] OR any agent or employee of that person or
24 corporation, and a licensee licensed under the provisions of this article[, either
25 directly or indirectly,] may not offer, EITHER DIRECTLY OR INDIRECTLY, to pay any
26 commission, profit or remuneration or make any gift to any commissioner or County
27 employee or to anyone on behalf of the commissioner or County employee.

28 DRAFTER'S NOTE:

29 Error: Extraneous language in Article 2B, § 15-112(d)(3)(ii); grammatical
30 errors in Article 2B, § 15-112(o)(5)(ii) and (q)(4)(ii).

31 Occurred: Ch. 32, Acts of 1997.

32 15-203.

33 (d) (3) The Director of the Department of Liquor Control may not enter into
34 a contract with [an individual] A PERSON to operate a retail outlet for the sale of
35 beer, wine and liquor unless:

1 (i) The Board of License Commissioners determines that the
2 [individual] PERSON is fit to operate the retail outlet; and

3 (ii) The Director had a contract with [an individual] THE PERSON
4 to operate the retail outlet on January 1, 1997.

5 DRAFTER'S NOTE:

6 Error: Incorrect terminology in Article 2B, § 15-203(d)(3).

7 Occurred: Ch. 701, Acts of 1997.

8 16-302.

9 The Comptroller is hereby directed and empowered to make, amend, alter and
10 publish rules and regulations for the proper enforcement of his duties under this
11 article. He is authorized to adopt rules and regulations in regard to labeling and
12 advertising similar to those adopted by the Federal [Alcohol Administration]
13 BUREAU OF ALCOHOL, TOBACCO AND FIREARMS; nature, form and capacity of all
14 containers; credit sales; records to be kept by licensees and others engaged in the
15 business; and such other subjects as may be deemed necessary for the proper
16 administration of his duties under this article. Any violation of any rule or regulation
17 adopted hereunder, or under the provisions of the Tax - General Article that relate to
18 the alcoholic beverage tax, shall be ground for revocation or suspension of license, and
19 the offender shall be subject to the penalties prescribed by § 16-503 of this article.

20 DRAFTER'S NOTE:

21 Error: Obsolete terminology in Article 2B, § 16-302.

22 Occurred: Various chapters.

23 16-404.

24 (b) The Comptroller is authorized to delegate the Comptroller's authority
25 under this article to the [administrator] DIRECTOR of the Alcohol and Tobacco Tax
26 Unit of the Comptroller's office to issue or refuse to issue licenses and permits.

27 (c) The Comptroller is authorized to delegate the Comptroller's authority to
28 conduct hearings of violations of this article or of any regulations issued thereunder to
29 the [administrator] DIRECTOR of the Alcohol and Tobacco Tax Unit of the
30 Comptroller's office or any other employee of the Comptroller's office; provided,
31 however, the [administrator] DIRECTOR of the Alcohol and Tobacco Tax Unit of the
32 Comptroller's office or any other employee of the Comptroller's office delegated by the
33 Comptroller shall not have the authority to invoke penalties provided for under this
34 article, but shall report the employee's findings and recommendations to the
35 Comptroller, for the taking of such action as the latter deems appropriate.

36 DRAFTER'S NOTE:

1 Error: Obsolete terminology in Article 2B, § 16-404(b) and (c).

2 Occurred: Ch. 3, Acts of 1995.

3 20-101.

4 (c) A bottle club may not give, serve, dispense, keep, or allow to be consumed
5 on its premises, or on premises under its control or possession, any alcoholic
6 beverages, setups, or other component parts [or] OF mixed alcoholic drinks after
7 legal closing hours for establishments under § 11-303 of this article.

8 DRAFTER'S NOTE:

9 Error: Incorrect word usage in Article 2B, § 20-101(c).

10 Occurred: Ch. 661, Acts of 1997.

11 20-103.

12 (d) A bottle club may not sell, give, serve, dispense, keep, or allow to be
13 consumed on its premises, or on premises under its control or possession, any
14 alcoholic beverages, setups, or other component parts [or] OF mixed alcoholic drinks.

15 DRAFTER'S NOTE:

16 Error: Incorrect word usage in Article 2B, § 20-103(d).

17 Occurred: Ch. 68, Acts of 1994.

18

Article 10 - Legal Officials

19 41.

20 Whenever it shall become necessary from the absence, sickness, resignation or
21 death of any State's Attorney, the several courts of this State shall have power to
22 appoint some competent person to perform the duties of State's Attorney in
23 conducting criminal or civil cases arising or [depending] PENDING in such court until
24 a State's Attorney shall be appointed and qualify, or be able to attend and act in
25 person, as the case may be, and the person so appointed shall receive the same
26 compensation as the State's Attorney.

27 DRAFTER'S NOTE:

28 Error: Incorrect word usage in Article 10, § 41.

29 Occurred: Annotated Code of Maryland, 1957.

1 **Article 23A - Corporations - Municipal**

2 2B.

3 (b) Notwithstanding the provisions of subsection (a)(2) and (3) of this section,
4 the following categories of county legislation, if otherwise within the scope of
5 legislative powers granted the county by the General Assembly, shall nevertheless
6 apply within all municipalities in the county:

7 (4) County legislation which is enacted in accordance with the
8 procedures set forth in paragraph (b)(3) shall be subject to judicial review of the
9 finding made under subparagraph (3)(i) and of the resultant applicability of such
10 legislation to municipalities in the county by the circuit court of the county in
11 accordance with the provisions of the Maryland Rules [of Procedure] governing
12 appeals from administrative agencies. Any appeal shall be filed within 30 days of the
13 effective date of such county legislation. In any judicial proceeding commenced under
14 the provisions of this paragraph, the sole issues are whether the county legislative
15 body (1) complied with the procedures of paragraph (b)(3), and (2) had before it
16 sufficient evidence from which a reasonable person could conclude that there will be
17 a significant adverse impact on the public health, safety, or welfare affecting
18 residents of the county in unincorporated areas if such county legislation does not
19 apply in all municipalities located in the county. The issues shall be decided by the
20 court without a jury. In the event that the court reverses such finding, the legislation
21 shall continue to apply in unincorporated areas of the county and the applicability of
22 such county legislation in municipalities shall be governed by the provisions of
23 subsection (a) of this section. The decision of the circuit court in any such proceeding
24 shall be subject to further appeal to the court of special appeals by the county or any
25 municipality in the county.

26 3.

27 (b) (3) (ii) The citation shall be served on the defendant:

28 1. In accordance with MARYLAND Rule 3-121 [of the
29 Maryland Rules]; or

30 2. For real property-related violations, if proof is made by
31 affidavit that good faith efforts to serve the defendant under MARYLAND Rule
32 3-121(a) [of the Maryland Rules] have not succeeded, by:

33 A. Regular mail to the defendant's last known address; and

34 B. Posting of the citation at the property where the infraction
35 has occurred or is occurring, and, if located within the municipality in which the
36 infraction has occurred or is occurring, at the residence or place of business of the
37 defendant.

38 DRAFTER'S NOTE:

39 Error: Obsolete reference in Article 23A, §§ 2B(b)(4) and 3(b)(3)(ii).

1 Occurred: As a result of the revision of the Maryland Rules.

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

3 9-706.

4 (a) In an action under § 9-705 of this subtitle, a request for attachment before
5 judgment against any asset of the defendant may be filed in accordance with the
6 Maryland Rules [of Procedure].

7 DRAFTER'S NOTE:

8 Error: Obsolete reference in Article 24, § 9-706(a).

9 Occurred: As a result of the revision of the Maryland Rules.

10 **Article 27 - Crimes and Punishments**

11 9.

12 (a) A person may not threaten either verbally or in writing to:

13 (2) Explode a destructive [explosive] device, as defined [under § 139B]
14 IN 139A of this [article] ARTICLE, in, on, or under a structure.

15 DRAFTER'S NOTE:

16 Error: Obsolete cross-reference, obsolete defined term, and omitted
17 comma in Article 27, § 9(a)(2).

18 Occurred: As a result of Ch. 343, Acts of 1997.

19 12A-2.

20 (b) (1) Subsection (a)(1) of this section does not apply to any conduct
21 involving:

22 (i) [The] EXCEPT AS PROVIDED IN § 120(A)(2) OF THIS ARTICLE,
23 THE use of a motor vehicle as defined in § 11-135 of the Transportation Article; or

24 DRAFTER'S NOTE:

25 Error: Omitted cross-reference in Article 27, § 12A-2(b)(1)(i).

26 Occurred: As a result of Ch. 561, Acts of 1997.

27 17.

28 Any person convicted of violating any of the provisions of § 15 OF THIS ARTICLE
29 shall be subject to a fine of not more than \$500.00 or to confinement in or
30 commitment to any penal or reformatory institution in this State for not more than

1 one year, or to both such fine and imprisonment in the discretion of the court;
2 provided, that the sentence or any part thereof may be suspended and provided that
3 the defendant may be placed on parole or probation.

4 DRAFTER'S NOTE:

5 Error: Incomplete internal reference in Article 27, § 17.

6 Occurred: Ch. 737, Acts of 1920.

7 36B.

8 (e) Notwithstanding any other provision of law to the contrary, including the
9 provisions of § 643 of this article, (1) except with respect to a sentence prescribed in
10 subsection (b)[(i)] (1) of this section, no court shall enter a judgment for less than the
11 mandatory minimum sentence prescribed in this subheading in those cases for which
12 a mandatory minimum sentence is specified in this subheading; (2) except with
13 respect to a sentence prescribed in subsection (b)[(i)] (1) of this section, no court shall
14 suspend a mandatory minimum sentence prescribed in this subheading; (3) except
15 with respect to a sentence prescribed in subsection (b)[(i)] (1) of this section for
16 wearing, carrying, or transporting a handgun in violation of [§ 36B] THIS SECTION
17 other than on public school property, no court shall enter a judgment of probation
18 before or without verdict with respect to any case arising under this subheading; and
19 (4) except with respect to a sentence prescribed in subsection (b)[(i)] (1) of this section
20 no court shall enter a judgment of probation after verdict with respect to any case
21 arising under this subheading which would have the effect of reducing the actual
22 period of imprisonment prescribed in this subheading as a mandatory minimum
23 sentence.

24 DRAFTER'S NOTE:

25 Error: Erroneous internal references in Article 27, § 36B(e).

26 Occurred: Ch. 13, Acts of 1972.

27 77.

28 Should the condemned felon, while in the custody of the Commissioner of
29 Correction or the sheriff of the county or city where he was indicted, be granted a
30 reprieve by the Governor, or should the execution of the sentence be stayed by any
31 competent judicial proceeding, notice of such reprieve or stay of execution shall be
32 served upon the Commissioner of Correction or sheriff, as well as upon the
33 condemned felon, and the Commissioner of Correction or sheriff shall yield obedience
34 to the same, and said felon shall remain in the custody of THE Commissioner of
35 Correction or sheriff where he happens to be at the time of that notice. In any
36 subsequent proceeding the mandate of the court having regard to the condemned
37 felon shall be served upon the Commissioner of Correction or sheriff, then having said
38 felon in custody, as well as the said felon. Should the said felon be resented by the
39 court, then the proceedings shall be as hereinbefore provided under the original
40 sentence. Should a new trial be granted such condemned felon after he has been

1 conveyed to an institution or facility under the jurisdiction of the Division of
2 Correction, then he shall be conveyed back to the place of trial by such guard or
3 guards as the Commissioner of Correction may direct, their expenses to be paid as is
4 now provided by law for the conveyance of convicts to an institution or facility under
5 the jurisdiction of the Division of Correction.

6 DRAFTER'S NOTE:

7 Error: Missing definite article in Article 27, § 77.

8 Occurred: Ch. 412, Acts of 1997.

9 139A.

10 (a) In this [section] SUBHEADING the following words have the meanings
11 indicated.

12 DRAFTER'S NOTE:

13 Error: Incorrect internal reference in Article 27, § 139A(a).

14 Occurred: Ch. 343, Acts of 1997.

15 277.

16 The following words and phrases as used in this subheading shall have the
17 following meanings unless the context otherwise requires:

18 (j) "Depressant or stimulant drug" shall mean:

19 (1) A drug which contains any quantity of: (a) barbituric acid or any of
20 the salts of barbituric acid; or (b) any derivative of barbituric acid which has been
21 designated by the Secretary of Health and Human Services as habit forming under §
22 502(d) of the Federal Food, Drug, and Cosmetic Act [(21 U.S.C. 352(d))] (21 U.S.C. §
23 352 (D)); or

24 DRAFTER'S NOTE:

25 Error: Missing section symbol in Article 27, § 277(j)(1).

26 Occurred: Ch. 493, Acts of 1971.

27 297.

28 (d) (2) (ii) The complaint, affidavit and show cause order shall be served in
29 the first instance pursuant to Maryland Rule 2-121 or [Maryland Rule] 3-121(a),
30 and thereafter, the summons having been returned non est, the director of finance of
31 Baltimore City, county treasurer or appropriate county finance officer, municipal
32 treasurer, or Attorney General may proceed pursuant to Maryland Rule 2-122 or
33 [Maryland Rule] 3-121(b) or (c).

1 DRAFTER'S NOTE:

2 Error: Extraneous references in Article 27, § 297(d)(2)(ii).

3 Occurred: As a result of the revision of the Maryland Rules.

4 413.

5 (e) As used in this section, the following terms have the meanings indicated
6 unless a contrary meaning is clearly intended from the context in which the term
7 appears:

8 (3) (i) The term "law enforcement officer" has the meaning given in §
9 727 of [Article 27] THIS ARTICLE.

10 DRAFTER'S NOTE:

11 Error: Erroneous internal reference in Article 27, § 413(e)(3)(i).

12 Occurred: Ch. 3, Acts of 1978.

13 435.

14 An oath or affirmation, if made willfully and falsely in any of the following
15 cases, shall be deemed perjury: First, in all cases where false swearing would be
16 perjury at common law; secondly, in all affidavits required by law to be taken; thirdly,
17 in all affidavits to accounts or claims made for the purpose of inducing any court or
18 officer to pass the accounts or claims; fourthly, in all affidavits required to be made to
19 reports and returns made to the General Assembly or any officer of the government;
20 fifthly, in all affidavits or affirmations made pursuant to the Maryland Rules [or
21 Maryland District Rules].

22 DRAFTER'S NOTE:

23 Error: Obsolete cross-reference in Article 27, § 435.

24 Occurred: As a result of the revision of the Maryland Rules.

25 551.

26 (d) (3) Notwithstanding any provision of the Maryland Rules [of Criminal
27 Procedure], a judge of the District Court or circuit court, on a finding of good cause,
28 may order that an affidavit presented in support of a search and seizure warrant be
29 sealed for a period of not more than 30 days.

30 DRAFTER'S NOTE:

31 Error: Obsolete reference in Article 27, § 551(d)(3).

32 Occurred: As a result of the revision of the Maryland Rules.

1 579B.

2 (b) It is intended that this section is only to prohibit any wanton entry upon
3 cultivated land, and therefore this section shall not be construed:

4 [(i)] (1) To prevent persons who reside on cultivated land from receiving
5 any person who seeks to provide a lawful service; or

6 [(ii)] (2) To apply to persons entering cultivated land under color of law
7 or color of title.

8 DRAFTER'S NOTE:

9 Error: Incorrect tabulation in Article 27, § 579B(b).

10 Occurred: Ch. 739, Acts of 1980.

11 592.

12 (b) (1) In any case where the defendant has been charged with a felony,
13 other than a felony within the jurisdiction of the District Court, the defendant shall
14 be advised by the court or court commissioner, at the time of the initial appearance
15 required by [the Maryland District Rules,] MARYLAND RULE 4-213 of his right to
16 request a preliminary hearing. The defendant may make that request at the time of
17 the initial appearance or at any time within ten days thereafter. If the defendant fails
18 to request a preliminary hearing within the ten-day period, it is waived.

19 DRAFTER'S NOTE:

20 Error: Imprecise and obsolete reference in Article 27, § 592(b)(1).

21 Occurred: As a result of the revision of the Maryland Rules.

22 594B.

23 (f) The offenses referred to in subsection (e) of this section are:

24 (2) Attempts to commit the offenses specified in the following sections of
25 Article 27 as they may be amended from time to time:

26 (i) Section 8(a) (relating to malicious burning);

27 (ii) Section 111 (relating to destroying, injuring, etc., property of
28 another);

29 (iii) Sections 342 through 344 (theft) where the value of the property
30 stolen was less than \$300;

31 (iv) Section 33A (relating to breaking into a building or boat with
32 intent to steal); OR

1 (v) Sections 276 through 302 (relating to drugs and other
2 dangerous substances), as they shall be amended from time to time.

3 DRAFTER'S NOTE:

4 Error: Missing conjunction in Article 27, § 594B(f)(2).

5 Occurred: Ch. 561, Acts of 1969.

6 616K.

7 (b) The phrase "correctional institution" as used in the Interstate Agreement
8 on Detainers, with reference to correctional institutions in this State means any
9 [institution or facility referred to in § 689 of this article] CORRECTIONAL OR
10 REFORMATORY INSTITUTION UNDER THE DIVISION OF CORRECTION and the jail of
11 any county or the Baltimore City Detention Center.

12 DRAFTER'S NOTE:

13 Error: Erroneous cross-reference in Article 27, § 616K(b).

14 Occurred: As a result of Ch. 412, Acts of 1997, which repealed former §
15 689.

16 690.

17 (e) Whenever in this article or any other law reference is made to the
18 sentencing or confinement of prisoners to any [of the institutions enumerated in §
19 689] CORRECTIONAL OR REFORMATORY INSTITUTION UNDER THE DIVISION OF
20 CORRECTION, such reference shall be construed to mean sentencing or confinement to
21 the jurisdiction of the Division rather than to any particular institution or facility of
22 the Division.

23 DRAFTER'S NOTE:

24 Error: Erroneous cross-reference in Article 27, § 690(e).

25 Occurred: As a result of Ch. 412, Acts of 1997, which repealed former §
26 689.

27 700B.

28 (a) The Commissioner of Correction, the Deputy Commissioner, the Assistant
29 Commissioner -- Operations, or the Assistant Commissioner -- Administration, may
30 authorize compassionate leave in accordance with the provisions of this section for
31 any inmate confined in any [of the institutions enumerated in § 689 of this article]
32 CORRECTIONAL OR REFORMATORY INSTITUTION UNDER THE DIVISION OF
33 CORRECTION.

34 DRAFTER'S NOTE:

1 Error: Erroneous cross-reference in Article 27, § 700B(a).

2 Occurred: As a result of Ch. 412, Acts of 1997, which repealed former §
3 689.

4 700D-1.

5 (a) The Commissioner of Correction may authorize family leave in accordance
6 with the provisions of this section for an inmate confined in any [of the institutions
7 enumerated in § 689 of this article, as amended from time to time] CORRECTIONAL
8 OR REFORMATORY INSTITUTION UNDER THE DIVISION OF CORRECTION, but only if
9 the inmate is considered to be in minimum security status.

10 DRAFTER'S NOTE:

11 Error: Erroneous cross-reference in Article 27, § 700D-1(a).

12 Occurred: As a result of Ch. 412, Acts of 1997, which repealed former §
13 689.

14 719.

15 All male prisoners confined in an institution or facility under the jurisdiction of
16 the Division of Correction, or any of the county, town or city jails, shall be liable to
17 labor upon the State, county and city roads and streets in accordance with the
18 provisions of [§§ 719] THIS SECTION AND §§ 720 to 726 OF THIS ARTICLE; provided
19 that nothing in said sections shall apply to the Baltimore City jail, or to the Mayor
20 and City Council of Baltimore, or to the public highways of the City.

21 DRAFTER'S NOTE:

22 Error: Incorrect internal reference in Article 27, § 719.

23 Occurred: Ch. 412, Acts of 1997.

24 730.

25 (j) (1) The chief, or hearing board, as the case may be, shall in connection
26 with any disciplinary hearing have the power to administer oaths and to issue
27 summonses to compel the attendance and testimony of witnesses, and the production
28 of books, papers, records, and documents as may be relevant or necessary. These
29 summonses may be served in accordance with the Maryland Rules [of Procedure]
30 pertaining to service of process issued by a court, without cost. Any party may request
31 the chief or hearing board to issue a summons or order under the provisions of this
32 subtitle.

33 DRAFTER'S NOTE:

34 Error: Obsolete cross-reference in Article 27, § 730(j)(1).

35 Occurred: As a result of the revision of the Maryland Rules.

1 732.

2 Appeal from decisions rendered in accordance with § 731 shall be taken to the
3 circuit court for the county pursuant to Maryland Rule [B2] 7-202. Any party
4 aggrieved by a decision of a court under this subtitle may appeal to the Court of
5 Special Appeals.

6 DRAFTER'S NOTE:

7 Error: Obsolete cross-reference in Article 27, § 732.

8 Occurred: As a result of the revision of the Maryland Rules.

9 737.

10 (a) A person charged with the commission of a crime may file a petition setting
11 forth the relevant facts and requesting expungement of the police records, court
12 records, and other records maintained by the State of Maryland and its subdivisions,
13 pertaining to the charge if:

14 (6) The case is compromised pursuant to [Article 27,] § 766 of this
15 [Code] ARTICLE;

16 DRAFTER'S NOTE:

17 Error: Incorrect internal reference in Article 27, § 737(a)(6).

18 Occurred: Ch. 288, Acts of 1981.

19 (g) A petition for expungement based on the entry of a stet or a compromise
20 under [Article 27,] § 12A-5 of [the Code] THIS ARTICLE may not be filed earlier than
21 3 years after the judgment or order was entered.

22 DRAFTER'S NOTE:

23 Error: Incorrect internal reference in Article 27, § 737(g).

24 Occurred: Ch. 613, Acts of 1996.

25 770.

26 (a) (4) "State's Attorney" includes:

27 (i) The State's Attorney's designee; and

28 (ii) At the [appellate] TRIAL level, the Attorney General or the
29 Attorney General's designee.

30 DRAFTER'S NOTE:

31 Error: Incorrect terminology in Article 27, § 770(a)(4).

1 Occurred: Ch. 14, Acts of 1997.

2 781.

3 (c) If the court does not order a presentence investigation or predisposition
4 investigation, the State's Attorney or the victim may prepare a victim impact
5 statement to be submitted to the court and the defendant in accordance with the
6 Maryland Rules [of Procedure] pertaining to presentence investigations.

7 DRAFTER'S NOTE:

8 Error: Obsolete cross-reference in Article 27, § 781(c).

9 Occurred: As a result of the revision of the Maryland Rules.

10 792.

11 (d) (5) [(i)] The Department shall release registration statements or
12 information concerning registration statements to the public in accordance with
13 regulations established by the Department.

14 DRAFTER'S NOTE:

15 Error: Erroneous tabulation in Article 27, § 792(d)(5).

16 Occurred: Ch. 754, Acts of 1997.

17 (e) (2) (i) The supervising authority shall send a copy of a registration
18 statement to the following persons if such notice has been requested in writing about
19 a specific registrant:

20 1. The victim of the crime for which the registrant was
21 convicted or, if the victim is a minor, the parents or legal guardian of the victim;

22 2. Any witness who testified against the registrant in any
23 court proceedings involving the offense; and

24 3. Any person specified in writing by the State's Attorney.

25 DRAFTER'S NOTE:

26 Error: Erroneous tabulation and incorrect word usage in Article 27, §
27 792(e)(2)(i).

28 Occurred: As a result of Chs. 311, 312, and 754, Acts of 1997. Correction
29 by the Michie Company in the 1997 Supplement to the 1996 Replacement
30 Volume of Article 27 is validated by this Act.

1 807.

2 (f) If a judgment of restitution requiring the payment of money is recorded
3 and indexed in the civil judgment index under subsection (g) or subsection (h) of this
4 section:

5 (3) Except as otherwise expressly provided by this section, an individual,
6 governmental entity, or third-party payor to whom a defendant or liable parent has
7 been ordered to pay restitution shall have all the rights and obligations of a money
8 judgment creditor under the Maryland Rules, including the obligation to file a
9 statement that the judgment has been satisfied under [Rule 2-626 or Rule 3-626]
10 MARYLAND RULE 2-626 OR 3-626, on receiving all amounts due under the judgment.

11 DRAFTER'S NOTE:

12 Error: Obsolete cross-reference and omitted comma in Article 27, §
13 807(f)(3).

14 Occurred: As a result of the revision of the Maryland Rules.

15 809.

16 (b) Subject to the provisions of subsection (c) of this section, the Central
17 Collection Unit may:

18 (2) Certify any defendant or liable parent who is in arrears on restitution
19 payments amounting to more than \$30 under the judgment of restitution:

20 (i) To the Comptroller for income tax refund interception in
21 accordance with [§§ 13-912 through 13-919] TITLE 13, SUBTITLE 9, PART III of the
22 Tax - General Article; and

23 DRAFTER'S NOTE:

24 Error: Obsolete cross-reference in Article 27, § 809(b)(2)(i).

25 Occurred: As a result of Ch. 31, Acts of 1997.

26 813.

27 In making a disposition on a finding that a child at least 13 years old has
28 committed a violation under § 111 of this [Article] ARTICLE by committing an act of
29 graffiti as defined in § 111(d)(1) of this [Article] ARTICLE, the court shall order the
30 child to perform community service or pay restitution or both.

31 DRAFTER'S NOTE:

32 Error: Incorrect capitalization and extraneous words in Article 27, § 813.

33 Occurred: Ch. 523, Acts of 1997. Correction by the Michie Company in
34 the 1997 Supplement to the 1996 Replacement Volume of Article 27 -

1 Crimes and Punishments is validated by this Act.

2 818.

3 The Board, subject to the authority of the Secretary as set forth in Article 41 of
4 the Code, shall have the following powers and duties:

5 (6) To hold hearings, administer oaths or affirmations, examine any
6 person under oath or affirmation and to issue summons requiring the attendance and
7 giving of testimony of witnesses and require the production of any books, papers,
8 documentary or other evidence. The powers provided in this subsection may be
9 delegated by the Board to any member or employee of the Board. A summons issued
10 under this subsection shall be regulated by the Maryland Rules [of Procedure];

11 DRAFTER'S NOTE:

12 Error: Obsolete cross-reference in Article 27, § 818(6).

13 Occurred: As a result of the revision of the Maryland Rules.

14 828.

15 Acceptance of an award made under this subheading shall subrogate the State,
16 to the extent of the award, to any right or right of action, including the right to
17 recover restitution ordered under § 807 [or § 808] of this subtitle, accruing to the
18 claimant or the victim to recover payments on account of losses resulting from the
19 crime with respect to which the award is made.

20 DRAFTER'S NOTE:

21 Error: Obsolete cross-reference in Article 27, § 828.

22 Occurred: As a result of Chs. 311 and 312, Acts of 1997, which repealed
23 former § 808.

24 **Article 27A - Public Defender**

25 2.

26 (a) For the purposes of this article, the following terms shall have the
27 meanings ascribed to them in this [section:] SECTION.

28 DRAFTER'S NOTE:

29 Error: Incorrect punctuation in Article 27A, § 2(a).

30 Occurred: Ch. 209, Acts of 1971.

Article 28 - Maryland-National Capital Park and Planning Commission

2 2-115.

3 (d) Any commissioner convicted of violating subsection (a) [or (b)] of this
4 section is guilty of a misdemeanor, and shall be punishable by a fine of not more than
5 \$1,000 or six months in jail, or both fine and imprisonment, or by suspension from the
6 commission or employment for not more than six months, or by outright forfeiture
7 and removal from office, or by any combination of these, as in the discretion of the
8 court is fit and proper.

9 DRAFTER'S NOTE:

10 Error: Erroneous cross-reference in Article 28, § 2-115(d).

11 Occurred: Ch. 892, Acts of 1975.

12 8-105.

13 (b) Whenever any appeal is taken, a copy thereof shall be served on the
14 district council in the manner provided in [Rule B2 c of the Maryland Rules of
15 Procedure] MARYLAND RULE 7-202(D), and the district council shall promptly give
16 notice of the appeal to all parties to the proceeding before it and, within 30 days after
17 the filing of the appeal, shall file with the courts the originals or certified copies of all
18 papers and evidence presented to the council in the proceeding before it, together with
19 a copy of its opinion and resolution deciding the application. Any party to the
20 proceedings in the circuit court aggrieved by the decision of the court may appeal
21 from the decision to the Court of Special Appeals. The review proceedings provided by
22 this section are exclusive.

