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

Introduced and read first time: February 21, 2005

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: March 4, 2005

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; clarifying language; correcting
5 certain obsolete references; repealing certain provisions of law; reorganizing
6 certain sections of the Annotated Code; validating and ratifying certain
7 corrections made by the publisher of the Annotated Code; providing that this Act
8 is not intended to affect any law other than to correct technical errors; providing
9 for the future correction of certain errors and obsolete provisions by the
10 publisher of the Annotated Code; providing for the effect and construction of
11 certain provisions of this Act; providing for the effective date for a certain
12 provision of this Act; and making this Act an emergency measure.

13 BY repealing and reenacting, with amendments,
14 Article 2B - Alcoholic Beverages
15 Section 6-201(d)(3)(i)2.F. and (r)(7)(iii)1. and (9)(iii)1., 9-102(b-3)(2),
16 9-204.1(a)(8)(ii) and (iii), 10-204(n)(5)(i), and 19-301(a)(2)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article 10 - Legal Officials
21 Section 40(h)(1)(iv) and (p)(3), (5), and (8)
22 Annotated Code of Maryland
23 (2001 Replacement Volume and 2004 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article 24 - Political Subdivisions - Miscellaneous Provisions
3 Section 9-304(c)(2)
4 Annotated Code of Maryland
5 (2001 Replacement Volume and 2004 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article 25 - County Commissioners
8 Section 254(h)
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2004 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article 41 - Governor - Executive and Administrative Departments
13 Section 6-704(b)(1)(v) and 14-904(b)(4)(ii)
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2004 Supplement)
- 16 BY repealing and reenacting, without amendments,
17 Article 41 - Governor - Executive and Administrative Departments
18 Section 14-901(d), 14-902, 14-904(g), 14-906(a), 14-908, 14-911(a), and 14-914
19 Annotated Code of Maryland
20 (2003 Replacement Volume and 2004 Supplement)
- 21 BY repealing and reenacting, without amendments,
22 Article 49D - Office for Children, Youth, and Families
23 Section 4.1(b)(7) and 15(a)(4)
24 Annotated Code of Maryland
25 (2003 Replacement Volume and 2004 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article 49D - Office for Children, Youth, and Families
28 Section 12(b)(2)(iii) and (g)
29 Annotated Code of Maryland
30 (2003 Replacement Volume and 2004 Supplement)
31 (As enacted by Chapter 536 of the Acts of the General Assembly of 2004)
- 32 BY repealing and reenacting, without amendments,
33 Article 70B - Department of Aging
34 Section 4B(a)(7)
35 Annotated Code of Maryland

- 1 (2003 Replacement Volume and 2004 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article 83A - Department of Business and Economic Development
4 Section 5-103(a) and (b), 5-1403(b), 5-1405(d)(1)(iii), 5-1407(b), and the
5 subtitle designation "Subtitle 2A. Maryland Technology Development
6 Corporation" in Title 5
7 Annotated Code of Maryland
8 (2003 Replacement Volume and 2004 Supplement)
- 9 BY repealing and reenacting, without amendments,
10 Article 83A - Department of Business and Economic Development
11 Section 5-2A-01
12 Annotated Code of Maryland
13 (2003 Replacement Volume and 2004 Supplement)
- 14 BY repealing and reenacting, without amendments,
15 Article 88A - Department of Human Resources
16 Section 129A(b)(1)(v)
17 Annotated Code of Maryland
18 (2003 Replacement Volume and 2004 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article - Agriculture
21 Section 2-301(a), 2-304.1(c), 2-509(b)(4) and (7), 2-510(k), 2-514(d), and
22 8-704.2(c)
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2004 Supplement)
- 25 BY repealing and reenacting, with amendments,
26 Article - Business Occupations and Professions
27 Section 10-206(b)(4), 11-603(c)(1), and 17-523(a)
28 Annotated Code of Maryland
29 (2004 Replacement Volume and 2004 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article - Business Occupations and Professions
32 Section 11-603(b)
33 Annotated Code of Maryland
34 (2004 Replacement Volume and 2004 Supplement)
35 (As enacted by Chapter 520 of the Acts of the General Assembly of 2004)

1 BY repealing and reenacting, with amendments,
2 Article - Business Occupations and Professions
3 Section 17-315(b)(3)
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2004 Supplement)
6 (As enacted by Chapter 541 of the Acts of the General Assembly of 2004)

7 BY repealing and reenacting, with amendments,
8 Article - Business Regulation
9 Section 7-306(a) and 12-207(d)
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Business Regulation
14 Section 10-312(3)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 2004 Supplement)
17 (As enacted by Chapter 380 of the Acts of the General Assembly of 2004)

18 BY repealing and reenacting, with amendments,
19 Article - Business Regulation
20 Section 11-515(e)(6)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2004 Supplement)
23 (As enacted by Chapter 97 of the Acts of the General Assembly of 2004)

24 BY repealing and reenacting, with amendments,
25 Article - Commercial Law
26 Section 7-103(c)
27 Annotated Code of Maryland
28 (2002 Replacement Volume and 2004 Supplement)
29 (As enacted by Chapter 95 of the Acts of the General Assembly of 2004)

30 BY repealing and reenacting, with amendments,
31 Article - Commercial Law
32 Section 9-102(a)(67)
33 Annotated Code of Maryland
34 (2002 Replacement Volume and 2004 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article - Commercial Law

- 1 Section 13-301(14)(xvii) through (xxi), 22-209(d), and 22-802(e)
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2004 Supplement)
- 4 BY repealing and reenacting, with amendments,
5 Article - Corporations and Associations
6 Section 1-203(a)
7 Annotated Code of Maryland
8 (1999 Replacement Volume and 2004 Supplement)
9 (As enacted by Chapter 430 of the Acts of the General Assembly of 2004)
- 10 BY repealing and reenacting, with amendments,
11 Article - Corporations and Associations
12 Section 2-502(b)(2) and 7-201(5)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2004 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article - Correctional Services
17 Section 11-706(e)(4)(ii)
18 Annotated Code of Maryland
19 (1999 Volume and 2004 Supplement)
20 (As enacted by Chapter 370 of the Acts of the General Assembly of 2004)
- 21 BY repealing and reenacting, with amendments,
22 Article - Courts and Judicial Proceedings
23 Section 3-8C-06(e)
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2004 Supplement)
26 (As enacted by Chapter 551 of the Acts of the General Assembly of 2004)
- 27 BY repealing and reenacting, with amendments,
28 Article - Courts and Judicial Proceedings
29 Section 7-202(c) and (e), 10-402(c)(1)(ii)2., (4)(i), and (5) and (e)(2)(i) and (3),
30 and 12-302(c)(3)(i) and (vi)
31 Annotated Code of Maryland
32 (2002 Replacement Volume and 2004 Supplement)
- 33 BY repealing and reenacting, without amendments,
34 Article - Courts and Judicial Proceedings
35 Section 7-507(c)(3)(i)2.
36 Annotated Code of Maryland
37 (2002 Replacement Volume and 2004 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article - Criminal Law
3 Section 3-802(b)(3), 5-802(a)(1) and (b), 8-301(e), and 9-609(a)(2)
4 Annotated Code of Maryland
5 (2002 Volume and 2004 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article - Criminal Law
8 Section 3-805.1(a)(4) and (b)(6)(i) and (ii)
9 Annotated Code of Maryland
10 (2002 Volume and 2004 Supplement)
11 (As enacted by Chapter 470 of the Acts of the General Assembly of 2004)
- 12 BY repealing and reenacting, with amendments,
13 Article - Criminal Law
14 Section 7-104(g)(3)
15 Annotated Code of Maryland
16 (2002 Volume and 2004 Supplement)
17 (As enacted by Chapter 130 of the Acts of the General Assembly of 2004)
- 18 BY repealing and reenacting, with amendments,
19 Article - Criminal Law
20 Section 13-2435(d)(2)
21 Annotated Code of Maryland
22 (2002 Volume and 2004 Supplement)
23 (As enacted by Chapter 215 of the Acts of the General Assembly of 2004)
- 24 BY repealing and reenacting, with amendments,
25 Article - Criminal Procedure
26 Section 2-101(c)(6), 2-102(c)(1), 2-103(a), 2-104(c)(1), 4-101(e)(3),
27 5-202(c)(2)(ii) and (e)(3), 6-229(c)(2), and 11-912(a)
28 Annotated Code of Maryland
29 (2001 Volume and 2004 Supplement)
- 30 BY repealing and reenacting, without amendments,
31 Article - Criminal Procedure
32 Section 10-236(c)(1)(ii), (2), and (4)
33 Annotated Code of Maryland
34 (2001 Volume and 2004 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article - Education
37 Section 4-107(a)(1), 4-122(a)(1), 4-205(c)(2), 5-603(c), 7-103(a)(3) and (e)(1),

1 8-406(c)(2), 12-102(c)(1), 12-104(e)(2), 14-104(b) and (p)(3)(ii),
2 16-106(b)(1)(i), 18-603(b), 18-1001, 18-1008(b)(2)(i), 18-1909(b)(2)(i),
3 18-2001, 18-2601(g), and 23-301
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2004 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article - Education
8 Section 15-106.3(c)(2)
9 Annotated Code of Maryland
10 (2004 Replacement Volume and 2004 Supplement)
11 (As enacted by Chapter 224 of the Acts of the General Assembly of 2004)

12 BY repealing and reenacting, with amendments,
13 Article - Election Law
14 Section 1-101(e) and 3-204(b)(2)
15 Annotated Code of Maryland
16 (2003 Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Environment
19 Section 4-103(e)(1), 4-105(a)(2)(ii)5. and (iii), 7-406(f)(3), and 9-1601(cc)(2)
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 2004 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Environment
24 Section 9-1601(ff)(1)(i)
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 2004 Supplement)
27 (As enacted by Chapter 428 of the Acts of the General Assembly of 2004)

28 BY repealing and reenacting, with amendments,
29 Article - Estates and Trusts
30 Section 15-112(a)
31 Annotated Code of Maryland
32 (2001 Replacement Volume and 2004 Supplement)

33 BY repealing and reenacting, without amendments,
34 Article - Family Law
35 Section 2-404(b)
36 Annotated Code of Maryland
37 (1999 Replacement Volume and 2004 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article - Family Law
3 Section 2-404(e), 5-525(g), and 5-525.1(d)(2)
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2004 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article - Family Law
8 Section 9.5-204(b)(1)
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2004 Supplement)
11 (As enacted by Chapter 502 of the Acts of the General Assembly of 2004)
- 12 BY repealing and reenacting, with amendments,
13 Article - Health - General
14 Section 4-305(c)(1), 10-1503, 15-114(a), 15-127(a), 17-214(f)(2)(ii), and
15 21-323.1(a)
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2004 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article - Health - General
20 Section 5-615(c)(1)(i)1.
21 Annotated Code of Maryland
22 (2000 Replacement Volume and 2004 Supplement)
23 (As enacted by Chapter 356 of the Acts of the General Assembly of 2004)
- 24 BY repealing and reenacting, with amendments,
25 Article - Health - General
26 Section 10-409
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2004 Supplement)
29 (As enacted by Chapter 430 of the Acts of the General Assembly of 2004)
- 30 BY repealing and reenacting, without amendments,
31 Article - Health - General
32 Section 13-1403(a)(2)(v) and 24-1203(b)(2)(xvi)
33 Annotated Code of Maryland
34 (2000 Replacement Volume and 2004 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article - Health - General
37 Section 15-141(m)(1)(i)

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2004 Supplement)
3 (As enacted by Chapter 4 of the Acts of the General Assembly of the 2004 Special
4 Session)

5 BY repealing and reenacting, with amendments,
6 Article - Health - General
7 Section 20-1006(a)
8 Annotated Code of Maryland
9 (2000 Replacement Volume and 2004 Supplement)
10 (As enacted by Chapter 319 of the Acts of the General Assembly of 2004)

11 BY repealing and reenacting, without amendments,
12 Article - Health Occupations
13 Section 2-202(a)(7)(ii)
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Health Occupations
18 Section 8-6A-02(b)(4), 14-5A-04(b)(2), and 14-5B-04(b)(2)
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Insurance
23 Section 4-405(b)(9)(iv), (b), and (c) and 10-133
24 Annotated Code of Maryland
25 (2003 Replacement Volume and 2004 Supplement)
26 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special
27 Session)

28 BY repealing and reenacting, with amendments,
29 Article - Insurance
30 Section 10-101(f) and 10-121(b)(2)(ii)
31 Annotated Code of Maryland
32 (2003 Replacement Volume and 2004 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article - Insurance
35 Section 10-408(e)(2)
36 Annotated Code of Maryland
37 (2003 Replacement Volume and 2004 Supplement)

1 (As enacted by Chapters 290 and 291 of the Acts of the General Assembly of
2 2004)

3 BY repealing and reenacting, with amendments,
4 Article - Insurance
5 Section 15-909(b)(2), 15-10A-03(c)(2), and 24-207(b)(1)
6 Annotated Code of Maryland
7 (2002 Replacement Volume and 2004 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Insurance
10 Section 27-501(d)(3)
11 Annotated Code of Maryland
12 (2002 Replacement Volume and 2004 Supplement)
13 (As enacted by Chapter 464 of the Acts of the General Assembly of 2004)

14 BY repealing and reenacting, without amendments,
15 Article - Labor and Employment
16 Section 3-707(d)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Labor and Employment
21 Section 11-403(a)(2) and (6)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2004 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Natural Resources
26 Section 1-501(c), 4-215(a), 4-604(f)(3), 4-701(i)(2) and (j-1)(1), 4-711(a),
27 4-745(c)(4) and (d)(2)(i), 5-209(b), 5-212.1(a)(2) and (h), 8-723(e),
28 8-729(a), and 8-2102(d)(5)
29 Annotated Code of Maryland
30 (2000 Replacement Volume and 2004 Supplement)

31 BY repealing and reenacting, without amendments,
32 Article - Natural Resources
33 Section 4-208(g), 4-209(g), 5-103(e)(7), 5-212(g), 5-212.1(g)(1), 5-215(c),
34 5-908(d), 5-908.1(d), 5-909(c), 8-723(f), 10-209(g), and 10-301(n)(7)(i)
35 Annotated Code of Maryland
36 (2000 Replacement Volume and 2004 Supplement)

37 BY repealing and reenacting, with amendments,

1 Article - Natural Resources
2 Section 8-743(b)(2)
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2004 Supplement)
5 (As enacted by Chapter 458, Section 1, of the Acts of the General Assembly of
6 2004)

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 8-1808(c)(1)(vii)
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2004 Supplement)
12 (As enacted by Chapter 526 of the Acts of the General Assembly of 2004)

13 BY repealing and reenacting, without amendments,
14 Article - Public Safety
15 Section 12-1003(b)(5)
16 Annotated Code of Maryland
17 (2003 Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Public Utility Companies
20 Section 7-505(b)(3)
21 Annotated Code of Maryland
22 (1998 Volume and 2004 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Real Property
25 Section 11-109(c)(4)(ii), (5)(ii), (8)(iii)1., and (12), 11-137(a), 13-101(b), and
26 14-128(a)(1)
27 Annotated Code of Maryland
28 (2003 Replacement Volume and 2004 Supplement)

29 BY repealing and reenacting, without amendments,
30 Article - State Finance and Procurement
31 Section 3-901(d) and (e), 3-902(a), 3-905, 3-906(a), and 13-107.1(c)(1) and (k)
32 Annotated Code of Maryland
33 (2001 Replacement Volume and 2004 Supplement)

34 BY repealing and reenacting, with amendments,
35 Article - State Finance and Procurement
36 Section 3-903, 3-1002(a), 7-208(c), 7-209(e)(3)(ii), 7-314(m) and (q)(4)(i),
37 8-112(e)(3), and 11-203(e)(3)(ii)2. and (7)(iii)

