P5 6lr0653

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

Introduced and read first time: January 23, 2006

Assigned to: Rules

# A BILL ENTITLED

•	AT	4 000	
I	AN	ACT	concerning

2	Annual Corrective B	Bill

- 3 FOR the purpose of correcting certain errors and omissions in certain articles of the
- 4 Annotated Code and Public Local Laws and in certain uncodified laws;
- 5 clarifying language; correcting certain obsolete references; reorganizing certain
- 6 sections of the Annotated Code; validating and ratifying certain corrections
- 7 made by the publisher of the Annotated Code; providing that this Act is not
- 8 intended to affect any law other than to correct technical errors; providing for
- 9 the future correction of certain errors and obsolete provisions by the publisher of
- the Annotated Code; providing for the effect and construction of certain
- provisions of this Act; and making this Act an emergency measure.
- 12 BY repealing and reenacting, with amendments,
- 13 Article 2B Alcoholic Beverages
- 14 Section 8-412(e)(2), 10-504(h)(2), and 11-402(g)(2)
- 15 Annotated Code of Maryland
- 16 (2005 Replacement Volume)
- 17 BY repealing and reenacting, with amendments,
- 18 Article 83A Department of Business and Economic Development
- 19 Section 5-1707(b)(2) and 5-1801(b)(3)
- 20 Annotated Code of Maryland
- 21 (2003 Replacement Volume and 2005 Supplement)
- 22 BY repealing and reenacting, with amendments,
- 23 Article Agriculture
- 24 Section 10-1204(a)
- 25 Annotated Code of Maryland
- 26 (1999 Replacement Volume and 2005 Supplement)
- 27 BY repealing and reenacting, with amendments,
- 28 Article Business Regulation
- 29 Section 6-5A-07 and 10-323.2(a)(3)

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1
       Annotated Code of Maryland
2
       (2004 Replacement Volume and 2005 Supplement)
3 BY repealing and reenacting, with amendments,
       Article - Commercial Law
4
5
       Section 12-404.1, 12-703(b) and (c)(1), 14-403(b)(6), 14-1109(a), 14-1213(b),
6
                19-102(3), and 19-201(a)(2)
       Annotated Code of Maryland
7
8
       (2005 Replacement Volume)
9 BY repealing and reenacting, with amendments,
       Article - Courts and Judicial Proceedings
10
       Section 3-802(c)(1), 3-816.1(a) and (b)(2), 3-819.2(e)(4)(i), 3-8A-01(b), and
11
12
                5-1006(a)(1) and (2)
13
       Annotated Code of Maryland
14
       (2002 Replacement Volume and 2005 Supplement)
15 BY repealing and reenacting, with amendments,
       Article - Courts and Judicial Proceedings
16
       Section 3-823(f) and (g)
17
18
       Annotated Code of Maryland
19
       (2002 Replacement Volume and 2005 Supplement)
20
       (As enacted by Chapter 576 of the Acts of the General Assembly of 2005)
21 BY repealing and reenacting, with amendments,
22
       Article - Criminal Law
23
       Section 9-802(a) and 10-304(1)(iii) and (iv)
       Annotated Code of Maryland
24
25
       (2002 Volume and 2005 Supplement)
26 BY repealing and reenacting, with amendments,
27
       Article - Criminal Procedure
28
       Section 2-102(c)(1), 11-610(a)(2), and 11-622
29
       Annotated Code of Maryland
       (2001 Volume and 2005 Supplement)
30
31 BY repealing and reenacting, with amendments,
32
       Article - Education
33
       Section 3-114(c), 4-122(e)(2), 8-416(c), 8-417(b)(2), 14-102(a), (c)(1), (d)(2), and
34
                (e), 14-103(b) and (c)(2), 14-104(a), (c)(1) and (2), (g)(1)(i), (2), and (3)(iii),
35
                (j)(3) and (4)(xii) and (xv), (k)(2), (m)(1)(i), (o), and (p)(6)(i) and (ii),
                14-106(b), (c), and (d), 14-108, and 18-1102(d)(2)
36
37
       Annotated Code of Maryland
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(2004 Replacement Volume and 2005 Supplement)

36

- 1 BY repealing and reenacting, with amendments, Article - Election Law 2 3 Section 3-503(b) and the subtitle "Subtitle 5. Statewide Voter Registration List"; 4 and 3-601.1(d), 4-103(c), 4-204(e)(1), 5-504(b), and 8-202(a) 5 Annotated Code of Maryland 6 (2003 Volume and 2005 Supplement) 7 BY repealing and reenacting, with amendments, Article - Environment 8 9 Section 1-808(a)(5)(ii), 4-313.1(c), 6-807(b)(2)(iii)5., 9-1702(d)(4), and 10 9-1707(h)(4)(v) and (6) Annotated Code of Maryland 11 (1996 Replacement Volume and 2005 Supplement) 12 13 BY repealing and reenacting, with amendments, 14 Article - Environment 15 Section 1-808(b)(1) 16 Annotated Code of Maryland 17 (1996 Replacement Volume and 2005 Supplement) (As enacted by Chapter 229 of the Acts of the General Assembly of 2005) 18 19 BY repealing and reenacting, with amendments, Article - Environment 20 21 Section 4-411(a) 22 Annotated Code of Maryland 23 (1996 Replacement Volume and 2005 Supplement) 24 (As enacted by Chapter 177 of the Acts of the General Assembly of 2005) 25 BY repealing and reenacting, with amendments, 26 Article - Family Law 27 Section 5-307(c), 5-316(e)(2)(i) and (iii), 5-3B-06(c)(1), 5-508(b)(6), and 28 5-712(c) 29 Annotated Code of Maryland 30 (2004 Replacement Volume and 2005 Supplement) 31 BY repealing and reenacting, with amendments, Article - Family Law 32 33 Section 5-564(b)(1)(ii) and (d)(1)(iii) and 5-580.3(a)(2), (b), and (c) 34 Annotated Code of Maryland
- 37 BY repealing and reenacting, without amendments,

(2004 Replacement Volume and 2005 Supplement)

(As enacted by Chapter 359 of the Acts of the General Assembly of 2005)

37

Article - Insurance Section 2-210(c)(2)

1	Article - Family Law
2	Section 5-590(a) and the part designation "Part IX. Early Childhood
3	Development Advisory Council"
4	Annotated Code of Maryland
5	(2004 Replacement Volume and 2005 Supplement)
	BY repealing and reenacting, with amendments,
7	Article - Financial Institutions
8	Section 6-501 and 13-801(h)
9	Annotated Code of Maryland
10	(2003 Replacement Volume and 2005 Supplement)
11	BY repealing and reenacting, with amendments,
12	Article - Health - General
13	Section 4-306(b)(6)(ii), 5-705(b)(8), 5-807, 13-1101(b), 15-141(b)(2), (f)(4), (i)(2)
14	and (3), and (m)(1)(iii), and 18-338.3(a)(3)
15	Annotated Code of Maryland
16	(2005 Replacement Volume and 2005 Supplement)
	BY repealing and reenacting, with amendments,
18	Article - Health - General
19	
20	
21	(2005 Replacement Volume and 2005 Supplement)
22	(As enacted by Chapter 282 of the Acts of the General Assembly of 2005)
23	BY repealing and reenacting, with amendments,
24	Article - Health - General
25	Section 19-401(c)(1), 19-404(b)(1), 19-4A-01(b)(4), 19-703.1(b)(2)(iii), (c)(1) and
26	(2), and (d), 19-706.1(d)(2) and (3) and (e)(3), (4), and (5), 20-102(f),
27	20-1004(2), 24-601(d)(2) and (3), 24-602, and 24-701(e)
28	Annotated Code of Maryland
29	(2005 Replacement Volume and 2005 Supplement)
20	DV and l'acceptance d'acceptance
31	BY repealing and reenacting, with amendments, Article - Health Occupations
32	Section 13-319(a)
33	Annotated Code of Maryland
34	(2005 Replacement Volume)
<i>5</i> − <b>r</b>	(2002 Replacement Volume)
35	BY repealing and reenacting, with amendments,

- 1 Annotated Code of Maryland
- 2 (2003 Replacement Volume and 2005 Supplement)
- 3 BY repealing and reenacting, with amendments,
- 4 Article Insurance
- 5 Section 14-102(d), 14-106(d)(1)(iii), and 16-503(c)(2)(iii)
- 6 Annotated Code of Maryland
- 7 (2002 Replacement Volume and 2005 Supplement)
- 8 BY repealing and reenacting, without amendments,
- 9 Article Insurance
- 10 Section 14-106(d)(1)(iv) and 14-106.1(2)
- 11 Annotated Code of Maryland
- 12 (2002 Replacement Volume and 2005 Supplement)
- 13 BY repealing and reenacting, with amendments,
- 14 Article Labor and Employment
- 15 Section 8-614(a), 8-1601(e), 9-234(x)(2), and 9-302(f)(1)
- 16 Annotated Code of Maryland
- 17 (1999 Replacement Volume and 2005 Supplement)
- 18 BY repealing and reenacting, with amendments,
- 19 Article Public Safety
- 20 Section 8-206(a)(1) and 13-705
- 21 Annotated Code of Maryland
- 22 (2003 Volume and 2005 Supplement)
- 23 BY repealing and reenacting, with amendments,
- 24 Article Real Property
- 25 Section 8A-1001(g)(1), 12-111(b) and (f), and 13-101(j)(1)
- Annotated Code of Maryland
- 27 (2003 Replacement Volume and 2005 Supplement)
- 28 BY repealing and reenacting, with amendments,
- 29 Article State Finance and Procurement
- 30 Section 7-314(g)(3) and 11-203(a)(1)(iv) through (xix) and (b)(2) and (3)
- 31 Annotated Code of Maryland
- 32 (2001 Replacement Volume and 2005 Supplement)
- 33 BY repealing and reenacting, with amendments,
- 34 Article State Government
- 35 Section 10-110(d) and (e) and 15-519(c)(3)
- 36 Annotated Code of Maryland

- 1 (2004 Replacement Volume and 2005 Supplement)
- 2 BY repealing and reenacting, with amendments,
- 3 Article State Government
- 4 Section 15-508(b)(4)(ii)2.
- 5 Annotated Code of Maryland
- 6 (2004 Replacement Volume and 2005 Supplement)
- 7 (As enacted by Chapter 84, Section 2 of the Acts of the General Assembly of
- 8 2004)
- 9 BY repealing and reenacting, with amendments,
- 10 Article State Personnel and Pensions
- 11 Section 21-402(b)(3)
- 12 Annotated Code of Maryland
- 13 (2004 Replacement Volume and 2005 Supplement)
- 14 BY repealing and reenacting, with amendments,
- 15 Article Tax General
- 16 Section 2-1102 and 10-910(b)(2)
- 17 Annotated Code of Maryland
- 18 (2004 Replacement Volume and 2005 Supplement)
- 19 BY repealing and reenacting, without amendments,
- 20 Article Tax Property
- 21 Section 13-209(f)(1)
- 22 Annotated Code of Maryland
- 23 (2001 Replacement Volume and 2005 Supplement)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Transportation
- 26 Section 23-206.2(a)(1)(i) and (2)(i)
- 27 Annotated Code of Maryland
- 28 (2002 Replacement Volume and 2005 Supplement)
- 29 BY repealing and reenacting, with amendments,
- 30 Chapter 433 of the Acts of the General Assembly of 2005
- 31 Section 1
- 32 BY repealing and reenacting, with amendments,
- 33 Chapter 439 of the Acts of the General Assembly of 2005
- 34 Section 11
- 35 BY repealing and reenacting, with amendments,
- 36 Chapter 442 of the Acts of the General Assembly of 2005