23 DRAFTER'S NOTE:

24 Error: Obsolete reference in Article 28, § 8-105(b).

25 Occurred: As a result of the revision of the Maryland Rules.

26 8-119.1.

27 Prince George's County or a department of the county responsible for issuing the
28 permit shall place conditions on a grading permit issued or to be issued under
29 Subtitle 4, Division 3 of the Prince George's County Code ([1987] 1995 Edition),
30 involving 10 acres of land or more in the Prince George's County portion of the
31 regional district, if the county or the department finds there is or would be an adverse
32 effect, as a result of noise or traffic, on the safety, health, or welfare of the residents in
33 the immediate area of the land that is the subject of the grading permit.

34 DRAFTER'S NOTE:

35 Error: Obsolete reference in Article 28, § 8-119.1.

36 Occurred: As a result of issuance of a new edition of the Prince George's

1 County Code.

2 **Article 29 - Washington Suburban Sanitary District**

3 3-106.

4 (b) If the WSSC and the owner fail to agree to the purchase price or conditions
5 of purchase of the water or sewerage system, the WSSC may acquire the system by
6 condemnation, as provided in [Title 2 of] this article.

7 DRAFTER'S NOTE:

8 Error: Erroneous cross-reference in Article 29, § 3-106(b).

9 Occurred: Ch. 767, Acts of 1982.

10 3-107.

11 (a) If a privately owned water or sewerage system is the subject of a
12 condemnation proceeding under [Title 2 of] this article, a jury in the proceeding
13 shall:

14 (1) Consider as a part of an award any payment, contribution, or tax
15 paid by the respective lot owners or purchasers toward the construction of the
16 systems; and

17 (2) If the system has been built in connection with and for the purpose of
18 developing home sites, subdivisions, or villages by any person and the system has
19 been offered as an inducement for the purchase of lots or land to be served by the
20 system, deduct from the determined value of the plant or system a sum that the jury
21 reasonably determines was added to the purchase price of the land or lots for the
22 purpose of constructing the system.

23 DRAFTER'S NOTE:

24 Error: Erroneous cross-reference in Article 29, § 3-107(a).

25 Occurred: Ch. 767, Acts of 1982.

26 6-111.

27 (e) Within 30 days from the date of final action by the WSSC on any claim for
28 refund filed under this section, an appeal from the final action may be made to the
29 circuit court and the appellate courts of this State as provided in TITLE 7, CHAPTER
30 200 OF the Maryland Rules [of Procedure for Administrative Appeals].

31 DRAFTER'S NOTE:

32 Error: Obsolete references in Article 29, § 6-111(e).

33 Occurred: As a result of the revision of the Maryland Rules.

1 11-113.

2 (a) [Subject to the provisions of § 11-113.1 of this subtitle, the] THE WSSC
3 may formulate and adopt a pension or retirement plan for its employees.

4 DRAFTER'S NOTE:

5 Error: Obsolete cross-reference in Article 29, § 11-113(a).

6 Occurred: As a result of Ch. 88, Acts of 1994.

7 **Article 31B - Patuxent Institution**

8 3.

9 The Governor shall appoint a [citizen's] CITIZENS' advisory board, based on
10 recommendations of the Secretary, to advise the director and the Secretary with
11 respect to the operation and programs of the Institution.

12 DRAFTER'S NOTE:

13 Error: Incorrect word usage in Article 31B, § 3.

14 Occurred: Chs. 6 and 7, Acts of 1989.

15 **Article 33 - Election Code**

16 16-4.

17 (f) (2) The public display prescribed in subparagraph (i) OF THIS
18 PARAGRAPH shall last for 5 days.

19 DRAFTER'S NOTE:

20 Error: Incomplete internal reference in Article 33, § 16-4(f)(2).

21 Occurred: Ch. 422, Acts of 1986.

22 26-16.

23 (a) The following persons shall be guilty of prohibited practices and shall be
24 punished in accordance with the provisions of this section:

25 (4) (ii) Subparagraph (i) of this paragraph may not apply to:

26 2. Volunteered time or personal vehicles or personal
27 advertising or costs and expenses incident to the expression of personal views in
28 accordance with the provisions of [§ 26-9(a)] § 26-9(B) of this article; or

29 DRAFTER'S NOTE:

1 Error: Erroneous cross-reference in Article 33, § 26-16(a)(4)(ii)2.

2 Occurred: Ch. 676, Acts of 1988.

3 26-20A.

4 (g) (1) If a person who has been served with a citation fails to appear for
5 trial, the Court, at the request of the prosecutor, may either dismiss the citation or
6 grant a civil judgment against the person named in the citation in favor of the State
7 Administrative Board of Election Laws in accordance with the Maryland Rules [of
8 Procedure].

9 DRAFTER'S NOTE:

10 Error: Obsolete reference in Article 33, § 26-20A(g)(1).

11 Occurred: As a result of the revision of the Maryland Rules.

12 **Article 38A - Fires and Investigations**

13 37.

14 (a) (3) (ii) "Mutual aid agreement" includes a reciprocal agreement
15 entered into in accordance with [§ 37 of this article] THIS SECTION prior to July 1,
16 1989.

17 DRAFTER'S NOTE:

18 Error: Erroneous internal reference in Article 38A, § 37(a)(3)(ii).

19 Occurred: Ch. 726, Acts of 1989.

20 45D.

21 (a) (1) The funds distributed under this subtitle shall be used as an addition
22 to and shall not be substituted for moneys appropriated from sources other than this
23 program by the counties for the purposes listed in § 45B(d)(1) of this subtitle. Each
24 county shall expend for fire protection from sources other than AS provided under this
25 subtitle, in Fiscal Year 1986 and each fiscal year thereafter, an amount of funds that
26 is at least equal to the average amount of funds expended for fire protection during
27 the 3 preceding fiscal years. Except as provided in paragraph (2) of this subsection,
28 failure to satisfy the requirements of this subsection shall preclude disbursement of
29 funds under this subtitle to the local government for that fiscal year.

30 DRAFTER'S NOTE:

31 Error: Omitted word in Article 38A, § 45D(a)(1).

32 Occurred: Ch. 118, Acts of 1985.

Article 41 - Governor - Executive and Administrative Departments

1 1-505.

2 (a) (2) The provisions of the Maryland Rules [of Procedure] shall govern in
3 the case of a lawyer or an applicant for admission to the bar.

4 DRAFTER'S NOTE:

5 Error: Obsolete reference in Article 41, § 1-505(a)(2).

6 Occurred: As a result of the revision of the Maryland Rules.

7 4-301.

8 (b) As used in this section:

9 (7) (I) A "correctional officer" means a member of a correctional unit,
10 as defined in this section, who is charged with and actually performs those duties that
11 relate to the investigation, care, custody, control or supervision of persons confined to
12 places of incarceration.

13 (II) The term "correctional officer" does not include any person
14 serving as such solely by virtue of his occupying any other office or position, nor does
15 the term include the head or deputy head of any correctional unit, any sheriff,
16 warden, superintendent or any person having any equivalent title who is appointed or
17 employed by a government to exercise equivalent supervisory authority.

18 DRAFTER'S NOTE:

19 Error: Stylistic error in Article 41, § 4-301(b)(7).

20 Occurred: Ch. 213, Acts of 1971.

21 4-611.

22 Except for the provision of [§ 4-516(c)(3)] § 4-516(D)(3) of this title, nothing in
23 this subtitle or in Subtitle 5 of this title shall be construed to extend to or affect:

24 (1) [any] ANY persons retained in the custody of Patuxent Institution
25 for examination to determine eligibility or for confinement as an eligible person; or

26 (2) [any] ANY juveniles committed to the jurisdiction of the Department
27 of Juvenile Justice or to any institution or facility under the jurisdiction of the
28 Department.

29 DRAFTER'S NOTE:

30 Error: Erroneous cross-reference and stylistic errors in Article 41, §
31 4-611.

1 Occurred: As a result of Chs. 716 and 717 of the Acts of 1994.

2 4-1412.

3 (b)(4) If a classified service employee was employed by the State in accordance
4 with paragraph (1) of this subsection, beginning January 1, 1996, the employee's
5 years of service as an employee of Baltimore City shall be added to the employee's
6 years of service with the State for the purpose of determining:

7 (i) The annual leave accrual rate provided in § 9-302 of the State
8 Personnel and Pensions Article; AND

9 (ii) Seniority under Title 11, Subtitle 2 of the State Personnel and
10 Pensions Article, relating to layoffs [; and

11 (iii) Seniority under § 4-205(c) of the State Personnel and Pensions
12 Article, relating to promotions].

13 DRAFTER'S NOTE:

14 Error: Obsolete cross-reference in Article 41, § 4-1412(b)(4).

15 Occurred: As a result of Ch. 347, Acts of 1996.

16 13-103.

17 (a) A body corporate and politic, to be known as "The Maryland Food Center
18 Authority" is created to be an instrumentality of the State of Maryland and a public
19 corporation by that name, style and title. It may contract and be contracted with, sue
20 and be sued, implead and be impleaded, and complain and defend in all courts of law
21 [and equity].

22 DRAFTER'S NOTE:

23 Error: Obsolete terminology in Article 41, § 13-103(a).

24 Occurred: As a result of the revision of the Maryland Rules.

25 18-313.

26 (d) The Task Force shall be assisted in deliberations by an advisory group
27 appointed jointly by the Governor, the President of the Senate, and the Speaker of the
28 House of Delegates consisting of the following members:

29 (1) Three members representing industrial electric customers;

30 (2) Three members representing commercial electric customers;

31 (3) Three members representing residential electric customers, one of
32 whom shall represent the Office of People's Counsel;

- 1 (4) A member representing each investor-owned electric utility serving
2 customers at retail in Maryland;
- 3 (5) A member representing electric cooperatives serving customers at
4 retail in Maryland;
- 5 (6) A member representing municipal electrical systems serving
6 customers in Maryland;
- 7 (7) A member representing an independent power producer;
- 8 (8) A member representing the alternative energy industry in Maryland;
9 and
- 10 (9) A member representing the coal industry in Maryland.

11 DRAFTER'S NOTE:

12 Error: Stylistic error in Article 41, § 18-313(d).

13 Occurred: Ch. 106, Acts of 1997. Correction by the Michie Company in
14 the 1997 Supplement to the 1997 Replacement Volume is validated by this
15 Act.

16 **Article 49B - Human Relations Commission**

17 11.

18 (e) If upon all the evidence, the hearing examiner finds that the respondent
19 has engaged in any discriminatory act within the scope of any of these subtitles, the
20 hearing examiner shall so state the findings. The hearing examiner shall issue and
21 cause to be served upon the respondent an order requiring the respondent to cease
22 and desist from the discriminatory acts and to take affirmative action to effectuate
23 the purposes of the particular subtitle. If the respondent is found to have engaged in
24 or to be engaging in an unlawful employment practice charged in the complaint, the
25 remedy may include, but is not limited to, reinstatement or hiring of employees, with
26 or without back pay (payable by the employer, employment agency, or labor
27 organization, as the case may be, responsible for the unlawful employment practice),
28 or any other equitable relief that is deemed appropriate. The award of monetary relief
29 shall be limited to a 36-month period. The complainant may not be awarded
30 monetary relief for losses incurred between the time of the Commission's final
31 determination and the final determination by the circuit court or higher appellate
32 court, as the case may be. Interim earning or amounts earnable with reasonable
33 diligence by the person or persons discriminated against shall operate to reduce the
34 monetary relief otherwise allowable. In cases of discrimination other than those
35 involving employment, in addition to the award of civil penalties as specifically
36 provided in this article, nonmonetary relief may be granted to the complainant,
37 except that in no event shall an order be issued that substantially affects the cost,
38 level, or type of any transportation services. In cases involving transportation services
39 which are supported fully or partially with funds from the Maryland Department of

1 Transportation, no order may be issued which would require costs, level, or type of
 2 transportation services different from or in excess of those required to meet U.S.
 3 Department of Transportation regulations adopted pursuant to Section 504 of the
 4 [Rehabilitation Act of 1974] REHABILITATION ACT OF 1973, codified as [49 C.F.R. 27
 5 (1984)] 29 U.S.C. § 794, nor would any such order be enforceable under Section 12(a) of
 6 this subtitle.

7 DRAFTER'S NOTE:

8 Error: Incorrect cross-references in Article 49B, § 11(e).

9 Occurred: Ch. 741, Acts of 1986.

10 36.

11 (c) The Commission shall adopt regulations requiring local agencies and
 12 commissions that are certified as substantially equivalent by the U.S. Department of
 13 Housing and Urban Development pursuant to [42 U.S.C. 3610] 42 U.S.C. § 3610 to file
 14 annual reports with the Commission containing data and information specified by the
 15 Commission.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in Article 49B, § 36(c).

18 Occurred: Ch. 571, Acts of 1991.

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

20 10.

21 (b) (5) "Person in interest" means:

22 (iv) An individual authorized to act as a surrogate for the parent or
 23 guardian in accordance with the Individuals with Disabilities Education Act, [20
 24 U.S.C., § 1415(b)(1)(B) and § 1480(5)] 20 U.S.C. §§ 1415(B)(1)(B) AND 1480(5).

25 DRAFTER'S NOTE:

26 Error: Stylistic error in Article 49D, § 10(b)(5)(iv).

27 Occurred: Ch. 299, Acts of 1994.

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

29 5-923.

30 (d) (1) Mortgages or deeds of trust that are held as security for loans made
 31 under this part and are in default may be foreclosed by the Department as provided
 32 by the Maryland Rules [of Procedure] for foreclosures in private transactions.

1 DRAFTER'S NOTE:

2 Error: Obsolete reference in Article 83A, § 5-923(d)(1).

3 Occurred: As a result of the revision of the Maryland Rules.

4 5-1205.

5 The Corporation may:

6 (2) Adopt an official seal and alter it at its pleasure;

7 DRAFTER'S NOTE:

8 Error: Incorrect word usage in Article 83A, § 5-1205(2).

9 Occurred: Ch. 737, Acts of 1997. Correction by the Michie Company in
10 the 1997 Supplement to the 1995 Replacement Volume is validated by this
11 Act.

12 6-210.

13 (d) Mortgages or deeds of trust held as security for loans made under this
14 subsection which are in default may be foreclosed by the Department in the same
15 manner as provided by the Maryland Rules [of Procedure] for foreclosures in private
16 transactions. The Department is authorized to take title in its name to any such
17 property foreclosed as well as to convey title to such property to bona fide purchasers
18 thereof.

19 6-309.

20 (d) (1) Mortgages or deeds of trust held as security for loans made under
21 this subsection which are in default may be foreclosed by the Department in the same
22 manner as provided by the Maryland Rules [of Procedure] for foreclosures in private
23 transactions.

24 6-509.

25 (d) (1) Mortgages or deeds of trust held as security for loans made under
26 this subsection that are in default may be foreclosed by the Department in the same
27 manner as provided by the Maryland Rules [of Procedure] for foreclosures in private
28 transactions.

29 DRAFTER'S NOTE:

30 Error: Obsolete reference in Article 83A, §§ 6-210(d), 6-309(d)(1), and
31 6-509(d)(1).

32 Occurred: As a result of the revision of the Maryland Rules.

Article 83B - Department of Housing and Community Development

1 5-101.

2 (b) The Division of Historical and Cultural Programs includes:

3 (1) [The Historic St. Mary's City Commission;

4 (2)] The Commission on African American History and Culture;

5 [(3)] (2) The Commission on Indian Affairs;

6 [(4)] (3) The Maryland Historical Trust; and

7 [(5)] (4) The Historical and Cultural Museum Assistance Program.

8 DRAFTER'S NOTE:

9 Error: Obsolete reference in Article 83B, § 5-101(b).

10 Occurred: As a result of Ch. 583, Acts of 1997.

11 5-612.

12 (i) The Secretary shall submit loans or expenditures from the MHT Loan
 13 Fund which were financed through the sale of State general obligation bonds to the
 14 Board of Public Works for approval to the extent required by regulations promulgated
 15 by the Secretary and approved by the Board of Public Works. Except for expenditures
 16 under paragraphs [(2)] (3) and [(3)] (4) of subsection (d) of this section, loans or
 17 expenditures from the MHT Loan Fund shall not otherwise be subject to the
 18 provisions of Titles 4 and 5 of the State Finance and Procurement Article of the Code.
 19

20 DRAFTER'S NOTE:

21 Error: Erroneous internal reference in Article 83B, § 5-612(i).

22 Occurred: As a result of Ch. 300, Acts of 1994.

Article 88A - Department of Human Resources

23 48.

24 (b) Assistance shall be provided under this subtitle only if the applicant for or
 25 recipient of assistance:

26 (2) At the time of application for assistance, signs a medical release that,
 27 for any applicant determined eligible to be a recipient of continuing temporary cash
 28 assistance, would allow the Department or its designee to receive from the managed
 29 care organization in which the recipient is enrolled in accordance with the managed
 30 care program established under Title 15, Subtitle 1 of the Health - General Article OR
 31 FROM A SUBSTANCE ABUSE PROVIDER UNDER § 50A(B)(2) OF THIS SUBTITLE:
 32

1 (i) Notification that a recipient has not completed the initial health
2 screen required by the recipient's managed care organization;

3 (ii) The results of any substance abuse screening assessment or
4 other test performed on the recipient by the managed care organization for the
5 purpose of determining the recipient's need for substance abuse treatment; and

6 (iii) The results of any recipient's referral to substance abuse
7 treatment or change in treatment status as required by § 50A(b)(2) [and (3)] of this
8 subtitle;

9 DRAFTER'S NOTE:

10 Error: Omitted reference and erroneous cross-reference in Article 88A, §
11 48(b)(2) of the Code.

12 Occurred: Ch. 593, Acts of 1997.

13 **Article - Business Occupations and Professions**

14 6-312.

15 (a) The State Board shall reinstate the State license of a master electrician
16 who is not on inactive status and who has failed to renew the State license for any
17 reason, if the master electrician:

18 (3) in addition to the renewal fee required under § 6-310 of this subtitle,
19 pays to the State Board a reinstatement fee of:

20 (i) \$25 for up to and including a 30-day late renewal;

21 DRAFTER'S NOTE:

22 Error: Erroneous word in § 6-312(a)(3)(i) of the Business Occupations
23 and Professions Article.

24 Occurred: Ch. 10 of the Acts of 1997. Correction by the Michie Company
25 in the 1997 Supplement of the Business Occupations and Professions
26 Article is validated by this Act.

27 10-406.

28 (a) The Attorney General or Bar Counsel appointed under [Subtitle BV of the
29 Maryland Rules] MARYLAND RULE 16-704 may sue to enjoin an unauthorized person
30 from practicing, attempting to practice, or offering to practice law.

31 DRAFTER'S NOTE:

32 Error: Obsolete reference in § 10-406(a) of the Business Occupations
33 and Professions Article.

1 Occurred: As a result of the revision of the Maryland Rules.

2 18-3A-03.

3 (d) An applicant for registration shall submit with the application a set of
4 legible fingerprints of the applicant on forms approved by the Criminal Justice
5 Information System CENTRAL Repository and the Director of the Federal Bureau of
6 Investigation.

7 DRAFTER'S NOTE:

8 Error: Omitted word in § 18-3A-03(d) of the Business Occupations and
9 Professions Article.

10 Occurred: Ch. 520, Acts of 1997.

11 18-3A-08.

12 (a) The Secretary shall temporarily register any individual who:

13 (2) does not have the State and national criminal records check required
14 under § 18-3A-04(a) of this subtitle.

15 DRAFTER'S NOTE:

16 Error: Erroneous cross-reference in § 18-3A-08(a)(2) of the Business
17 Occupations and Professions Article.

18 Occurred: Ch. 520, Acts of 1997. Correction by the Michie Company in
19 the 1997 Supplement of the Business Occupations and Professions Article
20 is validated by this Act.

21 18-401.

22 (c) (1) The fidelity bond required by subsection (a)(1) of this section shall
23 cover all individuals who:

24 (i) are licensed to provide security systems services, are registered
25 as security systems technicians, or have access to circumventational information; OR

26 (ii) are applicants for a license or registration.

27 DRAFTER'S NOTE:

28 Error: Omitted word in § 18-401(c)(1)(i) of the Business Occupations and
29 Professions Article.

30 Occurred: Ch. 520, Acts of 1997.

31 (d) (1) General liability insurance required by subsection (a)(1)(ii) of this
32 section shall be in the amount of at least \$50,000.

1 DRAFTER'S NOTE:

2 Error: Erroneous cross-reference in § 18-401(d)(1) of the Business
3 Occupations and Professions Article.

4 Occurred: Ch. 520, Acts of 1997. Correction by the Michie Company in
5 the 1997 Supplement of the Business Occupations and Professions Article
6 is validated by this Act.

7 **Article - Business Regulation**

8 5-201.

9 (c) (3) Of the eleven members of the [Board] COUNCIL:

10 (i) three shall be registered cemeterians representing the
11 for-profit cemetery industry;

12 DRAFTER'S NOTE:

13 Error: Incorrect word usage in § 5-201(c)(3) of the Business Regulation
14 Article.

15 Occurred: Ch. 675, Acts of 1997.

16 5-202.

17 (a) (1) The Secretary shall appoint a Director of the Office OF CEMETERY
18 OVERSIGHT with the approval of the Governor.

19 DRAFTER'S NOTE:

20 Error: Omitted words in § 5-202(a)(1) of the Business Regulation Article.

21 Occurred: Ch. 675, Acts of 1997.

22 5-501.

23 (b) (3) In the Kent Election District of Prince George's County, a registered
24 cemeterian or permit holder may buy, hold, or use, for burial, up to 150 acres in 1
25 tract.

26 DRAFTER'S NOTE:

27 Error: Obsolete terminology in § 5-501(b)(3) of the Business Regulation
28 Article.

29 Occurred: Chs. 86 and 675, Acts of 1997. Correction by the Michie
30 Company in the 1997 Supplement of the Business Regulation Article is
31 validated by this Act.

1 5-605.

2 (b) (1) Each registered cemeterian or permit holder subject to the trust
3 requirements of this subtitle shall submit a report to the [Secretary of State]
4 DIRECTOR within 120 days after the close of each calendar or other fiscal year chosen
5 by the registered cemeterian or permit holder.

6 DRAFTER'S NOTE:

7 Error: Obsolete terminology in § 5-605(b)(1) of the Business Regulation
8 Article.

9 Occurred: Ch. 675, Acts of 1997.

10 11-403.

11 (b) If the Maryland State Fair remains at the Timonium Fair Grounds, the
12 Comptroller shall pay from the Special Fund an annual grant of:

13 (1) \$500,000 to the Maryland State Fair and Agricultural Society, Inc.,
14 to:

15 DRAFTER'S NOTE:

16 Error: Omitted comma in § 11-403(b)(1) of the Business Regulation
17 Article.

18 Occurred: Ch. 4, Acts of 1992. Correction by the Michie Company in the
19 1997 Supplement of the Business Regulation Article is validated by this
20 Act.

21 11-515.

22 (a) Except as provided in [§§ 11-515.1 and] § 11-516 of this subtitle, the
23 takeout that a licensee deducts from the handle of a race shall be allocated in
24 accordance with this section.

25 DRAFTER'S NOTE:

26 Error: Obsolete cross-reference in § 11-515(a) of the Business
27 Regulation Article.

28 Occurred: As a result of Ch. 752, Acts of 1997.

29 11-614.

30 [Except as provided in § 11-614.1 of this subtitle, a] A licensee whose average
31 handle is over \$600,000 shall:

32 (1) allocate 0.32% of each mutuel pool to the Commission as State tax;

1 DRAFTER'S NOTE:

2 Error: Obsolete cross-reference and obsolete language in § 11-614 of the
3 Business Regulation Article.

4 Occurred: As a result of Ch. 752, Acts of 1997.

5 12-204.

6 (g) (1) Information obtained by the Secretary from the Central Repository
7 under Title 12 of this article shall be confidential and may be disseminated only to the
8 individual who is the subject of the criminal history records check.

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 12-204(g)(1) of the Business Regulation Article.

11 Occurred: Ch. 171, Acts of 1997. Correction by the Michie Company in
12 the 1997 Supplement of the Business Regulation Article is validated by
13 this Act.

14 14-113.1.

15 (a) In order to register a business opportunity, the seller shall file with the
16 Commissioner one of the following disclosure documents:

17 (2) a disclosure document prepared in accordance with the Federal Trade
18 Commission rule entitled "Disclosure Requirements and Prohibitions Concerning
19 Franchising and Business Opportunity Ventures" under [16 C.F.R. § 436 (1979)] 16
20 C.F.R. PART 436;

21 DRAFTER'S NOTE:

22 Error: Erroneous cross-reference in § 14-113.1(a)(2) of the Business
23 Regulation Article.

24 Occurred: Ch. 517, Acts of 1996.

25 17-206.

26 (a) This section does not apply to:

27 (2) a [Garrett] CALVERT County peddler license or magazine seller
28 license issued under Subtitle 9 of this title;

29 DRAFTER'S NOTE:

30 Error: Incorrect word usage in § 17-206(a)(2) of the Business Regulation
31 Article, noted in a memorandum to F. Carvel Payne, dated March 19, 1997,
32 from the Office of the Attorney General.

1 Occurred: Ch. 32, Acts of 1997.

2 **Article - Commercial Law**

3 2-103.

4 (3) The following definitions in other titles apply to this title:

5 "Check." § 3-104.

6 "Consignee." § 7-102.

7 "Consignor." § 7-102.

8 "Consumer goods." § 9-109.

9 "Dishonor." [§ 3-507.] § 3-502.

10 "Draft." § 3-104.

11 DRAFTER'S NOTE:

12 Error: Obsolete cross-reference in § 2-103(3) of the Commercial Law
13 Article.

14 Occurred: As a result of Ch. 91, Acts of 1996.

15 2A-525.

16 (2) After a default by the lessee under the lease contract of the type described
17 in § 2A-523(1) or [2A-523(3)(a)] § 2A-523(3)(A), or, if agreed, on other default by the
18 lessee, the lessor has the right to take possession of the goods. If the lease contract so
19 provides, the lessor may require the lessee to assemble the goods and make them
20 available to the lessor at a place to be designated by the lessor which is reasonably
21 convenient to both parties. Without removal, the lessor may render unusable any
22 goods employed in trade or business, and may dispose of goods on the lessee's
23 premises (§ 2A-527).

24 DRAFTER'S NOTE:

25 Error: Omitted section symbol in § 2A-525(2) of the Commercial Law
26 Article.

27 Occurred: Ch. 535, Acts of 1994.

28 2A-527.

29 (1) After a default by a lessee under the lease contract of the type described in
30 § 2A-523(1) or [2A-523(3)(a)] § 2A-523(3)(A) or after the lessor refuses to deliver or
31 takes possession of goods (§ 2A-525 or § 2A-526), or, if agreed, after other default by
32 a lessee, the lessor may dispose of the goods concerned or the undelivered balance
33 thereof in good faith and without unreasonable delay by lease, sale, or otherwise.

34 DRAFTER'S NOTE:

1 Error: Omitted section symbol in § 2A-527(1) of the Commercial Law
2 Article.

3 Occurred: Ch. 535, Acts of 1994.

4 2A-528.

5 (1) Except as otherwise provided with respect to damages liquidated in the
6 lease agreement (§ 2A-504) or otherwise determined pursuant to agreement of the
7 parties (§§ 1-102(3) and 2A-503), if a lessor elects to retain the goods or a lessor
8 elects to dispose of the goods and the disposition is by lease agreement that for any
9 reason does not qualify for treatment under § 2A-527(2), or is by sale or otherwise,
10 the lessor may recover from the lessee as damages for a default of the type described
11 in § 2A-523(1) or [2A-523(3)(a)] § 2A-523(3)(A), or, if agreed, for other default of the
12 lessee (i) accrued and unpaid rent as of the date of default if the lessee has never
13 taken possession of the goods, or, if the lessee has taken possession of the goods, as of
14 the date the lessor repossesses the goods or an earlier date on which the lessee makes
15 a tender of the goods to the lessor, (ii) the present value as of the date determined
16 under clause (i) of the total rent for the then remaining lease term of the original
17 lease agreement minus the present value as of the same date of the market rent at
18 the place where the goods are located computed for the same lease term, and (iii) any
19 incidental damages allowed under § 2A-530, less expenses saved in consequence of
20 the lessee's default.