1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - State Government
5 Section 6-308
6 Annotated Code of Maryland
7 (2004 Replacement Volume)
8 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2004 Special
9 Session)

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 8-403(b), 9-2603(b)(1)(i) and (ii), 12-101(a)(10), 12-301(2), and
13 15-516(b)(3)(ii) and (4)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2004 Supplement)

16 BY adding to
17 Article - State Government
18 Section 10-630
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - State Personnel and Pensions
23 Section 11-208(b), 11-305(a)(1), 21-123(f)(1)(i), 21-305.3(d)(2), 22-220(a),
24 24-401.1(h)(5)(i), 26-201(a)(12), 26-401.1(h)(5)(i), 31-2A-03(c), and
25 34-101(g)
26 Annotated Code of Maryland
27 (2004 Replacement Volume)

28 BY repealing and reenacting, without amendments,
29 Article - Tax - General
30 Section 7-203(b)(2)(v)
31 Annotated Code of Maryland
32 (1997 Replacement Volume and 2004 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article - Tax - Property
35 Section 9-105(a)(6)(i)2.
36 Annotated Code of Maryland
37 (2001 Replacement Volume and 2004 Supplement)

1 (As enacted by Chapter 501 of the Acts of the General Assembly of 2004)

2 BY repealing and reenacting, with amendments,
3 Article - Transportation
4 Section 2-103.1(g), 4-101(i)(1), and 8-627(b)
5 Annotated Code of Maryland
6 (2001 Replacement Volume and 2004 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article - Transportation
9 Section 2-103.3(c)(4), (e)(1), (g), and (h) and 2-606(b)(1)(viii)
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 13-618(d)(4), 13-815(a)(4) and (6) and (g), 13-920(a)(1),
15 16-205.1(a)(1)(i), 16-815(a)(1), 23-201(a), 23-301(a), 27-101(k)(2) and (3),
16 and 27-107(a)
17 Annotated Code of Maryland
18 (2002 Replacement Volume and 2004 Supplement)

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

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

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

29 BY repealing and reenacting, with amendments,
30 The Public Local Laws of Frederick County
31 Section 2-1-1
32 Article 11 - Public Local Laws of Maryland
33 (2004 Edition, as amended)

34 BY repealing and reenacting, with amendments,
35 Article - Natural Resources
36 Section 8-743(b)(2)

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2004 Supplement)
3 (As enacted by Chapter 458, Section 2, of the Acts of the General Assembly of
4 2004)

5 BY repealing
6 Article 41 - Governor - Executive and Administrative Departments
7 Title designation "Title 20. Statewide Cultural Programs"
8 Annotated Code of Maryland
9 (2003 Replacement Volume and 2004 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 11-127.1, 11-127.2, 11-178, 13-939.1(1), and 16-205.1(a)(1)(ii)
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 10-307(g)
18 Annotated Code of Maryland
19 (2002 Replacement Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Natural Resources
22 Section 8-738(b)(2)
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article 2B - Alcoholic Beverages
27 Section 1-201(f)(7), 7.5-106(a) and (b), 16-404(b) and (c), and 16-407
28 Annotated Code of Maryland
29 (2001 Replacement Volume and 2004 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - Criminal Procedure
32 Section 2-101(c)(13)
33 Annotated Code of Maryland
34 (2001 Volume and 2004 Supplement)

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

- 1 Section 18-213(a)(3)(ix) and 18-213.2(a)(8)(ix)
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2004 Supplement)
- 4 BY repealing and reenacting, with amendments,
5 Article - Public Safety
6 Section 3-101(e)(1)(ii)12. and 3-201(e)(2)(i)
7 Annotated Code of Maryland
8 (2003 Volume and 2004 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article - State Personnel and Pensions
11 Section 8-301(b) and 26-201(a)(2)
12 Annotated Code of Maryland
13 (2004 Replacement Volume)
- 14 BY repealing and reenacting, with amendments,
15 Article - Tax - General
16 Section 2-107(a), (b), (c)(2), and (d)(2)
17 Annotated Code of Maryland
18 (2004 Replacement Volume)
- 19 BY repealing and reenacting, with amendments,
20 Article 41 - Governor - Executive and Administrative Departments
21 Section 6-704(b)(1)(i)
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2004 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article - Health - General
26 Section 10-806(c)(4)(ii) and 13-506(a)(2)(iii)
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2004 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Article - State Finance and Procurement
31 Section 14-101(b)(3) and 14-109(a)(3)
32 Annotated Code of Maryland
33 (2001 Replacement Volume and 2004 Supplement)
- 34 BY repealing and reenacting, with amendments,
35 Article 41 - Governor - Executive and Administrative Departments
36 Section 6-7A-01(j)

1 Annotated Code of Maryland
2 (2003 Replacement Volume and 2004 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Health - General
5 Section 15-103(b)(9)(i)1., 17-214(f)(2)(i), 19-308(b)(2)(iii), and 19-360(a)(2)(ii)
6 and (3)
7 Annotated Code of Maryland
8 (2000 Replacement Volume and 2004 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Insurance
11 Section 15-901(f), 15-912(c)(10), 15-926, and 15-1003(b) and (d)(2)(i)
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2004 Supplement)

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

16 **Article 2B - Alcoholic Beverages**

17 6-201.

18 (d) (3) (i) 2. "Arena" means a facility that is a:

19 F. Concert facility; OR

20 DRAFTER'S NOTE:

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

22 Occurred: Ch. 481, Acts of 1993.

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

27 DRAFTER'S NOTE:

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

29 Occurred: Ch. 837, Acts of 1973.

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

1 DRAFTER'S NOTE:

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

3 Occurred: Ch. 663, Acts of 1980.

4 9-102.

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

9 DRAFTER'S NOTE:

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

11 Occurred: Ch. 517, Acts of 1976.

12 9-204.1.

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

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

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

19 DRAFTER'S NOTE:

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

21 Occurred: Ch. 461, Acts of 1992.

22 10-204.

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

25 DRAFTER'S NOTE:

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

27 Occurred: Ch. 5, Acts of 1993.

28 19-301.

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

1 DRAFTER'S NOTE:

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

3 Occurred: Ch. 3, Acts of 1994.

4

Article 10 - Legal Officials

5 40.

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

10 DRAFTER'S NOTE:

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

12 Occurred: Ch. 31, Acts of 1986.

13 (p) In Montgomery County:

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

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

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

29 DRAFTER'S NOTE:

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

32 Occurred: Ch. 812, Acts of 1974.

Article 24 - Political Subdivisions - Miscellaneous Provisions

2 9-304.

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

7 DRAFTER'S NOTE:

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

9 Occurred: Chapter 42, Acts of 2003.

10

Article 25 - County Commissioners

11 254.

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

16 DRAFTER'S NOTE:

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

18 Occurred: Ch. 294, Acts of 2004.

19

Article 41 - Governor - Executive and Administrative Departments

20 6-704.

21 (b) The Committee shall consist of the following:

22 (1) 1 representative each from:

23 (v) The MARYLAND Commission ON DISABILITIES;

24 DRAFTER'S NOTE:

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

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

1 14-901.

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

3 DRAFTER'S NOTE:

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

5 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
6 Section 8, the former references to the "Director" and the "Office for
7 Individuals with Disabilities" were corrected by the publisher of the
8 Annotated Code in the 2004 Supplement of the 2003 Replacement Volume
9 and are validated by this Act.

10 14-902.

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

13 DRAFTER'S NOTE:

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

15 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
16 Section 8, the former reference to the "Office for Individuals with
17 Disabilities" was corrected by the publisher of the Annotated Code in the
18 2004 Supplement of the 2003 Replacement Volume and is validated by this
19 Act.

20 14-904.

21 (b) The Board of Directors shall consist of:

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

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

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

28 DRAFTER'S NOTE:

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

30 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
31 Section 8, the former reference in Article 41, § 14-904(b)(4)(ii) to the
32 "Advisory Council for Individuals with Disabilities" was partially
33 corrected, and the former reference in Article 41, § 14-904(g) to the "Office
34 for Individuals with Disabilities" was corrected, by the publisher of the

1 Annotated Code in the 2004 Supplement of the 2003 Replacement Volume
2 and the partial correction and the correction are validated by this Act.

3 14-906.

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

6 DRAFTER'S NOTE:

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

8 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
9 Section 8, the former reference to the "Office for Individuals with
10 Disabilities" was corrected by the publisher of the Annotated Code in the
11 2004 Supplement of the 2003 Replacement Volume and is validated by this
12 Act.

13 14-908.

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

15 (1) The status of the money invested under this subtitle;

16 (2) The market value of the assets in the Fund as of the date of the
17 report; and

18 (3) The interest received from investments during the period covered by
19 the report.

20 DRAFTER'S NOTE:

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

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

26 14-911.

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

29 DRAFTER'S NOTE:

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

31 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
32 Section 8, the former reference to the "Director" was corrected by the
33 publisher of the Annotated Code in the 2004 Supplement of the 2003

1 Replacement Volume and is validated by this Act.

2 14-914.

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

8 DRAFTER'S NOTE:

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

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

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

15 4.1.

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

17 (7) The Secretary of Disabilities; and

18 DRAFTER'S NOTE:

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

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

25 12.

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

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

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

1 DRAFTER'S NOTE:

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

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

7 15.

8 (a) The members of the Council are:

9 (4) The Secretary of Disabilities, as a nonvoting, ex officio member;

10 DRAFTER'S NOTE:

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

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

17

Article 70B - Department of Aging

18 4B.

19 (a) The Interagency Committee on Aging Services consists of the following
20 members:

21 (7) The Secretary of Disabilities;

22 DRAFTER'S NOTE:

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

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

29

Article 83A - Department of Business and Economic Development

30 5-103.

31 (a) Notwithstanding any other provision of law [except for § 5-701 of this
32 article], the Secretary may transfer funds among any of the various accounts within

1 the Department or subject to its control, that are used to provide financial support of
2 any kind.

3 (b) Notwithstanding any other provision of law [except for § 5-701 of this
4 article], the Secretary may transfer funds from any of the accounts described in
5 subsection (a) of this section to the Economic Development Opportunities Program
6 Fund established under § 7-314 of the State Finance and Procurement Article.

7 DRAFTER'S NOTE:

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

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

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

12 5-2A-01.

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

15 DRAFTER'S NOTE:

16 Error: Erroneous subtitle designation immediately preceding Article 83A,
17 § 5-2A-01.

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

19 5-1403.

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

22 (1) Evaluate requests for financial assistance that have been first
23 evaluated by staff of the Department;

24 (2) Determine whether to approve requests for financial assistance; and

25 (3) Set the terms and conditions for financial assistance.

26 DRAFTER'S NOTE:

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

28 Occurred: Ch. 216, Acts of 2004.

29 5-1405.

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

1 (1) An individual, private business, not for profit entity, or local
2 government which:

3 (iii) Submits to the Department an application containing:

4 1. Any information the Department or the Authority deems
5 necessary in evaluating the request for financial assistance; and

6 2. For a qualified distressed county project, the following, in
7 form and content acceptable to the [Department;] DEPARTMENT:

8 A. A marketing plan designed to market the project to
9 prospective businesses;

10 B. A statement of planned marketing expenditures as a
11 percent of the total financial assistance amount requested; and

12 C. A plan for the project that is consistent with the county's
13 local strategic economic development plan as to the location and type of project; or

14 DRAFTER'S NOTE:

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

16 Occurred: Ch. 216, Acts of 2004.

17 5-1407.

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

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

25 DRAFTER'S NOTE:

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

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

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

29 129A.

30 (b) (1) The Council shall consist of the following members, appointed by the
31 Governor:

32 (v) One representative from the Department of Disabilities;

1 DRAFTER'S NOTE:

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

3 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
4 Section 8, the former reference "Governor's Office for Individuals with
5 Disabilities" was corrected by the publisher of the Annotated Code in the
6 2004 Supplement of the 2003 Replacement Volume and is validated by this
7 Act.

8 **Article - Agriculture**

9 2-301.

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

12 DRAFTER'S NOTE:

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

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

15 2-304.1.

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

19 DRAFTER'S NOTE:

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

21 Occurred: Ch. 208, Acts of 1977.

22 2-509.

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

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

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

32 (7) (I) If the Foundation approves the petition, the agricultural district
33 shall be established by an ordinance of the county governing body, however, the

1 establishment shall not take effect until all landowners in the proposed district have
2 executed and recorded along with land records an agreement with the Foundation
3 stipulating that for a period of five years from the establishment of the agricultural
4 district, the landowner agrees to keep his land in agricultural use and has the right to
5 offer to sell an easement for development rights on his land to the Foundation under
6 the provisions of this subtitle.

7 [(i)] (II) In the event of severe economic hardship the Foundation,
8 with the concurrence of the county governing body, may release the landowner's
9 property from the agricultural district. Any person aggrieved by a decision of the
10 Foundation regarding a determination of severe economic hardship is entitled to
11 judicial review.

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

14 DRAFTER'S NOTE:

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

16 Occurred: Ch. 883, Acts of 1977.

17 2-510.

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

27 [(1)] (2) (i) If a schedule of installments is agreed upon, the
28 Comptroller shall retain in the Maryland Agricultural Land Preservation Fund an
29 amount of money sufficient to pay the landowner according to the schedule.

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

1 [(2)] (3) (i) The Foundation may pay the landowner according to a
2 schedule, up to a maximum term of 15 years, established in an installment purchase
3 agreement.

4 (ii) The installment purchase agreement shall:

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

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

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

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

14 DRAFTER'S NOTE:

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

16 Occurred: Ch. 883, Acts of 1977.

17 2-514.

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

27 DRAFTER'S NOTE:

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

29 Occurred: Ch. 883, Acts of 1977.

30 8-704.2.

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

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

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

3 DRAFTER'S NOTE:

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

5 Occurred: Ch. 324, Acts of 1998.

6 **Article - Business Occupations and Professions**

7 10-206.

8 (b) This section does not apply to:

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

17 (I) THE ACTION:

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

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

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

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

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

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

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

1 DRAFTER'S NOTE:

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

4 Occurred: Ch. 281, Acts of 1992.

5 11-603.

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

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

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

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

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

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

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

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

26 DRAFTER'S NOTE:

27 Error: Incorrect word and incorrect punctuation in § 11-603(b) of the
28 Business Occupations and Professions Article; omitted word in §
29 11-603(c)(1) of the Business Occupations and Professions Article.

30 Occurred: Ch. 520, Acts of 2004. Correction of the punctuation error in §
31 11-603(b) by the publisher of the Annotated Code in the 2004 Supplement
32 of the Business Occupations and professions Article is ratified by this Act.

1 17-315.

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

5 DRAFTER'S NOTE:

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

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

11 17-523.

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

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

21 DRAFTER'S NOTE:

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

24 Occurred: Ch. 756, Acts of 1989.

25 **Article - Business Regulation**

26 7-306.

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

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

31 DRAFTER'S NOTE:

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

34 Occurred: Ch. 22, Acts of 1997.

1 10-312.

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

4 (3) [(2)] during periods of shortage:

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

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

9 DRAFTER'S NOTE:

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

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

15 11-515.

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

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

20 DRAFTER'S NOTE:

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

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

26 12-207.

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

29 DRAFTER'S NOTE:

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

31 Occurred: Ch. 227, Acts of 1997.

1

Article - Commercial Law

2 7-103.

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

8 DRAFTER'S NOTE:

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

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

13 9-102.

14 (a) In this title:

15 (67) "Proposal" means a record authenticated by a secured party which
16 includes the terms on which the secured party is willing to accept collateral in full or
17 partial satisfaction of the obligation it secures pursuant to [§ 9-620, § 9-621, and §
18 9-622] §§ 9-620, 9-621, AND 9-622 OF THIS ARTICLE.

19 DRAFTER'S NOTE:

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

21 Occurred: Ch. 282, Acts of 1999.

22 13-301.