1	Section 2, 4, and 5
1	Section 2, 4, and 3
2 3 4	BY repealing and reenacting, with amendments, Chapter 524 of the Acts of the General Assembly of 2005 Section 7
5 6 7 8 9	BY repealing and reenacting, with amendments, The Public Local Laws of Allegany County Section 32-10 Article 1 - Public Local Laws of Maryland (1983 Edition and February 2005 Supplement, as amended)
10 11 12 13 14	· · · · · · · · · · · · · · · · · · ·
15 16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
17	Article 2B - Alcoholic Beverages
18	8-412.
19 20	(e) (2) A maximum of six bottles may be [opened] OPEN at any one time at a wine sampling or tasting event.
21	DRAFTER'S NOTE:
22	Error: Incorrect word usage in Article 2B, § 8-412(e)(2).
23	Occurred: Ch. 383, Acts of 2000.
24	10-504.
27	(h) (2) [180] ONE HUNDRED EIGHTY days after the holder of any license issued under the provisions of this article has closed the business or ceased active alcoholic beverages business operations of the business for which the license is held, the license shall expire unless:
	$(i) \qquad \text{An application for approval of a transfer to another location or} \\ \text{an application for assignment to another person under } \\ \text{10-503(b) of this subtitle has} \\ \text{been approved or is then pending;} \\$
32 33	(ii) An application under § 10-506 of this subtitle has been approved or is then pending; or

1 2	(iii) A written request for a hardship extension, as provided in this subsection, is filed within the 180-day period.				
3	DRAFTER'S NOTE:				
4	Error: Stylistic error in Article 2B, § 10-504(h)(2).				
5	Occurred: Ch. 163, Acts of 2005.				
6	11-402.				
9 10 11 12 13 14	(g) (2) The holder of any on-sale license may sell alcoholic beverages for consumption on the premises only in accordance with the privileges granted by that license on December 31 and January 1 between the hours of 2 p.m. December 31 and 12 midnight January 1, regardless of which day of the week December 31 and 1 January 1 [falls] FALL on. However, the holder of any on-sale license may elect to 2 sell alcoholic beverages in accordance with the hours authorized by that license if the 3 hours herein specified for December 31 and January 1 restrict those regular hours. 4 The holder of any Class B or Class D license which permits beer sales for off-premises 5 consumption may sell beer on December 31 and January 1 in accordance with the 6 off-sale privileges granted by that license.				
17	7 DRAFTER'S NOTE:				
18	8 Error: Grammatical error in Article 2B, § 11-402(g)(2).				
19	Occurred: Ch. 190, Acts of 1979.				
20	Article 83A - Department of Business and Economic Development				
21	5-1707.				
24	(b) (2) The rates, charges, and all other revenues derived by the authority may be applied by the authority to any lawful purpose, subject to the provisions of any resolution, trust indenture, or other agreement relating to bonds [or] OF the authority.				
26	DRAFTER'S NOTE:				
27	Error: Incorrect word usage in Article 83A, § 5-1707(b)(2).				
28	Occurred: Ch. 275, Acts of 2005.				
29	5-1801.				
30	(b) (3) "Film production activity" does not include:				
31	(i) Production of:				
32	[A.] 1. Student films;				

29 a public safety organization.

[(2)][a] A copy of the approved script of an oral solicitation and a 1 (B) 2 copy of a written solicitation shall be made available to the Secretary of State upon 3 request. 4 DRAFTER'S NOTE: 5 Error: Stylistic errors in § 6-5A-07 of the Business Regulation Article. Occurred: Ch. 500, Acts of 2000. 6 7 10-323.2. 8 (a) (3) The Motor Fuel Tax [Division] BUREAU may determine that 9 compliance with a federal notice provision that is substantially similar to a notice 10 requirement of this subsection satisfies that notice requirement of this subsection. 11 DRAFTER'S NOTE: 12 Error: Misnomer in § 10-323.2(a)(3) of the Business Regulation Article. 13 Occurred: As a result of administrative renaming by the Office of the Comptroller of the Treasury of the former Motor Fuel Tax Division. 14 15 **Article - Commercial Law** 16 12-404.1. 17 Notwithstanding the provisions of §§ 12-404, [12-405(a)] 12-405(A), and 12-411 18 of this subtitle, a lender may impose and collect, as a condition of making a loan, all 19 fees, discounts, points, or other charges that lenders are permitted or required to 20 impose, collect, or pay pursuant to a federal law providing for a program of mortgage 21 purchases or loans originated pursuant to a State or local governmental program of 22 direct lending or mortgage purchase, or by any federal agency or instrumentality or 23 subsidiary thereof, including but not limited to the Government National Mortgage 24 Association, the Federal National Mortgage Association, the Federal Home Loan 25 Mortgage Corporation, the Federal Reserve Bank, the Federal Home Loan Bank, and 26 the Farmers Home Administration, if the following conditions are met: 27 The loan is eligible for purchase pursuant to a commitment or offer to (1) 28 purchase by the federal, State, or local government agency, instrumentality, or 29 subsidiary; and 30 (2)(i) The sum of the fees, discounts, points, or other charges imposed 31 plus the interest rate on the loan does not exceed 24 percent; and 32 The fees, discounts, points, or other charges imposed and the (ii) 33 interest rate on the loan do not exceed those allowed by the applicable federal law 34 providing for the mortgage purchase program.

- 1 %Error: Omitted comma in § 12-404.1 of the Commercial Law Article.
- 2 Occurred: Ch. 609, Acts of 1982.
- 3 12-703.
- 4 (b) The Commissioner shall give to the creditor complained against at least 10
- 5 [days] DAYS' written notice of the complaint and the time and place of any hearing.
- 6 The notice shall be in writing and sent by registered or certified mail to [his] THE
- 7 CREDITOR'S principal place of business.
- 8 (c) (1) If, after the hearing, the Commissioner finds that the creditor has
- 9 engaged or is engaging in any act or practice prohibited by this subtitle, [he] THE
- 10 COMMISSIONER shall order the creditor to cease and desist from the act or practice.

- 12 Error: Grammatical and stylistic errors in § 12-703(b) and (c)(1) of the
- 13 Commercial Law Article.
- 14 Occurred: Ch. 753, Acts of 1975.
- 15 14-403.
- 16 (b) Each service contract shall be in writing and shall specify:
- 17 (6) Limitations, exceptions, or [inclusions] EXCLUSIONS, if any, under
- 18 the service contract;

## 19 DRAFTER'S NOTE:

- 20 Error: Incorrect word usage in § 14-403(b)(6) of the Commercial Law
- 21 Article.
- 22 Occurred: Ch. 472, Acts of 2002.
- 23 14-1109.
- 24 (a) If the seller fails to comply with [§§ 14-1102, 14-1103, or 14-1104] §
- 25 14-1102, § 14-1103, OR § 14-1104 of this subtitle, the buyer, before delivery by the seller
- 26 and acceptance by the buyer of consumer goods purchased under a layaway
- 27 agreement, may cancel the layaway agreement and receive from the seller a refund of
- 28 all payments made under the layaway agreement and the return of any goods or
- 29 property traded in.

- 31 Error: Stylistic error in § 14-1109(a) of the Commercial Law Article.
- 32 Occurred: Ch. 673, Acts of 1978.

- 1 14-1213.
- 2 (b) Any consumer reporting agency or user of information which is negligent
- 3 in failing to comply with any requirement imposed under this subtitle with respect to
- 4 any consumer is liable to that consumer in an amount equal to the sum of:
- 5 (1) Any actual damages sustained by the consumer as a result of the
- 6 failure; AND
- 7 (2) In the case of any successful action to enforce any liability under this
- 8 section, the costs of the action together with reasonable attorney's fees as determined
- 9 by the court.

- 11 Error: Omitted conjunction in § 14-1213(b)(1) of the Commercial Law
- 12 Article.
- 13 Occurred: Ch. 584, Acts of 1976.
- 14 19-102.
- Good cause exists in any of the following circumstances:
- 16 (3) The dealer defaults under a chattel mortgage or other security
- 17 agreement between the dealer and the supplier or the dealer revokes or discontinues
- 18 a guarantee of a present or future obligation of the [retailer] DEALER to the supplier;

# 19 DRAFTER'S NOTE:

- 20 Error: Incorrect word usage in § 19-102(3) of the Commercial Law
- 21 Article.
- Occurred: Ch. 433, Acts of 2005. Correction recommended by Office of the
- 23 Attorney General in April 21, 2005, bill review letter for H.B. 1333 (Ch.
- 24 433) of 2005.
- 25 19-201.
- 26 (a) (2) If the dealer has any outstanding debts to the supplier, the
- 27 repurchase amount may be set off or credited to the [retailer's] DEALER'S account.

- 29 Error: Incorrect word usage in § 19-201(a)(2) of the Commercial Law
- 30 Article.
- 31 Occurred: Ch. 433, Acts of 2005. Correction recommended by Office of the
- 32 Attorney General in April 21, 2005, bill review letter for H.B. 1333 (Ch.
- 33 433) of 2005.

1	Article - Courts and Judicial Proceedings				
2	3-802.				
5	(c) (1) In all judicial proceedings conducted in accordance with this subtitle or [§ 5-319] § 5-326 of the Family Law Article, the court may direct the local department to provide services to a child, the child's family, or the child's caregiver to the extent that the local department is authorized under State law.				
7	DRAFTER'S NOTE:				
8 9	Error: Erroneous cross-reference in § 3-802(c)(1) of the Courts and Judicial Proceedings Article.				
10	Occurred: As a result of Chs. 464 and 504, Acts of 2005.				
11	3-816.1.				
14	2 (a) The provisions of this section apply to a hearing conducted in accordance 3 with § 3-815, § 3-817, § 3-819, or § 3-823 of this subtitle or a review hearing 4 conducted in accordance with [§ 5-319] § 5-326 of the Family Law Article in which a 5 child is placed under an order of guardianship, commitment, or shelter care.				
	(b) (2) In a review hearing conducted in accordance with § 3-823 of this subtitle or [§ 5-319] § 5-326 of the Family Law Article, the court shall make a finding whether a local department made reasonable efforts to:				
19	(i) Finalize the permanency plan in effect for the child; and				
20 21	(ii) Meet the needs of the child, including the child's health, education, safety, and preparation for independence.				
22	DRAFTER'S NOTE:				
23 24	Error: Erroneous cross-reference in § 3-816.1(a) and (b)(2) of the Courts and Judicial Proceedings Article.				
25	Occurred: As a result of Chs. 464 and 504, Acts of 2005.				
26	3-819.2.				

- 27 (e) (4) Following the hearing required under paragraph (3) of this
- 28 subsection, the court shall:
- 29 (i) Grant the LOCAL department an extension of no more than 90
- 30 days; or

- 32 Error: Omitted word in § 3-819.2(e)(4)(i) of the Courts and Judicial
- 33 Proceedings Article.

14 UNOFFICIAL COPY OF SENATE BILL 207 1 %Occurred: Ch. 507, Acts of 2005. 2 3-823. 3 The court may not order a child to be continued in a placement under (f) subsection [(e)(1)(v)] (E)(1)(I)5 of this section unless the court finds that the person or agency to which the child is committed has documented a compelling reason for determining that it would not be in the best interest of the child to: 7 (1) Return home: 8 Be referred for termination of parental rights; or (2)9 (3) Be placed for adoption or guardianship with a specified and 10 appropriate relative or legal guardian willing to care for the child. 11 In the case of a child for whom the court determines that the plan should 12 be changed to adoption under subsection [(e)(1)(iii)] (E)(1)(I)3 of this section, the court 13 shall: 14 Order the local department to file a petition for guardianship in (1) 15 accordance with Title 5, Subtitle 3 of the Family Law Article within 30 days or, if the local department does not support the plan, within 60 days; and 17 (2) Schedule a TPR hearing instead of the next 6-month review hearing. 18 DRAFTER'S NOTE: 19 Error: Erroneous cross-references in § 3-823(f) and (g) of the Courts and 20 Judicial Proceedings Article. 21 Occurred: Section 3-823(f) as a result of Chs. 404 and 576, Acts of 2005; 22 § 3-823(g) as a result of Ch. 404, Acts of 2005. Correction by the publisher 23 of the Annotated Code in the 2005 Supplement of the Courts and Judicial Proceedings Article is ratified by this Act. 24 25 3-8A-01. "Adjudicatory hearing" means a hearing under this subtitle to determine 26 (b) 27 whether the allegations in the petition, other than allegations that the child requires treatment, [guidance] GUIDANCE, or rehabilitation, are true.