21 DRAFTER'S NOTE:

22 Error: Omitted section symbol in § 2A-528(1) of the Commercial Law
23 Article.

24 Occurred: Ch. 535, Acts of 1994.

25 9-206.

26 (1) Subject to any statute or decision which establishes a different rule for
27 buyers or lessees of consumer goods, an agreement by a buyer or lessee that he will
28 not assert against an assignee any claim or defense which he may have against the
29 seller or lessor is enforceable by an assignee who takes his assignment for value, in
30 good faith and without notice of a claim or defense, except as to defenses of a type
31 which may be asserted against a holder in due course of a negotiable instrument
32 under the title on [commercial paper] NEGOTIABLE INSTRUMENTS (Title 3). A buyer
33 who as part of one transaction signs both a negotiable instrument and a security
34 agreement makes such an agreement.

35 DRAFTER'S NOTE:

36 Error: Obsolete reference in § 9-206(1) of the Commercial Law Article.

37 Occurred: As a result of Ch. 91, Acts of 1996.

1 12-103.

2 (f) A broker or dealer, who is registered under the Securities Exchange Act of
3 1934, as amended, and under Title 11 of the Corporations and Associations Article of
4 the Annotated Code of Maryland, and who extends credit to a customer on pledged
5 securities, may charge the customer on his debit balance interest at any rate if:

6 (2) The debit balance is secured by securities as defined in [§ 11-101(o)]
7 § 11-101(R) of the Corporations and Associations Article.

8 DRAFTER'S NOTE:

9 Error: Obsolete cross-reference in § 12-103(f)(2) of the Commercial Law
10 Article.

11 Occurred: As a result of Ch. 805, Acts of 1989 and Ch. 613, Acts of 1997.

12 14-102.

13 (a) This subtitle does not apply to:

14 (3) Any item subject to the packaging or labeling requirements of the
15 [Federal Alcohol Administration Act] FEDERAL BUREAU OF ALCOHOL, TOBACCO AND
16 FIREARMS or to any pricing requirements under federal law;

17 DRAFTER'S NOTE:

18 Error: Obsolete terminology in § 14-102(a)(3) of the Commercial Law
19 Article.

20 Occurred: Ch. 49, Acts of 1975.

21 Part I. Definitions.

22 14-901.

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

24 DRAFTER'S NOTE:

25 Error: Obsolete part designation immediately preceding § 14-901 of the
26 Commercial Law Article.

27 Occurred: As a result of Chs. 376 and 377, Acts of 1997. Correction by the
28 Michie Company in the 1997 Supplement of the Commercial Law Article is
29 validated by this Act.

30 14-1207.

31 (e) Except as provided in § 14-1213 of this subtitle, no consumer may bring
32 any action or proceeding in the nature of defamation, invasion of privacy, or

1 negligence with respect to the reporting of information against any consumer
 2 reporting agency, any user of information, based on information disclosed pursuant to
 3 [§§ 14-1206, 14-1207, or 14-1212] THIS SECTION OR § 14-1206 OR § 14-1212 of this
 4 subtitle, except as to false information furnished with malice or wilful intent to injure
 5 the consumer. Except as provided in § 14-1213 of this subtitle, no consumer may
 6 bring any action or proceeding against a person who furnishes information to a
 7 consumer reporting agency in the nature of defamation, invasion of privacy, or
 8 negligence for unintentional error.

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 14-1207(e) of the Commercial Law Article.

11 Occurred: Ch. 584, Acts of 1976.

12 **Article - Corporations and Associations**

13 1-406.

14 (b) (1) Except as provided under paragraph (2) of this subsection, the name,
 15 title, or designation under which a business is conducted may not be the same as or
 16 misleadingly similar to:

17 (iii) Any name which is recorded under this section or reserved
 18 under § 2-107, § 4A-209, or § 10-103 of this article or registered under § 4A-1002, [§
 19 7-101] § 7-101, or § 10-904 of this article.

20 DRAFTER'S NOTE:

21 Error: Omitted comma in § 1-406(b)(1)(iii) of the Corporations and
 22 Associations Article.

23 Occurred: Ch. 536, Acts of 1992.

24 2-105.

25 (a) A corporation may provide by its charter:

26 (11) For restrictions on transferability for any purpose, including
 27 restrictions designed to permit a corporation to qualify as:

28 (i) A real estate investment trust under the Internal Revenue Code
 29 or regulations adopted under the Internal Revenue Code; or

30 (ii) An investment company under the Investment Company Act of
 31 1940 or regulations adopted under the Investment Company Act of 1940.

32 DRAFTER'S NOTE:

33 Error: Stylistic error in § 2-105(a)(11) of the Corporations and
 34 Associations Article.

1 Occurred: Ch. 717, Acts of 1997. Correction by the Michie Company in
2 the 1997 Supplement of the Corporations and Associations Article is
3 validated by this Act.

4 5-209.

5 (d) The intent of this section is that the circuit court may exercise the judicial
6 power of [cy pres] CY-PRES to fulfill, despite a change in circumstances, the general
7 intention of the donor of the property for the use of the gift.

8 DRAFTER'S NOTE:

9 Error: Omitted hyphen in § 5-209(d) of the Corporations and
10 Associations Article.

11 Occurred: Ch. 31, Acts of 1997.

12 5-5A-24.

13 (d) When a cooperative is dissolved, its assets shall be distributed in the
14 following manner and order:

15 (5) By distributing any surplus as a gift to another cooperative or to a
16 [no] NONPROFIT, tax exempt enterprise.

17 DRAFTER'S NOTE:

18 Error: Incorrect word usage and omitted comma in § 5-5A-24(d)(5) of
19 the Corporations and Associations Article.

20 Occurred: Ch. 739, Acts of 1985.

21 11-101.

22 (i) (1) "Investment adviser representative" or "representative" means any
23 partner, officer, director of (or a person occupying a similar status or performing
24 similar functions) or other individual who is employed by or associated with an
25 investment [adviser] ADVISER, or who has a place of business located in this State
26 and is employed by or associated with a federal covered adviser, and who:

27 (i) Makes any recommendations or otherwise renders investment
28 advice to clients;

29 (ii) Represents an investment adviser in rendering the services
30 described under subsection (h)(1) of this section;

31 (iii) Manages accounts or portfolios of clients;

32 (iv) Determines which recommendation or investment advice
33 should be given with respect to a particular client account;

1 (v) Solicits, offers or negotiates for the sale of or sells investment
2 advisory services;

3 (vi) Directly supervises employees who perform any of the
4 foregoing; or

5 (vii) Holds out as an investment adviser.

6 DRAFTER'S NOTE:

7 Error: Omitted comma in § 11-101(i)(1) of the Corporations and
8 Associations Article.

9 Occurred: Ch. 613, Acts of 1997.

10 11-503.1.

11 (a) A person may not offer or sell a federal covered security in this State unless
12 the documents required by this section [have been] ARE filed and the fees required
13 by § 11-506 or § 11-510.1 of this subtitle [have been] ARE paid.

14 DRAFTER'S NOTE:

15 Error: Grammatical error in § 11-503.1(a) of the Corporations and
16 Associations Article.

17 Occurred: Ch. 613, Acts of 1997.

18 11-506.

19 (b) (2) A person required to submit a notice of the offer or sale of federal
20 covered securities under § 11-503.1(c) [or (d)] of this subtitle shall pay a fee of \$100
21 for each filing.

22 DRAFTER'S NOTE:

23 Error: Erroneous cross-reference in § 11-506(b)(2) of the Corporations
24 and Associations Article.

25 Occurred: Ch. 613, Acts of 1997.

26 11-510.1.

27 (a) A face-amount certificate company, an open-end management company, a
28 closed-end management company that is not a federal covered security under §
29 18(b)(1) of the Securities Act of [1933] 1933, or a unit investment trust, as those terms
30 are defined in the Investment Company Act of 1940, shall comply with the
31 requirements of this section, if the company or trust files:

1 (1) A notice under § 11-503.1 of this subtitle of the offer or sale in this
 2 State of an indefinite amount of federal covered securities specified in § 18(b)(2) of the
 3 Securities Act of 1933; or

4 (2) An application to register under § 11-503 of this subtitle the offer
 5 and sale in this State of an indefinite amount of securities.

6 (c) (1) At the time of filing, a unit investment trust, or a closed-end
 7 management company that is not a federal covered security under § 18(b)(1) of the
 8 Securities Act of [1933] 1933, shall pay an initial fee of \$500.

9 (2) Within 60 days after the anniversary of the date on which the issuer's
 10 offer became effective or its notice filed under § 11-503(b) of this subtitle was
 11 accepted, a unit investment trust, or a closed-end management company that is not a
 12 federal covered security under § 18(b)(1) of the Securities Act of [1933] 1933, shall:

13 (i) Pay a fee of \$1,300; or

14 (ii) 1. File a report on a form the Commissioner by rule adopts,
 15 reporting all sales of securities to persons within this State during the effective period
 16 of the registration statement or the acceptance period of the notice filed under §
 17 11-503.1(b) of this subtitle; and

18 2. Pay a fee of 0.1 percent of the maximum aggregate offering
 19 price at which the securities were sold in this State.

20 DRAFTER'S NOTE:

21 Error: Omitted commas in § 11-510.1(a) and (c)(1) and (2) of the
 22 Corporations and Associations Article.

23 Occurred: Ch. 613, Acts of 1997.

24 11-601.

25 The following securities are exempted from §§ 11-205 and 11-501 of this title:

26 (14) A security exempt under § 3(a)(12)(A)(v) of the Securities Exchange
 27 Act of 1934, if:

28 (i) The security is offered and sold as part of an issue having an
 29 aggregate offering price not in excess of an amount that the Commissioner may
 30 require, by rule, order, or [otherwise] OTHERWISE, and is sold without payment of
 31 any commission or remuneration for soliciting a prospective buyer; or

32 DRAFTER'S NOTE:

33 Error: Omitted comma in § 11-601(14)(i) of the Corporations and
 34 Associations Article.

35 Occurred: Ch. 613, Acts of 1997.

1 11-704.

2 (a) Any person aggrieved by a final order of the Commissioner may obtain a
3 review of the order in conformity with the procedure prescribed in the Maryland
4 Rules [of Procedure] and in the Administrative Procedure Act.

5 DRAFTER'S NOTE:

6 Error: Obsolete reference in § 11-704(a) of the Corporations and
7 Associations Article.

8 Occurred: As a result of the revision of the Maryland Rules.

9 **Article - Courts and Judicial Proceedings**

10 1-202.

11 (a) A court may exercise the power to punish for contempt of court or to compel
12 compliance with its commands in the manner prescribed by TITLE 15, CHAPTER 200 OF
13 the Maryland Rules [or Maryland District Rules].

14 DRAFTER'S NOTE:

15 Error: Obsolete cross-reference in § 1-202(a) of the Courts Article.

16 Occurred: As a result of the revision of the Maryland Rules.

17 3-2A-02.

18 (d) Except as otherwise provided, the Maryland Rules [of Procedure] shall
19 apply to all practice and procedure issues arising under this subtitle.

20 DRAFTER'S NOTE:

21 Error: Obsolete reference in § 3-2A-02(d) of the Courts Article.

22 Occurred: As a result of the revision of the Maryland Rules.

23 3-2A-05.

24 (b) (1) The provisions of §§ 3-212 through 3-217 of this [article] TITLE are
25 applicable to proceedings under this subtitle.

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 3-2A-05(b)(1) of the Courts Article.

28 Occurred: Ch. 235, Acts of 1976.

1 3-821.

2 (b) Except for the petitioner and the child who is the subject of the petition, a
3 party in a child in need of assistance proceeding is not entitled to the assistance of
4 counsel at State expense unless:

5 (3) (ii) 1. The proceeding is a review hearing under Maryland Rule
6 [915] 11-115 or Maryland Rule [916] 11-116 in which:

7 A. The State has moved to remove the child from the custody
8 of the parent or guardian; or

9 B. The parent or guardian has moved to regain custody; and

10 (c) Except as provided in subsection (d) of this section, the Office of the Public
11 Defender may not represent a party in a child in need of assistance proceeding unless:

12 (2) (ii) The proceeding is under Maryland Rule [915] 11-115 or
13 Maryland Rule [916] 11-116 in which:

14 1. A. The State has moved to remove the child from the
15 custody of the parent or guardian; or

16 B. The parent or guardian has moved to regain custody; and

17 2. Due to the presence of complex factual or legal issues the
18 assistance of counsel is necessary to ensure that the proceeding does not entail the
19 risk of erroneous deprivation of custody;

20 DRAFTER'S NOTE:

21 Error: Obsolete cross-references in § 3-821(b)(3)(ii)1 and (c)(2)(ii) of the
22 Courts Article.

23 Occurred: As a result of the revision of the Maryland Rules.

24 3-904.

25 (c) (2) Subject to § 11-108(d)(2) of this article, the amount recovered shall
26 be divided among the beneficiaries in shares directed by the verdict.

27 DRAFTER'S NOTE:

28 Error: Existing law shown incorrectly in legislation amending §
29 3-904(c)(2) of the Courts Article.

30 Occurred: Ch. 318, Acts of 1997. Codification by the Michie Company in
31 the 1997 Supplement of the Courts Article is validated by this Act.

1 6-403.

2 (b) If the amount in controversy exceeds \$1,000 the forms and pleadings are as
3 provided by [the Maryland District Rules] TITLE 3, CHAPTER 300 OF THE MARYLAND
4 RULES.

5 DRAFTER'S NOTE:

6 Error: Obsolete cross-reference in § 6-403(b) of the Courts Article.

7 Occurred: As a result of the revision of the Maryland Rules.

8 7-206.

9 (b) If the appeal in a criminal or traffic case is disposed of other than by
10 acquittal, nolle prosequi, or stet, a fine imposed by the circuit court and the circuit
11 court costs, including the sum paid under Maryland Rule [1311 c 2] 7-103(C), shall be
12 disposed of in the same manner as are fines and costs in a criminal case heard by the
13 circuit court in the exercise of its original jurisdiction. The District Court costs shall
14 be returned to the District Court.

15 DRAFTER'S NOTE:

16 Error: Obsolete cross-reference in § 7-206(b) of the Courts Article.

17 Occurred: As a result of the revision of the Maryland Rules.

18 7-301.

19 (f) The Comptroller shall annually pay from the court costs collected by the
20 District Court under subsections (a) and (b)(1) of this section:

21 (2) \$125,000 into the Victim and Witness Protection and Relocation
22 [Program] FUND established under Article 27, § 836 of the Code.

23 DRAFTER'S NOTE:

24 Error: Incorrect reference in § 7-301(f)(2) of the Courts Article.

25 Occurred: Chs. 587 and 588, Acts of 1996.

26 9-123.

27 (e) If a witness refuses to comply with an order issued under subsection (c) of
28 this section, on written motion of the prosecutor and on admission into evidence of the
29 transcript of the refusal, if the refusal was before a grand jury, the court shall treat
30 the refusal as a direct contempt, notwithstanding any law to the contrary, and
31 proceed in accordance with [Subtitle P.] TITLE 15, CHAPTER 200 of the Maryland
32 Rules.

33 DRAFTER'S NOTE:

1 Error: Obsolete cross-reference in § 9-123(e) of the Courts Article.

2 Occurred: As a result of the revision of the Maryland Rules.

3 10-304.

4 (d) (2) (iv) In addition to the requirements of [Rule] MARYLAND RULES
5 4-265 AND 4-266, the subpoena shall contain the name, address, and telephone
6 number of the defendant or the defendant's attorney.

7 DRAFTER'S NOTE:

8 Error: Incomplete cross-reference in § 10-304(d)(2)(iv) of the Courts
9 Article.

10 Occurred: Ch. 284, Acts of 1989.

11 10-912.

12 (a) A confession may not be excluded from evidence solely because the
13 defendant was not taken before a judicial officer after arrest within any time period
14 specified by [the Maryland District Rules] TITLE 4 OF THE MARYLAND RULES.

15 (b) Failure to strictly comply with the provisions of [the Maryland District
16 Rules] TITLE 4 OF THE MARYLAND RULES pertaining to taking a defendant before a
17 judicial officer after arrest is only one factor, among others, to be considered by the
18 court in deciding the voluntariness and admissibility of a confession.

19 DRAFTER'S NOTE:

20 Error: Obsolete cross-references in § 10-912 of the Courts Article.

21 Occurred: As a result of the revision of the Maryland Rules.

22 10-915.

23 (e) Except as to the issue of admissibility under this section, subsection (c) of
24 this section does not preclude discovery under the Maryland Rules [of Criminal
25 Procedure] relating to discovery, upon a showing of scientific relevance to a material
26 issue regarding the DNA profile.

27 DRAFTER'S NOTE:

28 Error: Obsolete reference in § 10-915(e) of the Courts Article.

29 Occurred: As a result of the revision of the Maryland Rules.

30 12-201.

31 Except as provided in § 12-202 of this [title] SUBTITLE, in any case or
32 proceeding pending in or decided by the Court of Special Appeals upon appeal from a

1 circuit court or an orphans' court or the Maryland Tax Court, any party, including the
2 State, may file in the Court of Appeals a petition for certiorari to review the case or
3 proceeding. The petition may be filed either before or after the Court of Special
4 Appeals has rendered a decision, but not later than the time prescribed by the
5 Maryland Rules. In a case or proceeding described in this section, the Court of
6 Appeals also may issue the writ of certiorari on its own motion.

7 DRAFTER'S NOTE:

8 Error: Stylistic error in § 12-201 of the Courts Article.

9 Occurred: Ch. 2, Acts of the First Special Session of 1973.

10 12-303.

11 A party may appeal from any of the following interlocutory orders entered by a
12 circuit court in a civil case:

13 (3) An order:

14 (vii) Requiring bond from a person to whom the distribution or
15 delivery of property is directed, or withholding distribution or delivery and ordering
16 the retention or accumulation of property by the fiduciary or its transfer to a trustee
17 or receiver, or deferring the passage of the court's decree in an action under
18 [Maryland Rule V79] TITLE 10, CHAPTER 600 OF THE MARYLAND RULES.

19 DRAFTER'S NOTE:

20 Error: Obsolete cross-reference in § 12-303(3)(vii) of the Courts Article.

21 Occurred: As a result of the revision of the Maryland Rules.

22 12-608.

23 (a) After the Court of Appeals of this State has accepted a certified question,
24 proceedings are governed by the Maryland Rules [of Procedure].

25 DRAFTER'S NOTE:

26 Error: Obsolete reference in § 12-608(a) of the Courts Article.

27 Occurred: As a result of the revision of the Maryland Rules.

28 **Article - Education**

29 2-205.

30 (q) (2) In consultation with the STATE Superintendent [of Schools], the
31 State Board shall develop and periodically update an overall plan consistent with the
32 bylaws that shall identify:

- 1 (i) The present and future needs of elementary and secondary
2 education throughout the State, including a discussion of the demographic
3 composition of the elementary and secondary population;
- 4 (ii) The present and future capabilities of the public elementary
5 and secondary education system in this State;
- 6 (iii) The short-range and long-range objectives and priorities for
7 elementary and secondary education and methods and timelines for achieving and
8 maintaining them;
- 9 (iv) Whether current programs adequately prepare graduates for
10 employment opportunities in this State, or postsecondary education opportunities;
- 11 (v) The status and needs of the career and technology education
12 program, the vocational rehabilitation program, and the library system of these
13 programs;
- 14 (vi) The technological advancements that would enhance
15 elementary and secondary education throughout the State;
- 16 (vii) Methods to upgrade and improve teacher education and teacher
17 certification programs;
- 18 (viii) The school systems that have dropped below the statewide test
19 averages and shall assess the options available to improve the test averages of these
20 school systems;
- 21 (ix) The methods to improve the diagnosis of basic reading skill
22 deficiencies of elementary and secondary school students and to improve the literacy
23 rates of these students;
- 24 (x) The methods to increase the rate of retention and graduation of
25 secondary school students;
- 26 (xi) The short-range and long-range objectives for the resolution of
27 the problem of substance abuse by elementary and secondary school students; and
- 28 (xii) The short-range and long-range objectives for the resolution of
29 the problems of youth and teenage pregnancy.

30 DRAFTER'S NOTE:

31 Error: Erroneous reference in § 2-205(q)(2) of the Education Article.

32 Occurred: Ch. 95, Acts of 1989.

33 3-201.

34 (d) The elected members of the Allegany County Board shall be elected:

1 (1) At a general election as required by THIS subsection [(d) of this
2 section] or as provided under subsection (e) of this section; and

3 (2) From Allegany County at large.

4 DRAFTER'S NOTE:

5 Error: Erroneous internal reference in § 3-201(d) of the Education
6 Article.

7 Occurred: Ch. 10, Acts of 1996.

8 3-1001.

9 (f) School board district V consists of:

10 (1) Election district 3, precincts 1, 2, and 3;

11 (2) Election district 7, precincts 1 through 8;

12 (3) Election district 14, precincts 1 and 3 through 7;

13 (4) Election district 20, precinct 5;

14 (5) That part of election district 20, precinct 9 that is generally south of
15 a line that runs along the center of Electric Avenue from Glenn Dale Road to Walnut
16 Avenue, thence along the center of Walnut Avenue to Maryland Street, thence along
17 the center of Maryland Street to Lincoln Avenue, thence along the center of Lincoln
18 Avenue to Crescent Avenue, thence along the center of Crescent Avenue to Elm Street,
19 thence along the center of Elm Street to Baltimore Lane, thence along the center of
20 Baltimore Lane to Annapolis Road;

21 (6) That part of election district 7, precinct 9 that is generally south and
22 east of a line that runs along the center of the Northeast Branch from Central Avenue
23 to the Western Branch Tributary, thence along the center of the Western Branch
24 Tributary to Old Enterprise Road, thence along the center of Old Enterprise Road to
25 Chesterton Drive, thence along the center of Chesterton Drive to Blaketon Street,
26 thence along the center of Blaketon Street to Hunterton Street, thence along the
27 center of Hunterton Street to Chesterton Drive, thence along the center of Chesterton
28 Drive to Middleham Drive, thence along the center of Middleham Drive to West
29 Branch Drive, thence along the center of West Branch Drive to Kettering Drive; and

30 (7) (i) That part of election district 15, precinct 2 that is generally east
31 of a line that runs along the center of Ritchie Branch from Darcy Road to a point that
32 is generally east of the intersection of Ritchboro Road and Tulip Avenue; thence along
33 an imaginary line to Ritchboro Road; thence along the center of Ritchboro Road to
34 Forest Park Drive, thence along the center of Forest Park Drive to Ritchie Road;

1 (ii) That part of election district 15, precinct 2 that is south of a line
 2 that runs along the center of the Ritchie Road spur from Ritchie Marlboro Road to
 3 Ritchie Road; and

4 (iii) That part of election district 15, precinct 2 that is generally
 5 north and east of a line that runs along the center of Washington Avenue from Darcy
 6 Road to Douglas Avenue; thence along the center of Douglas Avenue to Sansbury
 7 Road; thence along the center of Sansbury Road to Darcy Road.

8 DRAFTER'S NOTE:

9 Error: Extraneous conjunction and incorrect punctuation in § 3-1001(f)
 10 of the Education Article.

11 Occurred: Ch. 78, Acts of 1994. Correction by the Michie Company in the
 12 1997 Supplement of the Education Article is validated by this Act.

13 3-1005.

14 (c) The term of the members appointed pursuant to [paragraphs]
 15 SUBSECTION (b)(2), (3) and (4) shall be 3 years. All other members shall serve for a
 16 term of 2 years. Any vacancy on the Council shall be filled in the same manner as the
 17 original appointment.

18 DRAFTER'S NOTE:

19 Error: Stylistic error in § 3-1005(c) of the Education Article.

20 Occurred: Ch. 477, Acts of 1980.

21 3-1203.

22 (a) Annual compensation for the Board is as follows:

23 (1) Chairman - \$3,000; AND

24 (2) Member - [\$2,700] \$2,700.

25 DRAFTER'S NOTE:

26 Error: Omitted punctuation and conjunction in § 3-1203(a) of the
 27 Education Article.

28 Occurred: Ch. 567, Acts of 1979.

29 4-122.

30 (c) (4) If the service providing local education agency determines that a
 31 child in an out-of-county living arrangement is handicapped and needs a nonpublic
 32 educational program as provided by § 8-406 of this article, the financially responsible

1 county shall pay for each such child the amount provided by [§ 8-415(d)(1)] §
2 8-415(D)(3) of this article.

3 DRAFTER'S NOTE:

4 Error: Erroneous reference in § 4-122(c)(4) of the Education Article.

5 Occurred: Ch. 123, Acts of 1986.

6 5-402.

7 The State Board shall:

8 (3) Require:

9 (i) That the annual accountability plan and report shall relate to
10 the use of:

11 1. Any State share of basic current expense as provided
12 under § 5-202(b), which is in excess of the Fiscal Year 1984 State share of basic
13 current expenses; and

14 2. Any compensatory aid as provided under § 5-202(e),
15 except for dedicated compensatory funds, 50 percent of funds received in Fiscal Year
16 1984 under targeted aid, § 5-202(e), and the difference between the funds received in
17 Fiscal Year 1985 and the current fiscal year under density aid, § 5-202(c) of this title;
18 and

19 (ii) That the annual accountability report shall also relate to the
20 expenditure for the current fiscal year and 2 preceding fiscal years for the public
21 education categories provided under [§ 5-101(b) Part I (2)] § 5-101(B) of this [article]
22 TITLE, including salaries and wages for net new positions and the expenditures for
23 salaries and wages for existing positions.

24 DRAFTER'S NOTE:

25 Error: Stylistic error in § 5-402(3) of the Education Article.

26 Occurred: Ch. 85, Acts of 1984.

27 7-305.

28 (e) (4) (i) Except as provided in subparagraph (iii) of this paragraph, if
29 the proceedings conducted under this subsection involve an identified student with
30 disabilities who is determined to have brought a firearm to school, the student may be
31 placed in an interim alternative educational setting in accordance with State law
32 procedures, for not more than the maximum number of days specified in the federal
33 Individuals with Disabilities Education Act, 20 U.S.C. § 1415(e) or the Improving
34 America's Schools Act, 20 U.S.C. § 6301 ET SEQ.

35 DRAFTER'S NOTE:

1 Error: Incomplete citation to the United States Code in § 7-305(e)(4)(i) of
2 the Education Article.

3 Occurred: Ch. 323, Acts of 1996.

4 7-901.

5 (d) ["Local educational agency" has the meaning stated in the federal
6 Elementary and Secondary Education Act of 1965, 20 U.S.C. § 2891(12).

7 (e) "Students" means students from a broad range of backgrounds and
8 circumstances, including:

- 9 (1) Disadvantaged students;
- 10 (2) Students with diverse racial, ethnic, and cultural backgrounds;
- 11 (3) Students with disabilities;
- 12 (4) Students with limited English proficiency;
- 13 (5) Students who have dropped out of school; and
- 14 (6) Academically talented students.

15 [(f)] (E) "Technology" means the latest state-of-the-art technology products
16 and services, including:

- 17 (1) Closed circuit television systems;
- 18 (2) Educational television and radio broadcasting;
- 19 (3) Cable television;
- 20 (4) Satellite;
- 21 (5) Copper and fiber optic transmission;
- 22 (6) Computer;
- 23 (7) Video and audio laser and CD ROM discs; and
- 24 (8) Video and audio tapes or other technologies.

25 DRAFTER'S NOTE:

26 Error: Obsolete reference in § 7-901(d) and stylistic changes in §
27 7-901(e) and (f) of the Education Article.

28 Occurred: As a result of 1995 amendments to the federal Elementary
29 and Secondary Education Act of 1965, which repealed the definition
30 section.

1 Title 8. Special Programs for Exceptional Children.

2 Subtitle 2. Gifted and Talented Students.

3 DRAFTER'S NOTE:

4 Error: Obsolete subtitle heading. Correction by the Michie Company in
5 the 1997 Supplement of the Education Article is validated by this Act.