23 Unfair or deceptive trade practices include any:

24 (14) Violation of a provision of:

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

26 [(xviii)] (XVII) Title 14, Subtitle 25 of this article, the Hearing Aid
27 Sales Act;

28 [(xix)] (XVIII) Title 14, Subtitle 26 of this article, the Maryland
29 Door-to-Door Solicitations Act;

30 [(xx)] (XIX) Title 14, Subtitle 31 of this article, the Maryland
31 Household Goods Movers Act; or

1 [(xxi)] (XX) Title 14, Subtitle 32 of this article, the Maryland
2 Telephone Consumer Protection Act; or

3 DRAFTER'S NOTE:

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

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

7 22-209.

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

10 DRAFTER'S NOTE:

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

12 Occurred: Ch. 11, Acts of 2000.

13 22-802.

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

17 DRAFTER'S NOTE:

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

20 Occurred: Ch. 11, Acts of 2000.

21 **Article - Corporations and Associations**

22 1-203.

23 (a) In addition to any organization and capitalization fee required under §
24 1-204 of this article, subject to subsection (c) of this section, the Department shall
25 collect [the] the fees specified in the subsection of this section.

26 DRAFTER'S NOTE:

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

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

1 2-502.

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

4 DRAFTER'S NOTE:

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

7 Occurred: Ch. 311, Acts of 1975.

8 7-201.

9 This subtitle does not apply to:

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

14 DRAFTER'S NOTE:

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

17 Occurred: Ch. 22, Acts of 2004.

18

Article - Correctional Services

19 11-706.

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

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

25 DRAFTER'S NOTE:

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

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

1 **Article - Courts and Judicial Proceedings**

2 3-8C-06.

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

5 DRAFTER'S NOTE:

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

8 Occurred: Ch. 551, Acts of 2004. Correction by the publisher of the
9 Annotated Code in the 2004 Supplement of the Courts and Judicial
10 Proceedings Article is ratified by this Act.

11 7-202.

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

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

19 DRAFTER'S NOTE:

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

22 Occurred: Ch. 684, Acts of 1974.

23 7-507.

24 (c) (3) In Cecil County:

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

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

32 DRAFTER'S NOTE:

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

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

4 10-402.

5 (c) (1) (ii) 2. The order shall set forth the period of time during which the
6 provision of the information, facilities, or technical assistance is authorized and
7 specify the information, facilities, or technical assistance required. A provider of wire
8 or electronic communication service, its officers, employees, or agents, or landlord,
9 custodian, or other specified person may not disclose the existence of any interception
10 or surveillance or the device used to accomplish the interception or surveillance with
11 respect to which the person has been furnished an order under this subparagraph,
12 except as may otherwise be required by legal process and then only after prior
13 notification to the judge who granted the order, if appropriate, or the State's Attorney
14 of the county where the device was used. Any such [disclosure,] DISCLOSURE shall
15 render the person liable for compensatory damages. No cause of action shall lie in any
16 court against any provider of wire or electronic communication service, its officers,
17 employees, or agents, landlord, custodian, or other specified person for providing
18 information, facilities, or assistance in accordance with the terms of a court order
19 under this subtitle.

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

23 1. The law enforcement officer initially lawfully detained a
24 vehicle during a criminal investigation or for a traffic violation;

25 2. The law enforcement officer is a party to the oral
26 communication;

27 3. The law enforcement officer has been identified as a law
28 enforcement officer to the other parties to the oral communication prior to any
29 interception;

30 4. The law enforcement officer informs all other parties to
31 the communication of the interception at the beginning of the communication; and

32 5. The oral interception is being made as part of a video tape
33 recording.

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

38 (e) (2) If an offense is a first offense under paragraph (1) of this subsection
39 and is not for a tortious or illegal purpose or for purposes of direct or indirect
40 commercial advantage or private commercial gain, and the wire or electronic

1 communication with respect to which the offense occurred is a radio communication
2 that is not scrambled or encrypted, and:

3 (i) The communication is not the radio portion of a cellular
4 telephone communication, a public land mobile radio service communication, or a
5 paging service communication, the offender is subject to a fine of not more than
6 \$1,000 or imprisonment for not more than [one] 1 year, or both; or

7 (3) Unless the conduct is for the purpose of direct or indirect commercial
8 advantage or private financial gain, conduct which would otherwise be an offense
9 under this subsection is not an offense under this [subsection,] SUBSECTION if the
10 conduct consists of or relates to the interception of a satellite transmission that is not
11 encrypted or scrambled and that is transmitted:

12 DRAFTER'S NOTE:

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

16 Occurred: Ch. 692, Acts of 1977; Ch. 607, Acts of 1988; Ch. 140, Acts of
17 1992.

18 12-302.

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

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

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

30 DRAFTER'S NOTE:

31 Error: Stylistic error in § 12-302(c)(3)(i); incorrect word usage in §
32 12-302(c)(3)(vi) of the Courts and Judicial Proceedings Article.

33 Occurred: Ch. 493, Acts of 1982.

Article - Criminal Law

1
2 3-802.

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

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

5 DRAFTER'S NOTE:

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

7 Occurred: Ch. 313, Acts of 2003.

8 3-805.1.

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

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

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

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

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

24 DRAFTER'S NOTE:

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

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

30 5-802.

31 (a) (1) Notwithstanding any other law, a law enforcement officer of the
32 Maryland Transportation Authority Police, [the Maryland Port Administration
33 Police, or] a municipal [corporation] CORPORATION, or A county may investigate and
34 otherwise enforce this title and Title 12 of the Criminal Procedure Article throughout

1 the State without any limitation as to jurisdiction and to the same extent as a law
2 enforcement officer of the Department of State Police.

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

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

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

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

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

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

17 DRAFTER'S NOTE:

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

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

21 7-104.

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

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

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

28 DRAFTER'S NOTE:

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

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

1 8-301.

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

4 DRAFTER'S NOTE:

5 Error: Incorrect word usage and erroneous internal reference in §
6 8-301(e) of the Criminal Law Article.

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

8 9-609.

9 (a) This section does not apply:

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

14 DRAFTER'S NOTE:

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

17 Occurred: Ch. 26, Acts of 2002.

18 13-2435.

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

23 DRAFTER'S NOTE:

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

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

29 **Article - Criminal Procedure**

30 2-101.

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

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

4 2-102.

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

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

9 2. the Police Commissioner or Police Commissioner's
10 designee, when in Baltimore City;

11 3. the chief of police or chief's designee, when in a county
12 with a county police department, except Baltimore City;

13 4. the sheriff or sheriff's designee, when in a county without
14 a county police department;

15 5. the Secretary of Natural Resources or Secretary's
16 designee, when on property owned, leased, operated by, or under the control of the
17 Department of Natural Resources; or

18 6. the [respective] chief of police OF THE MARYLAND
19 TRANSPORTATION AUTHORITY or chief's designee, when on property owned, leased,
20 operated by, or under the control of the Maryland Transportation Authority, Maryland
21 Aviation Administration, or Maryland Port Administration; and

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

25 2-103.

26 (a) In this section, "primary law enforcement officer" means:

27 (1) the chief of police, if any, or the chief's designee, in a municipal
28 corporation;

29 (2) the chief of police or the chief's designee in a county with a county
30 police department;

31 (3) the sheriff or the sheriff's designee in a county without a police
32 department;

33 (4) the Police Commissioner or the Police Commissioner's designee in
34 Baltimore City;

1 (5) the Secretary of Natural Resources or the Secretary's designee on any
 2 property owned, leased, operated by, or under the control of the Department of
 3 Natural Resources;

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

8 (7) the Secretary of the State Police.

9 2-104.

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

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

15 2. the police commissioner or police commissioner's designee,
 16 when in Baltimore City;

17 3. the chief of police or chief's designee, when in a county
 18 with a county police department, except Baltimore City;

19 4. the sheriff or sheriff's designee, when in a county without
 20 a county police department;

21 5. the Secretary of Natural Resources or Secretary's
 22 designee, when on property owned, leased, operated by, or under the control of the
 23 Department of Natural Resources; or

24 6. the [respective] chief of police OF THE MARYLAND
 25 TRANSPORTATION AUTHORITY or chief's designee, when on property owned, leased,
 26 operated by, or under the control of the Maryland Transportation Authority, Maryland
 27 Aviation Administration, or Maryland Port Administration; and

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

31 DRAFTER'S NOTE:

32 Error: Obsolete terminology in §§ 2-101(c)(6), 2-102(c)(1)(i)6,
 33 2-103(a)(6), and 2-104(c)(1)(i)6 of the Criminal Procedure Article.

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

1 4-101.

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

6 DRAFTER'S NOTE:

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

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

9 5-202.

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

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

22 DRAFTER'S NOTE:

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

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

27 6-229.

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

35 DRAFTER'S NOTE:

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

1 Article.

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

3 10-236.

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

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

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

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

16 DRAFTER'S NOTE:

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

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

22 11-912.

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

24 (1) as ex officio members:

25 (i) the Governor or the Governor's designee;

26 (ii) the Attorney General or the Attorney General's designee;

27 (iii) the chairman of the Maryland Criminal Injuries Compensation
28 Board;

29 (iv) the Secretary of Human Resources or the Secretary's designee;

30 (v) the Secretary of Juvenile Services or the Secretary's designee;

31 (vi) the Secretary of Public Safety and Correctional Services or the
32 Secretary's designee; and

1 (vii) the Executive Director or the Executive Director's designee;

2 [and]

3 (2) 14 persons appointed by the Governor as follows:

4 (i) two State's Attorneys, recommended by the Attorney General;

5 (ii) six members of the public, recommended by the Executive
6 Director;

7 (iii) four professional victim service providers, recommended by the
8 Executive Director;

9 (iv) one representative of the Maryland Chiefs of Police; AND

10 (v) one representative of the Maryland State Sheriff's Association;
11 and

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

14 DRAFTER'S NOTE:

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

17 Occurred: Ch. 10, Acts of 2001.

18 **Article - Education**

19 4-107.

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

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

24 DRAFTER'S NOTE:

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

26 Occurred: Ch. 22, Acts of 1978.

27 4-122.

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

30 DRAFTER'S NOTE:

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

2 Occurred: Ch. 123, Acts of 1986.

3 4-205.

4 (c) (2) Subject to the provisions of § 6-203 and [Subtitle 4 of Title 6] TITLE
5 6, SUBTITLE 4 of this article and without charge to the parties concerned, each county
6 superintendent shall decide all controversies and disputes that involve:

7 (i) The rules and regulations of the county board; and

8 (ii) The proper administration of the county public school system.

9 DRAFTER'S NOTE:

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

11 Occurred: Ch. 22, Acts of 1978.

12 5-603.

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

15 DRAFTER'S NOTE:

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

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

18 7-103.

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

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

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

28 DRAFTER'S NOTE:

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

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

1 8-406.

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

9 DRAFTER'S NOTE:

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

11 Occurred: Ch. 563, Acts of 2002.

12 12-102.

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

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

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

20 DRAFTER'S NOTE:

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

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

24 12-104.

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

30 DRAFTER'S NOTE:

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

32 Occurred: Ch. 485, Acts of 2004.

1 14-104.

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

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

12 DRAFTER'S NOTE:

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

15 Occurred: Ch. 273, Acts of 2004.

16 15-106.3.

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

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

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

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

24 DRAFTER'S NOTE:

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

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

29 16-106.

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

32 DRAFTER'S NOTE:

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

1 Occurred: Ch. 667, Acts of 1991.

2 18-603.

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

11 DRAFTER'S NOTE:

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

13 Occurred: Ch. 330, Acts of 1986.

14 18-1001.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 DRAFTER'S NOTE:

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

12 Occurred: Ch. 313, Acts of 1981.

13 18-1008.

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

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

17 DRAFTER'S NOTE:

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

19 Occurred: Ch. 22, Acts of 1978.

20 18-1909.

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

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

25 DRAFTER'S NOTE:

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

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

31 18-2001.

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

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

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

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

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

11 DRAFTER'S NOTE:

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

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

14 18-2601.

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

18 DRAFTER'S NOTE:

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

20 Occurred: Ch. 315, Acts of 2002.

21 23-301.

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

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

26 (2) "DEPOSITORY LIBRARY" INCLUDES:

27 (I) THE STATE LIBRARY RESOURCE CENTER;

28 (II) THE MARYLAND DEPARTMENT OF LEGISLATIVE SERVICES
29 LIBRARY;

30 (III) THE STATE ARCHIVES;

31 (IV) THE MARYLAND STATE LAW LIBRARY;

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

2 (VI) THE LIBRARY OF CONGRESS; AND

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

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

8 (D) "STATE AGENCY" MEANS ANY PERMANENT OR TEMPORARY STATE OFFICE,
9 DEPARTMENT, DIVISION OR UNIT, BUREAU, BOARD, COMMISSION, TASK FORCE,
10 AUTHORITY, INSTITUTION, STATE COLLEGE OR UNIVERSITY, AND ANY OTHER UNIT
11 OF STATE GOVERNMENT, WHETHER EXECUTIVE, LEGISLATIVE, OR JUDICIAL, AND
12 INCLUDES ANY SUBUNITS OF STATE GOVERNMENT.

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

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

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

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

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

33 (i) The State Library Resource Center;

34 (ii) The Maryland Department of Legislative Services Library;

35 (iii) The State Archives;

36 (iv) The Maryland State Law Library;

- 1 (v) The McKeldin Library of the University of Maryland;
- 2 (vi) The Library of Congress; and
- 3 (vii) Any other library that the Commission on State Publications
4 Depository and Distribution Program may designate as a depository library.
- 5 (4) "Program" means the State Publications Depository and Distribution
6 Program.
- 7 (5) "Commission" means the Commission on the State Publications
8 Depository and Distribution Program.]

9 DRAFTER'S NOTE:

- 10 Error: Stylistic errors and obsolete language in § 23-301 of the Education
11 Article.
- 12 Occurred: Ch. 912, Acts of 1982; as a result of Ch. 341, Acts of 1996.

13 **Article - Election Law**

14 1-101.

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

17 DRAFTER'S NOTE:

- 18 Error: Omitted word in EL, § 1-101(e).
- 19 Occurred: Ch. 291, Acts of 2002.
- 20 3-204.

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

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

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

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

30 (iii) boxes for the applicant to check to indicate whether the
31 applicant would like to register or declines to register to vote together with the

1 statement (in close proximity to the boxes and in prominent type), "If you do not check
2 either box, you will be considered to have decided not to register to vote at this time.";

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

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

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

12 DRAFTER'S NOTE:

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

14 Occurred: Ch. 291, Acts of 2002.

15 **Article - Environment**

16 4-103.

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

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

28 DRAFTER'S NOTE:

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

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

32 4-105.

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

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

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

4 DRAFTER'S NOTE:

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

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

10 **Article - Estates and Trusts**

11 15-112.

12 (a) (1) [Mandatory grounds.] A court shall remove a fiduciary who has:

13 (i) Willfully misrepresented material facts leading to his
14 appointment or to other action by the court in reference to the fiduciary estate;

15 (ii) Willfully disregarded an order of court;

16 (iii) Shown himself incapable, with or without fault to properly
17 perform the duties of his office; or

18 (iv) Breached his duty of good faith or loyalty in the management of
19 property of the fiduciary estate.

20 (2) [Discretionary grounds.] A court may remove a fiduciary who has:

21 (i) Negligently failed to file a bond within the time required by rule
22 or order of court;

23 (ii) Negligently failed to obey an order of court; or

24 (iii) Failed to perform any of his duties as fiduciary, or to
25 competently administer the fiduciary estate.

26 DRAFTER'S NOTE:

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

29 Occurred: Ch. 11, Acts of 1974.

Article - Family Law

1
2 2-404.