- 30 Error: Omitted comma in § 3-8A-01(b) of the Courts and Judicial
- 31 Proceedings Article.
- 32 Occurred: Ch. 463, Acts of 1976.

1 5-1006. 2 Any compensatory or punitive damages awarded to a prisoner in (a) (1) 3 connection with a civil action shall be paid directly to satisfy any outstanding 4 JUDGMENT OF restitution [order] or child support order pending against the 5 prisoner. If there are multiple [orders] JUDGMENTS of restitution or child 6 (2) 7 support ORDERS pending against the prisoner, any compensatory damages shall be 8 distributed against those JUDGMENTS OR orders on a pro rata basis. 9 DRAFTER'S NOTE: 10 Error: Incorrect word usage in § 5-1006(a)(1) and (2) of the Courts and 11 Judicial Proceedings Article. 12 Occurred: Ch. 495, Acts of 1997. 13 **Article - Criminal Law** 14 9-802. 15 A person may not threaten an individual, or a friend or family member of 16 an [individaul,] INDIVIDUAL, with physical violence with the intent to coerce, induce, 17 or solicit the individual to participate in or prevent the individual from leaving a 18 criminal gang. 19 DRAFTER'S NOTE: 20 Error: Misspelling in § 9-802(a) of the Criminal Law Article. 21 Occurred: Ch. 313, Acts of 2005. 22 10-304. Because of another's race, color, religious beliefs, sexual orientation, or national 23 24 origin, a person may not: deface, damage, or destroy, OR attempt to deface, damage, or 25 (iii) (1) 26 destroy the real or personal property of that person; or 27 burn or attempt to burn an object on the real or personal (iv) 28 property of that [person.] PERSON; OR 29 DRAFTER'S NOTE: 30 Error: Omitted word in § 10-304(1)(iii) of the Criminal Law Article; 31 incorrect punctuation and omitted conjunction in § 10-304(1)(iv) of the 32 Criminal Law Article.

Occurred: Omitted word, Ch. 26, Acts of 2002; incorrect punctuation and

1	omitted conjunction, Ch. 482, Acts of 2005.
2	Article - Criminal Procedure
3	2-102.
4 5	(c) (1) A police officer who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:
6 7	(i) 1. the chief of police, if any, or chief's designee, when in a municipal corporation;
8 9	2. the Police Commissioner or Police Commissioner's designee, when in Baltimore City;
10 11	3. the chief of police or chief's designee, when in a county with a county police department, except Baltimore City;
12 13	4. the sheriff's designee, when in a county without a county police department;
	5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources;
19	6. the chief of police of the Maryland Transportation Authority or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; or
23	7. the [respective] chief of police OF THE DEPARTMENT OF GENERAL SERVICES or the chief's designee, when on property owned, leased, operated, managed, patrolled by, or under the control of the Department of General Services; and
	(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.
28	DRAFTER'S NOTE:
29 30	
31	Occurred: Ch. 10, Acts of 2005.
32	11-610.
33	(a) (2) In Baltimore City, a judgment of restitution shall:

The provisions of paragraph (1) of this subsection do not apply to

Occurred: As a result of Ch. 323, Acts of 2001.

30 out-of-state agencies that place a child for adoption [as defined in § 5-301(j) of the

27

29

28 4-122.

(2)

31 Family Law Article].

- 2 Error: Obsolete cross-reference in § 4-122(e)(2) of the Education Article.
- 3 Occurred: As a result of Ch. 464, Acts of 2005.
- 4 8-416.
- 5 (c) The Program shall include the early intervention services provided or
- 6 supervised by the [Department] DEPARTMENT, [and] the [State Departments]
- 7 DEPARTMENT of Health and Mental [Hygiene] HYGIENE, including the Program for
- 8 Hearing-Impaired Infants established under Title 13, Subtitle 6 of the Health -
- 9 General [Article] ARTICLE, [and] THE DEPARTMENT OF Human Resources, and the
- 10 Office for Children, Youth, and Families.

## 11 DRAFTER'S NOTE:

- 12 Error: Stylistic errors in § 8-416(c) of the Education Article.
- 13 Occurred: Ch. 312, Acts of 2002.
- 14 8-417.
- 15 (b) (2) The Department of Human Resources, the Department of Juvenile
- 16 Services, the Department of Budget and Management, the Office for Children, Youth,
- 17 and Families, and the Department of Health and Mental Hygiene shall participate
- 18 with the Department [of Education] in the development and implementation of rates
- 19 in programs licensed or approved by those agencies to the extent required by federal
- 20 and State law.

- 22 Error: Stylistic error in § 8-417(b)(2) of the Education Article.
- 23 Occurred: Ch. 541, Acts of 1999.
- 24 14-102.
- 25 (a) The government of [Morgan State] THE University is vested in the Board 26 of Regents [of Morgan State University].
- 27 (c) (1) One member of the Board OF REGENTS shall be a student in good 28 academic standing at the University who:
- 29 (i) Is at least 18 years old; and
- 30 (ii) Has the qualifications required to be student body president.
- 31 (d) (2) Except for the student member, at least 10 members of the Board OF 32 REGENTS shall be residents of the State.

1 (e) Each member of the Board OF REGENTS: 2 Serves without compensation; and (1) 3 Is entitled to reimbursement for expenses in accordance with the (2) Standard State Travel Regulations. 5 DRAFTER'S NOTE: Error: Incorrect usage of a defined term in § 14-102(a), (c)(1), (d)(2), and 6 7 (e) of the Education Article. 8 Occurred: As a result of Ch. 273, Acts of 2004. 9 14-103. 10 (b) The Board OF REGENTS shall determine the time and place of its meetings 11 and may adopt rules for the conduct of its meetings. No formal action may be taken by the Board OF REGENTS without the 12 13 approval of a majority of the voting members of the Board OF REGENTS. 14 DRAFTER'S NOTE: 15 Error: Incorrect usage of a defined term in § 14-103(b) and (c)(2) of the 16 Education Article. 17 Occurred: As a result of Ch. 273, Acts of 2004. 18 14-104. 19 In addition to any other powers granted and duties imposed by this 20 subtitle, and subject to the provisions of Title 11 of this article and any other 21 restrictions imposed by law by specific reference to the University or by any trust agreement involving a pledge of property or money, the Board of Regents: 23 (1) Is responsible for the management of [Morgan State] THE 24 University and has all the powers, rights, and privileges that go with that 25 responsibility, including the powers and duties set forth in this section; May not be superseded in its authority by any other State agency or 26 (2) 27 office in managing the affairs of [Morgan State] THE University; and 28 Shall have all the powers of a Maryland corporation which are not 29 limited by law by specific reference to the University. 30 (c) The Board of Regents may adopt rules and regulations not (1) 31 inconsistent with law for the government and management of [Morgan State] THE 32 University.

3		ırd OF RI	EGENT	10, Subtitle 5 of the State Government Article S may adopt rules and regulations and prescribe ement, maintenance, operation, and control of
7 8 9	Board of Regents sha appointment, compen	ll establis sation, ac	3 of the sh generativancem	recommendation of the President, and in accordance State Personnel and Pensions Article, the al standards and guidelines governing the tent, tenure, and termination of all faculty, histrative personnel in the [Morgan State]
		y are not	subject	wise provided by law, appointments of [Morgan to or controlled by the provisions of the State overn the State Personnel Management System.
16 17	Management, the De Education Commissi	partment on report	ountabile of Legisting the t	tember 1 of each year, the Board OF REGENTS shall ity report to the Department of Budget and slative Services, and the Maryland Higher otal positions created and the cost and the ed by the University in the previous fiscal year.
19	(j) (3)	The Pre	sident sl	nall:
	the discipline and suc departments; and	(i) eccessful c		consible and accountable to the Board OF REGENTS for of the University and supervision of each of its
23		(ii)	Take e	very initiative in:
24			1.	Implementing the policies of the Board OF REGENTS; and
25			2.	Promoting the University's development and efficiency.
26 27	(4) Regents, the Presiden		to the au	athority and applicable policies of the Board of
	mandates and policie opportunities;	(xii) s, overse		pliance with State, federal, and Board OF REGENTS ative action and equal employment
31		(xv)	Perform	n any other duties assigned by the Board OF REGENTS.
	(k) (2) with the State Treasu OF REGENTS direct	rer in a n	onbudge	t the Board OF REGENTS accepts shall be deposited eted account and may be invested as the Board with law.
35 36	(m) (1) the statewide plan for			nall develop an overall plan that is consistent with and the Charter that:

	(i) Sets forth both long-range and short-range goals, objectives, and priorities for postsecondary education, research, and service provided by [Morgan State] THE University;
	(o) The Legislative Auditor shall audit all expenditures and accounts of [Morgan State] THE University in accordance with §§ 2-1220 through 2-1227 of the State Government Article.
	(p) (6) (i) Subject to the approval of the Board of Public Works, the Board OF REGENTS may acquire, lease, encumber, sell, or otherwise dispose of real property held by the State for the use of the University.
10 11	(ii) The Board OF REGENTS may acquire, lease, encumber, sell, or otherwise dispose of personal property.
12	DRAFTER'S NOTE:
13 14 15	-
16	Occurred: As a result of Ch. 273, Acts of 2004.
17	14-106.
18 19	(b) (1) A [Morgan State] University police officer has the powers granted to a peace and police officer.
22	(2) However, a [Morgan State] University police officer may exercise these powers only on property that is owned, leased, operated by, or under the control of [Morgan State] THE University. The police officer may not exercise these powers on any other property unless:
24	(i) Engaged in fresh pursuit of a suspected offender;
	(ii) Necessary to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of [Morgan State] THE University; or
28	(iii) Ordered to do so by the Governor.
31 32	(c) (1) In consultation with the Secretary of State Police and the Maryland Police Training Commission, the Board of Regents shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for [Morgan State] THE University police officers, including standards for the performance of their duties.
	(2) To the extent practicable, the Board OF REGENTS shall adopt standards that are similar to the standards adopted for the Department of State Police.

- 1 (3) Standards adopted on or after July 1, 1976, on minimum hiring
- 2 qualifications of [Morgan State] THE University police officers may not affect the
- 3 status of any individual who was a qualified [Morgan State] University police officer
- 4 on that date.
- 5 (d) The Board of Regents shall adopt rules and regulations governing the
- 6 operation and conduct of the Morgan State University Police Force and of [Morgan
- 7 State] University police officers.

- 9 Error: Incorrect usage of a defined term in § 14-106(b), (c), and (d) of the
- 10 Education Article.
- Occurred: As a result of Ch. 273, Acts of 2004.
- 12 14-108.
- 13 (a) (1) [Morgan State] THE University may establish a distinguished
- 14 scholar position at [Morgan State] THE University known as the Clarence W. Blount
- 15 Chair of Public Policy and Urban Politics.
- 16 (2) The purpose of the distinguished scholar position is to teach, conduct
- 17 research, and perform community service in public policy and urban politics at
- 18 [Morgan State] THE University.
- 19 (b) The President of [Morgan State] THE University may:
- 20 (1) Select and appoint a distinguished scholar to fill the Clarence W.
- 21 Blount Chair for a term of not more than 2 years;
- 22 (2) Establish an annual salary of \$100,000 per year for the distinguished
- 23 scholar position; and
- 24 (3) Establish the employment contract terms and conditions for the
- 25 distinguished scholar position.
- 26 (c) [Morgan State] THE University may fund the costs associated with the
- 27 position authorized under subsection (a) of this section with State matching funds
- 28 provided under the private donation incentive program established in § 17-302 of this
- 29 article.

- 31 Error: Incorrect usage of a defined term in § 14-108 of the Education
- 32 Article.
- Occurred: As a result of Ch. 273, Acts of 2004.