6 Occurred: Ch. 109, Acts of 1997.

7 8-412.

8 (a) (5) (I) "Parent" means:

9 [(i)] 1. A child's natural parents;

10 [(ii)] 2. A guardian;

11 [(iii)] 3. A person acting as a parent of a child such as a relative or
12 a stepparent with whom a child lives including those relatives or stepparents who are
13 the foster parents; or

14 [(iv)] 4. Any other individual who is legally responsible for a child's
15 welfare.

16 (II) Parent does not include a social worker or a foster parent,
17 except as provided in [subparagraph (iii)] ITEM 3, unless appointed as a parent
18 surrogate.

19 DRAFTER'S NOTE:

20 Error: Stylistic error and incorrect internal reference in § 8-412(a)(5) of
21 the Education Article.

22 Occurred: Ch. 560, Acts of 1982.

23 11-105.

24 (i) (1) In this subsection "community college" includes the Carroll County
25 Community College and the Calvert County and St. Mary's County branch campuses
26 of Charles County Community College established under the authority granted by §
27 16-103(l) of this [title] ARTICLE, and does not include the Baltimore City
28 Community College.

29 DRAFTER'S NOTE:

30 Error: Stylistic error in § 11-105(i)(1) of the Education Article.

31 Occurred: Ch. 464, Acts of 1991.

1 12-109.

2 (f) (3) The report of the University of Maryland, College Park Board of
3 Visitors shall include:

4 (i) The Board's evaluation of the status of the effort by the
5 University System of Maryland and the State in meeting the requirements of the
6 Maryland Charter for Higher Education set forth in § 10-209 of this article which
7 require the University System of Maryland to:

8 1. Provide the College Park campus with the level of
9 operating funding and facilities necessary to place it among the upper echelon of its
10 peer institutions;

11 2. Maintain and enhance the College Park campus as the
12 State's flagship campus with programs and faculty nationally and internationally
13 recognized for excellence in research and the advancement of knowledge;

14 3. Admit as freshmen to the College Park campus highly
15 qualified students who have academic profiles that suggest exceptional ability; and

16 4. Provide access to the upper division undergraduate level
17 of the College Park campus for students who have excelled in completing lower
18 division study;

19 (ii) A status report on the University's effort to achieve national
20 eminence;

21 (iii) A status report on success in attaining federal research grants,
22 private gifts, and other sources of nonstate revenue; and

23 (iv) Other matters in support of institutional priorities as
24 determined by the Board.

25 DRAFTER'S NOTE:

26 Error: Extraneous word in § 12-109(f)(3) of the Education Article.

27 Occurred: Ch. 114, Acts of 1997. Correction by the Michie Company in
28 the 1997 Supplement of the Education Article is validated by this Act.

29 13-303.

30 (h) (2) The report shall include information about the amount of
31 uncompensated care provided, the number of ambulatory care visits, the number of
32 Medicaid patient visits, the number of patient visits by subdivision during the year,
33 and any other information relevant to [§ 13-303(c) of this subtitle] THE PROVISIONS
34 OF THIS SECTION.

35 DRAFTER'S NOTE:

1 Error: Incorrect internal reference in § 13-303(h)(2) of the Education
2 Article.

3 Occurred: Ch. 288, Acts of 1984.

4 (l) The Board of Directors shall insure that the medical system shall continue
5 to make available medical services to residents of various State institutions whose
6 residents prior to the effective date of this legislation were served by the Hospital,
7 including State residential centers for the mentally retarded, State mental hygiene
8 facilities and facilities run by the State Division of Corrections, as long as the
9 administrators of those institutions continue to seek care from the Hospital for their
10 residents in accordance with policies and legislative intent incorporated in the State
11 budget. The Hospital is to be compensated by the institutions or other payors for this
12 care in accordance with policies of the State Health Services Cost Review Commission
13 or other relevant authority.

14 DRAFTER'S NOTE:

15 Error: Omitted words in § 13-303(l) of the Education Article.

16 Occurred: Ch. 288, Acts of 1984. Correction by the Michie Company in
17 the 1997 Supplement of the Education Article is validated by this Act.

18 13-511.

19 (b) (2) Of the 29 members:

20 (i) One shall be a representative of the Maryland Chapter of the
21 American College of Emergency Physicians;

22 (ii) One shall be a representative of the Medical and Chirurgical
23 Faculty of Maryland;

24 (iii) One shall be a representative of the Maryland Hospital
25 Association;

26 (iv) One shall be a representative of the Maryland State Council of
27 the Emergency Nurses Association;

28 (v) One shall be a representative of the Maryland Fire and Rescue
29 Institute;

30 (vi) One shall be a representative of the Maryland State Firemen's
31 Association;

32 (vii) One shall be a representative of the Aviation Division of the
33 Department of State Police;

34 (viii) One shall be a representative of the Highway Safety Division of
35 the Maryland Department of Transportation;

- 1 (ix) One shall be a representative from each of the five regional
2 emergency medical services advisory councils;
- 3 (x) One shall be a representative of the Maryland trauma net;
- 4 (xi) One shall be a representative of a Maryland commercial
5 ambulance service;
- 6 (xii) One shall be a representative of the Board of Physician Quality
7 Assurance;
- 8 (xiii) One shall be a representative of the Maryland Chapter,
9 American College of Surgeons;
- 10 (xiv) One shall be a regional medical director;
- 11 (xv) One shall be a representative of the Maryland Chapter
12 (Chesapeake Bay), American Association of Critical Care Nurses;
- 13 (xvi) One shall be a representative of the Maryland/District of
14 Columbia International Association of Firefighters;
- 15 (xvii) One shall be a representative of the volunteer field providers;
- 16 (xviii) One shall be a representative of the Maryland Metropolitan
17 Fire Chiefs;
- 18 (xix) One shall be a representative of the State Emergency Numbers
19 Board (911);
- 20 (xx) One shall be the Director of the R ADAMS COWLEY SHOCK
21 TRAUMA Center;
- 22 (xxi) One shall be the Director of the National Study Center;
- 23 (xxii) Two shall be members of the general public, one of whom shall
24 reside in a county with a population of less than 175,000;
- 25 (xxiii) One shall be a representative of the Committee on Pediatric
26 Emergency Medicine of the American Academy of Pediatrics, Maryland Chapter; and
- 27 (xxiv) One shall be a representative of the Maryland-District of
28 Columbia Society of Anesthesiologists.

29 DRAFTER'S NOTE:

30 Error: Omitted words in § 13-511(b)(2) of the Education Article.

31 Occurred: Ch. 592, Acts of 1993.

1 16-305.

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

3 [(1)] (2) "Assessed valuation of real property" means assessed valuation
4 of real property as determined for purposes of the State aid calculated under § 5-202
5 of this article.

6 [(2)] (3) "Board" means:

7 (i) In a county that has 1 or more community colleges, the board of
8 community college trustees for the county; or

9 (ii) Where 2 or more counties establish a region to support a
10 regional community college, the board of regional community college trustees.

11 [(3)] (4) "Community college" means a community college established
12 under this title but does not include Baltimore City Community College.

13 [(4)] (5) "County share" means the total amount of money for operating
14 funds to be provided each fiscal year to a board by the county that supports the
15 community college or colleges or, in the case of a regional community college, the total
16 amount of money for operating funds to be provided each fiscal year to the board by
17 all counties that support the regional community college.

18 [(5)] (6) "Direct grants" means the sum of the following components of
19 the State share:

20 (i) Fixed costs;

21 (ii) Marginal costs; and

22 (iii) Size factor.

23 [(6)] (7) "Full-time equivalent student" is the quotient of the number of
24 student credit hours produced in the fiscal year 2 years prior to the fiscal year for
25 which the State share is calculated divided by 30, as certified by the Maryland Higher
26 Education Commission.

27 [(7)] (8) "Population" means population as determined for purposes of
28 calculating the State share of the library program using the definition in § 23-501 of
29 this article.

30 [(8)] (9) "Region" means the counties supporting a regional community
31 college established under Subtitle 2 of this title.

32 [(9)] (10) "State share" means the amount of money for community
33 college operating funds to be provided each fiscal year to a board by the State.

1 [(10)] (11) "Student credit hours" means student credit hours or contact
2 hours which are eligible, under the regulations issued by the Maryland Higher
3 Education Commission, for inclusion in State funding calculations.

4 [(11)] (12) "Total State operating fund" means the sum of community
5 college State appropriations for direct grants.

6 DRAFTER'S NOTE:

7 Error: Stylistic error in § 16-305(b) of the Education Article.

8 Occurred: Ch. 465, Acts of 1991.

9 16-505.

10 (g) (4) A student who is not a resident of the State shall be considered a
11 resident for purposes of assessing tuition and fees to the extent that such student
12 would be eligible for in-county status under the provisions of § 16-310(a)(3) or [§
13 16-310(f)] (F) of this title.

14 DRAFTER'S NOTE:

15 Error: Stylistic error in § 16-505(g)(4) of the Education Article.

16 Occurred: Ch. 220, Acts of 1990.

17 17-103.

18 (b) To qualify for State aid under this subtitle, an institution of higher
19 education shall:

20 (3) Be:

21 (i) Accredited by the Commission on Higher Education of the
22 Middle States Association of Colleges and Schools; or

23 (ii) 1. A candidate for accreditation under subparagraph (i) of
24 this paragraph;

25 2. Subject to an affirmative action plan approved by the
26 Maryland Higher Education Commission; and

27 3. Authorized by the Maryland Higher Education
28 Commission for participation in the program established under this subtitle[.];

29 DRAFTER'S NOTE:

30 Error: Erroneous punctuation in § 17-103(b)(3) of the Education Article.

31 Occurred: Ch. 730, Acts of 1988.

1 18-505.

2 (c) The amount used for summer school may not exceed [one half] ONE-HALF
3 of the value of the award for the next academic year.

4 DRAFTER'S NOTE:

5 Error: Stylistic error in § 18-505(c) of the Education Article.

6 Occurred: Ch. 22, Acts of 1978.

7 18-601.

8 (d) A person may apply to the Administration for a scholarship under this
9 section if the person:

10 (1) Is at least 16 years old and a son or daughter of a member of the
11 armed forces who was a resident of this State at the time the parent:

12 (i) Died or was totally and permanently disabled as a result of
13 military service after December 7, 1941; OR

14 (ii) Was declared to be a prisoner of war or missing in action, if that
15 occurred on or after January 1, 1960 as a result of the Vietnam conflict, and if the
16 child was born prior to or while the parent was a prisoner of war or missing in action;

17 DRAFTER'S NOTE:

18 Error: Omitted conjunction in § 18-601(d)(1) of the Education Article.

19 Occurred: Ch. 55, Acts of 1991.

20 18-704.

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

22 [(1)] (2) "Eligible institution" means an accredited college or university
23 that has a program of studies that would lead to licensing as a physical therapist,
24 physical therapy assistant, occupational therapist, or occupational therapy assistant.

25 [(2)] (3) "Eligible program" means a program necessary for licensing as
26 a physical therapist, physical therapy assistant, occupational therapist, or
27 occupational therapy assistant.

28 [(3)] (4) "Handicapped child" has the meaning set forth in § 8-401 of
29 this title.

30 [(4)] (5) "Occupational therapist" and "occupational therapy assistant"
31 have the meanings set forth in § 10-101 of the Health Occupations Article.

1 [(5)] (6) "Physical therapist" and "physical therapist assistant" have the
2 meanings set forth in § 13-101 of the Health Occupations Article.

3 [(6)] (7) "Recipient" means a recipient of tuition assistance under this
4 section.

5 [(7)] (8) "Tuition assistance" means any funds provided for the cost of
6 basic instructional charges, fees, room, board, or other related educational expenses.

7 [(8)] (9) (i) "Service obligation" means the obligation of recipients to
8 provide physical or occupational therapy to handicapped children in a public school in
9 Maryland or handicapped children placed in a nonpublic education program as
10 provided under § 8-406 of this article, the first year of which is provided under the
11 full-time, on-site supervision of a licensed physical or occupational therapist who has
12 at least 2 years' experience in a school program.

13 (ii) "Service obligation" may include service performed in a State
14 therapeutic hospital determined by the Secretary of Health and Mental Hygiene to
15 have a severe shortage of physical or occupational therapists providing the
16 requirement of subsection (c)(2) of this section has been met.

17 DRAFTER'S NOTE:

18 Error: Stylistic error in § 18-704(a) of the Education Article.

19 Occurred: Ch. 462, Acts of 1991.

20 18-1101.

21 There is a Distinguished Scholar Program of [300] 350 scholarships to be
22 awarded by the Administration to residents of the State in the manner provided in
23 this subtitle for use at postsecondary institutions of higher education in the State.

24 DRAFTER'S NOTE:

25 Error: Incorrect number in § 18-1101 of the Education Article.

26 Occurred: As a result of Ch. 462, Acts of 1991.

27 23-402.

28 (c) (2) Such employees shall be covered under the provisions of the Prince
29 George's County Labor Code, as provided in § 13A-116 of that Code, as of [July 1,
30 1986] JULY 1, 1995.

31 DRAFTER'S NOTE:

32 Error: Incorrect date in § 23-402(c)(2) of the Education Article.

33 Occurred: As a result of a revision of the Labor Code of Prince George's
34 County.

1 24-504.

2 (b) The Commission may:

3 (1) Make contracts or other legal agreements or arrangements necessary
4 or incidental to the exercise of its powers and performance of its duties;

5 (2) Sue and be sued;

6 (3) Implead and be impleaded;

7 (4) Complain and defend in all courts of law [and equity];

8 (5) Adopt and alter an official seal; and

9 (6) Adopt bylaws, rules and guidelines to regulate its affairs and the
10 conduct of its business.

11 DRAFTER'S NOTE:

12 Error: Obsolete words in § 24-504(b) of the Education Article.

13 Occurred: Ch. 583, Acts of 1997.

14 24-512.

15 (b) (1) Except as otherwise set forth in this subtitle, the Commission is
16 exempt from the provisions of Division II of the State Finance and Procurement
17 Article, Division I of the State Personnel and [Pension] PENSIONS Article, and the
18 State Administrative Procedure Act.

19 DRAFTER'S NOTE:

20 Error: Incorrect word in § 24-512(b)(1) of the Education Article.

21 Occurred: Ch. 583, Acts of 1997.

22 26-102.

23 (d) A person is guilty of a misdemeanor and on conviction is subject to a fine
24 not exceeding \$1,000, imprisonment not exceeding 6 months, or both if he:

25 (1) Trespasses on the grounds of any public institution of elementary,
26 secondary, or higher education;

27 (2) Fails or refuses to leave the grounds of any of these institutions after
28 being requested to do so by an authorized employee of the institution; OR

29 (3) Willfully damages or defaces any building, furnishing, statue,
30 monument, memorial, tree, shrub, grass, or flower on the grounds of any of these
31 institutions.

1 DRAFTER'S NOTE:

2 Error: Omitted conjunction in § 26-102(d) of the Education Article.

3 Occurred: Ch. 22, Acts of 1978.

4 **Article - Environment**

5 1-605.

6 (d) A party may not, in a contested case hearing, challenge a facility's
7 compliance with zoning and land use requirements or conformity with a county plan
8 issued under Title 9, Subtitle 5 of this article. However, nothing in this subtitle shall
9 prevent a party from challenging whether the Department has complied with §§
10 [2-404(b)(1)] 2-404(B)(1)(II) and 9-210(a)(3) of this article, when applicable, nor does
11 this subtitle prevent a party from contesting the compliance of the facility with zoning
12 and land use or county plan requirements in any proceeding brought in accordance
13 with and under any applicable local laws.

14 DRAFTER'S NOTE:

15 Error: Erroneous cross-reference in § 1-605(d) of the Environment
16 Article.

17 Occurred: As a result of Ch. 531, Acts of 1996.

18 1-606.

19 (d) (2) The motion, any response and the decision of the administrative law
20 judge or other official conducting the hearing shall comply with the requirements of
21 Maryland Rule [of Civil Procedure] 2-501.

22 DRAFTER'S NOTE:

23 Error: Obsolete reference in § 1-606(d)(2) of the Environment Article.

24 Occurred: As a result of the revision of the Maryland Rules.

25 2-603.

26 (b) Each show cause order issued under this subtitle shall be in writing and
27 shall be served:

28 (2) As a summons is served under the Maryland Rules [of Procedure] or
29 by certified mail.

30 DRAFTER'S NOTE:

31 Error: Obsolete reference in § 2-603(b)(2) of the Environment Article.

32 Occurred: As a result of the revision of the Maryland Rules.

1 2-604.

2 (b) Each corrective order issued under this subtitle shall be in writing and
3 shall be served:

4 (1) As a summons is served under the Maryland Rules [of Procedure]; or

5 DRAFTER'S NOTE:

6 Error: Obsolete reference in § 2-604(b)(1) of the Environment Article.

7 Occurred: As a result of the revision of the Maryland Rules.

8 4-412.

9 (b) A person aggrieved by an order or permit issued may obtain immediate
10 judicial review under the provisions of §§ 10-222 and 10-223 of the State
11 Government Article and the Maryland Rules [of Procedure].

12 DRAFTER'S NOTE:

13 Error: Obsolete reference in § 4-412(b) of the Environment Article.

14 Occurred: As a result of the revision of the Maryland Rules.

15 6-401.

16 (i) "School" means any elementary or secondary school as defined in the
17 Elementary and Secondary Education Act of 1965, at [20 U.S.C. 2891] 20 U.S.C. 8801.

18 DRAFTER'S NOTE:

19 Error: Erroneous cross-reference in § 6-401(i) of the Environment
20 Article.

21 Occurred: As a result of 1994 Amendments to the Elementary and
22 Secondary Education Act of 1965.

23 6-843.

24 (a) (3) (i) Subject to the provisions of subparagraphs (ii) and (iii) of this
25 paragraph, on or before [December 31, 2000] DECEMBER 31, 2000, the annual fee for
26 a rental dwelling unit built after 1949 that is not an affected property is \$5. After
27 [December 31, 2000] DECEMBER 31, 2000, there is no annual fee for a rental dwelling
28 unit built after 1949 that is not an affected property.

29 DRAFTER'S NOTE:

30 Error: Omitted comma in § 6-843(a)(3)(i) of the Environment Article.

31 Occurred: Ch. 555, Acts of 1996.

1 7-221.

2 (e) A responsible person against whom a legal action is brought under
3 subsection (b) of this section for a release or threatened release of a hazardous
4 substance may move to join any other responsible person under the Maryland Rules
5 [of Civil Procedure].

6 DRAFTER'S NOTE:

7 Error: Obsolete reference in § 7-221(e) of the Environment Article.

8 Occurred: As a result of the revision of the Maryland Rules.

9 7-506.

10 (c) (2) For the purposes of paragraph (1) (iii) of this subsection, any property
11 identified in the Comprehensive Environmental Response, [Compensation]
12 COMPENSATION, and Liability Information System in accordance with the federal act
13 as of October 1, 1997 is presumed to have been initially contaminated on or before
14 October 1, 1997.

15 DRAFTER'S NOTE:

16 Error: Omitted comma in § 7-506(c)(2) of the Environment Article.

17 Occurred: Ch. 2, Acts of 1997.

18 7-512.

19 (b) (1) Except as provided in paragraph (2) of this subsection, an inculpable
20 person who withdraws from the Program may not be required by the Department to
21 [cleanup] CLEAN UP the eligible property.

22 DRAFTER'S NOTE:

23 Error: Incorrect word usage in § 7-512(b)(1) of the Environment Article.

24 Occurred: Chs. 1 and 2, Acts of 1997.

25 **Article - Estates and Trusts**

26 1-101.

27 (n) "Maryland Rules" means the rules promulgated by the Court of Appeals of
28 Maryland under the authority of the Constitution and laws of Maryland[, other than
29 the Maryland District Rules].

30 DRAFTER'S NOTE:

31 Error: Obsolete language in § 1-101(n) of the Estates and Trusts Article.

1 Occurred: As a result of the revision of the Maryland Rules.

2 6-301.

3 On written application of an interested person, the court may suspend any of the
4 powers and duties of the personal representative in accordance with the INJUNCTION
5 provisions of [Subtitle BB "Injunction" of] the Maryland Rules.

6 DRAFTER'S NOTE:

7 Error: Obsolete terminology in § 6-301 of the Estates and Trusts Article.

8 Occurred: As a result of the revision of the Maryland Rules.

9 8-103.

10 (b) A claim for slander against an estate of a decedent which arose before the
11 death of the decedent[,] is barred even if an action was commenced against and
12 service of process was effected on the decedent before his death.

13 DRAFTER'S NOTE:

14 Error: Extraneous comma in § 8-103(b) of the Estates and Trusts Article.

15 Occurred: Ch. 11, Acts of 1974.

16 13-404.

17 (b) (4) Investments in money market funds under paragraph (1)(ii)3A of this
18 subsection, investments in stock mutual funds under paragraph (1)(ii)3B of this
19 [section,] SUBSECTION, and investments in any combination of both money market
20 funds and stock mutual funds may not exceed 30% of the trust assets at the time of
21 investment.

22 DRAFTER'S NOTE:

23 Error: Erroneous internal reference in § 13-404(b)(4) of the Estates and
24 Trusts Article.

25 Occurred: Ch. 664, Acts of 1997.

26 13-704.

27 The court may superintend and direct the care of a disabled person, appoint a
28 guardian of the person, and pass orders and decrees respecting the person as seems
29 proper, including an order directing the disabled person to be sent to a hospital.
30 Procedures in these cases shall be as prescribed by THE Maryland Rules and in
31 accordance with the provisions of this subtitle.

32 DRAFTER'S NOTE:

1 Error: Omitted word in § 13-704 of the Estates and Trusts Article.

2 Occurred: Ch. 11, Acts of 1974.

3 13-705.

4 (c) Procedures and venue in these cases shall be as described by [Chapter
5 1100, Subtitle R] TITLE 10, CHAPTERS 100 AND 200 of the Maryland Rules.

6 DRAFTER'S NOTE:

7 Error: Obsolete cross-reference in § 13-705(c) of the Estates and Trusts
8 Article.

9 Occurred: As a result of the revision of the Maryland Rules.

10 13-709.

11 (c) In issuing an emergency order, the court shall adhere to the following
12 limitations:

13 (6) The issuance of an emergency order and the appointment of a
14 temporary guardian shall not deprive the person of any rights except to the extent
15 provided for in the order or appointment; AND

16 DRAFTER'S NOTE:

17 Error: Omitted word in § 13-709(c)(6) of the Estates and Trusts Article.

18 Occurred: Ch. 768, Acts of 1977.

19 **Article - Family Law**

20 5-704.

21 (a) (1) Notwithstanding any other provision of law, including any law on
22 privileged communications, each health practitioner, police officer, or educator or
23 human service worker, acting in a professional capacity, who has reason to believe
24 that a child has been subjected to:

25 [(1)] (i) abuse, shall notify the local department or the appropriate law
26 enforcement agency; or

27 (ii) neglect, shall notify the local department; and

28 DRAFTER'S NOTE:

29 Error: Incorrect paragraph designation in § 5-704(a)(1) of the Family
30 Law Article.

31 Occurred: Ch. 635, Acts of 1987.

1 9-205.

2 Before making a decree under this subtitle, reasonable notice and opportunity to
3 be heard shall be given to the contestants, any parent whose parental rights have not
4 been previously terminated, and any person who has physical custody of the child. If
5 any of these persons is outside this State, notice and opportunity to be heard shall be
6 given pursuant to the Maryland Rules [of Procedure].

7 DRAFTER'S NOTE:

8 Error: Obsolete reference in § 9-205 of the Family Law Article.

9 Occurred: As a result of the revision of the Maryland Rules.

10 9-212.

11 A custody decree rendered by a court of this State which had jurisdiction under
12 § 9-204 of this subtitle binds all parties who have been served in this State or notified
13 in accordance with the Maryland Rules [of Procedure], or who have submitted to the
14 jurisdiction of the court, and who have been given an opportunity to be heard. As to
15 these parties, the custody decree is conclusive as to all issues of law and fact decided
16 and as to the custody determination made unless and until that determination is
17 modified pursuant to law, including the provisions of this subtitle.

18 DRAFTER'S NOTE:

19 Error: Obsolete reference in § 9-212 of the Family Law Article.

20 Occurred: As a result of the revision of the Maryland Rules.

21 10-119.3.

22 (e) (2) Upon notification by the Administration under this section, a
23 licensing authority shall:

24 (i) suspend an individual's license; or

25 (ii) deny the license of an individual who is an applicant for a
26 license from the licensing authority.

27 DRAFTER'S NOTE:

28 Error: Incorrect word usage in § 10-119.3(e)(2) of the Family Law Article.

29 Occurred: Ch. 609, Acts of 1997. Correction by the Michie Company in
30 the 1997 Supplement of the Family Law Article is validated by this Act.

31 10-141.

32 (c) (2) A child support lien established under this Part IV of this subtitle
33 may be enforced in accordance with the Maryland Rules [of Procedure].

1 DRAFTER'S NOTE:

2 Error: Obsolete reference in § 10-141(c)(2) of the Family Law Article.

3 Occurred: As a result of the revision of the Maryland Rules.

4 12-105.

5 (a) (1) The Child Support Enforcement Administration of the Department of
6 Human Resources shall maintain a central registry of records of all identifying
7 information that relates to parents who have deserted or who appear to have deserted
8 their children.

9 DRAFTER'S NOTE:

10 Error: Omitted paragraph designation in § 12-105(a)(1) of the Family
11 Law Article.

12 Occurred: Ch. 609, Acts of 1997. Correction by the Michie Company in
13 the 1997 Supplement of the Family Law Article is validated by this Act.

14 **Article - Financial Institutions**

15 1-207.

16 (b) (2) [Subsection (c), (d), or (e)] SUBSECTIONS (C), (D), AND (E) of this
17 section do not apply to an automated teller machine which:

18 (i) Is located inside a building:

19 DRAFTER'S NOTE:

20 Error: Incorrect word usage in § 1-207(b)(2) of the Financial Institutions
21 Article.

22 Occurred: Ch. 181, Acts of 1997.

23 3-103.

24 (b) A commercial bank subject to this section shall operate in compliance with
25 all requirements and standards for the exercise of fiduciary powers that are
26 applicable under [12 C.F.R. § 9] 12 C.F.R. PART 9 to a trust department of a
27 State-chartered trust company that is in the business of accepting deposits or
28 retaining funds in a deposit account as defined in § 5-509 of this article.

29 DRAFTER'S NOTE:

30 Error: Erroneous cross-reference in § 3-103(b) of the Financial
31 Institutions Article.

32 Occurred: Ch. 487, Acts of 1993.

1 9-708.

2 (e) (1) Except to the extent otherwise provided in this subsection, [Subtitle
3 BP] TITLE 13 of the Maryland Rules [of Procedure] applies to the estate of a savings
4 and loan association for which a receiver is appointed under this section.

5 DRAFTER'S NOTE:

6 Error: Obsolete cross-reference in § 9-708(e)(1) of the Financial
7 Institutions Article.

8 Occurred: As a result of the revision of the Maryland Rules.

9 11-501.

10 (j) (2) "Mortgage lender" does not include:

11 (i) A financial institution that accepts deposits and is regulated
12 under [Title 3, 4, 5, or 6] TITLE 3, TITLE 4, TITLE 5, OR TITLE 6 of this article;

13 DRAFTER'S NOTE:

14 Error: Stylistic error in § 11-501(j)(2)(i) of the Financial Institutions
15 Article.

16 Occurred: Ch. 476, Acts of 1989.

17 Subtitle 4.[Sellers of Money Orders and Traveler's Checks] MONEY
18 TRANSMISSION - LICENSURE AND REGULATION.

19 12-401.

20 (d) "Money transmission" means the sale or issuance of payment instruments,
21 or engaging in the business of receiving money for transmission or transmitting
22 money within the United States or to locations abroad by any means, including [, but
23 not limited to,] payment instruments, wire, facsimile, or electronic transfer.

24 DRAFTER'S NOTE:

25 Error: Obsolete subtitle heading for Subtitle 4 of Title 12 of the Financial
26 Institutions Article and stylistic error in § 12-401(d) of the Financial
27 Institutions Article.