3 (b) Except as otherwise provided in this section:

4 (1) any county or group of 2 or more counties may set an additional fee of
5 up to \$25 for each license; and

6 (2) the proceeds shall be used to fund domestic violence programs.

7 (e) In Baltimore County:

8 (1) IN ADDITION TO THE FEE AUTHORIZED UNDER SUBSECTION (B)(1) OF
9 THIS SECTION, the County Council may set by resolution an additional fee of up to
10 \$15 for each license;

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

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

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

19 DRAFTER'S NOTE:

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

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

27 5-525.

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

33 DRAFTER'S NOTE:

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

1 Occurred: Ch. 608, Acts of 1987.

2 5-525.1.

3 (d) This section may not be construed to:

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

7 DRAFTER'S NOTE:

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

10 Occurred: Ch. 539, Acts of 1998.

11 9.5-204.

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

18 DRAFTER'S NOTE:

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

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

23 **Article - Health - General**

24 4-305.

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

29 DRAFTER'S NOTE:

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

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

1 5-615.

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

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

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

9 DRAFTER'S NOTE:

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

12 Occurred: Ch. 356, Acts of 2004. Correction by the publisher of the
13 Annotated Code in the 2004 Supplement of the Health - General Article is
14 ratified by this Act.

15 10-409.

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

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

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

21 DRAFTER'S NOTE:

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

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

26 10-1503.

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

33 DRAFTER'S NOTE:

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

1 Occurred: Ch. 148, Acts of 2003.

2 13-1403.

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

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

7 DRAFTER'S NOTE:

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

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

13 15-114.

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

16 (1) A comprehensive care [facility.] FACILITY;

17 (2) An extended care [facility.] FACILITY;

18 (3) An intermediate care [facility.] FACILITY; AND

19 (4) A skilled nursing facility.

20 DRAFTER'S NOTE:

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

23 Occurred: Ch. 21, Acts of 1982.

24 15-127.

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

26 [(1)] (2) "Child" means any individual under the age of 18 years.

27 [(2)] (3) "Initial assessment" includes:

28 (i) A psychological evaluation;

29 (ii) Parental interview; and

30 (iii) Medical evaluation.

1 [(3)] (4) (i) For purposes of this section, "sexual abuse" means any act
 2 that involves sexual molestation or exploitation of a child whether or not the sexual
 3 molestation or exploitation of the child is by a parent or other person who has
 4 permanent or temporary care or custody or responsibility for supervision of a child, or
 5 by any household or family member.

6 (ii) "Sexual abuse" includes:

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

10 DRAFTER'S NOTE:

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

12 Occurred: Ch. 487, Acts of 1990.

13 15-141.

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

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

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

23 DRAFTER'S NOTE:

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

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

27 17-214.

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

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

1 DRAFTER'S NOTE:

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

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

7 20-1006.

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

12 DRAFTER'S NOTE:

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

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

18 21-323.1.

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

22 DRAFTER'S NOTE:

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

25 Occurred: Ch. 312, Acts of 2004.

26 24-1203.

27 (b) (2) Of the 17 members:

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

30 DRAFTER'S NOTE:

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

32 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
33 Section 8, the former reference to "Office for Individuals with Disabilities"

1 was corrected by the publisher of the Annotated Code in the 2004
2 Supplement of the Health - General Article and is validated by this Act.

3 **Article - Health Occupations**

4 2-202.

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

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

10 DRAFTER'S NOTE:

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

12 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
13 Section 8, the former references to "Governor's Office for Individuals with
14 Disabilities" were corrected by the publisher of the Annotated Code in the
15 2004 Supplement of the Health Occupations Article and are validated by
16 this Act.

17 8-6A-02.

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

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

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

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

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

26 DRAFTER'S NOTE:

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

29 Occurred: Ch. 393, Acts of 1998.

30 14-5A-04.

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

1 DRAFTER'S NOTE:

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

4 Occurred: Ch. 516, Acts of 1996.

5 14-5B-04.

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

8 DRAFTER'S NOTE:

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

11 Occurred: Ch. 373, Acts of 2002.

12 **Article - Insurance**

13 4-405.

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

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

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

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

27 DRAFTER'S NOTE:

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

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

1 10-101.

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

5 DRAFTER'S NOTE:

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

7 Occurred: Ch. 731, Acts of 2001.

8 10-121.

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

11 1. is a stockholder of the corporation;

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

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

17 DRAFTER'S NOTE:

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

19 Occurred: Ch. 731, Acts of 2001.

20 10-133.

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

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

29 DRAFTER'S NOTE:

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

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

1 10-408.

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

4 (i) the Commissioner issues a renewal license; or

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

7 DRAFTER'S NOTE:

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

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

12 15-909.

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

16 DRAFTER'S NOTE:

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

19 Occurred: Ch. 35, Acts of 1997.

20 15-10A-03.

21 (c) (2) The Commissioner may extend the period within which a final
22 decision is to be made under paragraph (1) of this subsection for up to an additional
23 30 working days if [the Commissioner has not yet received]:

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

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

28 DRAFTER'S NOTE:

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

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

1 24-207.

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

6 (1) [§ 3-333] § 3-113 of this article;

7 DRAFTER'S NOTE:

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

10 Occurred: Ch. 57, Acts of 1997.

11 27-501.

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

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

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

20 (iii) is otherwise in accordance with this subtitle.

21 DRAFTER'S NOTE:

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

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

26 **Article - Labor and Employment**

27 3-707.

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

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

33 DRAFTER'S NOTE:

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

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

7 11-403.

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

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

13 DRAFTER'S NOTE:

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

16 Occurred: Ch. 64, Acts of 1983.

17 **Article - Natural Resources**

18 1-501.

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

22 DRAFTER'S NOTE:

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

24 Occurred: Ch. 838, Acts of 1978.

25 4-208.

26 (g) The Fund may be used only for:

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

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

31 DRAFTER'S NOTE:

32 Chs. 472 and 550, of the Acts of 2004, both amended § 4-208(g) of the

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

4 4-209.

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

7 (1) Replenishing fisheries resources and related research;

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

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

12 DRAFTER'S NOTE:

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

17 4-215.

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

20 [(1)] (2) "Conservation and management measures" means 1 or more
21 techniques through which the objectives of a fishery management plan are
22 [achieved:] ACHIEVED.

23 [(2)] (3) "Fishery" or "fishery resource" means:

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

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

28 [(3)] (4) "Fishery management" means the system used to conserve and
29 allocate the fishery resource, including research and data collection, determination of
30 objectives and management measures, and establishment, enforcement, and periodic
31 evaluation of [regulations; and] REGULATIONS.

32 [(4)] (5) "Fishery management plan" means a document or report that
33 contains a systematic description of a given fishery and the objectives and
34 conservation and management measures for the fishery.

35 DRAFTER'S NOTE:

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

2 Occurred: Ch. 665, Acts of 1990.

3 4-604.

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

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

8 DRAFTER'S NOTE:

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

11 Occurred: Ch. 76, Acts of 1974.

12 4-701.

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

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

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

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

27 DRAFTER'S NOTE:

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

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

31 4-711.

32 (a) A person may not set any pound net or any line of these nets [which] THAT
33 is greater in length than one third the distance across the waters of the bay, sound,
34 river, creek, cove, or inlet where it is set, or is set so that it impedes or obstructs

1 navigation on or blocks in any way the main channel of the bay, sound, river, creek,
 2 cove, or [inlet the] INLET. THE length limit provided here shall not be construed to
 3 apply to any line of nets running parallel to the bank or shore of any bay, sound, river,
 4 creek, cove, or [inlet] INLET, but no net may be set across the mouth on any tributary,
 5 [harbor] HARBOR, or navigation channel.

6 DRAFTER'S NOTE:

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

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

10 4-745.

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

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

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

21 DRAFTER'S NOTE:

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

24 Occurred: Ch. 792, Acts of 1984.

25 5-103.

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

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

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

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

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

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

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

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

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

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

18 DRAFTER'S NOTE:

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

23 5-209.

24 (b) The Secretary shall promulgate rules and regulations regarding
25 equipment standards and the operation of off-road vehicles by type, as defined in §
26 10-410(d) of this article, on property owned or controlled by the Department. [He]
27 THE SECRETARY shall conduct appropriate studies and, by January 1, 1975 [he shall
28 designate], DESIGNATE and identify areas for use by the general public for operation
29 of motorcycles, snowmobiles and other off-road vehicles on that property exclusive of
30 wildlife management areas or State fisheries management areas to the extent such
31 use is compatible with the character and established uses of property controlled by
32 the Department. Prior to March 31, 1976, every off-road vehicle to be used on
33 Department [of Natural Resources] lands shall be registered and provided suitable
34 identification by the Department [of Natural Resources], which shall charge an
35 annual uniform fee for all registrants, revenues derived from which shall be used to
36 acquire and maintain areas for off-road vehicle use by the general public. Any
37 investment earnings derived from the revenues shall be credited to the General Fund
38 of the State. Revenues from the fee are not subject to § 7-302 of the State Finance and
39 Procurement Article. Revenues may be used for administrative costs calculated in
40 accordance with § 1-103(b)(2) of this article. Any property to be acquired or
41 designated for off-road vehicle use shall be subject to a public hearing held in the

1 county or counties wherein the property is situated. However, no off-road vehicle may
2 be permitted where its operation will damage the wildland character of the property
3 or where the noise from its operation will be audible at or interfere with the use of a
4 picnic or camping area open to public use.

5 DRAFTER'S NOTE:

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

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

9 5-212.

10 (g) The Fund may be used only for:

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

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

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

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

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

23 DRAFTER'S NOTE:

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

28 5-212.1.

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

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

32 (i) The maintenance and operation of concession operations;

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

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

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

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

7 DRAFTER'S NOTE:

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

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

15 5-215.

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

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

24 (3) (i) The Fund is a special, nonlapsing fund that is not subject to §
25 7-302 of the State Finance and Procurement Article.

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

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

30 DRAFTER'S NOTE:

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

1 5-908.

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

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

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

8 DRAFTER'S NOTE:

9 Chs. 472 and 550, of the Acts of 2004, both amended § 5-908(d) of the
10 Natural Resources Article. The merger of Chs. 472 and 550 by the
11 publisher in the 2004 Supplement of the Natural Resources Article gives
12 effect to both enactments and is validated by this Act.

13 5-908.1.

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

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

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

20 DRAFTER'S NOTE:

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

25 5-909.

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

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

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

32 DRAFTER'S NOTE:

33 Chs. 472 and 550, of the Acts of 2004, both amended § 5-909(c) of the
34 Natural Resources Article. The merger of Chs. 472 and 550 by the

1 publisher in the 2004 Supplement of the Natural Resources Article gives
2 effect to both enactments and is validated by this Act.

3 8-723.

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

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

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

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

10 (f) The Department shall use the Fund:

11 (1) For the administration of this subtitle;

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

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

16 DRAFTER'S NOTE:

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

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

24 8-729.

25 (a) Unless excepted by § 8-728 of this subtitle, a security interest in a vessel is
26 not valid against creditors of the owner or subsequent transferees or secured parties
27 of the vessel unless perfected as provided under [§§ 8-729] THIS SECTION AND §§
28 8-730 through 8-732 of this subtitle.

29 DRAFTER'S NOTE:

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

31 Occurred: Ch. 432, Acts of 1975.

1 8-743.

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

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

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

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

12 DRAFTER'S NOTE:

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

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

17 8-1808.

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

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

24 DRAFTER'S NOTE:

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

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

30 8-2102.

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

33 (i) Phragmites [threaten] THREATENS rare or endangered wildlife
34 or plants;

1 (ii) The highest diversity and abundance of native plants, wildlife,
2 or fish exist; and

3 (iii) Phragmites can be effectively controlled.

4 DRAFTER'S NOTE:

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

7 Occurred: Ch. 429, Acts of 1996.

8 10-209.

9 (g) The Fund may be used for:

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

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

14 DRAFTER'S NOTE:

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

19 10-301.

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

21 1. Providing cost-share assistance to landowners for
22 planting upland wildlife habitat;

23 2. Providing matching funds to acquire grant funding for
24 upland wildlife habitat programs;

25 3. Hiring contractual staff to implement upland wildlife
26 habitat programs in the State;

27 4. Promoting the Fund and upland wildlife habitat
28 programs; and

29 5. Covering administrative costs calculated in accordance
30 with § 1-103(b)(2) of this article.

31 DRAFTER'S NOTE:

32 Chs. 472 and 550, of the Acts of 2004, both amended § 10-301(n)(7)(i) of the

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

4 **Article - Public Safety**

5 12-1003.

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

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

8 DRAFTER'S NOTE:

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

10 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
11 Section 8, the former reference to the "Governor's Office for Individuals
12 with Disabilities or the Director's" was corrected by the publisher of the
13 Annotated Code in the 2004 Supplement of the Public Safety Article and is
14 validated by this Act.

15 **Article - Public Utility Companies**

16 7-505.

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

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

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

24 DRAFTER'S NOTE:

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

27 Occurred: Ch. 3, Acts of 1999.

28 **Article - Real Property**

29 11-109.

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

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

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

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

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

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

14 DRAFTER'S NOTE:

15 Error: Stylistic errors in § 11-109(c)(4)(ii), (5)(ii), and (12) of the Real
16 Property Article; erroneous cross-reference and stylistic error in
17 § 11-109(c)(8)(iii)1 of the Real Property Article.

18 Occurred: Ch. 286, Acts of 2004.

19 11-137.

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

22 [(1)] (2) "Annual income" means the total income from all sources, of a
23 designated household, for the income tax year immediately preceding the year in
24 which the notice is given under § 11-102.1 of this [subtitle] TITLE, whether or not
25 included in the definition of gross income for federal or State tax purposes. For
26 purposes of this section, the inclusions and exclusions from annual income are the
27 same as those listed in [§ 9-104(a)(7)] § 9-104(A)(8) of the Tax - Property Article,
28 "gross income" as that term is defined for the property tax credits for homeowners by
29 reason of income and age, but shall not include unreimbursed medical expenses if the
30 tenant provides reasonable evidence of the unreimbursed medical expenses or
31 consents in writing to authorize disclosure of relevant information regarding medical
32 expense reimbursement at the time of applying for an extended lease.

33 [(2)] (3) "Designated household" means any of the following households:

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

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

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

6 [(4)] (5) "Household" means only those persons domiciled in the unit at
7 the time the notice required by § 11-102.1 of this title is given.

8 [(5)] (6) "Rental facility" means property containing 10 or more dwelling
9 units intended to be leased to persons who occupy the dwellings as their residences.

10 [(6)] (7) "Senior citizen" means a person who is at least 62 years old on
11 the date that the notice required by § 11-102.1 of this title is given.

12 DRAFTER'S NOTE:

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

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

17 13-101.

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

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

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

27 DRAFTER'S NOTE:

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

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

31 14-128.

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

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

1 DRAFTER'S NOTE:

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

3 Occurred: Ch. 529, Acts of 2004.

4 **Article - State Finance and Procurement**

5 3-901.

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

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

11 (1) is a resident of the State;

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

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

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

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

21 (ii) Supplemental Security Income (SSI); or

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

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

25 DRAFTER'S NOTE:

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

28 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
29 Section 8, the former references to "Governor's Office for Individuals with
30 Disabilities" were corrected by the publisher of the Annotated Code in the
31 2004 Supplement of the State Finance and Procurement Article and are
32 validated by this Act.

1 3-902.

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

7 DRAFTER'S NOTE:

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

10 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
11 Section 8, the former reference to "Governor's Office for Individuals with
12 Disabilities" was corrected by the publisher of the Annotated Code in the
13 2004 Supplement of the State Finance and Procurement Article and is
14 validated by this Act.

15 3-903.