1	18-1102.
2 3	(d) (2) The additional scholarship awarded under this subsection may not exceed the cost of attendance at the institution, including:
4	[1.] (I) The tuition and fees applicable to the student; and
	[2.] (II) The institution's estimate of other expenses reasonably related to cost of attendance at that institution, including, without limitation, the cost of room and board, transportation, books, and supplies.
8	DRAFTER'S NOTE:
9	Error: Stylistic error in § 18-1102(d)(2) of the Education Article.
10	Occurred: Ch. 25, Acts of 2004.
11	Article - Election Law
12	Subtitle 5. [Voter Registry] STATEWIDE VOTER REGISTRATION LIST.
13	DRAFTER'S NOTE:
14 15	• • • • • • • • • • • • • • • • • • • •
16	Occurred: As a result of Ch. 572, Acts of 2005.
17	3-503.
18 19	(b) A voter shall be restored to active status on the statewide voter registration list after completing and signing any of the following election documents:
20	(1) a voter registration application;
21	(2) a petition governed by Title 6;
22	(3) a certificate of candidacy; OR
	(4) a written affirmation of residence completed on election day to entitle the voter to vote either at the election district or precinct for the voter's current residence or the voter's previous residence, as determined by the State Board.
26	DRAFTER'S NOTE:
27	Error: Omitted conjunction in § 3-503(b)(3) of the Election Law Article.
28	Occurred: Ch. 572, Acts of 2005.

30

31

Article.

Occurred: Ch. 291, Acts of 2002.

1 3-601.1. 2 (d) (1) On election day, if it is alleged that the name of a registered voter is 3 missing from the precinct register because of a clerical error, the chief election judge 4 shall contact the State Board or local board to determine whether a clerical error has 5 been made. If the State Administrator or election director determines that the 6 (2) 7 absence of the name from the precinct register is the result of a clerical error, the 8 State Administrator or election director shall authorize the chief election judge to: 9 issue a blank voter authority card to the affected voter; and (i) 10 (ii) allow the affected voter to vote after the affected voter 11 completes the voter authority card and [provide] PROVIDES any other documentation 12 required by the State Board. 13 DRAFTER'S NOTE: 14 Error: Incorrect word usage in § 3-601.1(d)(2)(ii) of the Election Law 15 Article. 16 Occurred: Ch. 404, Acts of 2002. 17 4-103. 18 (c) A group that loses its status as a political party may regain that status 19 only by complying with all the requirements for qualifying as a new party under [§ 20 4-101] § 4-102 of this subtitle. 21 DRAFTER'S NOTE: 22 Error: Erroneous cross-reference in § 4-103(c) of the Election Law 23 Article. Occurred: Ch. 291, Acts of 2002. 24 25 4-204. The constitution and bylaws adopted by a new political party shall 26 (e) (1) 27 conform to the requirements of subsections (a), (b), and [(d)(1)] (C)(1) of this section. 28 DRAFTER'S NOTE:

Error: Erroneous internal reference in § 4-204(e)(1) of the Election Law

1	-504.							
4 5 6	(b) Except for the offices of Governor and Lieutenant Governor, the name of any individual who files a certificate of candidacy and does not withdraw shall appear on the primary election ballot unless, by the 10th day after the filing deadline specified under § 5-303 of this [article] TITLE, the individual's death or disqualification is known to the applicable board with which the certificate of candidacy was filed.							
8	PRAFTER'S NOTE:							
9	Error: Stylistic error in § 5-504(b) of the Election Law Article.							
10	Occurred: Ch. 291, Acts of 2002.							
11	8-202.							
12 13	2 (a) A principal political party, as determined by the statement of registration 3 issued by the State Board [under § 3-509(b) of this article]:							
14	(1) shall use the primary election to:							
15	(i) nominate its candidates for public office; and							
16 17	elect all members of the local central committees of the politicarty; and	cal						
18 19	(2) may use the primary election in the year of a presidential election to elect delegates to a national presidential nominating convention.							
20	0 DRAFTER'S NOTE:							
21	Error: Obsolete cross-reference in § 8-202(a) of the Election Law Article.							
22	Occurred: As a result of Ch. 572, Acts of 2005.							
23	Article - Environment							
24	-808.							
25	(a) An environmental covenant is perpetual unless it is:							
26	(5) Terminated or modified in an eminent domain proceeding, if:							
27 28	(ii) Each person identified in § 1-809(a) and (b) of this subtitle are] IS given notice of the pendency of the proceeding; and							
	(b) (1) If the Agency that signed an environmental covenant has determined hat the intended benefits of the covenant can no longer be realized, a court, under he doctrine of changed circumstances, in an action in which all persons identified IN							

- 1 § 1-809(a) and (b) of this subtitle have been given notice, may terminate the covenant
- 2 or reduce its burden on the real property subject to the covenant.

- 4 Error: Grammatical error in § 1-808(a)(5)(ii) of the Environment Article;
- 5 omitted word in § 1-808(b)(1) of the Environment Article.
- 6 Occurred: Ch. 229, Acts of 2005. Correction of omitted word by the
- 7 publisher of the Annotated Code in the 2005 Supplement of the
- 8 Environment Article is ratified by this Act.
- 9 4-313.1.
- 10 (c) The Department shall deposit the penalties collected under this
- 11 [subsection] SECTION in the Maryland Clean Water Fund created under § 9-320 of
- 12 this article.

## 13 DRAFTER'S NOTE:

- Error: Stylistic error in § 4-313.1(c) of the Environment Article.
- 15 Occurred: Ch. 538, Acts of 1988.
- 16 4-411.
- 17 (a) (1) In this section the following words [and phrases] have the meanings
- 18 indicated.
- 19 "BARREL" MEANS ANY MEASURE OF PETROLEUM PRODUCTS OR ITS
- 20 BY-PRODUCTS WHICH CONSISTS OF 42.0 U.S. GALLONS OF LIQUID MEASURE.
- 21 [(2)] (3) "Fund" means the Maryland Oil Disaster Containment,
- 22 Clean-Up and Contingency Fund.
- 23 [(3)] (4) "Transfer" means the offloading or onloading of oil in the State
- 24 from or to any commercial vessel, barge, tank truck, tank car, pipeline, or any other
- 25 means used for transporting oil.
- 26 [(4) "Barrel" means any measure of petroleum products or its by-products
- 27 which consists of 42.0 U.S. gallons of liquid measure.]

- 29 Error: Stylistic error (failure to codify definitions in proper alphabetical
- order) in § 4-411(a) of the Environment Article.
- Occurred: Ch. 177, Acts of 2005. Partial correction by the publisher of the
- 32 Annotated Code in the 2005 Supplement of the Environment Article is
- ratified by this Act.

Occurred: Ch. 301, Acts of 1990.

1	6-807.			
2	(b)	(2)	Of the 1	9 members:
3			(iii)	17 shall be appointed by the Governor as follows:
6	DIRECTOR	OF THE	<b>EARLY</b>	5. The [Executive Director of the Department of Human stration, or the Executive Director's designee] CHILDHOOD DEVELOPMENT DIVISION, STATE TION, OR THE DIRECTOR'S DESIGNEE;
8	DRAFTER'S	NOTE:		
9 10		Obsolete t	erminolo	gy in § 6-807(b)(2)(iii)5 of the Environment
11	Occurred	d: As the	result of	f Ch. 585, Acts of 2005.
12	9-1702.			
13	(d)	The Off	ice shall:	
14 15	Part IV of th	(4) is subtitl		ster the Statewide Computer Recycling PILOT Program under
16	DRAFTER'S	S NOTE:		
17	Error: C	Omitted w	ord in §	9-1702(d)(4) of the Environment Article.
18	Occurred	d: Ch. 38	34, Acts o	of 2005.
19	9-1707.			
	· /			The members of the NEWSPRINT Recycling Board shall serve all be reimbursed for all reasonable expenses incurred ties.
25	requirements	s made u	cuse of al nder para	lewspaper] NEWSPRINT Recycling Board fails to act on an l or part of the recycled content percentage graph (5) of this subsection within 45 days of the filing ard, the application shall be deemed approved.
27	DRAFTER'S	S NOTE:		
28 29				9-1707(h)(4)(v) and misnomer in § onment Article.

1	Article - Family Law					
2	5-307.					
3 4	(c) An attorney or firm may represent more than one party in a case under this subtitle only if the Maryland LAWYERS' Rules of Professional Conduct allow.					
5	5 DRAFTER'S NOTE:					
6	Error: Misnomer in § 5-307(c) of the Family Law Article.					
7 8	Occurred: As a result of a change to the Maryland Rules effective July 1, 2005.					
9	5-316.					
12	(e) (2) A juvenile court shall find that a petitioner has met the requirements of paragraph (1) of this subsection if the petitioner shows, by affidavit or testimony, that the petitioner made inquiries after or within the 180 days immediately preceding the filing of the petition for guardianship:					
14	(i) with the [State] Motor Vehicle Administration;					
15 16	(iii) with the [State] Department of Public Safety and Correctional Services, including its Division of Parole and Probation;					
17	17 DRAFTER'S NOTE:					
18 19						
20	Occurred: Ch. 464, Acts of 2005.					
21	5-3B-06.					
22	(c) An attorney or firm:					
23 24	(1) may represent more than one party in a case under this subtitle only if the Maryland LAWYERS' Rules of Professional Conduct allow; and					
25	25 DRAFTER'S NOTE:					
26	Error: Misnomer in § 5-3B-06(c)(1) of the Family Law Article.					
27 28						
29	5-508.					
30	(b) This section does not apply:					

	(6) to a person who has the care, custody, or control of the child through placement for adoption by a parent or grandparent of the child, if the requirements of [§ 5-507(c)] § 5-3B-12 of this subtitle are met;						
4	DRAFTER'S NOTE:						
5 6	Error: Erroneous cross-reference in § 5-508(b)(6) of the Family Law Article.						
7	Occurred: As a result of Ch. 464, Acts of 2005.						
8	5-564.						
9 10	(b) (1) The Department shall provide an initial and a revised statement of the applicant's State criminal record to:						
11 12	(ii) the [Child Care Administration of the Department of Human Resources] STATE DEPARTMENT OF EDUCATION if the applicant is an employee of:						
13 14	1. a child care center that is required to be licensed or to hold a letter of compliance under Part VII of this subtitle; or						
15 16	a family day care home that is required to be registered under Part V of this subtitle.						
17 18	(d) (1) Upon completion of the criminal history records check of an employee, the Department shall submit the printed statement to:						
21 22	(iii) for an employee of a child care center that is required to be licensed or to hold a letter of compliance under Part VII of this subtitle or an employee of a family day care home that is required to be registered under Part V of this subtitle, the [Child Care Administration of the Department of Human Resources] STATE DEPARTMENT OF EDUCATION.						
24	DRAFTER'S NOTE:						
25 26	Error: Obsolete reference in § 5-564(b)(1)(ii) and (d)(1)(iii) of the Family Law Article.						
27 28 29	• •						
30	5-580.3.						
33	(a) (2) Each employee, as defined in § 5-560 of this subtitle, of a child care center that is required to be licensed or to hold a letter of compliance under this subtitle shall apply to the [Child Care Administration] DEPARTMENT, on or before the first day of actual employment, for a child abuse and neglect clearance.						

- **30 UNOFFICIAL COPY OF SENATE BILL 207** 1 (b) The [Child Care Administration] DEPARTMENT may prohibit the operator 2 of a child care center that is required to be licensed or to hold a letter of compliance 3 under this subtitle from employing an individual who: (1) has received a conviction, a probation before judgment disposition, a 5 not criminally responsible disposition, or a pending charge for any crime or attempted 6 crime enumerated in the regulations adopted by the Department of Public Safety and 7 Correctional Services under Part VI of this subtitle; or 8 (2) has been identified as responsible for child abuse or neglect. 9 (c) The operator of a child care center that is required to be licensed or to hold 10 a letter of compliance under this subtitle shall immediately notify the [Child Care 11 Administration] DEPARTMENT of a criminal history records check of an employee 12 that reports a conviction, a probation before judgment disposition, a not criminally 13 responsible disposition, or a pending charge for any crime or attempted crime 14 enumerated in the regulations adopted by the Department of Public Safety and 15 Correctional Services under Part VI of this subtitle. 16 DRAFTER'S NOTE: 17 Error: Obsolete reference in § 5-580.3(a)(2), (b), and (c) of the Family Law Article. 18 19 Occurred: As a result of departmental changes made by Ch. 585, Acts of 20 2005. Corrections by the publisher of the Annotated Code in the 2005 21 Supplement of the Family Law Article are ratified by this Act. 22 Part IX. Early Childhood Development Advisory Council. 23 5-590. In this Part IX of this subtitle the following words have the meanings 24 (a) 25 indicated. **26 DRAFTER'S NOTE:** 27 Error: Misnomer in the part designation immediately preceding § 5-590 28 of the Family Law Article. 29 Occurred: As a result of departmental changes made by Ch. 585, Acts of 30 2005. Corrections by the publisher of the Annotated Code in the 2005 Supplement of the Family Law Article are validated by this Act. 31
- 32 5-712.
- 33 If a provider examines a child under subsection (b) of this section and
- 34 determines that emergency medical treatment or expert child abuse or neglect care is
- 35 indicated, the [physician] PROVIDER may treat the child, with or without the consent
- 36 of the child's parent, guardian, or custodian.