28 Occurred: Stylistic error occurred in, and subtitle heading became
29 obsolete as a result of Ch. 23, Acts of 1997.

30 (f) "Payment instrument" means any check, draft, money order, traveler's
31 check or other instrument, or written order for the transmission of money, sold or
32 issued to one or more persons, whether or not such instrument is negotiable. The term
33 "payment instrument" does not include any credit card voucher, letter of credit, or
34 instrument redeemable by the issuer in goods or services.

1 DRAFTER'S NOTE:

2 Error: Obsolete paragraph designation in § 12-401(f) of the Financial
3 Institutions Article.

4 Occurred: Ch. 23, Acts of 1997. Correction by the Michie Company in the
5 1997 Supplement of the Financial Institutions Article is validated by this
6 Act.

7 12-412.

8 A licensee may not change the place of business for which a license is issued
9 unless the licensee notifies the Commissioner in writing of the proposed change.

10 DRAFTER'S NOTE:

11 Error: Obsolete subsection designation in § 12-412 of the Financial
12 Institutions Article.

13 Occurred: Ch. 23, Acts of 1997. Correction by the Michie Company in the
14 1997 Supplement of the Financial Institutions Article is validated by this
15 Act.

16 **Article - Health - General**

17 2-104.

18 (b) (2) (ii) Any regulations adopted shall comply with the [Federal]
19 FEDERAL Fair Housing Amendment Act of 1988.

20 DRAFTER'S NOTE:

21 Error: Incorrect capitalization in § 2-104(b)(2)(ii) of the Health - General
22 Article.

23 Occurred: Ch. 425, Acts of 1991.

24 4-306.

25 (b) A health care provider shall disclose a medical record without the
26 authorization of a person in interest:

27 (6) (ii) [A] IN ACCORDANCE WITH A stipulation by a patient or person
28 in interest; or

29 (iii) [A] IN ACCORDANCE WITH A discovery request permitted by
30 law to be made to a court, an administrative tribunal, or a party to a civil court,
31 administrative, or health claims arbitration proceeding;

32 DRAFTER'S NOTE:

1 Error: Omitted language in § 4-306(b)(6)(ii) and (iii) of the Health -
2 General Article.

3 Occurred: Ch. 185, Acts of 1997.

4 4-307.

5 (h) (1) A health care provider shall disclose a medical record without the
6 authorization of a person in interest:

7 (ii) To the State designated protection and advocacy system for
8 mentally ill individuals under the [Federal] FEDERAL Protection and Advocacy for
9 Mentally Ill Individuals Act of 1986, as amended, if:

10 1. The State designated protection and advocacy system has
11 received a complaint regarding the recipient or the director of the system has certified
12 in writing to the chief administrative officer of the health care provider that there is
13 probable cause to believe that the recipient has been subject to abuse or neglect;

14 DRAFTER'S NOTE:

15 Error: Incorrect capitalization in § 4-307(h)(1)(ii) of the Health - General
16 Article.

17 Occurred: Ch. 480, Acts of 1990.

18 5-603.

19 Form II

20 Advance Directive

21 Part A

22 Appointment of Health Care Agent

23 (Optional Form)

24 (2) My agent has full power and authority to make health care decisions for me,
25 including the power to:

26 b. Employ and discharge my [heath] HEALTH care providers;

27 DRAFTER'S NOTE:

28 Error: Incorrect word usage in Form II Part A (2)b. of § 5-603 of the
29 Health - General Article.

30 Occurred: Ch. 545, Acts of 1996.

1 15-103.

2 (b) (21) (iv) The delivery system shall:

3 2. For enrollees who are [dually-diagnosed] DUALLY
4 DIAGNOSED, coordinate the provision of substance abuse services provided by the
5 managed care organizations of the enrollees;

6 DRAFTER'S NOTE:

7 Error: Incorrect hyphenation in § 15-103(b)(21)(iv)2 of the Health -
8 General Article.

9 Occurred: Ch. 352, Acts of 1996.

10 15-124.

11 (a) (2) (ii) For the purpose of paragraph (1) of this subsection, the
12 Secretary shall:

13 4. Beginning July 1, 1985, increase annually at the time
14 Social Security benefits are increased, rounded to the next highest even \$50 level, the
15 income level within which an individual is eligible for benefits under the Maryland
16 Pharmacy Assistance Program by the larger of:

17 A. The percentage by which benefits under Title II of the
18 Social Security Act (42 U.S.C. 401-433) are increased by the federal government due
19 to cost-of-living changes as that percentage is reported in the Federal Register
20 pursuant to [42 U.S.C. 415(i)(2)(D)] 42 U.S.C. 415(I)(2)(D) but not to exceed 8 percent;
21 or

22 DRAFTER'S NOTE:

23 Error: Incorrect capitalization in cross-reference in § 15-124(a)(2)(ii)4.A
24 of the Health - General Article.

25 Occurred: Ch. 495, Acts of 1982.

26 18-338.1.

27 (a) (2) (i) "Body fluids" means:

28 2. [Cerebral spinal] CEREBROSPINAL fluid, synovial, or
29 amniotic fluid.

30 DRAFTER'S NOTE:

31 Error: Incorrect nomenclature in § 18-338.1(a)(2)(i)2 of the Health -
32 General Article.

33 Occurred: Ch. 535, Acts of 1991.

1 19-705.1.

2 (b) The standards of quality of care shall include:

3 (2) A requirement that a health maintenance organization shall have a
4 system for providing a member with 24-hour access to a physician in cases where
5 there is an immediate need for medical services, and for promoting timely access to
6 and continuity of health care services for members, including:

7 (ii) Providing a 24-hour toll free telephone access system for use in
8 hospital emergency departments in accordance with [§ 19-705.6] § 19-705.7 of this
9 subtitle.

10 DRAFTER'S NOTE:

11 Error: Erroneous cross-reference in § 19-705.1(b)(2)(ii) of the Health -
12 General Article.

13 Occurred: Ch. 363, § 1, Acts of 1997.

14 19-706.

15 (s) The provisions of Title 15, Subtitles 13 [and 14], 14, AND 15 of the
16 Insurance Article apply to health maintenance organizations.

17 DRAFTER'S NOTE:

18 Error: Erroneous cross-reference in § 19-706(s) of the Health - General
19 Article.

20 Occurred: As a result of Ch. 294, § 1, Acts of 1997.

21 19-1509.

22 (a) (3) "Payor" means:

23 (i) A health insurer or nonprofit health service plan that holds a
24 certificate of authority and provides health insurance policies or contracts in the
25 State in accordance with the Insurance Article or the Health - General Article; OR

26 DRAFTER'S NOTE:

27 Error: Omitted conjunction in § 19-1509(a)(3)(i) of the Health - General
28 Article.

29 Occurred: Ch. 258, Acts of 1994.

30 20-504.

31 (d) Except for the ex officio members or their designees:

1 (4) A member who is appointed after a term [is] HAS begun serves for
2 the rest of the term and until a successor is appointed and qualifies; and

3 DRAFTER'S NOTE:

4 Error: Incorrect word usage in § 20-504(d)(4) of the Health - General
5 Article.

6 Occurred: Ch. 180, Acts of 1997.

7 21-101.

8 (d) "Consumer commodity" means any food, drug, device, or cosmetic that is
9 not:

10 (4) A beverage that is subject to or complies with packaging or labeling
11 requirements imposed [under the Federal Alcohol Administration Act] BY THE
12 FEDERAL BUREAU OF ALCOHOL, TOBACCO AND FIREARMS; or

13 DRAFTER'S NOTE:

14 Error: Obsolete terminology in § 21-101(d)(4) of the Health - General
15 Article.

16 Occurred: Ch. 306, Acts of 1987.

17 **Article - Health Occupations**

18 7-316.

19 (a) Subject to the hearing provisions of § 7-319 of this subtitle and except as
20 to a funeral establishment license, the Board may deny a license to any applicant,
21 reprimand any licensee, place any licensee on probation, or suspend or revoke any
22 license if the applicant or licensee:

23 (31) Fails to provide the Board the certification required under [§
24 7-405(g)(1) and (2)] § 7-405(I) of this title.

25 DRAFTER'S NOTE:

26 Error: Erroneous cross-reference in § 7-316(a)(31) of the Health
27 Occupations Article.

28 Occurred: Ch. 662, Acts of 1997.

29 8-507.

30 (a) (5) (ii) "Nursing staff agency" does not include:

31 3. A home health agency regulated under TITLE 19, Subtitle 4
32 of the Health - General Article; or

1 DRAFTER'S NOTE:

2 Error: Erroneous cross-reference in § 8-507(a)(5)(ii)3 of the Health
3 Occupations Article.

4 Occurred: Ch. 373, Acts of 1992.

5 12-102.

6 (c) This title does not prohibit:

7 (2) A licensed dentist, physician, or podiatrist from personally preparing
8 and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

9 (iv) The dentist, physician, or podiatrist:

10 5. Does not direct patients to a single pharmacist or
11 pharmacy IN ACCORDANCE WITH § 12-403(b)(8) of this title; and

12 DRAFTER'S NOTE:

13 Error: Omitted words in § 12-102(c)(2)(iv)5 of the Health Occupations
14 Article.

15 Occurred: Ch. 614, Acts of 1997.

16 12-202.

17 (a) (4) For each pharmacist vacancy:

18 (ii) Except for the at-large vacancies, each association that is
19 responsible for submitting a list of nominees to the Secretary and the Governor under
20 this section shall:

21 3. In the event that [less] FEWER than three qualified
22 nominees are submitted to the association, select any additional names that are
23 needed to complete the list required to be submitted to the Secretary and the
24 Governor under this section.

25 DRAFTER'S NOTE:

26 Error: Stylistic error in § 12-202(a)(4)(ii)3 of the Health Occupations
27 Article.

28 Occurred: Ch. 530, Acts of 1997.

29 14-411.

30 (j) The Board may disclose any information contained in a record to the State
31 Medical Assistance Compliance Administration, the Secretary of the U.S. Department

1 of Health and Human Services or the Secretary's designee, or any health occupational
2 regulatory board if:

3 (1) (ii) The Secretary of the U.S. Department of Health and Human
4 Services or the Secretary's designee is entitled to receive the information or have
5 access to the information under 42 U.S.C. § 1396R-2 [.];

6 DRAFTER'S NOTE:

7 Error: Stylistic error in § 14-411(j)(1)(ii) of the Health Occupations
8 Article.

9 Occurred: Ch. 627, Acts of 1993.

10 19-302.

11 (g) (2) Until January 1, 2000, on the request of an applicant, the Board may
12 grant the applicant a waiver of supervision by a licensed certified social
13 worker-clinical if the applicant obtained the supervision required for a certified social
14 [worker license-clinical] WORKER-CLINICAL LICENSE under subsection (d)(2)(ii) of
15 this section in a setting in which a licensed certified social worker-clinical was not
16 available to provide the supervision and the supervision was provided by a licensed
17 certified social worker who has practiced for at least 5 years.

18 DRAFTER'S NOTE:

19 Error: Misnomer in § 19-302(g)(2) of the Health Occupations Article.

20 Occurred: Ch. 545, Acts of 1997.

21 **Article - Insurance**

22 2-112.1.

23 (a) (3) (i) "Premiums" has the meaning stated in § 1-101 of this article to
24 the extent it is allocable to this State.

25 DRAFTER'S NOTE:

26 Error: Omitted word in § 2-112.1(a)(3)(i) of the Insurance Article.

27 Occurred: Ch. 685, Acts of 1997. Correction by the Michie Company in
28 the 1997 Volume of the Insurance Article is validated by this Act.

29 3-306.

30 (c) (2) [Even] HOWEVER, EVEN if on the date of renewal three or more
31 authorized insurers are writing on a broad basis the particular kind and class of
32 insurance required by the insured, a risk initially eligible for surplus lines insurance
33 may be renewed on a surplus lines basis if the surplus lines insurer or broker gives to

1 the insured appropriate notice of the availability of comparable types of insurance
2 being written by three or more authorized insurers:

3 (i) each year; and

4 DRAFTER'S NOTE:

5 Error: Omitted word in § 3-306(c)(2) of the Insurance Article.

6 Occurred: Ch. 36, Acts of 1995.

7 4-402.

8 (a) Medical files on applicants and claimants that are compiled by insurers
9 under policies of health insurance or life insurance shall be made available for
10 inspection:

11 (3) on request of the applicant, TO a physician of the applicant's choice.

12 DRAFTER'S NOTE:

13 Error: Omitted word in § 4-402(a)(3) of the Insurance Article.

14 Occurred: Ch. 198, Acts of 1997.

15 5-306.

16 (b) This section applies to:

17 (1) all life insurance policies issued on or after the operative date of [§
18 15-309] § 16-309 of this article;

19 (d) (3) (ii) For purposes of this paragraph, the calendar year statutory
20 valuation interest rate for a life insurance policy issued in a calendar year shall be:

21 2. determined for each calendar year since 1980 regardless of
22 when [§ 15-309] § 16-309 of this article became operative.

23 DRAFTER'S NOTE:

24 Error: Obsolete cross-references in § 5-306(b)(1) and (d)(3)(ii)2 of the
25 Insurance Article.

26 Occurred: Ch. 36, Acts of 1995. Correction by the Michie Company in the
27 1997 Volume of the Insurance Article is validated by this Act.

28 8-454.

29 (c) Before a certificate of qualification expires, the holder of the certificate of
30 qualification may renew it for an additional 2-year term, if the holder:

1 (1) otherwise is entitled to a certificate of qualification;

2 (2) files with the Commissioner a renewal application on the form that
3 the Commissioner provides;[and]

4 (3) COMPLETES THE CONTINUING EDUCATION REQUIREMENTS
5 ESTABLISHED UNDER § 10-116 OF THIS ARTICLE AND ANY REGULATIONS ADOPTED
6 UNDER § 10-116 OF THIS ARTICLE; AND

7 [(3)] (4) pays to the Commissioner a renewal fee.

8 DRAFTER'S NOTE:

9 Error: Missing language in revision of § 8-454(c) of the Insurance Article.

10 Occurred: As a result of Ch. 656, § 7, Acts of 1997.

11 9-213.

12 (c) (2) The report required under paragraph (1) of this subsection at a
13 minimum shall include:

14 (i) information of the character required by [Maryland Rule BP 9]
15 TITLE 13 OF THE MARYLAND RULES that applies to receivers generally;

16 DRAFTER'S NOTE:

17 Error: Obsolete cross-reference in § 9-213(c)(2)(i) of the Insurance
18 Article.

19 Occurred: As a result of the revision of the Maryland Rules.

20 10-115.

21 (a) (1) Certificates of qualification expire at the end of every other June 30
22 unless renewed as provided in this section.

23 (2) If a certificate of qualification expires under paragraph (1) of this
24 subsection, the appointments held by the agent shall be terminated as of the day of
25 the expiration of the certificate of qualification.

26 (b) At least 1 month before a certificate of qualification expires, the
27 Commissioner shall mail to the holder of the certificate of qualification, at the last
28 known address of the holder:

29 (1) a renewal application form; and

30 (2) a notice that states:

1 (i) the date by which the Commissioner must receive the renewal
2 application for the renewal to be issued and mailed before the certificate of
3 qualification expires; and

4 (ii) the amount of the renewal fee.

5 (c) Before a certificate of qualification expires, the holder of the certificate of
6 qualification may renew it for an additional 2-year term, if the holder:

7 (1) otherwise is entitled to a certificate of qualification;

8 (2) files with the Commissioner a renewal application on the form that
9 the Commissioner provides;

10 (3) completes the continuing education requirements established under §
11 10-116 of this subtitle by June 15 immediately prior to the expiration of the
12 certificate of qualification; and

13 (4) pays to the Commissioner the renewal fee required by § 2-112 of this
14 article.

15 (d) An application for renewal of a certificate of qualification shall be
16 considered made in a timely manner if it is postmarked on or before June 30 of the
17 year of renewal.

18 (e) (1) The Commissioner shall renew the certificate of qualification of each
19 holder who meets the requirements of this section.

20 (2) If the holder of a certificate of qualification completes the continuing
21 education requirements established under § 10-116 of this subtitle and pays the
22 applicable renewal fee before the certificate of qualification expires, the certificate of
23 qualification remains in effect until the Commissioner renews the certificate of
24 qualification.

25 (F) (1) THE COMMISSIONER MAY NOT RENEW THE CERTIFICATE OF
26 QUALIFICATION OF AN AGENT IF, FOR 2 YEARS BEFORE THE DATE OF RENEWAL, THE
27 AGENT HAS NOT HAD ANY APPOINTMENTS FROM INSURERS DOING BUSINESS IN THE
28 STATE.

29 (2) IF THE CERTIFICATE OF QUALIFICATION OF AN AGENT IS NOT
30 RENEWED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER MAY
31 REQUIRE THE INDIVIDUAL TO PASS AN EXAMINATION TO DETERMINE THE
32 COMPETENCY OF THE INDIVIDUAL.

33 [(f)] (G) The Commissioner may adopt regulations to:

34 (1) carry out this section; and

35 (2) develop a staggered system of renewals for certificates of
36 qualification of agents and brokers.

1 DRAFTER'S NOTE:

2 Error: Erroneous deletion of language in revision of § 10-115 of the
3 Insurance Article.

4 Occurred: As a result of Ch. 656, § 1, Acts of 1997, and Ch. 36, Acts of
5 1995.

6 10-126.

7 (a) The Commissioner may deny a certificate of qualification to an applicant
8 under §§ 2-210 through 2-214 of this article, or suspend, revoke, or refuse to renew
9 or reinstate a certificate of qualification after notice and opportunity for hearing
10 under §§ 2-210 through 2-214 of this article if the applicant or holder of the
11 certificate of qualification:

12 (1) has willfully violated this article or another law of the State that
13 relates to insurance;

14 (2) has intentionally misrepresented or concealed a material fact in the
15 application for a certificate of qualification;

16 (3) has obtained or attempted to obtain a certificate of qualification by
17 misrepresentation, concealment, or other fraud;

18 (4) has misappropriated, converted, or unlawfully withheld money
19 belonging to an insurer, agent, broker, beneficiary, or insured;

20 (5) has willfully and materially misrepresented the provisions of a
21 policy;

22 (6) has committed fraudulent or dishonest practices in the insurance
23 business;

24 (7) has participated, with or without the knowledge of an insurer, in
25 selling motor vehicle insurance without an actual intent to sell the insurance, as
26 evidenced by a persistent pattern of filing certificates of insurance together with or
27 closely followed by cancellation notices for the insurance;

28 (8) has been convicted by final judgment in any state or federal court of
29 a crime involving moral turpitude;

30 (9) has knowingly participated in writing or issuing substantial
31 over-insurance of property insurance risks;

32 (10) has failed an examination required by this subtitle;

33 (11) has willfully failed to comply with or has willfully violated a proper
34 order or regulation of the Commissioner;

1 (12) has failed or refused to pay over on demand money that belongs to an
2 insurer, agent, broker, or other person entitled to the money;

3 (13) has otherwise shown a lack of trustworthiness or competence to act
4 as an agent or broker;

5 (14) is not or does not intend to carry on business in good faith and
6 represent to the public that the person is an agent or broker;

7 (15) has been denied a license or certificate in another state or has had a
8 license or certificate suspended or revoked in another state;

9 (16) has intentionally or willfully made or issued, or caused to be made or
10 issued, a statement that materially misrepresents or makes incomplete comparisons
11 about the terms or conditions of a policy or contract issued by an authorized insurer,
12 for the purpose of inducing or attempting to induce the owner of the policy or contract
13 to forfeit or surrender it or allow it to lapse in order to replace it with another;

14 (17) has transacted insurance business that was directed to the applicant
15 or holder for consideration by a person whose license or certificate to engage in the
16 insurance business at the time was suspended or revoked, and the applicant or holder
17 knew or should have known of the suspension or revocation;

18 (18) has solicited, procured, or negotiated insurance contracts for an
19 unauthorized insurer, including contracts for nonprofit health service plans, dental
20 plan organizations, and health maintenance organizations; [or]

21 (19) has knowingly employed or knowingly continued to employ an
22 individual acting in a fiduciary capacity who has been convicted of a felony or crime of
23 moral turpitude within the preceding 10 years; OR

24 (20) IF APPLYING FOR RENEWAL OF AN AGENT'S CERTIFICATE OF
25 QUALIFICATION, HAS NOT HELD AN APPOINTMENT WITH AN INSURER FOR MORE
26 THAN 2 YEARS BEFORE THE DATE OF RENEWAL.

27 DRAFTER'S NOTE:

28 Error: Erroneous deletion of language in revision of § 10-126(a) of the
29 Insurance Article.

30 Occurred: Ch. 36, Acts of 1995.

31 10-131.

32 A person that violates § 10-103(a) ["Agents -- In general"], (b) ["Same --
33 Appointment not required"], or (c) ["Brokers"], § 10-118(b) ["Application from
34 agent without appointment"], or § 10-130 ["Commission only to qualified agent or
35 broker"]] of this subtitle is guilty of a misdemeanor and on conviction is subject to a
36 fine not exceeding \$500 or imprisonment not exceeding 6 months or both for each
37 violation.

1 DRAFTER'S NOTE:

2 Error: Stylistic errors in § 10-131 of the Insurance Article.

3 Occurred: Ch. 36, Acts of 1995.

4 14-132.

5 (c) The Commissioner may not approve a plan or procedure for conversion
6 unless the plan or procedure:

7 (3) provides that none of the assets or surplus of the nonprofit health
8 service plan will inure directly or indirectly to an officer or director of the corporation;
9 [and]

10 (4) is approved by at least two-thirds of the corporation's certificate
11 holders who have voted on the plan or procedure in person, by proxy, or by mail under
12 the notice and procedure approved by the Commissioner; AND

13 DRAFTER'S NOTE:

14 Error: Misplaced conjunction in § 14-132(c)(3) and (4) of the Insurance
15 Article.

16 Occurred: Ch. 35, Acts of 1997.

17 14-138.

18 (a) Except as provided in subsection (b), (c), or (d) of this section, a nonprofit
19 health service plan or Blue Cross or Blue Shield plan may not disclose specific
20 medical information contained in a subscriber's or certificate holder's medical
21 records.

22 DRAFTER'S NOTE:

23 Error: Grammatical error in § 14-138(a) of the Insurance Article.

24 Occurred: Ch. 35, Acts of 1997. Correction by the Michie Company in the
25 1997 Volume of the Insurance Article is validated by this Act.

26 14-206.

27 (b) On request of the Commissioner, each insurer, employer, third party
28 administrator, or other entity that issues, delivers, administers, or offers a preferred
29 provider insurance policy in the State shall file with the Commissioner:

30 (1) a written summary description and a prototype copy of:

31 (iv) any amendments to the documents listed in items (i) through
32 (iii) of this [paragraph] ITEM; and

1 DRAFTER'S NOTE:

2 Error: Incorrect cross-reference in § 14-206(b)(1)(iv) of the Insurance
3 Article.

4 Occurred: Ch. 35, Acts of 1997.

5 15-824.

6 (b) This section applies to:

7 (3) a health insurance contract or policy THAT provides coverage for
8 drugs that is issued to a small employer under Subtitle 12 of this title.

9 DRAFTER'S NOTE:

10 Error: Omitted word in § 15-824(b)(3) of the Insurance Article.

11 Occurred: Ch. 232, Acts of 1997.

12 15-901.

13 (k) (2) "Medicare supplement policy" or "Medigap policy" does not include:

14 (i) a policy that is issued pursuant to a contract under § 1876 of the
15 federal Social Security Act, [42 U.S.C. § 1395 et seq.] 42 U.S.C. § 1395(MM); or

16 DRAFTER'S NOTE:

17 Error: Incorrect cross-reference in § 15-901(k)(2)(i) of the Insurance
18 Article.

19 Occurred: Ch. 35, Acts of 1997.

20 15-919.

21 (d) (3) A carrier or agent of a carrier need not provide the statement
22 required under paragraph (1) of this subsection for:

23 (i) a policy or certificate that is issued in accordance with a
24 contract under § 1876 of the federal Social Security Act, [42 U.S.C. § 1395 et seq.] 42
25 U.S.C. § 1395(MM);

26 DRAFTER'S NOTE:

27 Error: Incorrect cross-reference in § 15-919(d)(3)(i) of the Insurance
28 Article.

29 Occurred: Ch. 35, Acts of 1997.

1 20-101.

2 (c) (1) "Association member" means an insurer that is licensed to write
3 motor vehicle liability insurance or MOTOR VEHICLE physical damage insurance in
4 the State.

5 DRAFTER'S NOTE:

6 Error: Incorrect use of defined term in § 20-101(c)(1) of the Insurance
7 Article.

8 Occurred: As a result of Ch. 57, Acts of 1997.

9 27-401.

10 (a) In this subtitle, "claim" means a demand for payment or benefit under a
11 policy or contract by an insured, third party, or representative of the insured or third
12 party.

13 (b) "Claim" includes a demand for payment or benefit made against:

14 (1) the State under Title 12 of the State Government Article, Title 8,
15 Subtitle 1 of the State Personnel and Pensions Article, or Title 9 of the Labor and
16 Employment Article; or

17 (2) the Mass Transit Administration when acting as a self-insurer under
18 § 7-703 of the Transportation Article.

19 DRAFTER'S NOTE:

20 Error: Stylistic errors in § 27-401 of the Insurance Article.

21 Occurred: Ch. 35, Acts of 1997. Correction by the Michie Company in the
22 1997 Volume of the Insurance Article is validated by this Act.

23 27-606.

24 (c) The policy described in subsection (a) or (b) of this section may be endorsed
25 to exclude specifically all coverage for any of the following when the named excluded
26 driver is operating a motor vehicle covered under the policy whether or not that
27 operation or use was with the express or implied permission of an individual insured
28 under the policy:

29 (4) any other individual, except for the coverage required by [§§ 16-506
30 and 16-510] §§ 19-506 AND 19-510 of this article if that coverage is not available
31 under another automobile policy.

32 DRAFTER'S NOTE:

33 Error: Incorrect cross-references in § 27-606(c)(4) of the Insurance
34 Article.

1 Occurred: Ch. 35, Acts of 1997.

2 **Article - Labor and Employment**

3 4-602.

4 (b) An appeal under subsection (a) of this section shall be taken in accordance
5 with [§§] MARYLAND RULES 7-201 through 7-210 [of the Maryland Rules].

6 DRAFTER'S NOTE:

7 Error: Obsolete reference in § 4-602(b) of the Labor and Employment
8 Article.

9 Occurred: As a result of the revision of the Maryland Rules.

10 8-303.

11 (e) The Secretary shall employ a staff for the Office of Employment [Service]
12 SERVICES in accordance with § 8-304 of this subtitle and regulations adopted by the
13 Director of the United States Employment Services.

14 (h) Money in the Unemployment Insurance Administration Fund that the
15 State receives under the Wagner-Peyser Act is available to the Office of Employment
16 [Service] SERVICES for use under this section in accordance with that Act.

17 DRAFTER'S NOTE:

18 Error: Incorrect word usage in § 8-303(e) and (h) of the Labor and
19 Employment Article.

20 Occurred: Ch. 8, Acts of 1991.

21 8-607.

22 (b) (1) Subject to paragraph (2) of this subsection, the taxable wage base is
23 the first \$8,500 in wages that:

24 (ii) an employing unit or predecessor employer, or combination of
25 both, pays to each employee for covered employment during a calendar year, provided
26 that payrolls and benefit charges of the predecessor employing unit are transferred to
27 its successor employing unit in accordance with § 8-613(c)[(2)] of this subtitle; or

28 DRAFTER'S NOTE:

29 Error: Erroneous cross-reference in § 8-607(b)(1)(ii) of the Labor and
30 Employment Article.

31 Occurred: Ch. 611, Acts of 1996.

1 8-1101.

2 (c) (2) "Extended benefits" includes benefits payable to a federal civilian
3 employee or former servicemember under 5 U.S.C. [Chapter 85] § 8501 ET SEQ. under
4 this subtitle for weeks of unemployment in the eligibility period of the employee or
5 former servicemember.

6 (d) (1) "Regular benefits" means:

7 (ii) benefits payable to a federal civilian employee or a former
8 servicemember under 5 U.S.C. [Chapter 85] § 8501 ET SEQ.