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

18 (1) provide a system for eligible program participants to purchase
19 equipment, but no single eligible participant shall receive more than \$6,000;

20 (2) establish an information and referral service, including a [toll free]
21 TOLL-FREE number for both voice and TDD, to provide information about the
22 availability of the equipment;

23 (3) contract with private vendors or nonprofit organizations to provide
24 the information and referral service and other auxiliary services;

25 (4) as necessary, establish interagency agreements with other State
26 agencies [which] THAT provide technical assistance for disabled individuals to
27 prevent duplicative programs; and

28 (5) appoint appropriate staff to assist the Board in carrying out its
29 activities under this subtitle.

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

31 (1) assist the Department in the development of regulations;

32 (2) develop and implement educational outreach programs;

33 (3) review and monitor the program; and

34 (4) advise the Department on unusual hardship cases.

1 DRAFTER'S NOTE:

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

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

11 3-905.

12 The Department in consultation with the Board and the Department of
13 Disabilities shall adopt regulations to carry out the purposes of this subtitle.

14 DRAFTER'S NOTE:

15 Error: Obsolete language in § 3-905 of the State Finance and
16 Procurement Article.

17 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
18 Section 8, the former reference to "Governor's Office for Individuals with
19 Disabilities" was corrected by the publisher of the Annotated Code in the
20 2004 Supplement of the State Finance and Procurement Article and is
21 validated by this Act.

22 3-906.

23 (a) The Department in consultation with the Board and the Department of
24 Disabilities shall enter into an agreement with the State Department of Education,
25 Division of Library Development and Services, providing for an annual payment to be
26 made to the Division in an amount equal to the cost incurred for the distribution of
27 accessible information.

28 DRAFTER'S NOTE:

29 Error: Obsolete language in § 3-906(a) of the State Finance and
30 Procurement Article.

31 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
32 Section 8, the former reference to "Governor's Office for Individuals with
33 Disabilities" was corrected by the publisher of the Annotated Code in the
34 2004 Supplement of the State Finance and Procurement Article and is
35 validated by this Act.

1 3-1002.

2 (a) The Department shall review and update as necessary [the]:

3 (1) THE goals developed in the managing for results State comprehensive
4 plan; and

5 (2) the plan's objectives and performance measures.

6 DRAFTER'S NOTE:

7 Error: Erroneous placement of article in § 3-1002(a) of the State Finance
8 and Procurement Article.

9 Occurred: Ch. 452, Acts of 2004.

10 7-208.

11 (c) An amendment of an appropriation for a program of the Legislative
12 Branch of THE State government:

13 (1) may not increase the sum of the appropriations from the General
14 Fund of the State for all the programs of the Legislative Branch; and

15 (2) may authorize the expenditure of money from a special fund or the
16 federal government as provided in § 2-201 or § 7-217(a) of this article.

17 DRAFTER'S NOTE:

18 Error: Omitted word in § 7-208(c) of the State Finance and Procurement
19 Article.

20 Occurred: Ch. 377, Acts of 1986.

21 7-209.

22 (e) (3) (ii) Funds transferred under this paragraph may not be expended
23 by the recipient department or unit until each proposed budget amendment has been
24 approved by:

25 1. the Secretary of [the Department of] Budget and
26 Management;

27 2. the Governor; and

28 3. the Board of Public Works.

29 DRAFTER'S NOTE:

30 Error: Extraneous language in § 7-209(e)(3)(ii)1 of the State Finance and
31 Procurement Article.

1 Occurred: Ch. 430, Acts of 2004.

2 7-314.

3 (m) If an executive agency fails to disburse transferred funds to a recipient
4 within 1 year after the expected disbursement date presented to the Legislative
5 Policy Committee under subsection (l) of this section, the funds will revert back to the
6 Account and the Governor shall:

7 (1) resubmit the proposed budget amendment to transfer money [to]
8 FROM the Account to the Legislative Policy Committee; and

9 (2) provide the Legislative Policy Committee with the information
10 required under subsection (l) of this section.

11 (q) (4) (i) In this paragraph, "minority business enterprise" has the
12 meaning stated in § 14-301 of [the State Finance and Procurement Article] THIS
13 ARTICLE.

14 DRAFTER'S NOTE:

15 Error: Incorrect word usage in § 7-314(m)(1); stylistic error in §
16 7-314(q)(4)(i) of the State Finance and Procurement Article.

17 Occurred: Ch. 430, Acts of 2004; Ch. 206, Acts of 2004.

18 8-112.

19 (e) (3) At the same time that the Committee makes its report as required
20 under [paragraph] SUBSECTION (b) of this section, the Committee shall submit to
21 the Governor and the General Assembly the Committee's estimate of the amount of
22 new bonds for academic facilities that prudently may be authorized in the aggregate
23 for the next fiscal year by the University System of Maryland, Morgan State
24 University, and St. Mary's College of Maryland.

25 DRAFTER'S NOTE:

26 Error: Incorrect word usage in § 8-112(e)(3) of the State Finance and
27 Procurement Article.

28 Occurred: Ch. 93, Acts of 1989.

29 11-203.

30 (e) (3) (ii) 2. In its review of a contract for services or capital
31 improvements with a value that exceeds [\$500,000] \$500,000, the Board of Public
32 Works may request the comments of the appropriate agencies, including the
33 Department of Budget and Management and the Department of General Services.

34 (7) Paragraphs (3), (4), and (5) of this subsection do not apply to:

1 (iii) procurement by the University SYSTEM OF MARYLAND for:

2 1. services of managers to invest, in accordance with the
3 management and investment policies adopted by the Board of Regents OF THE
4 UNIVERSITY SYSTEM OF MARYLAND, gift and endowment assets received by the
5 University SYSTEM OF MARYLAND in accordance with § 12-104(e) of the Education
6 Article; or

7 2. expenditures to manage, maintain, and enhance, in
8 accordance with the management and investment policies adopted by the Board of
9 Regents OF THE UNIVERSITY SYSTEM OF MARYLAND, the value of gift and
10 endowment assets received by the University SYSTEM OF MARYLAND in accordance
11 with § 12-104(e) of the Education Article.

12 DRAFTER'S NOTE:

13 Error: Omitted comma in § 11-203(e)(3)(ii)2; misnomer and omitted
14 language in § 11-203(e)(7)(iii) of the State Finance and Procurement
15 Article.

16 Occurred: Ch. 515, Acts of 1999; Ch. 485, Acts of 2004.

17 13-107.1.

18 (c) (1) There is an interagency panel consisting of representatives appointed
19 by the Governor from the following:

20 (i) the Department of Health and Mental Hygiene;

21 (ii) the Department of Human Resources;

22 (iii) the Department of Labor, Licensing, and Regulation;

23 (iv) the Department of Juvenile Services;

24 (v) the Department of Disabilities;

25 (vi) the Department of Aging;

26 (vii) the Department of Business and Economic Development; and

27 (viii) the Council on Management and Productivity.

28 (k) The following agencies shall implement an educational outreach campaign
29 on the availability of the unsolicited proposal method of procurement:

30 (1) the Department of Health and Mental Hygiene;

31 (2) the Department of Human Resources;

32 (3) the Department of Labor, Licensing, and Regulation;

- 1 (4) the Department of Juvenile Services;
- 2 (5) the Department of Disabilities;
- 3 (6) the Department of Aging; and
- 4 (7) the Department of Business and Economic Development.

5 DRAFTER'S NOTE:

6 Error: Obsolete language in § 13-107.1(c)(1)(v) and (k)(5) of the State
7 Finance and Procurement Article.

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

13 **Article - State Government**

14 6-308.

15 On or before January 1 of each year, the Division shall report to the Governor
16 and, subject to § 2-1246 of [the State Government Article] THIS ARTICLE, to the
17 General Assembly on the activities of the Division during the prior fiscal year.

18 DRAFTER'S NOTE:

19 Error: Stylistic error in § 6-308 of the State Government Article.

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

21 8-403.

22 (b) Except as otherwise provided in subsection (a) of this section, on or before
23 the evaluation date for the following governmental activities or units, an evaluation
24 shall be made of the following governmental activities or units and the statutes and
25 regulations that relate to the governmental activities or units:

26 (1) Acupuncture Board, State (§ 1A-201 of the Health Occupations
27 Article: July 1, 2014);

28 (2) Adolescent Pregnancy, Governor's Council on (Article 49D, § 21 of the
29 Code: July 1, 2003);

30 (3) Amusement Ride Safety, State Advisory Board (§ 3-303 of the
31 Business Regulation Article: July 1, 2013);

32 (4) Apprenticeship and Training Council (§ 11-403 of the Labor and
33 Employment Article: July 1, 2013);

- 1 (5) Architects, State Board of (§ 3-201 of the Business Occupations and
2 Professions Article: July 1, 2012);
- 3 (6) Athletic Commission, State (§ 4-201 of the Business Regulation
4 Article: July 1, 2010);
- 5 (7) Audiologists, Hearing Aid Dispensers, and Speech-Language
6 Pathologists, State Board of Examiners for (§ 2-201 of the Health Occupations
7 Article: July 1, 2015);
- 8 (8) Banking Board (§ 2-201 of the Financial Institutions Article: July 1,
9 2011);
- 10 (9) Barbers, State Board of (§ 4-201 of the Business Occupations and
11 Professions Article: July 1, 2010);
- 12 (10) Boiler Rules, Board of (§ 12-904 of the Public Safety Article: July 1,
13 2013);
- 14 (11) Cemetery Oversight, Office of (§ 5-201 of the Business Regulation
15 Article: July 1, 2006);
- 16 (12) Children, Youth, and Families, Office for (Article 49D, § 1 of the Code:
17 July 1, 2004);
- 18 (13) Chiropractic Examiners, State Board of (§ 3-201 of the Health
19 Occupations Article: July 1, 2011);
- 20 (14) Collection Agency Licensing Board, State (§ 7-201 of the Business
21 Regulation Article: July 1, 2011);
- 22 (15) Cosmetologists, State Board of (§ 5-201 of the Business Occupations
23 and Professions Article: July 1, 2010);
- 24 (16) Counselors and Therapists, State Board of Professional (§ 17-201 of
25 the Health Occupations Article: July 1, 2008);
- 26 (17) Dental Examiners, State Board of (§ 4-201 of the Health Occupations
27 Article: July 1, 2005);
- 28 (18) Dietetic Practice, State Board of (§ 5-201 of the Health Occupations
29 Article: July 1, 2014);
- 30 [(19) Repealed by Acts of 2004 Ch. 520, § 2, effective October 1, 2004.
- 31 (20) Economic Growth, Resource Protection, and Planning Commission,
32 State (§ 5-702 of the State Finance and Procurement Article: July 1, 2002);
- 33 (21)] (19) Electricians, State Board of Master (§ 6-201 of the Business
34 Occupations and Professions Article: July 1, 2012);

- 1 [(22)] (20) Electrology Practice Committee (§ 8-6B-05 of the Health
2 Occupations Article: July 1, 2012);
- 3 [(23)] (21) Elevator Safety Review Board (§§ 12-819 through 12-841 of the
4 Public Safety Article: July 1, 2013);
- 5 [(24)] (22) Engineers, Board of Examining (§ 4-1 of the Public Local Laws
6 of Baltimore City: July 1, 2004);
- 7 [(25)] (23) Engineers, State Board for Professional (§ 14-201 of the
8 Business Occupations and Professions Article: July 1, 2012);
- 9 [(26)] (24) Environmental Sanitarians, State Board of (§ 11-201 of the
10 Environment Article: July 1, 2012);
- 11 [(27)] (25) Financial Regulation, Office of the Commissioner of (§ 2-101 of
12 the Financial Institutions Article: July 1, 2011);
- 13 [(28)] (26) Foresters, State Board of (§ 7-201 of the Business Occupations
14 and Professions Article: July 1, 2014);
- 15 [(29)] (27) Health Care Commission, Maryland (§ 19-103 of the Health -
16 General Article: July 1, 2007);
- 17 [(30)] (28) Health Services Cost Review Commission, State (§ 19-202 of
18 the Health - General Article: July 1, 2007);
- 19 [(31)] (29) Heating, Ventilation, Air-Conditioning, and Refrigeration
20 Contractors, State Board of (§ 9A-201 of the Business Regulation Article: July 1,
21 2012);
- 22 [(32)] (30) Home Improvement Commission, Maryland (§ 8-201 of the
23 Business Regulation Article: July 1, 2011);
- 24 [(33)] (31) Horse Industry Board, Maryland (§ 2-701 of the Agriculture
25 Article: July 1, 2005);
- 26 [(34)] (32) Individuals with Disabilities, Office for (§ 9-1102 of the State
27 Government Article: July 1, 2014);
- 28 [(35)] (33) Insurance Administration (§§ 2-101 and 2-103 of the Insurance
29 Article: July 1, 2012);
- 30 [(36)] (34) Interior Designers, State Board of Certified (§ 8-201 of the
31 Business Occupations and Professions Article: July 1, 2013);
- 32 [(37)] (35) Labor and Industry, Division of (Title 2 of the Labor and
33 Employment Article: July 1, 2013);
- 34 [(38)] (36) Land Surveyors, State Board for Professional (§ 15-201 of the
35 Business Occupations and Professions Article: July 1, 2012);

1 [(39)] (37) Landscape Architects, State Board of Examiners of (§ 9-201 of
2 the Business Occupations and Professions Article: July 1, 2012);

3 [(40)] (38) Law Examiners, State Board of (§ 10-201 of the Business
4 Occupations and Professions Article: July 1, 2009);

5 [(41)] (39) Maryland-Bred Race Fund Advisory Committee (§ 11-531 of
6 the Business Regulation Article: July 1, 2010);

7 [(42)] Radiation Oncology/Therapy Technologists, Medical Radiation
8 Technologists, and Nuclear Medicine Technologists Advisory Committee (§ 14-5B-05
9 of the Health Occupations Article: July 1, 2012);]

10 [(43)] (40) Morticians, State Board of (§ 7-201 of the Health Occupations
11 Article: July 1, 2007);

12 [(44)] (41) Nursing, State Board of (§ 8-201 of the Health Occupations
13 Article: July 1, 2012);

14 [(45)] (42) Nursing Home Administrators, State Board of Examiners of (§
15 9-201 of the Health Occupations Article: July 1, 2012);

16 [(46)] (43) Occupational Safety and Health Advisory Board (§ 5-302 of the
17 Labor and Employment Article: July 1, 2013);

18 [(47)] (44) Occupational Therapy Practice, State Board of (§ 10-201 of the
19 Health Occupations Article: July 1, 2014);

20 [(48)] (45) Optometry, State Board of Examiners in (§ 11-201 of the Health
21 Occupations Article: July 1, 2012);

22 [(49)] (46) Pharmacy, State Board of (§ 12-201 of the Health Occupations
23 Article: July 1, 2012);

24 [(50)] (47) Physical Therapy Examiners, State Board of (§ 13-201 of the
25 Health Occupations Article: July 1, 2011);

26 [(51)] (48) Physician Assistant Advisory Committee (§ 15-201 of the
27 Health Occupations Article: July 1, 2012);

28 [(52)] (49) Physicians, State Board of (§ 14-201 of the Health Occupations
29 Article: July 1, 2006);

30 [(53)] (50) Pilots, State Board of (§ 11-201 of the Business Occupations
31 and Professions Article: July 1, 2012);

32 [(54)] (51) Plumbing, State Board of (§ 12-201 of the Business Occupations
33 and Professions Article: July 1, 2012);

34 [(55)] (52) Podiatric Medical Examiners, State Board of (§ 16-201 of the
35 Health Occupations Article: July 1, 2011);

1 [(56)] (53) Prevailing Wage Rates, Advisory Council on (§ 17-203 of the
2 State Finance and Procurement Article: July 1, 2013);

3 [(57)] (54) Psychologists, State Board of Examiners of (§ 18-201 of the
4 Health Occupations Article: July 1, 2012);

5 [(58)] (55) Public Accountancy, State Board of (§ 2-201 of the Business
6 Occupations and Professions Article: July 1, 2014);

7 [(59)] (56) Racing Commission, State (§ 11-201 of the Business Regulation
8 Article: July 1, 2010);

9 (57) RADIATION ONCOLOGY/THERAPY TECHNOLOGISTS, MEDICAL
10 RADIATION TECHNOLOGISTS, AND NUCLEAR MEDICINE TECHNOLOGISTS ADVISORY
11 COMMITTEE (§ 14-5B-05 OF THE HEALTH OCCUPATIONS ARTICLE: JULY 1, 2012);

12 [(60)] (58) Real Estate Appraisers and Home Inspectors, State
13 Commission of (§ 16-201 of the Business Occupations and Professions Article: July 1,
14 2012);

15 [(61)] (59) Real Estate Commission, State (§ 17-201 of the Business
16 Occupations and Professions Article: July 1, 2011);

17 [(62)] Real Estate Hearing Board (§ 17-325 of the Business Occupations
18 and Professions Article: July 1, 2001);

19 (63) (60) Residential Child Care Program Administrators, State Board
20 for Certification of (§ 20-202 of the Health Occupations Article: July 1, 2013);

21 [(64)] (61) Respiratory Care Professional Standards Committee, State (§
22 14-5A-05 of the Health Occupations Article: July 1, 2012);

23 [(65)] (62) Security Systems Technicians, Licensing and Regulation of (§
24 18-201 of the Business Occupations and Professions Article: July 1, 2015);

25 [(66)] (63) Social Work Examiners, State Board of (§ 19-201 of the Health
26 Occupations Article: July 1, 2013);

27 [(67)] (64) Standardbred Race Fund Advisory Committee, Maryland (§
28 11-625 of the Business Regulation Article: July 1, 2010);

29 [(68)] (65) Tobacco Authority (§ 7-201 of the Agriculture Article: July 1,
30 2005);

31 [(69)] (66) Veterinary Medical Examiners, State Board of (§ 2-302 of the
32 Agriculture Article: July 1, 2010);

33 [(70)] (67) Waterworks and Waste Systems Operators, State Board of (§
34 12-201 of the Environment Article: July 1, 2010); and

1 [(71)] (68) Well Drillers, State Board of (§ 13-201 of the Environment
2 Article: July 1, 2010).