- 2 Error: Incorrect terminology in § 5-712(c) of the Family Law Article.
- 3 Occurred: Ch. 334, Acts of 2005.
- 4 Article Financial Institutions
- 5 6-501.
- As to each interest bearing or share account of each member or depositor in a
- credit union, the credit union shall generally make available to any member or
- 8 depositor with an existing account, in addition to actually giving to the member or
- 9 depositor, on the opening of the interest bearing or share account and, later, on
- 10 demand of the member or depositor the following written notice:
- "Under Maryland law, all funds remaining in this interest bearing or share
- 12 account become the property of this State after the account has been inactive for [5]
- 13 3 years and notice is sent to the member or depositor at that member's or depositor's
- 14 last known address. This account will be considered inactive if the member or
- 15 depositor has not: (1) increased or decreased the amount in the account; (2) presented
- 16 the passbook or other similar evidence of the account for the crediting of interest or
- 17 dividends; (3) written to this credit union about the account; (4) engaged in any credit,
- 18 share, or other deposit transaction with the credit union; or (5) otherwise indicated an
- 19 interest in the account as evidenced by a memorandum on file with this credit union."

## 20 DRAFTER'S NOTE:

- 21 Error: Obsolete language in § 6-501 of the Financial Institutions Article.
- Occurred: As a result of Ch. 440, Acts of 2002. Correction recommended
- by Assistant Attorney General Kathryn M. Rowe.
- 24 13-801.
- 25 (h) "Local issuer" means any county, municipality, OR industrial development
- 26 authority established under Article 41, § 14-103 of the Annotated Code of Maryland,
- 27 or other agency with authority to issue bonds, other than a State issuer.

- 29 Error: Omitted conjunction in § 13-801(h) of the Financial Institutions
- 30 Article.
- 31 Occurred: Ch. 598, Acts of 1987.

1	Article - Health - General					
2	4-306.					
3 4	(b) A health care provider shall disclose a medical record without the authorization of a person in interest:					
7	(6) Subject to the additional limitations for a medical record developed primarily in connection with the provision of mental health services in § 4-307 of this subtitle and except as otherwise provided in items (2), (7), and (8) of this subsection, in accordance with compulsory process, if the health care provider receives:					
11	(ii) For disclosures made under [item (i)] ITEM (I)1 of this paragraph, copies of the following items that were mailed by certified mail to the person in interest by the person requesting the disclosure at least 30 days before the records are to be disclosed:					
13 14	1. The subpoena, summons, warrant, or court order seeking the disclosure or production of the records;					
15	2. This section; and					
16 17	3. A notice in the following form or a substantially similar form:					
18 19	Plaintiffs In the					
20	v. For					
21 22 23	Defendants  Case No.:					
24 25 26	NOTICE TO (Patient Name) IN COMPLIANCE WITH § 4-306 OF THE HEALTH - GENERAL ARTICL ANNOTATED CODE OF MARYLAND					
29 30	TAKE NOTE that medical records regarding (Patient Name), have been subpoenaed from the (Name and address of Health Care Provider) pursuant to the attached subpoena and § 4-306 of the Health - General Article, Annotated Code of Maryland. This subpoena does does not (mark one) seek production of mental health records.					

2 3 4 5 6 7	Please examine these papers carefully. IF YOU HAVE ANY OBJECTION TO THE PRODUCTION OF THESE DOCUMENTS, YOU MUST FILE A MOTION FOR A PROTECTIVE ORDER OR A MOTION TO QUASH THE SUBPOENA ISSUED FOR THESE DOCUMENTS UNDER MARYLAND RULES 2-403 AND 2-510 NO LATER THAN THIRTY (30) DAYS FROM THE DATE THIS NOTICE IS MAILED. For example, a protective order may be granted if the records are not relevant to the issues in this case, the request unduly invades your privacy, or causes you specific harm.					
9 10	Also attached to this form is a copy of the subpoena duces tecum issued for these records.					
11 12	If you believe you need further legal advice about this matter, you should consult your attorney.					
14 15	Attorney (Firm Name Attorney address Attorney phone number)					
17 18	Attorneys for (Name of Party Represented)					
19	Certificate of Service					
20 21	I hereby certify that a copy of the foregoing notice was mailed, first-class postage prepaid, this day of, 200_ to					
	Patient					
	Each Counsel in Case					
	Attorney					
28	DRAFTER'S NOTE:					
29 30	Error: Incomplete internal reference in § 4-306(b)(6)(ii) of the Health - General Article.					
31	Occurred: Ch. 503, Acts of 2005.					
32	5-705.					
33 34	(b) The local team membership shall be drawn from the following individuals, organizations, agencies, and areas of expertise, when available:					

- 1 (8) The [regional representative of the Child Care Administration]
- 2 EARLY CHILDHOOD DEVELOPMENT DIVISION IN THE STATE DEPARTMENT OF
- 3 EDUCATION;
- 4 DRAFTER'S NOTE:
- 5 Error: Obsolete language in § 5-705(b)(8) of the Health General Article.
- 6 Occurred: As a result of Ch. 585, Acts of 2005.
- 7 5-807.
- 8 A person shall have the immunity from liability under [§ 5-393] § 5-637 of the
- 9 Courts Article for any action as a member of the Committee or for giving information
- 10 to, participating in, or contributing to the function of the Committee or subcommittee.
- 11 DRAFTER'S NOTE:
- 12 Error: Incorrect cross-reference in § 5-807 of the Health General
- 13 Article.
- Occurred: As a result of Ch. 14, § 9, Acts of 1997.
- 15 13-1101.
- 16 (b) "Administrative Component" means the component of the Program
- 17 established under [§ 13-1118] § 13-1119 of this subtitle.
- 18 DRAFTER'S NOTE:
- 19 Error: Incorrect cross-reference in § 13-1101(b) of the Health General
- 20 Article.
- 21 Occurred: Chs. 17 and 18, Acts of 2000.
- 22 15-103.
- 23 (d) As permitted by federal law or waiver, the Secretary may administer the
- 24 Medicare Option Prescription Drug Program, established under [§ 15-124.1] §
- 25 15-124.3 of this subtitle, as part of the Maryland Medical Assistance Program.
- 26 DRAFTER'S NOTE:
- 27 Error: Incorrect cross-reference in § 15-103(d) of the Health General
- Article.
- 29 Occurred: Ch. 282, Acts of 2005. Correction by the publisher of the
- 30 Annotated Code in the 2005 Supplement of the Health General Article is
- 31 ratified by this Act.

1	15-141.							
	program under which [	As permitted by federal law or waiver, the Secretary may establish a Medicaid program] MARYLAND MEDICAL ASSISTANCE are required to enroll in community care organizations.						
	(f) (4) The community choice program shall ensure that all enrollees in the program maintain access to pharmacy benefits, including all classes of drugs, that are comparable to the benefits provided in the MARYLAND Medical Assistance Program.							
8	(i) The com	munity choice program shall include:						
9 10		Adult [Medicaid] MARYLAND MEDICAL ASSISTANCE PROGRAM ne nursing home level of care standard; and						
11 12	(3) over 65 years of age.	[Medicaid] MARYLAND MEDICAL ASSISTANCE PROGRAM recipients						
13 14		In arranging for the benefits required under subsection (d) of this y care organization shall:						
15 16		(iii) Reimburse adult day care facilities not less than the rate partment for the MARYLAND Medical Assistance Program;						
17	DRAFTER'S NOTE:							
18 19	Error: Misnomers in § 15-141(b)(2), (f)(4), (i)(2) and (3), and (m)(1)(iii) of the Health - General Article.							
20	Occurred: Ch. 4,	Acts of the 2004 Special Session.						
21	18-338.3.							
22	(a) (3)	"Exposure" means [as between a patient and a health care provider]:						
23		(i) Percutaneous contact with blood or body fluids;						
24		(ii) Mucocutaneous contact with blood or body fluids;						
25 26		(iii) Open wound, including dermatitis, exudative lesions, or with blood or body fluids for a prolonged period; or						
27 28	for a prolonged period	(iv) Intact skin contact with large amounts of blood or body fluids l.						
29	DRAFTER'S NOTE:							
30 31								
32	Occurred: As a result of Chs. 300 and 330, Acts of 2005. Correction							

Occurred: Ch. 411, Acts of 1989.

1 2	suggested by Assistant Attorney General Kathryn M. Rowe in memo dated May 2, 2005.					
3	19-401.					
	(c) (1) "Home health care" means any of the following services that are provided under the general direction of a licensed health professional practicing within the scope of their practice [act]:					
7		(i)	Audiology and speech pathology;			
8		(ii)	Dietary and nutritional services;			
9		(iii)	Drug services;			
10		(iv)	Home health aid;			
11		(v)	Laboratory;			
12		(vi)	Medical social services;			
13		(vii)	Nursing;			
14		(viii)	Occupational therapy;			
15		(ix)	Physical therapy; or			
16 17	supplies.	(x)	Provision of medically necessary sickroom equipment and			
18	B DRAFTER'S NOTE:					
19	Error: Extraneous word in § 19-401(c)(1) of the Health - General Article.					
20	Occurred: Ch. 571, Acts of 1982.					
21	19-404.					
	2 (b) The rules and regulations shall provide for the licensing of home health agencies and annual license renewal, and shall establish standards that require as a minimum, that all home health agencies:					
	Within 10 days of acceptance of a patient for skilled care, make and record all reasonable efforts to contact a physician to obtain the signed order required under [paragraph (2)] ITEM (2) OF THIS SUBSECTION;					
28	DRAFTER'S NOTE:					
29	Error: Stylistic error in § 19-404(b)(1) of the Health - General Article.					