9 DRAFTER'S NOTE:

10 Error: Erroneous cross-reference in § 8-1101(c)(2) and (d)(1)(ii) of the
11 Labor and Employment Article.

12 Occurred: Ch. 8, Acts of 1991; Ch. 5, Acts of 1993.

13 8-1104.

14 (c) (1) An individual has exhausted the regular benefits for a week of
15 unemployment during the individual's eligibility period if:

16 (i) before that week, the individual has received all regular
17 benefits and allowances for dependents and benefits payable to federal civilian
18 employees and former servicemembers under 5 U.S.C.[, Chapter 85,] § 8501 ET SEQ.
19 that were available to the individual under this title or the unemployment insurance
20 law of another state that has been approved by the United States Secretary of Labor
21 under 26 U.S.C. § 3304; or

22 DRAFTER'S NOTE:

23 Error: Erroneous cross-reference in § 8-1104(c)(1)(i) of the Labor and
24 Employment Article.

25 Occurred: Ch. 8, Acts of 1991.

26 9-104.

27 (d) (5) This subsection does not allow an agreement that:

28 (iv) affects claims made under Subtitle 8 or SUBTITLE 10 of this
29 title or claims made under Title 10, Subtitle 2 of this article.

30 DRAFTER'S NOTE:

31 Error: Omitted word in § 9-104(d)(5)(iv) of the Labor and Employment
32 Article.

33 Occurred: Ch. 591, Acts of 1997. Correction by the Michie Company in

1 the 1997 Supplement of the Labor and Employment Article is ratified by
2 this Act.

3 9-739.

4 (a) A certified copy of the record of the proceedings of the Commission,
5 including any transcript of testimony, a statement of facts in place of the record, or
6 stipulations shall be filed with the circuit court in accordance with [Subtitle B] TITLE
7 7 of the Maryland Rules.

8 DRAFTER'S NOTE:

9 Error: Obsolete cross-reference in § 9-739(a) of the Labor and
10 Employment Article.

11 Occurred: As a result of the revision of the Maryland Rules.

12 11-504.

13 (a) A job training partnership program is established to implement the federal
14 [act] ACT.

15 (b) This program shall provide employment, training, supportive and related
16 services for unemployed individuals who are economically disadvantaged, for
17 dislocated workers, and for those who are not economically disadvantaged, but who
18 qualify under § 203(a)(2) of the federal [act] ACT as having barriers to employment,
19 including, but not limited to, displaced homemakers, school dropouts, teenage
20 parents, handicapped individuals, older workers, and veterans.

21 DRAFTER'S NOTE:

22 Error: Capitalization errors in § 11-504(a) and (b) of the Labor and
23 Employment Article.

24 Occurred: Ch. 120, Acts of 1995.

25 11-505.

26 (a) The State council is established and shall have the membership as
27 provided in § 702 of the federal [act] ACT.

28 (c) The State council shall be funded as provided in § 703 of the federal [act]
29 ACT and shall have personnel and appropriations as are provided in the State budget.

30 (d) The State council shall perform the duties of a single State human
31 resource investment council as provided in Article VII of the federal [act] ACT with
32 respect to:

33 (1) the programs described in:

34 (i) the federal [act] ACT;

1 DRAFTER'S NOTE:

2 Error: Capitalization errors in § 11-505(a), (c), and (d)(1)(i) of the Labor
3 and Employment Article.

4 Occurred: Ch. 120, Acts of 1995.

5 **Article - Natural Resources**

6 1-210.

7 (a) (1) When, in the opinion of the legally constituted authorities of
8 Maryland, there has occurred on the waters of Maryland a violation of this article, or
9 when, in the opinion of the legally constituted authorities of Virginia, there has
10 occurred on the waters of Virginia a violation of the laws of Virginia enforceable under
11 [§ 28.1-185 or § 28.1-185.1] § 28.2-900, Code of Virginia, the legally constituted
12 authorities of the state in which the offense was committed may pursue the offender
13 up to and across the Maryland-Virginia Boundary into the state in which the offender
14 flees.

15 DRAFTER'S NOTE:

16 Error: Erroneous cross-reference in § 1-210(a)(1) of the Natural
17 Resources Article.

18 Occurred: As a result of Ch. 836, Virginia Acts of 1992.

19 1-507.

20 (b) The Maryland Rules [of Procedure] apply to all actions brought under this
21 subtitle except where the provisions of this subtitle specifically describe other
22 procedures.

23 DRAFTER'S NOTE:

24 Error: Obsolete reference in § 1-507(b) of the Natural Resources Article.

25 Occurred: As a result of the revision of the Maryland Rules.

26 3-605.

27 (c) In the preliminary determination of the State's decision, the Governor
28 shall consider factors, including:

29 (5) The findings of any statement prepared under § 14-506 of the
30 Environment Article, and the status of any permit action under [Title 6, Subtitle 5 of
31 this article] TITLE 14, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE;

32 DRAFTER'S NOTE:

33 Error: Erroneous cross-reference in § 3-605(c)(5) of the Natural

1 Resources Article.

2 Occurred: Ch. 488, Acts of 1995.

3 3-921.

4 All purchases, including but not limited to contracts and orders for materials,
5 services and supplies performed or furnished in connection with the construction of
6 any project owned by the Authority, shall be awarded in accordance with rules and
7 regulations adopted pursuant to the Administrative Procedure Act, which rules and
8 regulations shall provide, with respect to contracts and orders involving the
9 expenditure of more than \$10,000 for award by resolution of the Authority after either
10 competitive bidding or public design competition, and which rules and regulations
11 need not be approved by any other board, agency or department of the State. The
12 Authority's rules and regulations providing for competitive bidding or public design
13 competition may include competitive sealed bidding, competitive negotiation, and
14 revised bids after competitive sealed bidding where all bids are rejected as methods
15 for source selection and contract formation. [These methods are enumerated in §
16 13-201 of the] THE State Finance and Procurement Article[, which article] does not
17 apply to the Authority.

18 DRAFTER'S NOTE:

19 Error: Obsolete cross-reference in § 3-921 of the Natural Resources
20 Article.

21 Occurred: As a result of Ch. 840, Acts of 1986.

22 3-9A-01.

23 (f) The county may award or negotiate contracts which it deems to be in its
24 best interest in the manner provided with respect to State competitive [negotiations]
25 SEALED PROPOSALS under [§ 13-203] § 13-104 of the State Finance and Procurement
26 Article.

27 DRAFTER'S NOTE:

28 Error: Obsolete terminology and erroneous cross-reference in §
29 3-9A-01(f) of the Natural Resources Article.

30 Occurred: As a result of Ch. 840, Acts of 1986.

31 4-728.

32 (b) A person may not set any pound net or stake net in the headwaters of the
33 Chesapeake Bay, except those areas within 2,400 feet from the natural shoreline in
34 Cecil County, the bay shore of Kent County up to [Howell's] HOWELL Point, and
35 those areas within 2,400 feet from the shore on the west side of the bay from Pooles
36 Island north to one-half mile north of Spesutie Island. For the purpose of this

1 subsection the headwaters of the Chesapeake Bay are defined as the waters
2 embraced in the area marked by the following line:

3 Beginning at Concord Point and running in a northeasterly direction, crossing
4 Susquehanna River to Stump Point, then to Carpenter's Point, then to Turkey Point,
5 then to Grove Point, all in Cecil County, then to [Howell's] HOWELL Point, Kent
6 County, continuing in a straight line from [Howell's] HOWELL Point in a
7 southwesterly direction across the bay to Abbey Point, the northernmost point at the
8 entrance of Bush River, then northerly by a line following the bay shore of Harford
9 County to Mulberry Point, then to Bear Point, Sandy Point, and to Locust Point on
10 Spesutie Island, then to the southernmost point at the entrance of Swan Creek, and
11 then crossing Swan Creek and continuing in a northerly direction following the bay
12 shore to Concord Point, the place of beginning.

13 DRAFTER'S NOTE:

14 Error: Obsolete name in § 4-728(b) of the Natural Resources Article.

15 Occurred: Ch. 4, Acts of First Special Session of 1973.

16 4-735.

17 (e) The Department is authorized to supervise, regulate, and control the
18 harvest of black bass in the tidal waters of the State[; and].

19 (f) [Shall] THE DEPARTMENT SHALL adopt regulations concerning the
20 fishing for black bass by area, gear, season, size, and catch limits.

21 DRAFTER'S NOTE:

22 Error: Incorrect tabulation in § 4-735(e) and (f) of the Natural Resources
23 Article.

24 Occurred: Ch. 303, Acts of 1997.

25 4-1203.

26 If any Natural Resources police officer or any law enforcement officer has
27 probable cause to believe that any person possesses any fish or any device in violation
28 of this title, the officer shall go before any District Court judge of the county in which
29 the fish or device is supposed to be and make affidavit to that fact. If the judge finds
30 the affidavit legally sufficient, [he] THE JUDGE shall issue a search warrant against
31 the person complained of, directed to the officer making the affidavit, commanding
32 [him] THE OFFICER to proceed at once and search for the fish or device and, upon
33 finding it, to seize, take possession, and keep it until further order by the judge. The
34 warrant shall be executed pursuant to Rule 4-601 of the Maryland Rules [of
35 Procedure]. The warrant shall be returned within [five] 5 days from the issuing date
36 or within a shorter period of time as set forth in the search warrant.

37 DRAFTER'S NOTE:

1 Error: Stylistic errors and an obsolete reference in § 4-1203 of the
2 Natural Resources Article.

3 Occurred: Ch. 11, Acts of 1987; as a result of the revision of the Maryland
4 Rules.

5 5-208.

6 (b) After a [petition] COMPLAINT for condemnation has been filed in
7 accordance with MARYLAND Rule [U6 of the Maryland Rules of Procedure] 12-205,
8 and upon payment into the court of an amount equal to the higher of two appraisals,
9 the court, at the request of the Department, may, following a prompt hearing, issue an
10 injunction prohibiting any physical change or improvement to the property which
11 would adversely affect the public purpose for which the Department is seeking to
12 condemn the property. However, if the [petition] COMPLAINT for condemnation and
13 payment into the court is accompanied or followed by an affidavit or affidavits from
14 the Department alleging a reasonable belief that the property owner intends to cause
15 imminent and irreparable physical change to the property, the court may issue an ex
16 parte injunction prohibiting any physical change or improvement to the property
17 until a prompt hearing can be held, after which hearing the terms of the ex parte
18 injunction may be continued or modified as justice may require until the
19 condemnation proceedings are concluded. The court may, as a part of the hearing,
20 release all or part of the funds to prevent economic injury to the landowner.

21 DRAFTER'S NOTE:

22 Error: Obsolete terminology and erroneous cross-reference in § 5-208(b)
23 of the Natural Resources Article.

24 Occurred: Ch. 513, Acts of 1980; as a result of the revision of the
25 Maryland Rules.

26 5-903.

27 (c) (1) A committee, appointed by the Governor, shall prepare and adopt an
28 apportionment formula relating to the percent of the total funds each subdivision will
29 receive. The committee consists of two members of the Senate, three members of the
30 House of Delegates, and four members of the public at large.

31 (2) The Director of the Maryland Office of Planning and the Secretary
32 shall serve as advisers to the committee.

33 (3) The committee shall meet at least annually to review and update the
34 apportionment formula. In determining the allocation formula, the committee shall
35 take into account for each [subdivision (1) current] SUBDIVISION:

36 (I) CURRENT population[, (2) projected];

37 (II) PROJECTED population[, and (3) other]; AND

1 (III) OTHER factors it deems desirable.

2 (4) In determining the apportionment for any year the committee may
3 consider under-utilization of available funds and may transfer or advance unused
4 allocations that have not been utilized within a given period. The committee may
5 reallocate funds, subject however to the policy that over the [ten-year] 10-YEAR
6 period any subdivision shall be allocated in the aggregate the funds it would have
7 been entitled to receive if able to utilize them.

8 (5) Before adopting an apportionment formula and before allocating
9 funds for any year, the committee shall notify the governing bodies of every affected
10 subdivision of its intended action and, after reasonable notice, afford an opportunity
11 for hearings on the apportionment or allocation.

12 DRAFTER'S NOTE:

13 Error: Incorrect tabulation and stylistic error in § 5-903(c) of the Natural
14 Resources Article.

15 Occurred: Ch. 4, Acts of First Special Session of 1973 and Ch. 6, Acts of
16 1988.

17 5-905.

18 (a) (5) (i) In accordance with the Department's regulations, upon receipt
19 of evidence from the local governing body of a county or municipal corporation that
20 funds have been spent on a project that is approved in the grant agreement, the
21 Department shall cause the requested amount of funds from the local governing
22 body's allocation to be reimbursed to the local governing body.

23 (ii) [1.] Any municipal corporation may submit evidence of
24 expenditures for approved projects through its local governing body to the
25 Department.

26 [2. For any municipal corporation that is located in more than
27 one county within the Maryland-Washington Regional District, the local governing
28 body referred to in this section means only the Maryland-National Capital Park and
29 Planning Commission. Notwithstanding this requirement, § 5-911 of this subtitle
30 controls in the case of a local project that is located in a municipal corporation that is
31 located in more than one county within the Maryland-Washington Regional District.]

32 DRAFTER'S NOTE:

33 Error: Obsolete language in § 5-905(a)(5)(ii) of the Natural Resources
34 Article, as a result of the unification of Takoma Park in Montgomery
35 County.

36 Occurred: As the result of Ch. 93, Acts of 1997.

1 5-1203.

2 (p) (1) Pursuant to the provisions of subsection (a) of this section that
3 property in St. Mary's County containing approximately 1,445 acres and described as
4 follows is a Type 2 State wildland and shall be named the "St. Mary's River Wildland":
5 Beginning for the same at a cedar stob and axle, said point being at the end of the
6 50th line of a tract of land which by deed dated July 29, 1968 and recorded in Liber
7 143, Folio 257 in the land records of St. Mary's County was conveyed by Hall
8 Properties Inc. to the State of Maryland, Department of Forest and Parks, said tract
9 of land was surveyed by John D. Emler and Associates in August of 1971, north 67
10 degrees 06 minutes 19 seconds east 215.71 feet to a cedar stob, then running north 80
11 degrees 26 minutes 56 seconds east 437.37 feet to a cedar stob, then running north 50
12 degrees 42 minutes 07 seconds east 441.07 feet to a point, then running north 62
13 degrees 15 minutes 32 seconds east 172.44 feet to a point, then running south 80
14 degrees 04 minutes 28 seconds east 94.30 feet to a point, then running north 86
15 degrees 35 minutes 32 seconds east 123.94 feet to a point, then running north 71
16 degrees 09 minutes 32 seconds east 171.04 feet to a cedar stob, then running north 55
17 degrees 03 minutes 44 seconds east 193.03 feet to a point, then running north 16
18 degrees 57 minutes 13 seconds east 130.61 feet to a point, then running north 23
19 degrees 24 minutes 13 seconds east 86.58 feet to a point, then running north 50
20 degrees 33 minutes 13 seconds east 75.09 feet to a point, then running north 85
21 degrees 47 minutes 13 seconds east 386.84 feet to a cedar stob, then running north 74
22 degrees 37 minutes 13 seconds east 163.27 feet to a cedar stob, then running north 78
23 degrees 25 minutes 22 seconds east 50.43 feet to the southern edge of the Southern
24 Maryland Electric Coop., Inc. right-of-way (Liber 77, Folio 403) and running with the
25 southern side of said right-of-way south 77 degrees 34 minutes 06 seconds east
26 2,405.56 feet to a point in the west line of lot 6 of the Woodrow W. Hall subdivision
27 number one as per plat thereof recorded in plat Liber CBG no. 5, Folio 103 of the land
28 records of St. Mary's County, and running with the remaining line of lot 6 and with
29 lots 7 through 10 the following two courses: south 08 degrees 23 minutes 10 seconds
30 west 472.00 feet to a point, then running south 12 degrees 18 minutes 10 seconds
31 west 510.07 feet to a point, then running with the southerly line of lot 10 south 78
32 degrees 41 minutes 50 seconds east 276.77 feet to a point, then running south 78
33 degrees 41 minutes 50 seconds east 80.00 feet to a point, then running north 11
34 degrees 18 minutes 10 seconds east 150.00 feet to a point in the southeast corner of lot
35 11a as shown on the plat of the Woodrow W. Hall subdivision number one, revision of
36 lots 11 thru 17, said plat recorded in the land records of St. Mary's County in Liber
37 DBK 7, Folio 55, and then running south 78 degrees 41 minutes 50 seconds east
38 151.88 to a point on the eastern edge of the Southern Maryland Electric Coop., Inc.
39 right-of-way (Liber 124, Folio 304) and then running with the eastern side of said
40 right-of-way south 15 degrees 05 minutes 26 seconds west 2,986.32 feet to a point
41 said point intersecting the 23rd line of a tract of land which by deed dated July 7,
42 1976 and recorded in the land records of St. Mary's County in Liber 255, Folio 156
43 was conveyed by Joseph B. Norris to the State of Maryland for the use of the
44 Department of Natural Resources, said tract of land was surveyed by John D. Emler
45 and Associates in August of 1971 and running with the remainder of the 23rd and
46 with the 22nd through the 18th lines the following courses and distances: south 34
47 degrees 01 minutes 38 seconds east 161.93 feet to a point, then running south 24
48 degrees 01 minutes 38 seconds east 181.88 feet to a point, then running south 32

1 degrees 01 minutes 38 seconds east 401.87 feet to a point, then running south 25
2 degrees 01 minutes 38 seconds east 195.73 feet to a point, then running south 25
3 degrees 01 minutes 38 seconds east 366.66 feet to a point, then running south 40
4 degrees 46 minutes 38 seconds east 180.86 feet to a point, then running south 41
5 degrees 30 minutes 00 seconds east 2,010.00 feet more or less, to a point, then
6 running south 60 degrees 45 minutes 00 seconds east 1,480.00 feet more or less, to a
7 cedar post at the edge of a stream (Md State coordinate north 157897.609, east
8 942613.086), said point being the end of the 4th line of a tract of land which by deed
9 dated December 14, 1974 and recorded in Liber 222, Folio 255 of the land records of
10 St. Mary's County, was conveyed by Eleanor G. Bruff and Florence G. Wilhide,
11 trustees, to the State of Maryland for the use of the Department of Natural
12 Resources, and running then with the 5th and 6th lines of said conveyance, south 77
13 degrees 29 minutes 51 seconds east 258.44 feet, then running south 10 degrees 00
14 minutes 18 seconds west 2,012.08 feet to a stone and hickory tree (Md State plane
15 coordinate north 155960.175, east 942515.830), said stone being the end of the 32nd
16 line of a tract of land which by deed dated June 1, 1973 and recorded in Liber 192,
17 Folio 42 of the land records of St. Mary's County was conveyed by Molland
18 Enterprises, Inc. to the State of Maryland to the use of the Department of Natural
19 Resources, and running then with the 33rd line of said conveyance south 33 degrees
20 29 minutes 24 seconds east 734.08 feet to an iron pipe and cedar stob at a small creek,
21 said pipe and stob being the beginning of a tract of land which by deed dated July 10,
22 1983 and recorded in Liber 153, Folio 21 in the land records of St. Mary's County was
23 conveyed by John A. and Rose B. Cecil to the State of Maryland for the use of the
24 Department of Natural Resources, and running with the 1st and 2nd lines of said
25 conveyance south 05 degrees 50 minutes 09 seconds west 561.00 feet to a fence tree,
26 then running south 06 degrees 47 minutes 50 seconds east 1,108.55 feet to a fence
27 post (Md State plane coordinate north 153689.053, east 942995.082), said post being
28 the beginning of the 29th line of a tract of land which by deed dated November 5, 1971
29 and recorded in Liber 172, Folio 399 of the land records of St. Mary's County was
30 conveyed by Leonard and Gladys Demant to the State of Maryland for the use of the
31 Department of Forest and Parks and running then with the 29th through the 51st
32 line of said conveyance as follows: south 05 degrees 42 minutes 59 seconds east 290.46
33 feet to a fence post, then running south 04 degrees 38 minutes 32 seconds east 285.22
34 feet to a fence corner, then running south 03 degrees 30 minutes 17 seconds east
35 326.88 feet to a fence corner, then running south 01 degrees 35 minutes 53 seconds
36 east 649.91 feet to a fence corner, then running to and with a center line of an
37 abandoned county road north 33 degrees 28 minutes 51 seconds west 43.40 feet to a
38 point, then running north 64 degrees 33 minutes 29 seconds west 96.92 feet to a point,
39 then running north 59 degrees 30 minutes 44 seconds west 133.00 feet to a point, then
40 running north 64 degrees 19 minutes 38 seconds west 129.54 feet to a point, then
41 running north 73 degrees 40 minutes 03 seconds west 90.19 feet to a point, then
42 running north 75 degrees 47 minutes 19 seconds west 109.92 feet to a point, then
43 running north 87 degrees 58 minutes 30 seconds west 94.59 feet to a point, then
44 running south 89 degrees 22 minutes 22 seconds west 97.02 feet to a point, then
45 running south 86 degrees 32 minutes 19 seconds west 95.04 feet to a point, then
46 running south 86 degrees 34 minutes 31 seconds west 95.02 feet to a point, then
47 running south 83 degrees 45 minutes 25 seconds west 98.16 feet to a point, then
48 running south 79 degrees 13 minutes 55 seconds west 250.73 feet to a point, then

1 running to and with the north line of said abandoned county road, north 20 degrees
 2 52 minutes 30 seconds west 9.49 feet to a point, then running south 89 degrees 37
 3 minutes 30 seconds west 57.00 feet to a point, then running south 83 degrees 22
 4 minutes 58 seconds west 102.94 feet to a cedar stob, then running north 75 degrees 22
 5 minutes 07 seconds west 112.29 feet to a cedar stob, then running north 64 degrees 35
 6 minutes 50 seconds west 111.58 feet to a point, then running north 70 degrees 52
 7 minutes 30 seconds west 94.00 feet to an iron axle on the northerly bank of a run,
 8 then running north 69 degrees 50 minutes 36 seconds west 237.12 to a point, then
 9 running with the northeast side of Indian Bridge Road in a northwesterly direction
 10 7,650.00 feet more or less, to a point, then leaving said road and running, east 950.00
 11 feet, then running north 1,000.00 feet, then running west 400.00 feet, then running
 12 south 34 degrees 00 minutes 00 seconds west 1,050.00 feet to the northeast side of
 13 Indian Bridge Road, then running with the northeast side of Indian Bridge Road in a
 14 northwesterly direction 3,450.00 feet to a point on the northeast side of said road, (Md
 15 State plane coordinates north 160260.563, east 933839.815), said point also being the
 16 beginning of a tract of land which by deed dated July 15, 1971 and recorded in Liber
 17 169, Folio 342 of the land records of St. Mary's County was conveyed by Fairway, Inc.
 18 to the State of Maryland, for the use of the Department of Forest and Parks, and
 19 running then with the 1st line of said conveyance as described on a plat of survey by
 20 John D. Emler and Associates dated July, 1971, north 62 degrees 08 minutes 45
 21 seconds east 713.24 feet to an iron pipe, then running north 18 degrees 00 minutes 00
 22 seconds east 1,885.00 feet more or less, to a point, said point being at the end of the
 23 36th line of a tract of land as described in aforesaid conveyance from Hall Properties
 24 Inc. (Liber 143, Folio 257), then running north 2,385.00 feet more or less, to the point
 25 of beginning.

26 DRAFTER'S NOTE:

27 Error: Extraneous comma in § 5-1203(p)(1) of the Natural Resources
 28 Article.

29 Occurred: Ch. 350, Acts of 1996. Correction by the Michie Company in
 30 the 1997 Supplement of the Natural Resources Article is validated by this
 31 Act.

32 8-716.2.

33 (e) (2) Any person dissatisfied with the final decision of the Department
 34 upon application for revision of any assessment may obtain immediate judicial review
 35 of the decision under the provisions of the Administrative Procedure Act and the
 36 Maryland Rules [of Procedure].

37 DRAFTER'S NOTE:

38 Error: Obsolete reference in § 8-716.2(e)(2) of the Natural Resources
 39 Article.

40 Occurred: As a result of the revision of the Maryland Rules.

1 8-1817.

2 (a) By January 1, 1994, the Chesapeake Bay Critical Area Commission shall
3 adopt criteria that [assures] ASSURE the protection of land and water resources in
4 the Critical Area and that shall apply throughout the Chesapeake Bay Critical Area
5 for:

6 (1) Production of oil or natural gas on lands or waters leased by the
7 State; and

8 (2) Exploration or production of oil or natural gas on any lands in the
9 Critical Area.

10 DRAFTER'S NOTE:

11 Error: Grammatical error in § 8-1817(a) of the Natural Resources
12 Article.

13 Occurred: Ch. 777, Acts of 1988.

14 **Article - Real Property**

15 3-105.

16 (d) (5) When the holder of a mortgage or deed of trust note or other
17 obligation secured by the deed of trust has agreed to release certain property from the
18 lien of the mortgage or deed of trust and the holder or the agent of the holder of the
19 mortgage or deed of trust note or other obligation secured by the deed of trust, or the
20 trustee or successor trustee under the deed of trust executes and acknowledges a
21 certificate of partial satisfaction or partial release substantially in the form specified
22 under § 4-203(e) of this article, containing the name of the debtor, holder, the
23 authorized agent of the holder, or the trustee or successor trustee under the deed of
24 [trust] TRUST, the date, the land record recording reference of the instrument to be
25 partially released, and a description of the real property being released, it may be
26 received by the clerk and indexed and recorded as any other instrument in the nature
27 of a partial release. The certificate of partial satisfaction or partial release shall have
28 the same effect as a partial release executed by the holder of a mortgage, the holder of
29 the debt secured by a deed of trust, or the named trustee under a deed of trust.

30 DRAFTER'S NOTE:

31 Error: Omitted comma in § 3-105(d)(5) of the Real Property Article.

32 Occurred: Ch. 633, Acts of 1997.

33 7-105.

34 (c) (2) The person authorized to make a sale in an action to foreclose a
35 mortgage or deed of trust shall give written notice of any proposed foreclosure sale to
36 the holder of any subordinate mortgage, deed of trust, or other subordinate interest,

1 including a judgment, in accordance with subsection (b) of this section and the
2 requirements of [the Maryland Rules applicable to the giving of notice to the record
3 owner of the property to be sold] MARYLAND RULE 14-206.

4 DRAFTER'S NOTE:

5 Error: Obsolete cross-reference in § 7-105(c)(2) of the Real Property
6 Article.

7 Occurred: As a result of the revision of the Maryland Rules.

8 8-208.1.

9 (a) No landlord shall evict a tenant of any residential property or arbitrarily
10 increase the rent or decrease the services to which the tenant has been entitled for
11 any of the following reasons:

12 (1) Solely because the tenant or his agent has filed a written complaint,
13 or complaints, with the landlord or with any public agency or agencies against the
14 landlord; [or]

15 DRAFTER'S NOTE:

16 Error: Extraneous word in § 8-208.1(a)(1) of the Real Property Article.

17 Occurred: Ch. 645, Acts of 1974.

18 8-211.

19 (e) This section provides a remedy and imposes an obligation upon landlords
20 to repair and eliminate conditions and defects which constitute, or if not promptly
21 corrected will constitute, a fire hazard or a serious and substantial threat to the life,
22 health or safety of occupants, including, but not limited to:

23 (1) Lack of heat, [of] light, electricity, or [of] hot or cold running water,
24 except where the tenant is responsible for the payment of the utilities and the lack
25 thereof is the direct result of the tenant's failure to pay the charges; [or]

26 (2) Lack of adequate sewage disposal facilities; [or]

27 (3) Infestation of rodents in two or more dwelling units; [or]

28 (4) The existence of any structural defect which presents a serious and
29 substantial threat to the physical safety of the occupants; or

30 (5) The existence of any condition which presents a health or fire hazard
31 to the dwelling unit.