3 DRAFTER'S NOTE:

4 Error: Obsolete requirement in § 8-403(b)(20) of the State Government
5 Article.

6 Occurred: As a result of the termination provision enacted in Chapter
7 437, Acts of 1992.

8 Error: Obsolete requirement in § 8-403(b)(62) of the State Government
9 Article.

10 Occurred: As a result of § 8-411(a)(2) of the State Government Article,
11 which provides that after the period of reestablishment has expired the
12 governmental unit terminates unless it is reestablished.

13 Error: Codification error resulting from failure to place provision in
14 proper alphabetical order in § 8-403(b)(42) of the State Government
15 Article.

16 Occurred: Ch. 373, Acts of 2002.

17 9-2603.

18 (b) (1) The Board shall consist of 37 members[, of whom:

19 (i) two shall serve ex officio], as follows:

20 [1.] (I) the Mayor of Baltimore, SERVING EX OFFICIO, or the
21 Mayor's designee; and

22 [2. the Chairman of the Commission on African American
23 History and Culture or the Chairman's designee; and]

24 (ii) [thirty-five shall be] THIRTY-SIX MEMBERS appointed by the
25 Governor, as follows:

26 1. one representative of Morgan State University, approved
27 by the Board of Regents of the University;

28 2. [two members of the Commission on African American
29 History and Culture,] THE CHAIRMAN OF THE COMMISSION ON AFRICAN AMERICAN
30 HISTORY AND CULTURE OR THE CHAIRMAN'S DESIGNEE AND TWO OTHER
31 COMMISSION MEMBERS approved by the Commission, to provide continuing
32 coordination and cooperation between the Corporation and the Commission and to
33 ensure consistency with the statewide programs and mandates of the Commission;

34 3. four representatives of African American historical or
35 cultural institutions in the State; and

1 Error: Obsolete terminology in § 12-301(2) of the State Government
2 Article.

3 Occurred: As a result of an administratively changed board name arising
4 from Ch. 291, Acts of 2002.

5 15-516.

6 (b) Public access and inspection of an activity or record of the Joint Ethics
7 Committee shall be available for:

8 (3) information relating to any complaint, proceeding, or record of the
9 Joint Ethics Committee involving an individual member of the General Assembly, if
10 consent to public access and inspection is granted by:

11 (ii) the Joint ETHICS Committee, upon three-fourths vote of the
12 membership of the Joint ETHICS Committee based on criteria established by rule;

13 (4) an opinion or rule issued by the Joint ETHICS Committee; or

14 DRAFTER'S NOTE:

15 Error: Omitted word in §§ 15-516(b)(3)(ii) and (4) of the State
16 Government Article.

17 Occurred: Ch. 129, Acts of 1999.

18 **Article - State Personnel and Pensions**

19 11-208.

20 (b) Reinstatement to a comparable class to which the Secretary has certified
21 EMPLOYEES WHO WERE laid-off or WHO WERE separated under § 11-302 of this title
22 [employees] shall be made from among the five laid-off or separated [under §
23 11-302 of this title] employees with the most seniority points who are certified to the
24 class.

25 DRAFTER'S NOTE:

26 Error: Syntactical and stylistic errors in § 11-208(b) of the State
27 Personnel and Pensions Article.

28 Occurred: Ch. 347, Acts of 1996.

29 11-305.

30 (a) This section only applies to an employee who is in a position:

31 (1) under a special appointment; [or]

32 DRAFTER'S NOTE:

1 Error: Extraneous conjunction in § 11-305(a)(1) of the State Personnel
2 and Pensions Article.

3 Occurred: Ch. 347, Acts of 1996.

4 21-123.

5 (f) (1) Notwithstanding any other law in force on or after July 1, 1988,
6 unless the law makes specific reference to this subsection, and subject to paragraph
7 (2) of this subsection, the Board of Trustees may keep all analyses, forecasts,
8 negotiations, papers, records, recommendations, and reports closed to public
9 inspection until:

10 (i) the release of the information would not adversely [effect]
11 AFFECT the negotiation for or market price of a security; and

12 DRAFTER'S NOTE:

13 Error: Incorrect word usage in § 21-123(f)(1)(i) of the State Personnel
14 and Pensions Article.

15 Occurred: Ch. 6, Acts of 1994.

16 21-305.3.

17 (d) Except as provided in subsection (e) of this section, the annual special
18 accrued liability contribution of each participating governmental unit shall be the
19 level annual payment that is sufficient to liquidate, over 25 years beginning on the
20 date of approval by the legislative body of the participating governmental unit, the
21 amount by which the special accrued liability of the participating governmental unit
22 exceeds the sum of:

23 (2) any cash and securities transferred to the [employees' system]
24 EMPLOYEES' PENSION SYSTEM in accordance with § 31-113(d) of this article.

25 DRAFTER'S NOTE:

26 Error: Misnomer in § 21-305.3(d)(2) of the State Personnel and Pensions
27 Article.

28 Occurred: Ch. 661, Acts of 1996.

29 22-220.

30 (a) This section applies only to a member who[:

31 (1)] is subject to Selection B (Limited cost-of-living adjustment) on
32 October 1, 1994[; or

33 (2) on or after October 1, 1994, elects Selection B (Limited cost-of-living
34 adjustment) under § 22-219(c) of this subtitle].

1 DRAFTER'S NOTE:

2 Error: Obsolete language in § 22-220(a) of the State Personnel and
3 Pensions Article.

4 Occurred: As a result of Ch. 532, Acts of 2004.

5 24-401.1.

6 (h) (5) During the period that a DROP member participates in the DROP,
7 the DROP member shall:

8 (i) continue to receive compensation, health insurance and other
9 benefit options established under the State Employee and Retiree Health and Welfare
10 Benefit Program administered by the Secretary of [the Department of] Budget and
11 Management, and any other benefits as an employee of the Maryland State Police;

12 DRAFTER'S NOTE:

13 Error: Stylistic error in § 24-401.1(h)(5)(i) of the State Personnel and
14 Pensions Article.

15 Occurred: Chs. 122 and 123, Acts of 1999.

16 26-201.

17 (a) Except as provided in subsection (b) of this section, this subtitle applies
18 only to:

19 (12) an employee of the Motor Vehicle Administration commissioned by
20 the Secretary of [the Department of] Transportation as a Motor Vehicle
21 Administration police officer;

22 DRAFTER'S NOTE:

23 Error: Stylistic error in § 26-201(a)(12) of the State Personnel and
24 Pensions Article.

25 Occurred: Ch. 397, Acts of 2000.

26 26-401.1.

27 (h) (5) During the period that a DROP member participates in the DROP,
28 the DROP member shall:

29 (i) continue to receive compensation, health insurance, and other
30 benefit options established under the State Employee and Retiree Health and Welfare
31 Benefit Program administered by the Secretary of [the Department of] Budget and
32 Management, and any other benefits as an employee of the State;

33 DRAFTER'S NOTE:

1 Error: Stylistic error in § 26-401.1(h)(5)(i) of the State Personnel and
2 Pensions Article.

3 Occurred: Ch. 395, Acts of 2000.

4 31-2A-03.

5 (c) If at least 60% of the firefighters of an eligible governmental unit who are
6 members of a local pension system petition to become members of the Law
7 Enforcement Officers' PENSION System, the legislative body of the eligible
8 governmental unit may approve the participation of these firefighters in the Law
9 Enforcement Officers' PENSION System as though the local pension system were not
10 in operation.

11 DRAFTER'S NOTE:

12 Error: Omitted word in § 31-2A-03(c) of the State Personnel and
13 Pensions Article.

14 Occurred: Ch. 532, Acts of 2004.

15 34-101.

16 (g) For fiscal year 2006 through fiscal year [2016] 2015, no payments may be
17 made from the Postretirement Health Benefits Trust Fund.

18 DRAFTER'S NOTE:

19 Error: Erroneous year reference in § 34-101(g) of the State Personnel
20 and Pensions Article.

21 Occurred: Ch. 466, Acts of 2004.

22 **Article - Tax - General**

23 7-203.

24 (b) (2) The inheritance tax does not apply to the receipt of property that
25 passes from a decedent to or for the use of:

26 (v) a spouse of a child of the decedent or a spouse of a lineal
27 descendant of a child of the decedent;

28 DRAFTER'S NOTE:

29 Error: Extraneous word in § 7-203(b)(2)(v) of the Tax - General Article.

30 Occurred: Ch. 145, Acts of 2004. Correction by the publisher of the
31 Annotated Code in the 2004 Supplement of the Tax - General Article is
32 validated by this Act.

1 **Article - Tax - Property**

2 9-105.

3 (a) (6) "Agricultural limited liability company" means a limited liability
4 company that:

5 (i) owns real property that:

6 2. includes land used as a homesite that is part of or
7 contiguous to a parcel described in [item 1.] ITEM 1 of this item;

8 DRAFTER'S NOTE:

9 Error: Extraneous period in § 9-105(a)(6)(i)2 of the Tax - Property
10 Article.

11 Occurred: Ch. 501, Acts of 2004. Correction by the publisher of the
12 Annotated Code in the 2004 Supplement of the Tax - Property Article is
13 ratified by this Act.

14 **Article - Transportation**

15 2-103.1.

16 (g) Beginning with the year 2002 State Report on Transportation and
17 continuing thereafter, before the General Assembly considers the proposed Maryland
18 Transportation Plan and THE proposed Consolidated Transportation Program, the
19 Department shall submit an annual report on the attainment of transportation goals
20 and benchmarks for the approved and proposed Maryland Transportation Plan and
21 THE approved and proposed Consolidated Transportation Program to the Governor
22 and, subject to § 2-1246 of the State Government Article, to the General Assembly.

23 DRAFTER'S NOTE:

24 Error: Omitted articles in § 2-103.1(g) of the Transportation Article.

25 Occurred: Ch. 303, Acts of 2000.

26 2-103.3.

27 (c) (4) The Secretary shall consult with the Department of Aging and the
28 Department of Disabilities in distributing the funds available under this section.

29 (e) (1) If any of the allocated funds described in subsection (c) of this section
30 are not applied for by the counties within 6 months after the beginning of the fiscal
31 year, the Secretary shall make those funds available to counties pursuant to
32 application procedures and criteria developed by the Secretary, in consultation with
33 the Department of Aging and the Department of Disabilities. The criteria shall
34 provide that:

1 (i) Such funds may be made available to counties in which the
2 Secretary determines that additional funds for transportation service to the elderly
3 and handicapped are most needed; and

4 (ii) Local match requirements described in subsection (f) of this
5 section shall apply to all disbursements.

6 (g) The Secretary, in consultation with the Department of Aging and the
7 Department of Disabilities, shall develop procedures for the proper enforcement of
8 this section. The procedures shall provide that:

9 (1) A county shall use all amounts distributed to it under this section
10 only for the acquisition or replacement of equipment or for the operating costs of the
11 county's transportation service;

12 (2) A county, in consultation with the local area agency on aging, shall
13 determine the most effective means of serving the transportation needs of its elderly
14 and handicapped residents;

15 (3) Each county shall cooperate with the others to best serve the
16 transportation needs of the State's elderly and handicapped residents; and

17 (4) A county administering a transportation service that receives funds
18 under this section:

19 (i) Shall provide trips for any purpose;

20 (ii) Shall serve the elderly and handicapped citizens within the
21 service areas identified in its application;

22 (iii) May not restrict its transportation service to clients of social
23 service agencies;

24 (iv) May establish reasonable fares; and

25 (v) May permit persons other than the elderly and handicapped to
26 use or benefit from its transportation service to the extent capacity is available.

27 (h) The Secretary in consultation with the Department of Aging and the
28 Department of Disabilities shall monitor the use of funds provided under this section.

29 DRAFTER'S NOTE:

30 Error: Obsolete language in § 2-103.3(c)(4), (e)(1), (g), and (h) of the
31 Transportation Article.

32 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
33 Section 8, the former references to "Governor's Office for Individuals with
34 Disabilities" were corrected by the publisher of the Annotated Code in the
35 2004 Supplement of the Transportation Article and are validated by this
36 Act.

1 2-606.

2 (b) The Committee shall consist of the following:

3 (1) 1 representative each from:

4 (viii) The Department of Disabilities;

5 DRAFTER'S NOTE:

6 Error: Obsolete language in § 2-606(b)(1)(viii) of the Transportation
7 Article.

8 Occurred: As a result of Ch. 425, Acts of 2004. Pursuant to Ch. 425,
9 Section 8, the former reference to "Governor's Office for Individuals with
10 Disabilities" was corrected by the publisher of the Annotated Code in the
11 2004 Supplement of the Transportation Article and is validated by this Act.

12 4-101.

13 (i) "Transportation facilities project" includes:

14 (1) The Susquehanna River Bridge, the Harry W. Nice Memorial
15 Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay
16 Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, THE FORT
17 MCHENRY TUNNEL, the Francis Scott Key Bridge, and the John F. Kennedy Memorial
18 Highway, together with their appurtenant causeways, approaches, interchanges,
19 entrance plazas, toll stations, and service facilities;

20 DRAFTER'S NOTE:

21 Error: Omitted language in § 4-101(i)(1) of the Transportation Article.

22 Occurred: As a result of acquisition of the Fort McHenry Tunnel by the
23 Maryland Transportation Authority from Baltimore City in 1983.

24 8-627.

25 (b) This section applies to property owned by a person, the State, or A political
26 subdivision:

27 (1) Engaged in, or preparing to engage in, the manufacture,
28 transportation, or storage of a product to be used in a defense-related activity;

29 (2) Engaged in, or preparing to engage in, the manufacture,
30 transportation, distribution, or storage of gas, oil, coal, electricity, or water; or

31 (3) Operating a public utility.