1 19-4A-01. 2 "Home health care" includes any of the following services: (b) 3 Home health [aide] AID; (4) 4 DRAFTER'S NOTE: 5 Error: Incorrect word usage in § 19-4A-01(b)(4) of the Health - General 6 Article. 7 Occurred: Ch. 529, § 1, Acts of 1990. 8 19-703.1. 9 (b) (2) It shall not be considered to be discriminatory under paragraph (1) of 10 this subsection if at least the following benefits are provided: 11 With respect to outpatient coverage, other than for inpatient or (iii) 12 partial hospitalization services, benefits for covered expenses arising from services, 13 including psychological and neuropsychological testing for diagnostic purposes, which 14 are rendered to treat mental illness, emotional disorders, drug [abuse] ABUSE, and 15 alcohol abuse shall be at a rate which is, after the applicable deductible, not less than: 80 percent for the first 5 visits in any calendar year or 16 1. 17 benefit period of not more than 12 months; 18 65 percent for the 6th through 30th visit in any calendar 19 year or benefit period of not more than 12 months; and 20 50 percent for the 31st visit and any visit after the 31st 21 visit in any calendar year or benefit period of not more than 12 months. 22 The benefits under this section shall be required only for expenses (c) (1) 23 arising for treatment of mental illnesses, emotional disorders, drug [abuse] ABUSE, and alcohol abuse which in the professional judgment of practitioners is medically 25 necessary and treatable. The benefits required under this section shall be provided as one set 26 27 of benefits covering mental illnesses, emotional disorders, drug [abuse] ABUSE, and 28 alcohol abuse. 29 (d) Notwithstanding the provisions of subsection (b)(2)(i)1 of this section, until 30 July 1, 1995, a contract or certificate that is subject to this section that offers less 31 than 60 days coverage for inpatient care for health care for physical illness must only 32 include coverage for mental illness, emotional disorders, drug [abuse] ABUSE, and

33 alcohol abuse that is at least equal to the benefit offered for those other types of 34 health care. On and after July 1, 1995, the provisions of subsection (b)(2)(i)2 of this

35 section shall apply.36 DRAFTER'S NOTE:

1 2	Error: Omitted comma in § 19-703.1(b)(2)(iii), (c)(1) and (2), and (d) of the Health - General Article.			
3	Occurred: Ch. 2, § 2, Acts of 1994.			
4	19-706.1.			
5 6			tion under [subparagraph (ii) of paragraph (1)] e Commissioner shall consider:	
7 8	(i) contract with the impaire		s of providers and other participating entities under nee organizations; and	
9	(ii	) The viabilit	y of continuing the health plan.	
12	(1)(II) of this subsection	approves a chang rovider or a partici	paragraph (ii) of paragraph (1)] PARAGRAPH e to the terms of a contract that diminishes pating entity providing administrative, nge may not:	
14	(i)	Be effective	e for more than 60 days; and	
15	(ii	Except by 1	nutual consent, be renewed or extended.	
			ner's authority under Title 9, Subtitle 2 of the iquidator may, subject to approval by a	
21 22	participated in an open organization at a group's	enrollment process s last regular open rent health mainter	ther health maintenance organizations that with the insolvent health maintenance enrollment period to offer enrollees or ance organization a 30-day open ne insolvency; AND	
26 27	directed to offer enrolled organization a 30-day of	es or subscribers o pen enrollment per nance organization	QUIRE EACH health maintenance organization f the insolvent health maintenance iod [shall] TO offer the enrollees of the the same coverage and rates that it n enrollment period;	
31 32	organization's group cor [paragraph] ITEM (3) o	ntracts of those gro f this subsection, a	llocate the insolvent health maintenance ups not offered other coverage under mong all health maintenance organizations health maintenance organization's service	
36	contracts under [subpara	ngraph (i) of] this [ care delivery syst	EA, EXCEPT THAT BEFORE allocating the group paragraph] ITEM, the Commissioner em and financial resources of all possible s;	

- [(iii)] [Each] REQUIRE EACH health maintenance organization 1 (II)2 allocated a group or groups under [subparagraph] ITEM (i) of this [paragraph shall] 3 ITEM TO offer the group or groups the health maintenance organization's existing 4 coverage which is most similar to each group's coverage with the insolvent health 5 maintenance organization at rates determined in accordance with the successor 6 health maintenance organization's existing rate methodology; AND [Any] ENSURE THAT ANY enrollee or subscriber whose 7 (III)[(iv)]8 group coverage had terminated prior to the date of the insolvency and who converted 9 their group coverage into individual conversion coverage [shall be] IS offered the 10 same conversion coverage that is offered by the successor health maintenance 11 organization to persons converting from the group of which the enrollee or subscriber 12 had been a former member; 13 (5) Equitably allocate the insolvent health maintenance 14 organization's nongroup individual contracts of those nongroup individuals not 15 offered other coverage under [paragraph] ITEM (3) of this subsection, among all 16 health maintenance organizations operating within a portion of the insolvent health 17 maintenance organization's service [area; 18 Before AREA, EXCEPT THAT BEFORE allocating the nongroup 19 individual contract or contracts under [subparagraph (i) of] this [paragraph] ITEM, 20 the Commissioner shall consider the health care delivery system and financial resources of all possible successor health maintenance organizations; AND 22 [(iii)] (II)[Each] REQUIRE EACH health maintenance organization 23 allocated a nongroup individual or individuals under [subparagraph] ITEM (i) of this 24 [paragraph shall] ITEM TO offer the nongroup individual or individuals the health 25 maintenance organization's existing coverage which is most similar to the nongroup 26 individual's coverage with the insolvent health maintenance organization at rates 27 determined in accordance with the successor health maintenance organization's 28 existing rate methodology; and 29 DRAFTER'S NOTE: 30 Error: Stylistic errors in § 19-706.1(d)(2) and (3), (e)(3), (4), and (5) of the Health - General Article. 31 Occurred: Ch. 610, Acts of 1989. 32 33 20-102. 34 (f) Without the consent of or over the express objection of a minor, the 35 attending physician, [psychologist] PSYCHOLOGIST, or, on advice or direction of the 36 attending physician or psychologist, a member of the medical staff of a hospital or 37 public clinic may, but need not, give a parent, guardian, or custodian of the minor or 38 the spouse of the parent information about treatment needed by the minor or 39 provided to the minor under this section, except information about an abortion.
- 40 DRAFTER'S NOTE:

- 1 Error: Omitted comma in § 20-102(f) of the Health General Article.
- 2 Occurred: Ch. 284, Acts of 2001.
- 3 20-1004.
- 4 The Office shall:
- 5 (2) Assist the Secretary in identifying, [coordinating] COORDINATING,
- 6 and establishing priorities for programs, services, and resources that the State should
- 7 provide for minority health and health disparities issues;

#### 8 DRAFTER'S NOTE:

- 9 Error: Omitted comma in § 20-1004(2) of the Health General Article.
- 10 Occurred: Ch. 319, Acts of 2004.
- 11 24-601.
- 12 (d) "Wholly owned" includes leased, if:
- 13 (2) (I) [Lessor] THE LESSOR consents to the recording, in the land
- 14 records of the political subdivision in which the facility is located, of a notice of the
- 15 State's right of recovery, as provided under § 24-606 of this subtitle; or
- 16 [(3)] (II) [Lease] THE LEASE agreement is with the State for a
- 17 State-owned building or State-owned property.

#### 18 DRAFTER'S NOTE:

- 19 Error: Stylistic error and omitted article in § 24-601(d)(2) and (3) of the
- 20 Health General Article.
- 21 Occurred: Ch. 214, Acts of 1990.
- 22 24-602.
- 23 The Board of Public Works, upon recommendation of the Secretary of the
- 24 [Department] DEPARTMENT, may make grants to qualified applicants for the
- 25 construction, acquisition, renovation, and equipping of community mental health
- 26 facilities, addiction facilities, and developmental disabilities [facilities;] FACILITIES,
- 27 including the plans, specifications, site improvements, surveys, and applicable
- 28 architects' and engineers' fees.

- 30 Error: Incorrect and omitted punctuation in § 24-602 of the Health -
- 31 General Article.
- 32 Occurred: Ch. 214, Acts of 1990.

1	24-701.			
2	(e)	"Wholly	owned"	includes leased, if [the]:
3	project comp	(1) letion; or	(i)	[Lease] THE LEASE is for a minimum term of 30 years following
5 6	the lessee; an	ıd	(ii)	[Lease] THE LEASE agreement extends the right of purchase to
			nore City	THE LESSOR consents to the recording, in the land records y in which the facility is located, of a notice of the State's under § 24-706 of this subtitle.
10	DRAFTER'S	S NOTE:		
11	Error: N	/lisplaced	l article in	n § 24-701(e) of the Health - General Article.
12	Occurred	d: Ch. 38	38, Acts o	of 1990.
13				<b>Article - Health Occupations</b>
14	13-319.			
15 16	(a) committee the		ection, "p	physical therapist rehabilitation committee" means a
17		(1)	Is define	ed in subsection (b) of this section; and
18 19	section.	(2)	Perform	s any of the functions listed in subsection [(e)] (C) of this
20	DRAFTER'S	S NOTE:		
21 22		Erroneous ions Arti		reference in § 13-319(a)(2) of the Health
23	Occurred	d: Chapt	er 718, A	acts of 1988.
24				Article - Insurance
25	2-210.			
26 27	(c) of the State (	(2) Governm		ng held under this section is not subject to [§ 10-223] § 10-216 ele.
28	DRAFTER'S	S NOTE:		
29	Error: I	ncorrect (	cross-refe	erence in § 2-210(c)(2) of the Insurance Article.
30	Occurred	d: Ch. 36	6, Acts of	f 1995.

- 1 14-102. 2 A nonprofit health service plan[: (d) 3 shall develop goals, objectives, and strategies for carrying out, in accordance with the charter of the nonprofit health service plan, its statutory 5 mission[; beginning on December 1, 2003, and continuing through June 30, 6 (2) 7 2005, shall report quarterly, for the preceding quarter, to the Joint Nonprofit Health 8 Service Plan Oversight Committee on the nonprofit health service plan's compliance with the provisions of this subtitle; and 10 (3) shall provide to the Joint Nonprofit Health Service Plan Oversight 11 Committee any other information necessary for the Committee to meet the goals 12 outlined under § 2-10A-08 of the State Government Article]. 13 DRAFTER'S NOTE: 14 Error: Obsolete language in § 14-102(d) of the Insurance Article. Occurred: As a result of Chs. 356 and 357, Acts of 2003, which provided 15 for the abrogation of the Joint Nonprofit Health Service Plan Oversight 16 Committee as of August 31, 2005. 17 18 14-106. 19 (d) Notwithstanding subsection (c) of this section, a nonprofit health (1) 20 service plan that is subject to this section and issues comprehensive health care 21 benefits in the State shall: 22 subsidize the Senior Prescription Drug Assistance Program (iii) 23 established under [Title 14,] Subtitle 5, Part II of this title; subsidize the Maryland Pharmacy Discount Program under § 24 (iv) 25 15-124.1 of the Health - General Article; and **26 DRAFTER'S NOTE:** 27 Error: Stylistic error in § 14-106(d)(1)(iii) of the Insurance Article; 28 incorrect cross-reference in § 14-106(d)(1)(iv) of the Insurance Article. 29 Occurred: Stylistic error, Ch. 153, Acts of 2002; incorrect cross-reference, 30 Ch. 280, Acts of 2005. Correction of the incorrect cross-reference by the 31 publisher of the Annotated Code in the December 2005 Advance Code
- 32 Service is validated by this Act.
- 33 14-106.1.
- 34 Beginning in fiscal year 2006, a nonprofit health service plan shall transfer
- 35 funds in the amounts provided under § 14-106(d)(2) of this subtitle to:

	(2) the Department of Health and Mental Hygiene to subsidize the Maryland Pharmacy Discount Program under § 15-124.1 of the Health - General Article.				
4	DRAFTER'S NOTE:				
5 6	Error: Incorrect cross-reference in § 14-106.1(2) of the Insurance Article.				
7 8 9	Occurred: Ch. 280, Acts of 2005. Correction by the publisher of the Annotated Code in the December 2005 Advance Code Service is validated by this Act.				
10	16-503.				
	(c) (2) (iii) After receiving written approval from the Commissioner on the request made under [subparagraph (ii)2] SUBPARAGRAPH (II)1 of this paragraph, the insurer may defer the payment of the cash surrender value.				
14	DRAFTER'S NOTE:				
15 16					
17 18 19	General J. Joseph Curran in general bill review letter for SB 662 (Ch. 498)				
20	Article - Labor and Employment				
21	8-614.				
22	(a) (1) In this section the following terms have the meanings indicated.				
23 24	(2) "Knowingly" means having actual knowledge or acting with deliberate ignorance or reckless disregard for the prohibition involved.				
	(3) "PERSON" MEANS, AS DEFINED IN § 7701(A)(1) OF THE INTERNAL REVENUE CODE OF 1986, AN INDIVIDUAL, TRUST, ESTATE, PARTNERSHIP, ASSOCIATION, COMPANY, OR CORPORATION.				
28	(4) "TRADE OR BUSINESS" INCLUDES THE EMPLOYER'S WORKFORCE.				
29 30	[(3)] (5) "Violates or attempts to violate" includes intent to evade, misrepresentation, or willful nondisclosure.				
31	[(4) "Trade or business" includes the employer's workforce.				
	(5) Notwithstanding § 1-101 of this article, "person" means, as defined in § 7701(a)(1) of the Internal Revenue Code of 1986, an individual, trust, estate, partnership, association, company, or corporation.]				