32 (f) This section does not provide a remedy for the landlord's failure to repair
33 and eliminate minor defects or, in those locations governed by such codes, housing
34 code violations of a nondangerous nature. There is a rebuttable presumption that the

1 following conditions, when they do not present a serious and substantial threat to the
2 life, health and safety of the occupants, are not covered by this section:

3 (1) Any defect which merely reduces the aesthetic value of the leased
4 premises, such as the lack of fresh paint, rugs, carpets, paneling or other decorative
5 amenities; [or]

6 (2) Small cracks in the walls, floors or ceilings; [or]

7 (3) The absence of linoleum or tile upon the floors, provided that they are
8 otherwise safe and structurally sound; or

9 (4) The absence of air conditioning.

10 (n) After rent escrow has been established, the court:

11 (1) Shall, after a hearing, if so ordered by the court or one is requested by
12 the landlord, order that the moneys in the escrow account be disbursed to the
13 landlord after the necessary repairs have been made; [or]

14 (2) May, after an appropriate hearing, order that some or all moneys in
15 the escrow account be paid to the landlord or his agent, the tenant or his agent, or any
16 other appropriate person or agency for the purpose of making the necessary repairs of
17 the dangerous conditions or defects; [or]

18 (3) May, after a hearing if one is requested by the landlord, appoint a
19 special administrator who shall cause the repairs to be made, and who shall apply to
20 the court to pay for them out of the moneys in the escrow account; [or]

21 (4) May, after an appropriate hearing, order that some or all moneys in
22 the escrow account be disbursed to pay any mortgage or deed of trust on the property
23 in order to stay a foreclosure; [or]

24 (5) May, after a hearing, if one is requested by the tenant, order, if no
25 repairs are made or if no good faith effort to repair is made within six months of the
26 initial decision to place money in the escrow account, that the moneys in the escrow
27 account be disbursed to the tenant. Such an order will not discharge the right on the
28 part of the tenant to pay rent into court and an appeal will stay the forfeiture; or

29 (6) May, after an appropriate hearing, order that the moneys in the
30 escrow account be disbursed to the landlord if the tenant does not regularly pay, into
31 that account, the rent owed.

32 DRAFTER'S NOTE:

33 Error: Extraneous words in § 8-211(e), (f), and (n) of the Real Property
34 Article.

35 Occurred: Ch. 414, Acts of 1975.

1 11-109.

2 (c) (8) At meetings of the council of unit owners each unit owner shall be
3 entitled to cast the number of votes appurtenant to his unit. Unit owners may vote by
4 proxy, but[,] the proxy is effective only for a maximum period of 180 days following
5 its issuance, unless granted to a lessee or mortgagee.

6 DRAFTER'S NOTE:

7 Error: Extraneous comma in § 11-109(c)(8) of the Real Property Article.

8 Occurred: Ch. 641, Acts of 1974.

9 11-118.

10 (b) Any mechanics' or materialmen's lien arising as a result of repairs to or
11 improvements of the common elements, if authorized in writing by the council of unit
12 owners, shall be paid by the council as a common expense and until paid shall be a
13 lien against each unit in proportion to its percentage interest in the common
14 elements. On payment of the proportionate amount by any unit owner to the lienor or
15 on the filing of a written undertaking in the manner specified by MARYLAND Rule
16 [BG76 of the Maryland Rules] 12-307, the unit owner is entitled to a recordable
17 release of his unit from the lien and the council of unit owners is not entitled to assess
18 his unit for payment of the remaining amount due for the repairs or improvements.

19 DRAFTER'S NOTE:

20 Error: Obsolete cross-reference in § 11-118(b) of the Real Property
21 Article.

22 Occurred: As a result of the revision of the Maryland Rules.

23 11-126.

24 (a) A contract for the initial sale of a unit to a member of the public is not
25 enforceable by the vendor unless:

26 (2) The contract of sale contains, in conspicuous type, a notice of:

27 (i) The purchaser's right to receive a public offering statement and
28 his [recision] RESCISSION rights under this section; and

29 DRAFTER'S NOTE:

30 Error: Incorrect word usage in § 11-126(a)(2)(i) of the Real Property
31 Article.

32 Occurred: Ch. 246, Acts of 1981.

1 11-135.

2 (f) Any purchaser may at any time within 7 days following receipt of all of the
3 information required under subsection (a) or (b) of this section, whichever is
4 applicable, rescind in writing the contract of sale without stating any reason and
5 without any liability on his part. The purchaser, upon [recision] RESCISSION, is
6 entitled to the return of any deposits made on account of the contract.

7 DRAFTER'S NOTE:

8 Error: Incorrect word usage in § 11-135(f) of the Real Property Article.

9 Occurred: Ch. 836, Acts of 1982.

10 11-137.

11 (a) In this section the following words have the meanings indicated:

12 (2) "Designated household" means any of the following households:

13 (i) A household which includes a senior citizen WHO HAS BEEN A
14 MEMBER OF THE HOUSEHOLD FOR A PERIOD OF AT LEAST 12 MONTHS PRECEDING
15 THE GIVING OF THE NOTICE REQUIRED BY § 11-102.1 OF THIS TITLE; or

16 (ii) A household which includes a handicapped citizen[; provided
17 that

18 (iii) The senior citizen or the handicapped citizen] WHO has been a
19 member of the household for a period of at least 12 months preceding the giving of the
20 notice required by § 11-102.1 of this title.

21 DRAFTER'S NOTE:

22 Error: Stylistic error in § 11-137(a)(2) of the Real Property Article.

23 Occurred: Ch. 246, Acts of 1981.

24 12-101.

25 All proceedings for the acquisition of private property for public use by
26 condemnation are governed by the provisions of this title and of [Subtitle U] TITLE
27 12, CHAPTER 200 of the Maryland Rules. Nothing in this title prevents this State or
28 any of its instrumentalities or political subdivisions, acting under statute or
29 ordinance passed pursuant to Article III of the MARYLAND Constitution [of the State,
30 or any amendment to it], from taking private property for public use immediately on
31 making the required payment and giving any required security. In addition, this title
32 does not prevent the State Roads Commission from using the procedures set forth in
33 Title 8, Subtitle 3 of the Transportation Article, or prevent Baltimore City from using
34 the procedure set forth in the Charter of Baltimore City and §§ 21-12 through 21-22,
35 inclusive, of the Public Local Laws of Baltimore City.

1 DRAFTER'S NOTE:

2 Error: Obsolete cross-reference and incorrect citation in § 12-101 of the
3 Real Property Article.

4 Occurred: As a result of the revision of the Maryland Rules; Ch. 12, Acts
5 of 1974.

6 12-102.

7 In this title, property is deemed to be taken:

8 (2) In every other case, if the plaintiff pays the judgment and costs
9 pursuant to [Subtitle U] TITLE 12, CHAPTER 200 of the Maryland Rules.

10 DRAFTER'S NOTE:

11 Error: Obsolete cross-reference in § 12-102(2) of the Real Property
12 Article.

13 Occurred: As a result of the revision of the Maryland Rules.

14 12-107.

15 (d) (1) If the plaintiff desires possession pending appeal, it may make
16 payment of the award pursuant to [Subtitle U] TITLE 12, CHAPTER 200 of the
17 Maryland Rules. In addition, the plaintiff shall file with the clerk of the court a bond
18 to the State for the penalty the court prescribes.

19 DRAFTER'S NOTE:

20 Error: Obsolete cross-reference in § 12-107(d)(1) of the Real Property
21 Article.

22 Occurred: As a result of the revision of the Maryland Rules.

23 12-108.

24 (a) On payment of the judgment and costs by the plaintiff pursuant to the
25 provisions of [Subtitle U] TITLE 12, CHAPTER 200 of the Maryland Rules, the plaintiff
26 immediately shall become vested with the title, estate, or interest of the defendant in
27 the condemned property.

28 DRAFTER'S NOTE:

29 Error: Obsolete cross-reference in § 12-108(a) of the Real Property
30 Article.

31 Occurred: As a result of the revision of the Maryland Rules.

1 13-406.

2 (c) (2) A subpoena or order issued under this subsection shall be directed
3 and served, in the same manner and with the same effect as any other civil process,
4 under the Maryland Rules [of Procedure] and applicable statutes. The subpoena or
5 order shall be returnable to the Commissioner.

6 DRAFTER'S NOTE:

7 Error: Obsolete reference in § 13-406(c)(2) of the Real Property Article.

8 Occurred: As a result of the revision of the Maryland Rules.

9 14-103.

10 (a) If a legal or equitable interest in land is sold under an execution sale,
11 judicial sale, or foreclosure sale except a sale under [Subtitle W] TITLE 14, CHAPTER
12 200 of the Maryland Rules, and a deed is executed and delivered to the purchaser by
13 the sheriff, trustee, agent, or other officer making the sale, the grantee in the deed,
14 when recorded, is entitled to the same protection against the legal or equitable
15 interests of persons not of record as is provided in this article for the benefit of
16 grantees in deeds voluntarily executed, delivered, and recorded.

17 DRAFTER'S NOTE:

18 Error: Obsolete cross-reference in § 14-103(a) of the Real Property
19 Article.

20 Occurred: As a result of the revision of the Maryland Rules.

21 14-117.

22 (f) A contract of sale shall also comply with the following provisions, if
23 applicable:

24 (21) Section 6-824 of the [Environmental] ENVIRONMENT Article
25 (disclosure pertaining to obligations to perform risk reduction).

26 DRAFTER'S NOTE:

27 Error: Incorrect cross-reference in § 14-117(f)(21) of the Real Property
28 Article.

29 Occurred: Ch. 729, Acts of 1997.

30 14-313.

31 Subject to the provisions of this subtitle, an action to establish and enforce a
32 broker's lien under this subtitle, and all proceedings held under this subtitle, shall be
33 in accordance with the Maryland Rules applicable to the establishment and

1 enforcement of a mechanics' lien under Title 9 of [the Real Property Article] THIS
2 ARTICLE.

3 DRAFTER'S NOTE:

4 Error: Erroneous internal reference in § 14-313 of the Real Property
5 Article.

6 Occurred: Ch. 516, Acts of 1994.

7 **Article - State Finance and Procurement**

8 5-7B-01.

9 (d) (1) "Growth-related project" means only the items set forth below:

10 (iii) funding by the Department of Business and Economic
11 Development under any of the following:

12 6. the Economic Development Opportunities Program Fund,
13 authorized under § 7-314 of this article;

14 (v) except as provided in paragraph (2) of this subsection,
15 procurement or funding of projects by the Department of General Services for:

16 1. leases of property by the State governed by §§ 4-318
17 through 4-321 of this article;

18 2. public improvements governed by §§ 4-410 and 4-410.1 of
19 this article; and

20 3. land acquisition governed by §§ 4-411 through 4-416 of
21 this article.

22 DRAFTER'S NOTE:

23 Error: Stylistic error in § 5-7B-01(d)(1)(iii)6 and (v) of the State Finance
24 and Procurement Article.

25 Occurred: Ch. 759, Acts of 1997. Correction by the Michie Company in
26 the 1997 Supplement of the State Finance and Procurement Article is
27 validated by this Act.

28 5-7B-03.

29 (h) For the purposes of this section, average density shall be calculated based
30 on the total acreage of all parcels in the area for which the principal permitted use is
31 residential, excluding land:

32 (3) subject to an agricultural easement under a county agricultural land
33 preservation program certified under § 5-408 of this article;

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 5-7B-03(h)(3) of the State Finance and
3 Procurement Article.

4 Occurred: Ch. 759, Acts of 1997. Correction by the Michie Company in
5 the 1997 Supplement of the State Finance and Procurement Article is
6 validated by this Act.

7 5-7B-06.

8 (b) A procedure for notification, review, and comment on exceptions proposed
9 under this section shall be established jointly by the [Department of Transportation]
10 APPLICABLE STATE AGENCY and the Office of Planning.

11 DRAFTER'S NOTE:

12 Error: Incorrect terminology in § 5-7B-06(b) of the State Finance and
13 Procurement Article.

14 Occurred: Ch. 759, Acts of 1997.

15 6-201.

16 (d) "Deposit insurance" means insurance by:

17 (2) the Resolution Trust Corporation created under § 21A of the Federal
18 Home Loan Bank Act [(12 U.S.C. § 1421 et seq.)] (12 U.S.C. § 1441A.).

19 DRAFTER'S NOTE:

20 Error: Incorrect cross-reference in § 6-201(d)(2) of the State Finance and
21 Procurement Article.

22 Occurred: Ch. 6, Acts of 1990.

23 6-222.

24 (a) The Treasurer may invest or reinvest unexpended or surplus money over
25 which the Treasurer has custody in:

26 (7) money market mutual funds registered with the Securities and
27 Exchange Commission under the Investment Company Act of 1940, [15 U.S.C. §
28 80(a)] 15 U.S.C. § 80A-1 ET SEQ., as amended, and operated in accordance with Rule
29 2A-7 of the Investment Company Act of 1940, 17 C.F.R. § 270.2A-7, as amended; and

30 (d) An investment made pursuant to this section shall be made:

31 (7) so that the securities and collateral may continue to be priced on a
32 [mark] MARKET to market basis; and

1 DRAFTER'S NOTE:

2 Error: Incorrect cross-reference in § 6-222(a)(7) and incorrect word
3 usage in § 6-222(d)(7) of the State Finance and Procurement Article.

4 Occurred: Ch. 304, Acts of 1995.

5 7-314.

6 (a) (3) (ii) "Performance requirement" includes claw-back, penalty,
7 [recision] RESCISSION, and recalibration clauses that utilize job creation, capital
8 investment, and other measures of economic development.

9 (6) "Extraordinary economic development opportunity" means the:

10 (ii) retention or expansion of an existing public institution, private
11 institution, or federal research and development institute that:

12 2. creates or retains substantial employment, particularly in
13 areas of high unemployment; OR

14 DRAFTER'S NOTE:

15 Error: Misspelling in § 7-314(a)(3)(ii) and omitted conjunction in §
16 7-314(a)(6)(ii)2 of the State Finance and Procurement Article.

17 Occurred: Ch. 497, Acts of 1996.

18 **Article - State Government**

19 [2-1242.] 2-1215.1.

20 In addition to any other duties set forth elsewhere, the Office shall:

21 (1) provide for the preparation and publication of legislation, session
22 laws, journals of proceedings, indexes, and other documents; and

23 (2) carry out any other function related to document preparation and
24 publication required by the Executive Director.

25 DRAFTER'S NOTE: Transfers the document preparation function from the
26 Office of Policy Analysis of the Maryland Department of Legislative
27 Services to the Office of the Executive Director of the Department to
28 conform to administrative action taken by the Executive Director that
29 combined document preparation and the legislative print shop into the
30 legislative document management function.

31 8-403.

32 (a) Except as otherwise provided in subsection (e) of this section, on or before
33 July 1, 2000, an evaluation shall be made of the following governmental activities or

1 units and the statutes and regulations that relate to the governmental activities or
2 units:

3 (11) Maryland Home Improvement Commission (§ 8-201 of the Business
4 Regulation Article); AND

5 (12) State Board of Inspection of Horse Riding Stables (§ 2-701 of the
6 Agriculture Article); and

7 (13) the licensing and regulation of security system technicians (§ 18-101
8 of the Business Occupations Article)].

9 (d) Except as otherwise provided in subsection (e) of this section, on or before
10 July 1, 2003, an evaluation shall be made of the following governmental activities or
11 units and the statutes and regulations that relate to the governmental activities or
12 units:

13 (19) State Physician Assistant Advisory Committee (§ 15-101 of the
14 Health Occupations Article); [and]

15 (20) State Board of Certified Interior Designers (§ 8-101 of the Business
16 Occupations and Professions Article); AND

17 (21) THE LICENSING AND REGULATION OF SECURITY SYSTEM
18 TECHNICIANS (§ 18-101 OF THE BUSINESS OCCUPATIONS ARTICLE).

19 DRAFTER'S NOTE:

20 Error: Obsolete language in § 8-403(a)(13) relocated to § 8-403(d)(20) of
21 the State Government Article.

22 Occurred: As a result of Ch. 520, Acts of 1997.

23 10-616.

24 (p) (5) Notwithstanding the provisions of paragraph (3) or (4) of this
25 subsection, a custodian shall disclose personal information:

26 (viii) for use by an employer or insurer to obtain or verify information
27 relating to a holder of a commercial driver's license that is required under the
28 Commercial Motor Vehicle Safety Act of 1986 [(49 U.S.C. App. et seq.)] (49 U.S.C. A. §
29 2701 ET SEQ.);

30 DRAFTER'S NOTE:

31 Error: Incorrect cross-reference in § 10-616(p)(5)(viii) of the State
32 Government Article.

33 Occurred: Chs. 338 and 339, Acts of 1997.

1 15-102.

2 (kk) "State official" means:

3 (4) a judicial appointee as defined in Maryland Rule [1232] 16-814;

4 DRAFTER'S NOTE:

5 Error: Obsolete cross-reference in § 15-102(kk)(4) of the State
6 Government Article.

7 Occurred: As a result of the revision of the Maryland Rules.

8 15-601.

9 (b) Financial disclosure by a judge of a court under Article IV, § 1 of the
10 Constitution, a candidate for elective office as a judge, or a judicial appointee as
11 defined in Maryland Rule [1232] 16-814 is governed by § 15-610 of this subtitle.

12 DRAFTER'S NOTE:

13 Error: Obsolete cross-reference in § 15-601(b) of the State Government
14 Article.

15 Occurred: As a result of the revision of the Maryland Rules.

16 15-704.

17 (d) (3) The regulated lobbyist may:

18 (i) declare on the form required under [paragraph (1) of] this
19 subsection that a gift of a ticket or admission was given for purposes not related to the
20 regulated lobbyist's lobbying activities; and

21 (e) (4) The regulated lobbyist may:

22 (i) declare on the form required under [paragraph (1) of] this
23 subsection that a gift of a meal or beverages was given for purposes not related to the
24 regulated lobbyist's lobbying activities; and

25 DRAFTER'S NOTE:

26 Error: Incorrect cross-references in § 15-704(d)(3)(i) and (e)(4)(i) of the
27 State Government Article.

28 Occurred: Ch. 14, Acts of 1997.

1 **Article - State Personnel and Pensions**

2 21-210.

3 (a) The State shall purchase a bond for each fiduciary in accordance with
4 [Article 78A, §§ 46 through 50 of the Code] TITLE 9, SUBTITLE 17 OF THE STATE
5 GOVERNMENT ARTICLE.

6 DRAFTER'S NOTE:

7 Error: Obsolete cross-reference in § 21-210(a) of the State Personnel
8 and Pensions Article.

9 Occurred: As a result of Ch. 31, Acts of 1997.

10 24-203.

11 The Secretary of the State Police may waive membership in the State Police
12 Retirement System and elect to become a member of the [Employee's] EMPLOYEES'
13 Pension System.

14 DRAFTER'S NOTE:

15 Error: Misnomer in § 24-203 of the State Personnel and Pensions Article.

16 Occurred: Ch. 3, § 2, Acts of 1995.

17 24-207.

18 Membership ends if the member:

19 (1) is separated from employment for more than 3 years;

20 DRAFTER'S NOTE:

21 Error: Extraneous parentheses in § 24-207(1) of the State Personnel and
22 Pensions Article.

23 Occurred: Ch. 549, Acts of 1997. Correction by the Michie Company in
24 the 1997 Replacement Volume of the State Personnel and Pensions Article
25 is validated by this Act.

26 25-306.

27 (a) A member may purchase service credit as provided in this section for
28 periods of employment described in subsection (c) OF THIS SECTION for which the
29 member is not otherwise entitled to service credit.

30 DRAFTER'S NOTE:

31 Error: Stylistic error in § 25-306(a) of the State Personnel and Pensions

1 Article.

2 Occurred: Ch. 6, § 2, Acts of 1994.

3 26-201.

4 (a) Except as provided in subsections (b) and (c) of this section, this subtitle
5 applies only to:

6 (1) an employee of the Department of Natural Resources commissioned
7 by the Secretary of Natural Resources as:

8 (i) a Natural Resources police officer; or

9 (ii) a law enforcement officer, other than a Natural Resources police
10 officer;

11 (2) a law enforcement officer employed by the Maryland Investigative
12 Services Unit;

13 (3) a member of the Maryland Transportation Authority Police Force
14 who has the powers granted to a police officer under § 4-208 of the Transportation
15 Article; or

16 (4) a deputy sheriff employed by the Baltimore City Sheriff's
17 Department.

18 DRAFTER'S NOTE:

19 Error: Omitted cross-reference in § 26-201(a) of the State Personnel
20 and Pensions Article.

21 Occurred: As a result of Chs. 148, 149, and 162, Acts of 1997. Correction
22 by the Michie Company in the 1997 Replacement Volume of the State
23 Personnel and Pensions Article is validated by this Act.

24 26-202.

25 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
26 Enforcement Officers' Pension System is optional for an individual described in §
27 26-201 of this subtitle:

28 (i) who was employed by the Department of Natural Resources on
29 July 1, 1990 and who elects membership on or before December 31, 1997;

30 (ii) who was employed by the Maryland Investigative Services Unit
31 on June 30, 1995 and who elects membership on or before December 31, 1997;

32 (iii) who was employed by the Maryland Transportation Authority
33 on June 30, 1997 and who elects membership on or before December 31, 1997; or

1 (iv) who was employed by the Baltimore City Sheriff's Department
2 on June 30, 1997 and who elects membership on or before December 31, 1997.

3 DRAFTER'S NOTE:

4 Error: Incorrect word usage in § 26-202(b)(1) of the State Personnel and
5 Pensions Article.

6 Occurred: Ch. 149, Acts of 1997. Correction by Michie Company in the
7 1997 Replacement Volume of the State Personnel and Pensions Article is
8 validated by this Act.

9 **Article - Tax - General**

10 5-101.

11 (h) "Nonresident dealer" means a person who is required to obtain a
12 nonresident dealer's permit under Article 2B, § 2-101(i) of the Code.

13 DRAFTER'S NOTE:

14 Error: Erroneous cross-reference in § 5-101(h) of the Tax - General
15 Article.

16 Occurred: As a result of Ch. 3, Acts of 1994. Correction by the Michie
17 Company in the 1997 Replacement Volume of the Tax - General Article is
18 validated by this Act.

19 5-104.

20 (a) (1) The alcoholic beverage tax does not apply to an alcoholic beverage
21 that is:

22 (i) brought into the State by a person in accordance with:

23 1. an import-export permit under Article 2B, § 2-101(j) of
24 the Code;

25 3. a nonresident storage permit under Article 2B, [§
26 2-101(o)] § 2-101(p) of the Code;

27 DRAFTER'S NOTE:

28 Error: Erroneous cross-references in § 5-104(a)(1)(i) 1 and 3 of the Tax -
29 General Article.

30 Occurred: As a result of Ch. 3, Acts of 1994. Section 5-104(a)(1)(i)1 of the
31 Tax - General Article, correction by the Michie Company in the 1997
32 Replacement Volume of the Tax - General Article is validated by this Act.

1 7-217.

2 (a) Except as provided in § 7-218 of this subtitle and subsections [(c), (d), and
3 (e)] (D), (E), AND (F) of this section, if an estate is administered subject to the
4 jurisdiction of a court, the person responsible for paying the inheritance tax shall pay
5 the tax when the register determines the amount due, at the time that the
6 representative accounts for the distribution of property of the estate.

7 (b) Except as provided in § 7-218 of this subtitle and subsections [(c), (d), and
8 (e)] (D), (E), AND (F) of this section, if an estate is administered under modified
9 administration, the person responsible for paying the inheritance tax shall pay the
10 tax when the personal representative files the final report under modified
11 administration.

12 (c) Except as provided in § 7-218 of this subtitle and subsections [(c), (d), and
13 (e)] (D), (E), AND (F) of this section, if there is no formal administration subject to the
14 jurisdiction of a court for property that passes from a decedent, the person responsible
15 for paying the inheritance tax shall pay the tax when the register determines the
16 amount due.

17 (d) Except as provided by subsection [(d)] (E) of this section, if an interest in
18 property is valued under § 7-209(d) or (e) or § 7-210 of this subtitle, the person
19 responsible for paying the inheritance tax shall pay the tax within 30 days after the
20 determination of the inheritance tax due on the interest.

21 DRAFTER'S NOTE:

22 Error: Erroneous cross-references in § 7-217(a), (b), (c), and (d) of the
23 Tax - General Article.

24 Occurred: Ch. 596, Acts of 1997.

25 11-215.

26 (b) (2) A vendor who sells any item under paragraph (1) of this subsection is
27 not entitled to any exclusion under [§ 11-101(e)(3)(ii) or (k)(3)(ii)] § 11-101(F)(3)(II)
28 OR (L)(3)(II) of this title for material that the vendor buys to produce that item.

29 DRAFTER'S NOTE:

30 Error: Erroneous cross-references in § 11-215(b)(2) of the Tax - General
31 Article.

32 Occurred: As a result of Ch. 685, Acts of 1994.

33 13-817.

34 (a) In an action under § 13-816 of this subtitle, a request for attachment
35 before judgment against any asset of the defendant may be filed in accordance with
36 the Maryland Rules [of Procedure].

1 DRAFTER'S NOTE:

2 Error: Obsolete reference in § 13-817(a) of the Tax - General Article.

3 Occurred: As a result of the revision of the Maryland Rules.

4 13-912.

5 (c) (1) "Debt" means:

6 (ii) a delinquent restitution account on [an order] A JUDGMENT of
7 restitution referred to the Unit for collection under Article 27, [§ 810] § 809 of the
8 Code.

9 (d) "Debtor" means:

10 (2) a defendant OR LIABLE PARENT in arrears of restitution payments
11 whose account has been referred to the Central Collection Unit under Article 27, [§
12 810] § 809 of the Code.

13 DRAFTER'S NOTE:

14 Error: Erroneous references in § 13-912(c)(1)(ii) and (d)(2) of the Tax -
15 General Article.

16 Occurred: As a result of Chs. 31, 311, and 312, Acts of 1997.

17 **Article - Tax - Property**

18 2-104.

19 (c) The State Supervisor of Assessments and the [assessment] ASSESSMENTS
20 area supervisors are in the management service of the State Personnel Management
21 System. However, they shall hold their positions during good behavior and may be
22 removed from their positions only after a hearing before the Department and a
23 finding of incompetency or other cause.

24 DRAFTER'S NOTE:

25 Error: Incorrect word usage in § 2-104(c) of the Tax - Property Article.

26 Occurred: Ch. 8, Acts of 1985.

27 7-220.

28 Aircraft as defined in [§ 5-101(e)] § 5-101 of the Transportation Article are not
29 subject to valuation or to property tax.

30 DRAFTER'S NOTE:

31 Error: Obsolete cross-reference in § 7-220 of the Tax - Property Article.

1 Occurred: As a result of Ch. 457, Acts of 1994.

2 9-230.

3 (c) (2) A tax credit may not be granted under this section if:

4 (iii) the business entity has been certified for a tax credit under
5 Article 83A, [§ 5-1101] § 5-1102 of the Code.

6 DRAFTER'S NOTE:

7 Error: Incorrect cross-reference in § 9-230(c)(2)(iii) of the Tax -
8 Property Article.

9 Occurred: Chs. 623 and 624, Acts of 1997.

10 9-312.

11 (b) (2) A property tax credit granted under paragraph (1)(ii) of this
12 subsection shall be:

13 (i) the following percentage of the increase that is due to the
14 improvement:

15 1. 100% of the increase in the assessment of the real property
16 in the 1st and 2nd taxable years that the improved structure is subject to the county
17 property tax;

18 2. 80% of the increase in the assessment of the real property
19 in the 3rd taxable year that the improved structure is subject to the county property
20 tax;

21 3. 60% of the increase in the assessment of the real property
22 in the 4th taxable year that the improved structure is subject to the county property
23 tax; AND

24 4. 40% of the increase in the assessment of the real property
25 in the 5th taxable year that the structure is subject to the county property tax; and

26 DRAFTER'S NOTE:

27 Error: Omitted conjunction in § 9-312(b)(2)(i) of the Tax - Property
28 Article.

29 Occurred: Ch. 8, Acts of 1985.

30 13-101.

31 (e) "Articles of merger" means a document filed with the Department under §
32 3-107, [§ 4A-704] § 4A-703, or § 10-208 of the Corporations and Associations Article

1 which evidences a merger involving at least one Maryland corporation, Maryland
2 limited liability company, or Maryland limited partnership.