32 DRAFTER'S NOTE:

1 Error: Omitted article in § 8-627(b) of the Transportation Article.

2 Occurred: Ch. 166, Acts of 2001.

3 13-618.

4 (d) (4) No portion of the additional initial registration or renewal fees may
5 be credited to the Gasoline and Motor Vehicle Revenue Account for distribution under
6 § 8-403 or § 8-404 of [the Transportation Article] THIS ARTICLE.

7 DRAFTER'S NOTE:

8 Error: Stylistic error in § 13-618(d)(4) of the Transportation Article.

9 Occurred: Ch. 69, Acts of 1990.

10 13-815.

11 (a) (4) "Maximum available power" means the maximum value of the sum of
12 the heat engine and electric drive system power or other [non-heat] NONHEAT
13 energy conversion devices available for a driver's command for maximum acceleration
14 at vehicle speeds under 75 miles per hour.

15 (6) "Qualified hybrid vehicle" means an automobile that:

16 (i) Meets all applicable regulatory requirements;

17 (ii) Meets the current vehicle exhaust standard set under the
18 National Low-Emission Vehicle Program for gasoline-powered passenger cars; and

19 (iii) Can draw propulsion energy from both of the following
20 [on-board] ONBOARD sources of stored energy:

21 1. Gasoline or diesel fuel; and

22 2. A rechargeable energy storage system.

23 (g) On or after October 1 of each year, the [Motor Vehicle] Administration
24 shall certify to the [comptroller] COMPTROLLER the total amount of credits allowed
25 under this section against the excise tax for the preceding fiscal year.

26 DRAFTER'S NOTE:

27 Error: Extraneous hyphen in § 13-815(a)(4) and (a)(6)(iii); stylistic error
28 and capitalization error in § 13-815(g) of the Transportation Article.

29 Occurred: Chs. 295 and 296, Acts of 2000.

30 13-920.

31 (a) (1) In this [section] SECTION, "tow truck" means a vehicle that:

1 (i) Is a Class E (truck) vehicle that is designed to lift, pull, or carry
2 a vehicle by a hoist or mechanical apparatus;

3 (ii) Has a manufacturer's gross vehicle weight rating of 10,000
4 pounds or more; and

5 (iii) Is equipped as a tow truck or designed as a rollback as defined
6 in § 11-151.1 of this article.

7 DRAFTER'S NOTE:

8 Error: Omitted comma in § 13-920(a)(1) of the Transportation Article.

9 Occurred: Ch. 701, Acts of 1990.

10 16-205.1.

11 (a) (1) (i) In this section[,] the following words have the meanings
12 indicated.

13 DRAFTER'S NOTE:

14 Error: Extraneous comma in § 16-205.1(a)(1)(i) of the Transportation
15 Article.

16 Occurred: Ch. 413, Acts of 1990.

17 16-815.

18 (a) (1) A Class A commercial driver's license authorizes the licensee to drive
19 the following motor vehicles and combinations of motor vehicles:

20 (i) Any [combinations] COMBINATION of vehicles with a gross
21 combination weight of 26,001 or more pounds if the GVW of the vehicles being towed
22 is in excess of 10,000 pounds; and

23 (ii) Any vehicle or combination of vehicles that a Class B
24 commercial driver's license authorizes its holder to drive.

25 DRAFTER'S NOTE:

26 Error: Incorrect word usage in § 16-815(a)(1)(i) of the Transportation
27 Article.

28 Occurred: Ch. 291, Acts of 1989.

29 23-201.

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

31 DRAFTER'S NOTE:

1 Error: Extraneous comma in § 23-201(a) of the Transportation Article.

2 Occurred: Ch. 517, Acts of 1983.

3 23-301.

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

5 DRAFTER'S NOTE:

6 Error: Extraneous comma in § 23-301(a) of the Transportation Article.

7 Occurred: Ch. 106, Acts of 1988.

8 27-101.

9 (k) (2) For the purpose of second or subsequent offender penalties for
10 violation of § 21-902(a) of this article provided under this subsection, a prior
11 conviction [of] UNDER § 21-902(b), (c), or (d) of this article, within 5 years of the
12 conviction for a violation of § 21-902(a) of this article, shall be considered a conviction
13 [of] UNDER § 21-902(a) of this article.

14 (3) For the purpose of second or subsequent offender penalties for
15 violation of § 21-902(d) of this article provided under this subsection, a prior
16 conviction [of] UNDER § 21-902(a), (b), or (c) of this article, within 5 years of the
17 conviction for a violation of § 21-902(d) of this article, shall be considered a conviction
18 [of] UNDER § 21-902(d) of this article.

19 DRAFTER'S NOTE:

20 Error: Incorrect word usage in § 27-101(k)(2) and (3) of the
21 Transportation Article.

22 Occurred: Ch. 592, Acts of 1994; Ch. 334, Acts of 2004.

23 27-107.

24 (a) In this [section] SECTION, "ignition interlock system" means a device that:

25 (1) Connects a motor vehicle ignition system to a breath analyzer that
26 measures a driver's blood alcohol level; and

27 (2) Prevents a motor vehicle ignition from starting if a driver's blood
28 alcohol level exceeds the calibrated setting on the device.

29 DRAFTER'S NOTE:

30 Error: Omitted comma in § 27-107(a) of the Transportation Article.

31 Occurred: Chs. 252 and 253, Acts of 1988.

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

2 [SECTION 11. AND BE IT FURTHER ENACTED, That:

3 (a) Except for a managed care organization authorized by Title 15, Subtitle 1
4 of the Health - General Article, an insurer, nonprofit health service plan, health
5 maintenance organization, dental plan, organization, or any other person that
6 provides health benefit plans subject to regulation by the State may not reimburse a
7 health care practitioner in an amount less than the global fee, capitation rate, or per
8 unit sum or rate being paid to the health care practitioner on November 1, 2004; and

9 (b) The Maryland Health Care Commission shall study the impact of the
10 reimbursement requirements in subsection (a) of this Section on access to health care,
11 health care costs, and the health insurance market and shall report the results of its
12 study to the Governor and, subject to § 2-1246 of the State Government Article, the
13 General Assembly, on or before January 1, 2006.]

14 [SECTION 12. AND BE IT FURTHER ENACTED, That Section 11 of this Act
15 shall take effect January 1, 2005. It shall remain effective for a period of 1 year and 6
16 months and, at the end of June 30, 2006, with no further action required by the
17 General Assembly, Section 11 of this Act shall be abrogated and of no further force and
18 effect.]

19 DRAFTER'S NOTE:

20 Error: Failure to strike extraneous language in Sections 11 and 12 of Ch.
21 5, Acts of the 2004 Special Session, consistent with legislative intent as
22 indicated by amendments to the title of the Act.

23 Occurred: As a result of amendments to the title of Ch. 5, Acts of the 2004
24 Special Session, which removed language describing the effect of Sections
25 11 and 12 of the Act. Because Sections 11 and 12 were not reflected in the
26 title of the Act, they could not be given effect under Art. III, § 29 of the
27 Maryland Constitution. Correction in this Act suggested by Attorney
28 General J. Joseph Curran in Bill Review Letter for H.B. 2 (Ch. 5) of the
29 2004 Special Session.

30 SECTION 15. AND BE IT FURTHER ENACTED, That[, subject to Section 12
31 of this Act,] this Act is an emergency measure, is necessary for the immediate
32 preservation of the public health or safety, has been passed by a ye and nay vote
33 supported by three-fifths of all the members elected to each of the two Houses of the
34 General Assembly, and shall take effect from the date it is enacted. If this Act does not
35 secure sufficient votes to pass as an emergency measure, it shall take effect January
36 1, 2005, pursuant to Article III, § 31 of the Maryland Constitution.

37 DRAFTER'S NOTE:

38 Error: Erroneous cross-reference in Section 15 of Ch. 5, Acts of the 2004
39 Special Session.

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

2 **Article 11 - Frederick County**

3 2-1-1.

4 The provisions embraced in this and the following chapters and sections shall
5 constitute and be designated "Code of Public Local Laws of Frederick County[,
6 1979,]" and may be so cited. The Code of Public Local Laws of Frederick County[,
7 1979] shall constitute Article 11 of the Public Local Laws of Maryland.

8 DRAFTER'S NOTE:

9 Error: Obsolete reference in § 2-1-1 of the Public Local Laws of
10 Frederick County.

11 Occurred: As a result of republication of the Frederick County Code in
12 2004.

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

15 **Article - Natural Resources**

16 8-743.

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

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

23 (ii) Maintain the buoyancy of the child, including an inflatable
24 headrest or high collar; [or] AND

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

27 DRAFTER'S NOTE:

28 Error: Misspellings in § 8-743(b)(2)(i); erroneous conjunction in §
29 8-743(b)(2)(ii) of the Natural Resources Article.

30 Occurred: Ch. 458, Section 2, Acts of 2004. Correction of § 8-743(b)(2)(i)
31 by the publisher of the Annotated Code in the 2004 Supplement of the
32 Natural Resources Article is ratified by this Act. Correction of §
33 8-743(b)(2)(ii) recommended by Attorney General J. Joseph Curran, Jr. in
34 bill review letter for S.B. 429 of 2004 (Ch. 458, Acts of 2004), May 6, 2004.

1 SECTION 3. AND BE IT FURTHER ENACTED, That the title designation
2 "Title 20. Statewide Cultural Programs" of Article 41 of the Annotated Code of
3 Maryland be repealed.

4 DRAFTER'S NOTE:

5 Error: Obsolete title designation in Article 41.

6 Occurred: As a result of Ch. 26, Acts of 2004.

7 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article - Transportation**

10 [11-127.1.] 11-174.1.

11 (a) "Under the influence of alcohol per se" means having an alcohol
12 concentration at the time of testing of 0.08 or more as measured by grams of alcohol
13 per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

14 (b) If the alcohol concentration is measured by milligrams of alcohol per
15 deciliter of blood or milligrams of alcohol per 100 milliliters of blood, a court or an
16 administrative law judge, as the case may be, shall convert the measurement into
17 grams of alcohol per 100 milliliters of blood by dividing the measurement by 1000.

18 [11-127.2.] 11-127.1.

19 (a) "Lease intended as security" means a lease of a vehicle by an individual
20 primarily for personal, family, or household purposes for more than 180 consecutive
21 days, including renewal periods, in which:

22 (1) The lessee is provided the option to purchase the leased vehicle; and

23 (2) Under the terms of the purchase option, the lessee becomes or has the
24 option to become the owner of the vehicle for:

25 (i) No additional consideration; or

26 (ii) 1. In the case of a new vehicle, a nominal consideration of:

27 A. 20 percent or less of the "value at consummation" of the
28 vehicle as that term is defined in 12 C.F.R. § 213.2(a)(18); or

29 B. If the value at consummation is not stated in the lease, 20
30 percent or less of the Monrone sticker price for the vehicle; or

31 2. In the case of a used vehicle, a nominal consideration of 20
32 percent or less of the wholesale value of the vehicle as shown in the official used car
33 guide of the National Automobile Dealer's Association (N.A.D.A.), taking into account

1 accessories and mileage plus any costs incurred by the lessor in repairing and
2 servicing the vehicle in anticipation of a lease.

3 (b) "Lease not intended as security" means a lease of a vehicle by an
4 individual primarily for personal, family, or household purposes for more than 180
5 consecutive days, including renewal periods, in which:

6 (1) The lessee may return the motor vehicle at the end of the lease term
7 with no financial obligations other than payments required under, and disclosed in,
8 the lease for excess wear and tear and excess mileage charges and for administration,
9 disposition, and similar costs incurred at the end of the lease; and

10 (2) The lessee is provided the option to purchase the leased vehicle for:

11 (i) In the case of a new vehicle, a consideration in excess of:

12 1. 20 percent of the "value at consummation" of the vehicle as
13 that term is defined in 12 C.F.R. § 213.2(a)(18); or

14 2. If the value at consummation is not stated in the lease, 20
15 percent of the Monrone sticker price for the vehicle; or

16 (ii) In the case of a used vehicle, a consideration in excess of 20
17 percent of the wholesale value of the vehicle as shown in the official used car guide of
18 the National Automobile Dealer's Association (N.A.D.A.), taking into account
19 accessories and mileage plus any costs incurred by the lessor in repairing and
20 servicing the vehicle in anticipation of a lease.

21 [11-178.] 11-148.1.

22 (a) "Rental vehicle" means a passenger car or a vehicle that may be registered
23 as a Class E, F, G, or M vehicle under Title 13, Subtitle 9 of this article:

24 (1) That is acquired solely for rental purposes but will not be rented to
25 the same person for a period of more than 180 consecutive days;

26 (2) (i) That, at the time of purchase, is part of a fleet of passenger cars
27 owned by the same person, at least five of which meet the criteria in item (1) of this
28 subsection;

29 (ii) That, at the time of purchase, is part of a fleet of rental trucks
30 owned by the same person, at least five of which meet the criteria in item (1) of this
31 subsection; or

32 (iii) That, at the time of purchase, is part of a fleet of multipurpose
33 passenger vehicles owned by the same person, at least five of which meet the criteria
34 in item (1) of this subsection;

35 (3) For which the owner does not provide a driver; and

1 (4) That, if the vehicle is a passenger car or multipurpose passenger
2 vehicle, will not be used to transport individuals or property for hire.

3 (b) "Rental vehicle" does not include:

4 (1) A dump truck, as described in § 13-919 of this article;

5 (2) A tow truck, as described in § 13-920 of this article; or

6 (3) A farm vehicle exempt from the sales and use tax under § 11-201(a)
7 of the Tax - General Article.

8 DRAFTER'S NOTE:

9 Error: Failure to codify definitions in proper alphabetical order in Title
10 11, Subtitle 1, of the Transportation Article.

11 Occurred: Ch. 652, Acts of 1996 for §§ 11-127.1 and 11-127.2 of the
12 Transportation Article; Ch. 706, Acts of 1998 for § 11-178 of the
13 Transportation Article.

14 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland
15 read as follows:

16 **Article - Courts and Judicial Proceedings**

17 10-307.

18 (g) If at the time of testing a person has an alcohol concentration of 0.08 or
19 more, as determined by an analysis of the person's blood or breath, the person shall be
20 considered under the influence of alcohol per se as defined in § [11-127.1] 11-174.1 of
21 the Transportation Article.

22 **Article - Natural Resources**

23 8-738.

24 (b) (2) If at the time of testing an individual has an alcohol concentration
25 that meets the definition of "under the influence of alcohol per se" in § [11-127.1]
26 11-174.1 of the Transportation Article, as determined by an analysis of the individual's
27 blood or breath, it shall be prima facie evidence that the individual was operating a
28 vessel while under the influence of alcohol.

29 **Article - Transportation**

30 13-939.1.

31 Notwithstanding any other provision of this subtitle, for a rental vehicle as
32 defined in § [11-178] 11-148.1 of this article, the annual registration fee is:

1 (1) For a Class A (passenger) vehicle with a manufacturer's shipping
2 weight of:

3 (i) 3,700 pounds or less - \$27.00; and

4 (ii) More than 3,700 pounds - \$40.50;

5 16-205.1.

6 (a) (1) (ii) "Under the influence of alcohol" includes under the influence of
7 alcohol per se as defined by § [11-127.1] 11-174.1 of this article.

8 DRAFTER'S NOTE:

9 Error: Erroneous cross-references in § 10-307(g) of the Courts and
10 Judicial Proceedings Article, § 8-738(b)(2) of the Natural Resources
11 Article, and §§ 13-939.1(1) and 16-205.1(a)(1)(ii) of the Transportation
12 Article.

13 Occurred: As a result of the renumbering of §§ 11-127.1, 11-127.2, and
14 11-178 of the Transportation Article as enacted by Section 4 of this Act.