- 2 Error: Stylistic error (failure to codify definitions in proper alphabetical
- order) and extraneous language in § 8-614(a) of the Labor and
- 4 Employment Article.
- 5 Occurred: Ch. 610, Acts of 2005.
- 6 8-1601.
- 7 (e) "Regular benefits" means benefits payable to an individual under this title,
- 8 including benefits payable to federal civilian employees and to ex-servicemembers
- 9 [as defined in 5 U.S.C. § 8521(a)] who are eligible for unemployment insurance
- 10 benefits for ex-servicemembers under 5 U.S.C. § 8521.

#### 11 DRAFTER'S NOTE:

- 12 Error: Extraneous language in § 8-1601(e) of the Labor and
- 13 Employment Article.
- 14 Occurred: Ch. 332, Acts of 1995.
- 15 9-234.
- 16 (x) (2) The County Council of Wicomico County may provide by resolution
- 17 for members of a volunteer company in the county to be [a covered employee]
- 18 COVERED EMPLOYEES while on duty.

## 19 DRAFTER'S NOTE:

- 20 Error: Grammatical error in § 9-234(x)(2) of the Labor and Employment
- 21 Article.
- 22 Occurred: Ch. 8, Acts of 1991.
- 23 9-302.
- 24 (f) (1) In this subsection, "former commissioner" means a commissioner who
- 25 previously served as a member of the [Workers' Compensation] Commission.

- 27 Error: Stylistic error in § 9-302(f)(1) of the Labor and Employment
- 28 Article.
- 29 Occurred: Ch. 533, Acts of 1992.

1	Article - Public Safety
2	8-206.
	(a) On or before August 30 of each fiscal year, the Association shall submit to the Department, the Legislative Auditor, and to the Board of Public Works an annual report that includes:
6 7	(1) the number and total amount of grants AND the number and total amount of loans made in the previous fiscal year;
8	DRAFTER'S NOTE:
9	Error: Omitted conjunction in § 8-206(a)(1) of the Public Safety Article.
10	Occurred: Ch. 136, Acts of 2005.
11	13-705.
14	(a) The rights granted to members of the National Guard by this section shall be in addition to the rights granted to them by federal law, including the [Soldiers' and Sailors' Civil Relief Act of 1940] SERVICEMEMBERS CIVIL RELIEF ACT and the Uniformed Services Employment and Reemployment Rights Act.
16 17	(b) The following provisions of federal law shall be adopted as State law and applied to members of the National Guard:
20	(1) the [Soldiers' and Sailors' Civil Relief Act of 1940] SERVICEMEMBERS CIVIL RELIEF ACT applies only when members of the National Guard are ordered to military duty under this title or Title 10 or Title 32 of the United States Code for a period of 14 consecutive days or longer; and
	(2) the Uniformed Services Employment and Reemployment Rights Act applies when members of the National Guard are ordered to military duty under this title or Title 10 or Title 32 of the United States Code for any period of time.
25	DRAFTER'S NOTE:
26	Error: Misnomer in § 13-705 of the Public Safety Article.
27 28	· · · · · · · · · · · · · · · · · · ·
29	Article - Real Property
30	8A-1001.
	(g) (1) The security deposit, or any portion [thereof] OF THE SECURITY DEPOSIT, may be withheld for unpaid [rent] RENT, damage due to breach of the rental [agreement] AGREEMENT, or [for] damage to the leased premises by the

- 1 resident[, his] OR THE RESIDENT'S family, agents, employees, or social guests in
- 2 excess of ordinary wear and tear.

- 4 Error: Omitted commas, stylistic errors, and extraneous word in §
- 5 8A-1001(g)(1) of the Real Property Article.
- 6 Occurred: Ch. 843, § 3, Acts of 1980.

#### 7 12-111.

- 8 (b) If any civil engineer, surveyor, real estate [appraisers] APPRAISER, or any
- 9 of their assistants is refused permission to enter or remain on any private land for the
- 10 purposes set out in subsection (a) OF THIS SECTION, the person, the State, its
- 11 instrumentality, or the body politic or corporate on whose behalf the person is acting
- 12 may apply to a law court of the county where the property, or any part of it, is located
- 13 for an order directing that the person be permitted to enter on and remain on the land
- 14 to the extent necessary to carry out the purposes authorized by this section.
- 15 (f) In Anne Arundel County, Montgomery County, or Baltimore City, an agent
- 16 or employee, or one or more assistants of the jurisdiction, after real and bona fide
- 17 effort to notify the occupant or the owner, if the land is unoccupied or if the occupant
- 18 is not the owner, may enter on any private land to make test borings and soil tests
- 19 and obtain information related to such tests for the purpose of determining the
- 20 possibility of public use of the property. If an agent, employee, or assistant is refused
- 21 permission to enter or remain on any private land for the purposes set out in this
- 22 subsection, Anne Arundel County, Montgomery County, or Baltimore City may apply
- 23 to a law court of the jurisdiction where the property or any part of it is located for an
- 24 order directing that its agent, employee, or assistant be permitted to enter and
- 25 remain on the land to the extent necessary to carry out the purposes authorized by
- 26 this subsection. The court may require that the applying jurisdiction post a bond in an
- 27 amount sufficient to reimburse any person for damages reasonably estimated to be
- 28 caused by test borings, soil tests, and related activities. If any person enters on any
- 29 private land under the authority of this section or of any court order passed pursuant
- 30 to it and damages or destroys any land or personal property on it, the owner of the
- 31 property has a cause of action for damages against the jurisdiction that authorized
- 32 the entrance. Any person who knows of an order issued under this subsection and who
- 33 obstructs any agent, [employee] EMPLOYEE, or [any] assistant acting under the
- 34 authority of the order may be punished for contempt of court.

- 36 Error: Incorrect word usage and stylistic error in § 12-111(b) of the Real
- Property Article; omitted comma and extraneous word in § 12-111(f) of the
- 38 Real Property Article.
- 39 Occurred: Incorrect word usage and stylistic error, Ch. 12, § 2, Acts of
- 40 1974; omitted comma and extraneous word, Ch. 469, Acts of 1978.

1	13-101.
2	(j) "Patent" means:
3	(1) Any grant confirmed by Article 5 of the Declaration of Rights of the [State] MARYLAND Constitution;
5	DRAFTER'S NOTE:
6	Error: Stylistic error in § 13-101(j)(1) of the Real Property Article.
7	Occurred: Ch. 12, § 2, Acts of 1974.
8	Article - State Finance and Procurement
9	7-314.
12 13	(g) (3) Upon receipt of the report, the Legislative Policy Committee shall have 60 days to review and comment on the report, during which time the Department of Business and Economic Development shall provide any additional information regarding [this Fund] THE ACCOUNT as requested by the Legislative Policy Committee.
15	DRAFTER'S NOTE:
16 17	
18	Occurred: As a result of Ch. 203, Acts of 2003.
19	11-203.
20 21	(a) Except as provided in subsection (b) of this section, this Division II does not apply to:
22	(1) procurement by:
23 24	[(iv) the Maryland Higher Education Supplemental Loan Authority, if no State money is to be spent on a procurement contract;]
27	$[(v)] \qquad (IV) \qquad \text{the Maryland Industrial Training Program or the} \\ Partnership for Workforce Quality Program in the Department of Business and} \\ Economic Development, for training services or programs for new or expanding businesses or industries or businesses or industries in transition;}$
29 30	[(vi)] (V) the Maryland Food Center Authority, to the extent the Authority is exempt under Title 13, Subtitle 1 of Article 41 of the Code;
31	[(vii)] (VI) the Maryland Public Broadcasting Commission:

1 2	television productions; or	1.	for services of artists for educational and cultural
	cooperative agreements that Commission;	2. t support	when planning for or fulfilling the obligations of grants or the educational and cultural activities of the
6 7	[(viii entertainment, and intercoll		II) public institutions of higher education, for cultural, hletic procurement contracts;
	[(ix)] Developmental Disabilities, programs;		(III) the Maryland State Planning Council on rices to support demonstration, pilot, and training
11	[(x)]	(IX)	the Maryland Automobile Insurance Fund;
12	[(xi)]	(X)	the Maryland Historical Trust for:
13 14	historically, or culturally si	1. gnificant	surveying and evaluating architecturally, archeologically, t properties; and
15 16	preservation planning docu	2. ments ar	other than as to architectural services, preparing historic and educational material;
17 18	[(xii) Overseas Programs, if the U		
19 20	for University College Ove	1. rseas Pro	establish policies and procedures governing procurement ograms; and
21		2.	promote the purposes stated in § 11-201(a) of this subtitle;
22	[(xiii	)] (X	II) St. Mary's College of Maryland;
25 26 27 28	projects that directly enhan there will be a private secto total cost of the project, if t	ng and ence promote contribute the project of the p	the Department of Business and Economic ntering into private sector cooperative marketing otion of Maryland and the tourism industry where oution to the project if not less than 50% of the ct is reviewed by the Attorney General and ess and Economic Development or the Secretary's
30	[(xv)	] (XI	V) the Rural Maryland Council;
33		coopera	the Maryland State Lottery Agency, for negotiating and tive marketing projects that directly enhance ottery and its products, if the cooperative

	1. provides a substantive promotional or marketing value that the lottery determines acceptable in exchange for advertising or other promotional activities provided by the lottery;
4 5	2. does not involve the advertising or other promotion of alcohol or tobacco products; and
6 7	3. is reviewed by the Attorney General and approved by the Maryland Lottery Director or the Director's designee;
8 9	[(xvii)] (XVI) the Maryland Health Insurance Plan established under Title 14, Subtitle 5 of the Insurance Article;
12 13	[(xviii)] (XVII) the Maryland Energy Administration, when negotiating or entering into grants or cooperative agreements with private entities to meet federal specifications or solicitation requirements related to energy conservation, energy efficiency, or renewable energy projects that benefit the State; and
17	[(xix)] (XVIII) the Maryland Developmental Disabilities Administration of the Department of Health and Mental Hygiene for family and individual support services, and individual family care services, as those terms are defined by the Department of Health and Mental Hygiene in regulation;
21	(b) (2) Except for procurement under subsection (a)(1)(i) and [(xii)] (XI) and (2)(i) and (vi) of this section, the provisions of Title 14, Subtitle 3 of this article ("Minority Business Participation") shall apply to each procurement enumerated in subsection (a) of this section.
	(3) A procurement by an entity listed in subsection (a)(1)(i) through $[(xv)]$ (XIV) and $[(xix)]$ (XVIII) of this section shall be made under procedures that promote the purposes stated in § 11-201(a) of this subtitle.
26	DRAFTER'S NOTE:
27 28 29	Error: Obsolete language in § 11-203(a)(1)(iv) of the State Finance and Procurement Article; incorrect internal references in § 11-203(b)(2) and (3) of the State Finance and Procurement Article.
30	Occurred: As a result of Ch. 203, Acts of 2003.
31	Article - State Government
32	10-110.
33 34	(d) (1) The Committee is not required to take any action with respect to a proposed regulation submitted to it pursuant to subsection [(b)] (C) of this section.
35 36	(2) Failure by the Committee to approve or disapprove the proposed regulation during the period of preliminary review provided by subsection [(b)] (C) of

	this section may not be construed to mean that the Committee approves or disapproves the proposed regulation.			
	(3) During the preliminary review period, the Committee may take any action relating to the proposed regulation that the Committee is authorized to take under §§ 10-111.1 and 10-112 of this subtitle.			
8	(e) Prior to the date specified in subsection [(b)] (C) of this section, the promulgating unit is encouraged to submit the proposed regulation to the Committee and to consult with the Committee concerning the form and content of that regulation.			
10	DRAFTER'S NOTE:			
11 12				
13	Occurred: As a result of Ch. 585, Acts of 2000.			
14	15-508.			
	(b) For purposes of subsection (a) of this section, assisting in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement does not include:			
18	(4) providing architectural and engineering services for:			
19	(ii) the design of a construction project if:			
20 21	2. the design services do not involve lead or prime design responsibilities [on] OR construction phase responsibilities on behalf of the State; or			
22	DRAFTER'S NOTE:			
23 24	Error: Incorrect word usage in § 15-508(b)(4)(ii)2 of the State Government Article.			
25	Occurred: Ch. 84, § 2, Acts of 2004.			
26	15-519.			
27 28	(c) (3) A subpoena issued under [subsection (b) of this section] PARAGRAPH (1) OF THIS SUBSECTION shall be served:			
29 30	(i) in the manner provided by law for service of a subpoena in a civil action;			
31 32	(ii) before the time that the subpoena sets for appearance or production of records; and			
33	(iii) with the following documents:			