3 DRAFTER'S NOTE:

4 Error: Incorrect cross-reference in § 13-101(e) of the Tax - Property
5 Article.

6 Occurred: Ch. 536, Acts of 1992.

7 13-404.

8 (a) Except as provided under subsection (b) of this section, the Department
9 shall collect county transfer tax at the rate set by each county for articles of transfer,
10 articles of consolidation, or articles of merger filed with the Department as required
11 by § 3-107, [§ 4A-704] § 4A-703, or § 10-208 of the Corporations and Associations
12 Article, or other document filed with the clerk of the circuit court of a county or the
13 Department which evidences a merger or consolidation of foreign corporations,
14 foreign limited liability companies, or foreign limited partnerships.

15 DRAFTER'S NOTE:

16 Error: Incorrect cross-reference in § 13-404(a) of the Tax - Property
17 Article.

18 Occurred: Ch. 536, Acts of 1992.

19 14-806.

20 (b) (1) To facilitate a transfer of real property the Board may release any
21 liens for unpaid city real property taxes or other charges and assessments imposed by
22 the Mayor and City Council of Baltimore City to which the property would otherwise
23 be subject, if:

24 (i) the total amount of liens for unpaid city real property taxes,
25 charges, and assessments imposed with respect to the property exceeds the lesser of
26 the total value of the land and any improvement on the land as last determined by the
27 Department or as determined by an appraisal report prepared not more than 6
28 months before the request for the release of the lien, by a real estate appraiser who is
29 licensed under Title 16 of the Business [and] Occupations AND PROFESSIONS Article;

30 DRAFTER'S NOTE:

31 Error: Incorrect cross-reference in § 14-806(b)(1)(i) of the Tax -
32 Property Article.

33 Occurred: Ch. 541, Acts of 1997.

1 14-813.

2 (a) (2) In Frederick County, Garrett County, Kent County, and Queen Anne's
3 County, the notice shall be published 3 times, once a week for 3 successive weeks.

4 DRAFTER'S NOTE:

5 Error: Omitted word in § 14-813(a)(2) of the Tax - Property Article.

6 Occurred: Ch. 429, Acts of 1997. Correction by the Michie Company in
7 the 1997 Supplement of the Tax - Property Article is validated by this Act.

8 14-843.

9 (b) (2) This subsection does not apply to property for which the holder may
10 file a complaint any time after 60 days from the date of sale, pursuant to § 14-833(e)
11 of [the Tax - Property Article] THIS TITLE.

12 DRAFTER'S NOTE:

13 Error: Stylistic error in § 14-843(b)(2) of the Tax - Property Article.

14 Occurred: Ch. 617, Acts of 1996.

15 14-908.

16 A person who submits a written refund claim for transfer tax that has been
17 erroneously or mistakenly paid to or illegally or erroneously assessed or wrongfully
18 collected by the clerk of a circuit court, [the Director of Finance in Prince George's
19 County, or] the Department, OR OTHER COLLECTOR, or paid on property exempt
20 wholly or partly from the transfer tax is eligible for a refund from the Department,
21 clerk, or [Director of Finance] COLLECTOR that collected the transfer tax.

22 DRAFTER'S NOTE:

23 Error: Incomplete reference to collectors of transfer tax in § 14-908 of the
24 Tax - Property Article.

25 Occurred: Ch. 8, § 2, Acts of 1985.

26 **Article - Transportation**

27 16-103.1.

28 The Administration may not issue a driver's license to an individual:

29 (10) On or after July 1, 1993, if the individual is at least 18 years of age
30 and has never held a driver's license issued by the Administration or by any other
31 state, unless the individual successfully completes a 3-hour alcohol and drug
32 education course established by the Administration under § 16-212.1 of this
33 [subtitle] TITLE.

1 DRAFTER'S NOTE:

2 Error: Erroneous internal reference in § 16-103.1(10) of the
3 Transportation Article.

4 Occurred: Ch. 376, Acts of 1992.

5 16-404.1.

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

7 [(1)] (2) "Participant" means a participant in the Ignition Interlock
8 System Program.

9 [(2)] (3) "Program" means the Ignition Interlock System Program.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 16-404.1(a) of the Transportation Article.

12 Occurred: Ch. 648, Acts of 1996.

13 23-201.

14 (i) "Secretary" means the Secretary of THE Environment.

15 DRAFTER'S NOTE:

16 Error: Omitted word in § 23-201(i) of the Transportation Article.

17 Occurred: Ch. 108, Acts of 1988.

18 26-305.

19 (a) The Administration may not register or transfer the registration of any
20 vehicle involved in a parking violation under this subtitle, a violation under any
21 federal parking regulation that applies to property in this State under the jurisdiction
22 of the U.S. government, or a violation of § 21-202(h) of this article as determined
23 under § 21-202.1 of this article, if:

24 (1) It is notified by a political subdivision or authorized State agency
25 that a person cited for a violation under this subtitle or [§ 22-202.1] § 21-202.1 of this
26 article has failed to either:

27 (i) Pay the fine for the violation by the date specified in the
28 citation; or

29 (ii) File a notice of his intention to stand trial for the violation;

1 (2) It is notified by the District Court that a person who has elected to
 2 stand trial for the violation under this subtitle or under [§ 22-202.1] § 21-202.1 of this
 3 article has failed to appear for trial; or

4 (3) It is notified by a U.S. District Court that a person cited for a
 5 violation under a federal parking regulation:

6 (i) Has failed to pay the fine for the violation by the date specified
 7 in the federal citation; or

8 (ii) Either has failed to file a notice of his intention to stand trial for
 9 the violation, or, if electing to stand trial, has failed to appear for trial.

10 DRAFTER'S NOTE:

11 Error: Erroneous cross-reference in § 26-305(a) of the Transportation
 12 Article.

13 Occurred: Ch. 315, Acts of 1997.

14 27-111.

15 (g) (5) (i) If the interest of the owner in the vehicle is redeemed, the
 16 lienholder shall, within 10 days after the redemption, mail a notice of the redemption
 17 to the [person] POLICE DEPARTMENT who impounded or immobilized the vehicle.

18 (ii) If the vehicle has been repossessed or otherwise lawfully taken
 19 by the lienholder and the time specified by a court order under this section has not
 20 expired, the lienholder shall return the vehicle within 21 days after the redemption to
 21 the police department who impounded or immobilized the vehicle.

22 DRAFTER'S NOTE:

23 Error: Inaccurate reference in § 27-111(g)(5) of the Transportation
 24 Article.

25 Occurred: Ch. 261, Acts of 1997.

26 **Article 22 - Washington County**

27 1-907.

28 (d) (2) The notice shall contain the following:

29 (iv) A statement that the intervenor represents at least 20% of the
 30 employees in the alleged appropriate unit by virtue [or] OF authorizations to
 31 represent, dues deduction authorizations, or membership, with proof of such a
 32 showing of interest to be made to a neutral person selected by the parties in
 33 accordance with § 1-906 of this subtitle;

34 DRAFTER'S NOTE:

1 Error: Incorrect word usage in § 1-907(d)(2)(iv) of the Public Local Laws
2 of Washington County.

3 Occurred: Ch. 689, Acts of 1997.

4 5-103.

5 Any person who violates, neglects, fails, or refuses to comply with any or all of
6 the provisions of [§§ 5-201 and 5-202] §§ 5-101 AND 5-102 of this subtitle shall for
7 every offense, upon conviction, be fined not less than \$5 nor more than \$100, and in
8 default of payment be imprisoned in jail for a period not exceeding 90 days.

9 DRAFTER'S NOTE:

10 Error: Obsolete cross-reference in § 5-103 of the Public Local Laws of
11 Washington County.

12 Occurred: As a result of Ch. 85, Acts of 1995. Correction by the
13 Department of Legislative Services in the 1997 Supplement of the
14 Washington County Code of Public Local Laws is ratified by this Act.

15 6-202.

16 (h) A subdistrict shall be established before a hearing under Section
17 [6-206(f)] 6-203(F) of this subtitle may be scheduled or held.

18 DRAFTER'S NOTE:

19 Error: Obsolete cross-reference in § 6-202(h) of the Public Local Laws of
20 Washington County.

21 Occurred: As a result of Ch. 86, Acts of 1995. Correction by the
22 Department of Legislative Services in the 1997 Supplement of the
23 Washington County Code of Public Local Laws is ratified by this Act.

24 **Chapter 385 of the Acts of 1991, as amended by Chapter 135 of the Acts of**
25 **1993, Chapter 266 of the Acts of 1995, and Chapter 14 of the Acts of 1997**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, 1991. This Act shall remain effective for a period of 8 years and shall
28 automatically terminate at the end of [January 1,] JUNE 30, 1999, without further
29 action of the General Assembly. [On or before that date] BY JANUARY 1, 1999, an
30 evaluation report of this Act recommending reestablishment or termination of this Act
31 shall be prepared by the Secretary of Health and Mental Hygiene in consultation with
32 the Maryland Hospital Association, the State designated protection advocacy agency,
33 and other affected parties, and shall be submitted to the Governor and the General
34 Assembly.

35 DRAFTER'S NOTE:

1 Error: Clarification of termination clause in Section 2 of Chapter 385 of
2 the Acts of 1991.

3 Occurred: Ch. 385, Acts of 1991.

4 **Chapter 57 of the Acts of 1997**

5 SECTION 20. AND BE IT FURTHER ENACTED, That Section 14 of this Act
6 shall take effect on the taking effect of the termination provision specified in Section
7 [2] 7 of Chapter 271 of the Acts of the General Assembly of 1996. This Act may not be
8 interpreted to have any effect on that termination provision.

9 DRAFTER'S NOTE:

10 Error: Incorrect reference in Section 20 of Chapter 57 of the Acts of 1997.

11 Occurred: Ch. 57, Acts of 1997.

12 **Chapter 105 of the Acts of 1997**

13 SECTION 29. AND BE IT FURTHER ENACTED, That:
14 29-2.

15 (a) The provisions of this [section] SECTION 29 shall remain in effect until
16 June 30, 2002, after which they shall be abrogated and of no further force and effect
17 without further action by the General Assembly.

18 (b) If the General Assembly fails to appropriate the funds described in this
19 [section] SECTION 29 for any of the fiscal years, this Act shall be abrogated effective
20 on the last day of the last fiscal year for which funds were appropriated.

21 DRAFTER'S NOTE:

22 Error: Ambiguous reference in Section 29(29-2) of Chapter 105 of the
23 Acts of 1997.

24 Occurred: Ch. 105, Acts of 1997.

25 **Chapter 222 of the Acts of 1997**

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That:

28 (5) (d) The Board of Public Works shall distribute the proceeds of the loan in
29 three yearly installments, beginning after June 1, 1997 and ending before June 1,
30 2000. The first two installments of the proceeds of the loan shall be equal to the lesser
31 of \$125,000 or the amount of the installment of the matching fund provided by the
32 grantee at that time. The third installment of the proceeds of the loan shall be equal

1 to the amount of the third installment of the matching fund, except that the total
2 amount of the proceeds of the loan may not exceed [\$375,000] \$300,000.

3 DRAFTER'S NOTE:

4 Error: Amendments to the amount of the bond in Section 1(5)(d) of
5 Chapter 222 of the Acts of 1997 failed to amend the amount of matching
6 fund installments.

7 Occurred: Ch. 222, Acts of 1997.

8 **Chapter 254 of the Acts of 1997**

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That:

11 (c) The Task Force shall be composed of [12] 14 members as follows:

12 (1) One member of the House of Delegates of Maryland, appointed by the
13 Speaker of the House, and who shall be co-chairman of the Task Force;

14 (2) One member of the Senate of Maryland, appointed by the President
15 of the Senate, who shall be co-chairman of the Task Force; and

16 (3) The following members appointed by the Governor:

17 (i) A representative of the Department of Budget and
18 Management;

19 (ii) A representative of the State Department of Education;

20 (iii) A representative of the Department of Health and Mental
21 Hygiene;

22 (iv) A representative of the Department of Human Resources;

23 (v) A representative of a local education agency;

24 (vi) A member of the Governor's Advisory Board on Homelessness;

25 (vii) A member of the Maryland Association of Boards of Education;

26 (viii) A member of the Public School Superintendents' Association of
27 Maryland;

28 (ix) A member of the Maryland Association of Pupil Transportation
29 Supervisors;

30 (x) Two members of the general public who are providers to and
31 advocates for homeless persons, including shelter providers and representatives of
32 legal advocacy groups; and

1 (xi) A homeless or formerly homeless parent of school-age children.

2 DRAFTER'S NOTE:

3 Error: Erroneous reference in Section 1(c) of Chapter 254 of the Acts of
4 1997.

5 Occurred: Ch. 254, Acts of 1997.

6 **Chapter 267 of the Acts of 1997**

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That:

9 (5) (e) Each installment of the matching fund shall be of at least [\$250,000]
10 \$175,000.

11 DRAFTER'S NOTE:

12 Error: Amendment to the amount of the bond in Section 1(5)(e) of
13 Chapter 267 of the Acts of 1997 failed to amend the amount of the
14 matching fund installments.

15 Occurred: Ch. 267, Acts of 1997.

16 **Chapter 396 of the Acts of 1997**

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That:

19 (b) The Task Force consists of the following [21] 26 members:

20 (1) One member of the Senate of Maryland, appointed by the President
21 of the Senate;

22 (2) One member of the House of Delegates, appointed by the Speaker of
23 the House;

24 (3) The Motor Vehicle Administrator, or the Administrator's designee;

25 (4) The Secretary of the Department of State Police, or the Secretary's
26 designee; and

27 (5) Twenty-two members appointed by the Governor as follows:

28 (i) A representative of the Maryland Association of Counties;

29 (ii) A representative of the Maryland Municipal League;

30 (iii) A representative of the Towing Recovery Professionals of
31 Maryland;

- 1 (iv) A representative of the automotive mechanical repair industry;
- 2 (v) A representative of financial institutions that provide motor
3 vehicle financing;
- 4 (vi) A representative of the Maryland New Car and Truck Dealers
5 Association;
- 6 (vii) A representative of the motor vehicle leasing industry;
- 7 (viii) A representative of the Maryland Auto and Truck Recyclers
8 Association;
- 9 (ix) A representative of the Maryland Motor Truck Association;
- 10 (x) A representative of the Washington Metropolitan Auto Body
11 Association;
- 12 (xi) A representative of the insurance industry providing motor
13 vehicle insurance;
- 14 (xii) A representative of the motor vehicle salvage pool industry;
- 15 (xiii) A representative of the automotive collision repair industry;
- 16 (xiv) A representative of the Montgomery County Police Department
17 involved with the County's disposition of abandoned vehicles;
- 18 (xv) A representative of the Prince George's County Office of
19 Business and Regulatory Affairs;
- 20 (xvi) A representative of the Baltimore County Police Department
21 involved with the County's disposition of abandoned vehicles;
- 22 (xvii) A representative of Anne Arundel County;
- 23 (xviii) A representative of local government from the Eastern Shore;
- 24 (xix) A representative of local government from Western Maryland;
- 25 (xx) A representative of the Baltimore City Department of Public
26 Works, Bureau of Transportation, Parking Division involved with the City's
27 disposition of abandoned vehicles; and
- 28 (xxi) Two members of the general public.

29 DRAFTER'S NOTE:

30 Error: Erroneous reference in Section 1(b) of Chapter 396 of the Acts of
31 1997.

1 Occurred: Ch. 396, Acts of 1997.

2 **Chapter 598 of the Acts of 1997**

3 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
4 General Assembly that the [change to] ENACTMENT OF § 14-404(a)(38) of the Health
5 Occupations Article [made] by this Act may not impair a licensed physician from
6 legitimately preparing for an action before the State Board of Physician Quality
7 Assurance.

8 DRAFTER'S NOTE:

9 Error: Clarification of the statement of legislative intent in Section 2 of
10 Chapter 598 of the Acts of 1997.

11 Occurred: Ch. 598, Acts of 1997.

12 **Chapter 615 of the Acts of 1997**

13 SECTION 2. AND BE IT FURTHER ENACTED, That §§ 12-313(b)(15), (16),
14 (26), and (27), 12-409(b), and 12-707(a)(4) of the Health Occupations Article, as
15 enacted by Section 1 of this Act, shall take effect October 1, 1997, contingent on the
16 taking effect of [Chapter _____ (H.B. _____)(7lr1757)] CHAPTER 614 of the Acts of the
17 General Assembly of 1997, and if [Chapter _____] CHAPTER 614 does not become
18 effective, §§ 12-313(b)(15), (16), (26), and (27), 12-409(b), and 12-707(a)(4) of the
19 Health Occupations Article, as enacted by Section 1 of this Act, shall be null and void
20 without the necessity of further action by the General Assembly.

21 DRAFTER'S NOTE:

22 Error: Erroneous reference in Section 2 of Chapter 615 of the Acts of
23 1997.

24 Occurred: Ch. 615, Acts of 1997.

25 **Chapter 675 of the Acts of 1997**

26 SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in
27 [Section 7] SECTIONS 8 AND 9 of this Act, this Act shall take effect July 1, 1997.

28 DRAFTER'S NOTE:

29 Error: Inaccurate reference in Section 10 of Chapter 675 of the Acts of
30 1997.

31 Occurred: Ch. 675, Acts of 1997.

1

Chapter 726 of the Acts of 1997

2 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the
3 provisions of Section 5 of this Act [and for the sole purpose of providing for the
4 referendum required by Section 5], this Act shall take effect October 1, 1997.

5 DRAFTER'S NOTE:

6 Error: Insufficient effective date for Section 1 of Chapter 726 of the Acts
7 of 1997.

8 Occurred: Ch. 726, Acts of 1997.

9

Chapter 754 of the Acts of 1997

10 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
11 Sections 5 and 6 of this Act, this Act shall be construed only prospectively to apply to
12 offenses that are committed on or after [July] OCTOBER 1, 1997, and may not be
13 applied or interpreted to have any effect on or application to any individual who
14 commits an offense before July 1, 1997.

15 DRAFTER'S NOTE:

16 Error: Inaccurate reference in Section 4 of Chapter 754 of the Acts of
17 1997. This change conforms the reference to the effective date of the Act.

18 Occurred: Ch. 754, Acts of 1997.

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

21

Article - Courts and Judicial Proceedings

22 1-708.

23 (c) Beginning in 1982 and every 2 years thereafter, the Commission shall
24 review the salaries and pensions of the judges of the courts listed in subsection (a) of
25 this section. After 1980, the Commission shall make WRITTEN recommendations to
26 the Governor and General Assembly at least every 4 years, accounting from
27 September 1, 1980. [Each set of Commission recommendations shall be handled and
28 become effective as provided in this section.] THE GOVERNOR SHALL INCLUDE IN THE
29 BUDGET FOR THE NEXT FISCAL YEAR FUNDING NECESSARY TO IMPLEMENT THOSE
30 RECOMMENDATIONS, CONTINGENT ON ACTION BY THE GENERAL ASSEMBLY UNDER
31 SUBSECTIONS (D) AND (E) OF THIS SECTION.

32 DRAFTER'S NOTE:

33 Error: Inadvertent repeal of language requiring the Governor to include
34 funding in the budget to implement the recommendations of the Judicial
35 Compensation Commission in § 1-708(c) of the Courts Article.

1 Occurred: Ch. 14, Acts of 1997.

2 4-401.

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

6 (10) A proceeding for adjudication of:

7 (i) A municipal infraction as defined in Article 23A, § 3(b)(1) of the
8 Code;

9 (ii) A Commission infraction as defined in Article 28, § 5-113 of the
10 Code;

11 (iii) A WSSC infraction as defined in Article 29, § 18-104.1 of the
12 Code, concerning rules and regulations governing publicly owned watershed property;

13 (iv) A WSSC infraction as defined in Article 29, § 18-104.2 of the
14 Code, concerning WSSC regulations governing:

15 1. Erosion and sediment control for utility construction; and

16 2. Plumbing, gasfitting, and sewer cleaning;

17 (v) A zoning violation for which a civil penalty has been provided
18 pursuant to Article 66B, § 7.01 or Article 28, § 8-120(c) of the Code;

19 (vi) A violation of an ordinance enacted:

20 1. By a charter county for which a civil penalty is provided
21 under Article 25A, § 5(A) of the Code; or

22 2. By the Mayor and City Council of Baltimore for which a
23 civil penalty is provided by ordinance;

24 (vii) A citation for a Code violation issued under Article 27, § 403 of
25 the Code;

26 (viii) A civil infraction relating to a violation of the Fair Election
27 Practices Act of the election laws as provided under Article 33, § 26-20A of the Code;

28 (ix) A violation of an ordinance or regulation enacted by a county
29 without home rule, under authority granted under Article 25 of the Code, or any
30 provision of the Code of Public Local Laws for that county, for which a civil penalty is
31 provided; [or]

32 (x) A civil infraction that is authorized by law to be prosecuted by a
33 sanitary commission; OR

1 (XI) A SUBDIVISION VIOLATION FOR WHICH A CIVIL PENALTY HAS
 2 BEEN PROVIDED IN ACCORDANCE WITH ARTICLE 66B, § 5.05(D) OF THE CODE.

3 DRAFTER'S NOTE:

4 Attorney General's bill review letter for House Bill 763 of 1997 noted a
 5 possible violation of the uniformity requirement of Article IV, § 41A of the
 6 Maryland Constitution.

7 Occurred: As a result of Ch. 478, Acts of 1997.

8 **Article - State Government**

9 2-1502.

10 (c) (1) In a year when an election for members of the General Assembly is
 11 held:

12 (i) a bill may be prefiled only by an individual elected or re-elected
 13 to the General Assembly at that election;

14 (ii) the deadline for directing the Department to file a bill for
 15 introduction is December [1] 10;

16 (iii) the deadline for requesting the Department to prepare a bill for
 17 prefilng is November 20; and

18 (iv) an individual first elected at that election may not request the
 19 Department to prepare a bill until after the election.

20 DRAFTER'S NOTE:

21 This provision relates to the internal operations of the General Assembly.

22 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 23 read as follows:

24 **Article - Corporations and Associations**

25 1-203.

26 In addition to any organization and capitalization fee required under § 1-204 of
 27 this article, the Department shall collect the following fees:

28 (5) For issuing each of the following certificates, the fee is as indicated:

29 Type of Instrument	Special Fee
30 Certificate of status of a corporation, partnership, limited partnership, limited 31 liability partnership, or limited liability company of this State or of a 32 foreign corporation, foreign partnership, foreign limited partnership, foreign 33 limited liability partnership, or foreign limited liability company	\$6

1	Certified list of the charter papers of a corporation of this State or any	
2	certificates of a limited partnership, limited liability partnership, or a	
3	limited liability company of this State recorded or filed with the	
4	Department	\$6
5	Certificate of compliance by a foreign corporation, foreign limited partnership,	
6	foreign limited liability partnership, or foreign limited liability company	
7	with requirements of law in respect of qualification or registration	\$6
8	Certificate of withdrawal of registration or qualification	\$6
9	Certificate of any paper recorded or filed in THE Department's office	\$6

10 DRAFTER'S NOTE:

11 Error: Omitted article in § 1-203(5) of the Corporations and Associations
12 Article.

13 Occurred: Ch. 654, Acts of 1997.

14 1-401.

15 (a) Service of process on the resident agent of a corporation, partnership,
16 limited partnership, limited liability partnership, or limited liability company, or any
17 other person binds the corporation, PARTNERSHIP, limited partnership, limited
18 liability partnership, or limited liability company, or other person in any action, suit,
19 or proceeding which is pending, filed, or instituted against it under the provisions of
20 this article.

21 DRAFTER'S NOTE:

22 Error: Omitted word in § 1-401(a) of the Corporations and Associations
23 Article.

24 Occurred: Ch. 654, § 2, Acts of 1997.

25 Title 9. [Uniform Partnership Act.] REVISED UNIFORM PARTNERSHIP ACT.

26 9-101.

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

28 DRAFTER'S NOTE:

29 Error: Erroneous title designation immediately preceding § 9-101(a) of
30 the Corporations and Associations Article.

31 Occurred: Ch. 654, Acts of 1997.

32 9-1204.

33 (a) Before January 1, 2003, this title governs only a partnership formed:

1 (1) [After] ON OR AFTER July 1, 1998, unless that partnership is
2 continuing the business of a dissolved partnership under § 9-601 of [the Corporations
3 and Associations Article] THIS ARTICLE in effect immediately prior to July 1, 1998; or

4 DRAFTER'S NOTE:

5 Error: Omitted words and stylistic error in § 9-1204(a)(1) of the
6 Corporations and Associations Article.

7 Occurred: Ch. 654, § 2, Acts of 1997.

8 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article - Corporations and Associations**

11 11-503.1.

12 (a) A person may not offer or sell a federal covered security in this State unless
13 the documents required by this section [have been] ARE filed and the fees required
14 by § 11-506 or § 11-510.1 of this subtitle [have been] ARE paid.

15 DRAFTER'S NOTE:

16 Error: Grammatical error in § 11-503.1(a) of the Corporations and
17 Associations Article.

18 Occurred: Ch. 613, § 3, Acts of 1997.

19 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article - Tax - Property**

22 13-101.

23 (e) "Articles of merger" means a document filed with the Department under §
24 3-107, [§ 4A-704] § 4A-703, § 9-903, or § 10-208 of the Corporations and
25 Associations Article which evidences a merger involving at least one Maryland
26 corporation, Maryland limited liability company, Maryland partnership, or Maryland
27 limited partnership.

28 DRAFTER'S NOTE:

29 Error: Incorrect cross-reference in § 13-101(e) of the Tax - Property
30 Article.

31 Occurred: Ch. 536, Acts of 1992.

1 13-404.

2 (a) Except as provided under subsection (b) of this section, the Department
3 shall collect county transfer tax at the rate set by each county for articles of transfer,
4 articles of consolidation, or articles of merger filed with the Department as required
5 by § 3-107, [§ 4A-704] § 4A-703, § 9-903, or § 10-208 of the Corporations and
6 Associations Article, or other document filed with the clerk of the circuit court of a
7 county or the Department which evidences a merger or consolidation of foreign
8 corporations, foreign limited liability companies, foreign partnerships, or foreign
9 limited partnerships.

10 DRAFTER'S NOTE:

11 Error: Incorrect cross-reference in § 13-404(a) of the Tax - Property
12 Article.

13 Occurred: Ch. 536, Acts of 1992.

14 SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the
15 Annotated Code of Maryland, subject to the approval of the Department of Legislative
16 Services, shall make any changes in the text of the Annotated Code necessary to
17 effectuate any termination provision that was enacted by the General Assembly and
18 has taken effect or will take effect prior to October 1, 1998. Any enactment of the 1998
19 Session of the General Assembly that negates or extends the effect of a previously
20 enacted termination provision shall prevail over the provisions of this section.

21 SECTION 7. AND BE IT FURTHER ENACTED, That the Drafter's Notes
22 contained in this Act are not law and may not be considered to have been enacted as
23 part of this Act.

24 SECTION 8. AND BE IT FURTHER ENACTED, That, except for Section 2 of
25 this Act, the provisions of this Act are intended solely to correct technical errors in the
26 law and that there is no intent to revive or otherwise affect law that is the subject of
27 other acts, whether those acts were signed by the Governor prior to or after the
28 signing of this Act.

29 SECTION 9. AND BE IT FURTHER ENACTED, That any reference in the
30 Annotated Code rendered obsolete by an Act of the General Assembly of 1998 shall be
31 corrected by the publisher of the Annotated Code, in consultation with the
32 Department of Legislative Services, with no further action required by the General
33 Assembly. The publisher shall adequately describe any such correction in an editor's
34 note following the section affected.

35 SECTION 10. AND BE IT FURTHER ENACTED, That Sections 3 and 5 of
36 this Act shall take effect July 1, 1998.

37 SECTION 11. AND BE IT FURTHER ENACTED, That Section 4 of this Act
38 shall take effect October 10, 1999.

1 SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in
2 Sections 10 and 11 of this Act, this Act is an emergency measure, is necessary for the
3 immediate preservation of the public health and safety, has been passed by a yea and
4 nay vote supported by three-fifths of all the members elected to each of the two
5 Houses of the General Assembly, and shall take effect from the date it is enacted.