15 SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland
16 read as follows:

17 **Article 2B - Alcoholic Beverages**

18 1-201.

19 (f) (7) An officer confiscating any unlicensed distillery or unlawful distillery
20 materials, equipment or devices under circumstances which render it impractical or
21 impossible to move them to a safe place of custody and storage, or confiscating any
22 illicit alcoholic beverages, except that seized for evidence or forfeiture, shall forthwith
23 destroy them only insofar as is necessary to render them unfit for further unlawful
24 use and shall report the confiscation and destruction to the Alcohol and Tobacco Tax
25 [Division] BUREAU of the Comptroller of the Treasury of Maryland.

26 7.5-106.

27 (a) Wine that is delivered to a personal consumer shall be:

28 (1) Shipped freight prepaid to a wholesaler licensed in this State who is
29 designated by the Alcohol and Tobacco Tax [Division] BUREAU of the Office of the
30 Comptroller; and

31 (2) Delivered by the wholesaler to a retail dealer.

32 (b) The Alcohol and Tobacco Tax [Division] BUREAU of the Office of the
33 Comptroller shall record the receipt and disposition of all wine sold by direct wine
34 sellers.

1 16-404.

2 (b) The Comptroller is authorized to delegate the Comptroller's authority
3 under this article to the director of the Alcohol and Tobacco Tax [Division] BUREAU of
4 the Comptroller's office to issue or refuse to issue licenses and permits.

5 (c) The Comptroller is authorized to delegate the Comptroller's authority to
6 conduct hearings of violations of this article or of any regulations issued thereunder to
7 the director of the Alcohol and Tobacco Tax [Division] BUREAU of the Comptroller's
8 office or any other employee of the Comptroller's office; provided, however, the
9 director of the Alcohol and Tobacco Tax [Division] BUREAU of the Comptroller's office
10 or any other employee of the Comptroller's office delegated by the Comptroller shall
11 not have the authority to invoke penalties provided for under this article, but shall
12 report the employee's findings and recommendations to the Comptroller, for the
13 taking of such action as the latter deems appropriate.

14 16-407.

15 (a) There is a Field Enforcement [Division] BUREAU under the Comptroller,
16 with such officers and employees as may be provided for in the budget from time to
17 time.

18 (b) The officers and employees of the Field Enforcement [Division] BUREAU
19 shall be sworn police officers and shall have all the powers, duties and responsibilities
20 of peace officers for the enforcement of the provisions of this article having to do
21 generally with (1) the illegal importation of alcoholic beverages into this State; (2) the
22 illegal manufacture of alcoholic beverages in this State; (3) the transportation and/or
23 distribution throughout this State of alcoholic beverages which were manufactured
24 illegally and/or on which any alcoholic beverages taxes imposed by this State are due
25 and illegally unpaid; and (4) the manufacture, sale, barter, transportation,
26 distribution or other form of owning, handling or dispersing alcoholic beverages by
27 any person, persons, associations or corporation not licensed or authorized therefor
28 under the provisions of this article. They are authorized and empowered, from time to
29 time to make cooperative arrangements for and to work and cooperate with the
30 various State's Attorneys, sheriffs, constables, bailiffs, police and other prosecuting
31 and peace officers of every sort, in order to enforce the provisions of this article and as
32 provided in this section.

33 (c) The Field Enforcement [Division] BUREAU shall consult and advise with
34 the several State's Attorneys and other law enforcement officials and police officers as
35 to enforcement problems in their respective jurisdictions, and may make suggestions
36 and recommendations for changes to improve the execution and administration of the
37 provisions of this article.

1

Article - Criminal Procedure

2 2-101.

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

5 (13) an authorized employee of the Field Enforcement [Division] BUREAU
6 of the Comptroller's Office;

7

Article - Health - General

8 18-213.

9 (a) (3) "Law enforcement officer" means any person who, in an official
10 capacity, is authorized by law to make arrests and who is a member of one of the
11 following law enforcement agencies:

12 (ix) The Field Enforcement [Division] BUREAU of the Comptroller's
13 Office;

14 18-213.2.

15 (a) (8) "Law enforcement officer" means any individual who, in an official
16 capacity, is authorized by law to make arrests and who is a member of one of the
17 following law enforcement agencies:

18 (ix) The Field Enforcement [Division] BUREAU of the Comptroller's
19 Office; or

20

Article - Public Safety

21 3-101.

22 (e) (1) "Law enforcement officer" means an individual who:

23 (ii) is a member of one of the following law enforcement agencies:

24 12. the Field Enforcement [Division] BUREAU of the
25 Comptroller's Office;

26 3-201.

27 (e) (2) "Police officer" includes:

28 (i) a member of the Field Enforcement [Division] BUREAU of the
29 Comptroller's Office;

1 **Article - State Personnel and Pensions**

2 8-301.

3 (b) This subtitle does not apply to a law enforcement employee of the Field
4 Enforcement [Division] BUREAU of the State Comptroller's Office.

5 26-201.

6 (a) Except as provided in subsection (b) of this section, this subtitle applies
7 only to:

8 (2) a law enforcement officer employed by the Field Enforcement
9 [Division] BUREAU;

10 **Article - Tax - General**

11 2-107.

12 (a) Authorized employees of the Field Enforcement [Division] BUREAU of the
13 Comptroller's Office:

14 (1) shall be individuals who are sworn police officers; and

15 (2) have all the powers, duties, and responsibilities of a peace officer for
16 the purpose of enforcing the laws pertaining to:

17 (i) alcoholic beverage tax;

18 (ii) tobacco tax;

19 (iii) motor fuel tax;

20 (iv) motor carrier tax;

21 (v) motor fuel and lubricants; and

22 (vi) transient vendors within the meaning of Subtitle 20A of Title 17
23 of the Business Regulation Article.

24 (b) (1) The Department of State Police shall help the Field Enforcement
25 [Division] BUREAU in enforcing the motor carrier tax, motor fuel tax and motor fuel
26 and lubricants laws.

27 (2) The Comptroller shall pay the salaries and expenses of all
28 Department of State Police staff assigned to the Field Enforcement [Division]
29 BUREAU.

30 (c) (2) The Field Enforcement [Division] BUREAU:

1 (i) shall advise a State's Attorney and law enforcement officers
2 about enforcement problems; and

3 (ii) otherwise may work cooperatively with law enforcement officers
4 and prosecutors to carry out the duties of the unit.

5 (d) (2) The Field Enforcement [Division] BUREAU shall cooperate with and
6 help the federal government, other states, and local governments and law
7 enforcement personnel of those jurisdictions to enforce the motor carrier tax, motor
8 fuel tax, and motor fuel and lubricants laws.

9 DRAFTER'S NOTE:

10 Error: Obsolete references in Article 2B, §§ 1-201(f)(7), 7.5-106(a) and
11 (b), 16-404(b) and (c), and 16-407; § 2-101(c)(13) of the Criminal
12 Procedure Article; §§ 18-213(a)(3)(ix) and 18-213.2(a)(8)(ix) of the Health
13 - General Article; §§ 3-101(e)(1)(ii)12 and 3-201(e)(2)(i) of the Public
14 Safety Article; §§ 8-301(b) and 26-201(a)(2) of the State Personnel and
15 Pensions Article; and 2-107(a)(1), (b), (c)(2), and (d)(2) of the Tax - General
16 Article.

17 Occurred: As a result of the administrative renaming and merger on
18 January 8, 2004 of two "Divisions" formerly known as the Field
19 Enforcement Division and the Alcohol and Tobacco Tax Division to be
20 "Bureaus" under the new Regulatory and Enforcement Division within the
21 Office of the Comptroller of the Treasury.

22 SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

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

25 6-704.

26 (b) The Committee shall consist of the following:

27 (1) 1 representative each from:

28 (i) The Division of [Vocational] Rehabilitation SERVICES of the
29 Department of Education;

30 **Article - Health - General**

31 10-806.

32 (c) (4) As resources allow, services shall be provided to individuals released
33 from a State facility in accordance with the aftercare plan required by § 10-809 of
34 this subtitle, as follows:

1 (ii) The Division of [Vocational] Rehabilitation SERVICES shall
2 provide, to individuals determined to be eligible, vocational rehabilitation services
3 and occupational placement opportunities consistent with the assessed needs and
4 abilities of the individual; and

5 13-506.

6 (a) (2) Of the 15 members:

7 (iii) 1 shall be a representative of the Division of [Vocational]
8 Rehabilitation SERVICES;

9 **Article - State Finance and Procurement**

10 14-101.

11 (b) "Sheltered workshop" means an agency:

12 (3) that is accredited by the Division of [Vocational] Rehabilitation
13 SERVICES of the State Department of Education;

14 14-109.

15 (a) (3) "Division" means the Division of [Vocational] Rehabilitation
16 SERVICES in the Department of Education.

17 DRAFTER'S NOTE:

18 Error: Obsolete reference in Article 41, § 6-704(b)(1)(i); §§ 10-806(c)(4)(ii)
19 and 13-506(a)(2)(iii) of the Health - General Article; and §§ 14-101(b)(3)
20 and 14-109(a)(3) of the State Finance and Procurement Article.

21 Occurred: As a result of Ch. 42, Acts of 1992.

22 SECTION 8. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

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

25 6-7A-01.

26 (j) "Nursing home transition grant" means the grants available to states
27 through the [Health Care Financing Administration] CENTERS FOR MEDICARE AND
28 MEDICAID SERVICES.

29 **Article - Health - General**

30 15-103.

31 (b) (9) Each managed care organization shall:

1 (i) Have a quality assurance program in effect which is subject to
2 the approval of the Department and which, at a minimum:

3 1. Complies with any health care quality improvement
4 system developed by the [Health Care Financing Administration] CENTERS FOR
5 MEDICARE AND MEDICAID SERVICES;

6 17-214.

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

8 (i) Require that the laboratory comply with the guidelines for
9 laboratory accreditation, if any, as set forth by the College of American Pathologists,
10 the [U.S. Health Care Financing Administration (HCFA)] CENTERS FOR MEDICARE
11 AND MEDICAID SERVICES, or any other government agency or program designated to
12 certify or approve a laboratory that is acceptable to the Secretary;

13 19-308.

14 (b) (2) An accredited hospital and an accredited residential treatment center
15 shall be subject to inspections under this subtitle by the Department to:

16 (iii) Monitor corrective action, in accordance with § 19-360 of this
17 subtitle, for any serious or life-threatening patient care deficiency identified by the
18 Joint Commission on Accreditation of Healthcare Organizations, the [Health Care
19 Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES, or
20 the Department.

21 19-360.

22 (a) This section applies to:

23 (2) Accredited hospitals:

24 (ii) Subject to inspection by the Department under § 19-308(b)(2) of
25 this subtitle as a result of a serious or life-threatening patient care deficiency
26 identified by the Joint Commission on Accreditation of Healthcare Organizations, the
27 [Health Care Financing Administration] CENTERS FOR MEDICARE AND MEDICAID
28 SERVICES, or the Department; and

29 (3) Accredited residential treatment centers subject to inspection by the
30 Department under § 19-308(b)(2) of this subtitle as a result of a serious or
31 life-threatening patient care deficiency identified by the Joint Commission on
32 Accreditation of Healthcare Organizations, the [Health Care Financing
33 Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES, or the
34 Department.

1

Article - Insurance

2 15-901.

3 (f) ["HCFA"] "CMS" means the [Health Care Financing Administration]
4 CENTERS FOR MEDICARE AND MEDICAID SERVICES of the United States Department
5 of Health and Human Services.

6 15-912.

7 (c) The standards may cover, but are not limited to:

8 (10) any other provisions required under federal Medicare law or [HCFA]
9 CMS regulations.

10 15-926.

11 (a) Each carrier that issues Medicare supplement policies shall provide to
12 [HCFA] CMS any data, statistics, or other information that [HCFA] CMS requests
13 about the carrier's Medicare supplement policies.

14 (b) On request from [HCFA] CMS, the Commissioner may provide to [HCFA]
15 CMS any information about Medicare supplement policies that are issued in the State.
16 15-1003.

17 (b) The Commissioner shall adopt by regulation as the uniform claims form for
18 reimbursement of hospital services in the State the uniform claims form adopted by
19 the National Uniform Billing Committee and approved by the [Health Care
20 Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES for
21 Hospital Payments under Title XVIII of the Social Security Act.

22 (d) (2) In adopting the regulations required under paragraph (1)(i) of this
23 subsection, the Commissioner shall consider:

24 (i) standards for attachments required by the federal [Health Care
25 Financing Administration] CENTERS FOR MEDICARE AND MEDICAID SERVICES for
26 the Medicare Program;

27 DRAFTER'S NOTE:

28 Error: Obsolete name of federal agency in Article 41, § 6-7A-01(j); §§
29 15-103(b)(9)(i)1, 17-214(f)(2)(i), 19-308(b)(2)(iii), and 19-360(a)(2)(ii) and
30 (3) of the Health - General Article; and §§ 15-901(f), 15-912(c)(10),
31 15-926, and 15-1003(b) and (d)(2)(i) of the Insurance Article.

32 Occurred: As a result of the renaming and restructuring of the Health
33 Care Financing Administration (HCFA) by the U.S. Department of Health
34 and Human Services announced on June 14, 2001.

1 SECTION 9. AND BE IT FURTHER ENACTED, That the publisher of the
2 Annotated Code of Maryland, subject to the approval of the Department of Legislative
3 Services, shall make any changes in the text of the Annotated Code necessary to
4 effectuate any termination provision that was enacted by the General Assembly and
5 has taken effect or will take effect prior to October 1, 2005. Any enactment of the 2004
6 Special Session of the General Assembly or of the 2005 Session of the General
7 Assembly that negates or extends the effect of a previously enacted termination
8 provision shall prevail over the provisions of this section.

9 SECTION 10. AND BE IT FURTHER ENACTED, That the Drafter's Notes
10 contained in this Act are not law and may not be considered to have been enacted as
11 part of this Act.

12 SECTION 11. AND BE IT FURTHER ENACTED, That the provisions of this
13 Act are intended solely to correct technical errors in the law and there is no intent to
14 revive or otherwise affect law that is the subject of other acts, whether those acts were
15 signed by the Governor prior to or after the signing of this Act.

16 SECTION 12. AND BE IT FURTHER ENACTED, That any reference in the
17 Annotated Code of Maryland rendered obsolete by an Act of the 2004 Special Session
18 of the General Assembly or by an Act of the General Assembly of 2005 shall be
19 corrected by the publisher of the Annotated Code, in consultation with and subject to
20 the approval of the Department of Legislative Services, with no further action
21 required by the General Assembly. The publisher shall adequately describe any such
22 correction in an editor's note following the section affected.

23 SECTION 13. AND BE IT FURTHER ENACTED, That the publisher of the
24 Annotated Code of Maryland, in consultation with and subject to the approval of the
25 Department of Legislative Services, at the time of publication of a new supplement,
26 new volume, or replacement volume of the Annotated Code, shall make
27 nonsubstantive corrections to codification, style, capitalization, punctuation,
28 grammar, spelling, and any reference rendered obsolete by an Act of the General
29 Assembly, with no further action required by the General Assembly. The publisher
30 shall adequately describe any such correction in an editor's note following the section
31 affected.

32 SECTION 14. AND BE IT FURTHER ENACTED, That Section 2 of this Act
33 shall take effect on the taking effect of Section 2 of Chapter 458 of the Acts of the
34 General Assembly of 2004.

35 SECTION 15. AND BE IT FURTHER ENACTED, That, except as provided in
36 Section 14 of this Act, this Act is an emergency measure, is necessary for the
37 immediate preservation of the public health or safety, has been passed by a ye and
38 nay vote supported by three-fifths of all the members elected to each of the two
39 Houses of the General Assembly, and shall take effect from the date it is enacted.