### **UNOFFICIAL COPY OF SENATE BILL 207** 51 1 1. a copy of this title; 2 2. a copy of the rules of the Joint Ethics Committee; and 3 if the subpoena requires the appearance of a person, notice 3. 4 that counsel may accompany the person. 5 DRAFTER'S NOTE: Error: Incorrect cross-reference in § 15-519(c)(3) of the State 6 7 Government Article. Occurred: Chs. 129 and 130, Acts of 1999. 8 9 **Article - State Personnel and Pensions** 10 21-402. A member who elects to receive a reduced optional allowance under § 11 (b) (3) 12 21-403 of this [subtitle,] SUBTITLE may designate an individual other than the 13 member's child as the member's designated beneficiary. 14 DRAFTER'S NOTE: 15 Error: Extraneous comma in § 21-402(b)(3) of the State Personnel and 16 Pensions Article. 17 Occurred: Ch. 493, Acts of 2005. Article - Tax - General 18 19 2-1102. 20 After making the distributions required under § 2-1101 of this subtitle, from the remaining motor fuel tax revenue, the Comptroller shall distribute the amount necessary to administer the Motor Fuel Tax [Division] BUREAU OF THE 23 REGULATORY AND ENFORCEMENT DIVISION of the Comptroller's Office to an 24 administrative cost account. 25 DRAFTER'S NOTE: Error: Misnomer in § 2-1102 of the Tax - General Article. 26 27 Occurred: As a result of administrative merger of units and administrative renaming of former Motor Fuel Tax Division by the 28 29 Comptroller's Office. 30 10-910. If the Comptroller notifies an employer that an employee has an 31 (b) (2) 32 unpaid tax liability [or], that the employee failed to file a required Maryland income

1 tax [return] RETURN, or that an employee is subject to a tax refund interception 2 request, the employer shall base withholding for the employee: 3 on a number of exemptions not exceeding the actual number of 4 exemptions allowed on the employee's prior year's income tax return, as specified by 5 the Comptroller; or if the employee failed to file a required Maryland income tax 6 (ii) 7 return, on 1 exemption. 8 DRAFTER'S NOTE: 9 Error: Stylistic error in § 10-910(b)(2) of the Tax - General Article. 10 Occurred: As a result of the merger of language by the publisher of the 11 Annotated Code in Chs. 7 and 444, Acts of 2005, both of which amended § 12 10-910(b)(2) of the Tax - General Article without regard for the changes 13 made by the other. 14 **Article - Tax - Property** 15 13-209. 16 (f) Except as provided in subparagraphs (ii) and (iii) of this 17 paragraph, for any fiscal year in which the actual transfer tax revenue collections are 18 greater than the revenue estimates used as the basis for the appropriations required 19 under this section for the fiscal year, the amount of the excess shall be allocated to the 20 special fund under subsection (a) of this section as provided under subsections (c) and 21 (d) of this section for the second fiscal year following the fiscal year in which there is 22 an excess. 23 Notwithstanding subparagraph (i) of this paragraph or any (ii) 24 other provision of law, \$21,776,868 of the transfer tax collected but not appropriated 25 or transferred in fiscal 2004 shall be transferred to the General Fund of the State. 26 Notwithstanding subparagraph (i) of this paragraph or any (iii) 27 other provision of law, in any fiscal year in which an appropriation or transfer is made 28 from the special fund to the General Fund, if the actual transfer tax revenue 29 collections for the prior fiscal year exceed the budget estimate for the prior fiscal year, 30 the excess shall be allocated in the current fiscal year for Program Open Space, the 31 Agricultural Land Preservation Fund, the Rural Legacy Program, and the Heritage 32 Conservation Fund. Funds made available under this subparagraph shall be allocated 33 as provided under subsection (d) of this section. 34 DRAFTER'S NOTE: 35 Error: Incomplete cross-reference in § 13-209(f)(1)(i) of the Tax -36 Property Article. 37 Occurred: As a result of Chs. 444 and 473, Acts of 2005. Correction by the

1 2	publisher of the Annotated Code in the 2005 Supplement of the Tax - Property Article is validated by this Act.
3	Article - Transportation
4 2	23-206.2.
	(a) (1) A motor vehicle for which special registration plates have been issued under § 13-616 of this article is exempt from the mandatory inspections required by this subtitle if:
8 9 1	(i) All of the owners of the motor vehicle meet the disability requirements of [ $\S$ 13-616(a)(1)] $\S$ 13-616(B)(1) of this article;
10 11	(2) In order to qualify for an exemption under paragraph (1) of this subsection, all owners of the motor vehicle shall certify the following:
12 13	(i) That the owner of the motor vehicle meets the disability requirements of [ $\S$ 13-616(a)(1)] $\S$ 13-616(B)(1) of this article;
14	DRAFTER'S NOTE:
15 16 17	Error: Extraneous punctuation in § 23-206.2(a)(1) and erroneous cross-references in § 23-206.2(a)(1)(i) and (2)(i) of the Transportation Article.
18	Occurred: Ch. 480, Acts of 1999.
19	Chapter 433 of the Acts of 2005
22 23 24 25	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 19-102; 19-301 through 19-306 and the subtitle "Subtitle 3. Termination, Cancellation, and Nonrenewal of Contracts and Notice Required"; 19-401 and the subtitle "Subtitle 4. Warranty Claims"; 19-4A-01 and 19-4A-02 and the subtitle "Subtitle 4A. Transfer of the Business of a Dealer"; and 19-501 through 19-505 and the subtitle "Subtitle 5. Enforcement and Penalties" OF THE COMMERCIAL LAW ARTICLE be repealed.
27	DRAFTER'S NOTE:
28	Error: Incomplete reference in Section 1 of Ch. 433, Acts of 2005.
29	Occurred: Ch. 433, Acts of 2005.
30	Chapter 439 of the Acts of 2005
	SECTION 11. AND BE IT FURTHER ENACTED, That the publishers of the Annotated Code of Maryland, subject to the approval of the Department of Legislative Services, shall propose the correction of any agency names and titles throughout the

- 1 Annotated Code that are rendered incorrect by this Act and any necessary corrections
- 2 shall be [satisfied] RATIFIED by the passage of the Annual Corrective Bill of 2006.

- 4 Error: Incorrect word usage in Section 11 of Ch. 439, Acts of 2005.
- 5 Occurred: Ch. 439, Acts of 2005.
- 6 Chapter 442 of the Acts of 2005
- 7 SECTION [2.] 4. AND BE IT FURTHER ENACTED, That:
- 8 (a) Funding for the implementation of this Section and this Act shall be as 9 provided in the State budget.
- 10 (b) The Maryland Aviation Commission shall change the existing signs in the
- 11 airport to reflect the renaming of Baltimore-Washington International Airport to be
- 12 the Baltimore-Washington International Thurgood Marshall Airport.
- 13 (c) Letterhead, business cards, and other documents reflecting the renaming
- 14 of Baltimore-Washington International Airport to be the Baltimore-Washington
- 15 International Thurgood Marshall Airport may not be used until all letterhead,
- 16 business cards, and other documents already in print and reflecting the name of the
- 17 airport prior to the effective date of this Act have been used.
- 18 (d) In fiscal year 2006, funds intended for renaming Baltimore-Washington
- 19 International Airport to be the Baltimore-Washington International Thurgood
- 20 Marshall Airport may not be used to:
- 21 (1) replace highway signs that use the Baltimore-Washington
- 22 International Airport name or logo; or
- 23 (2) repaint buses that use the Baltimore-Washington International
- 24 Airport name or logo.
- 25 SECTION [4.] 5. AND BE IT FURTHER ENACTED, That, consistent with
- 26 the long-standing policy on the naming of State buildings and other capital
- 27 improvements adopted by the Board of Public Works in 1961, and reiterated on
- 28 January 15, 2004, Sections 1 and 3 of this Act shall take effect October 1, 2005,
- 29 contingent on ratification by the Board of Public Works of the renaming of the
- 30 Baltimore-Washington International Airport to be the Baltimore-Washington
- 31 International Thurgood Marshall Airport. Upon ratification of the name change
- 32 under this section, the Board of Public Works shall notify the Department of
- 33 Legislative Services, 90 State Circle, Annapolis, Maryland 21401.
- 34 SECTION [5.] 6. AND BE IT FURTHER ENACTED, That, subject to Section
- 35 [4] 5 of this Act this Act shall take effect October 1, 2005.
- 36 DRAFTER'S NOTE:

- 28 Error: Incorrect cross-reference in § 32-10 of the Public Local Laws of
- 29 Allegany County.
- 30 Occurred: As a result of Ch. 26, Acts of 2004.

### 31 Article 22 - Washington County

- 32 1-401.
- 33 The County Commissioners may empower the Sheriff to work, for any purpose
- 34 in addition to those specified in [Article 27, § 712 of the Annotated Code] § 9-503 OF

- 1 THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND,
- 2 prisoners who have been sentenced to the Washington Detention Center.

- 4 Error: Incorrect cross-reference in § 1-401 of the Public Local Laws of
- 5 Washington County.
- 6 Occurred: As a result of Ch. 54, Acts of 1999.

#### 7 3-501.

- 8 (b) Any payments shall be made only if the amounts received by the Clerk for
- 9 the purposes specified in this section from fines and forfeitures, as provided by
- 10 [Article 38, § 5 of the Annotated Code] § 7-507 OF THE COURTS AND JUDICIAL
- 11 PROCEEDINGS ARTICLE OF THE ANNOTATED CODE OF MARYLAND, are insufficient
- 12 for those purposes.

- 14 Error: Incorrect cross-reference in § 3-501(b) of the Public Local Laws of
- 15 Washington County.
- Occurred: As a result of Ch. 26, Acts of 2004.
- 17 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
- 18 Annotated Code of Maryland, subject to the approval of the Department of Legislative
- 19 Services, shall make any changes in the text of the Annotated Code necessary to
- 20 effectuate any termination provision that was enacted by the General Assembly and
- 21 has taken effect or will take effect prior to October 1, 2006. Any enactment of the 2006
- 22 Session of the General Assembly that negates or extends the effect of a previously
- 23 enacted termination provision shall prevail over the provisions of this section.
- 24 SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes
- 25 contained in this Act are not law and may not be considered to have been enacted as
- 26 part of this Act.
- 27 SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of this
- 28 Act are intended solely to correct technical errors in the law and there is no intent to
- 29 revive or otherwise affect law that is the subject of other acts, whether those acts were
- 30 signed by the Governor prior to or after the signing of this Act.
- 31 SECTION 5. AND BE IT FURTHER ENACTED, That any reference in the
- 32 Annotated Code of Maryland rendered obsolete by an Act of the General Assembly of
- 33 2006 shall be corrected by the publisher of the Annotated Code, in consultation with
- 34 and subject to the approval of the Department of Legislative Services, with no further
- 35 action required by the General Assembly. The publisher shall adequately describe any
- 36 such correction in an editor's note following the section affected.

- 1 SECTION 6. AND BE IT FURTHER ENACTED, That the publisher of the
- 2 Annotated Code of Maryland, in consultation with and subject to the approval of the
- 3 Department of Legislative Services, at the time of publication of a new supplement,
- 4 new volume, or replacement volume of the Annotated Code, shall make
- 5 nonsubstantive corrections to codification, style, capitalization, punctuation,
- 6 grammar, spelling, and any reference rendered obsolete by an Act of the General
- 7 Assembly, with no further action required by the General Assembly. The publisher
- 8 shall adequately describe any such correction in an editor's note following the section
- 9 affected.
- 10 SECTION 7. AND BE IT FURTHER ENACTED, That this Act is an
- 11 emergency measure, is necessary for the immediate preservation of the public health
- 12 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
- 13 members elected to each of the two Houses of the General Assembly, and shall take
- 14 effect from the date it is enacted.