

SENATE BILL 150

P5

EMERGENCY BILL

71r0335

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

Introduced and read first time: January 25, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the
4 Annotated Code and 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 correction of certain errors and obsolete provisions by the publisher of the
10 Annotated Code; providing for the effect and construction of certain provisions
11 of this Act; and making this Act an emergency measure.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 6–301(n)(6)(i)6., 12–107(a), and 12–108(a)(1)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 23A – Corporations – Municipal
19 Section 19(o)(3)(ii)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2006 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article 41 – Governor – Executive and Administrative Departments

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Section 4-403(b)(5)(i)
2 Annotated Code of Maryland
3 (2003 Replacement Volume and 2006 Supplement)
- 4 BY repealing and reenacting, with amendments,
5 Article – Business Occupations and Professions
6 Section 2-321(d)
7 Annotated Code of Maryland
8 (2004 Replacement Volume and 2006 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article – Business Regulation
11 Section 5-310(a)(12), 11-831(4)(ii), 11-1302(5), and 11-1306(d)
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2006 Supplement)
- 14 BY repealing and reenacting, with amendments,
15 Article – Commercial Law
16 Section 13-204(2), 14-1504(a), 14-1804, 14-1806, 14-2007(c), 14-2205(1),
17 14-2506, 14-2602(b), and 14-2705(a)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2006 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – Correctional Services
22 Section 2-106(c)(1)(ii)
23 Annotated Code of Maryland
24 (1999 Volume and 2006 Supplement)
- 25 BY repealing and reenacting, with amendments,
26 Article – Courts and Judicial Proceedings
27 Section 2-309(o)(2)(v)2., 3-218, 3-2A-04(b)(1), 5-602(b), 5-803(a), and 10-703
28 Annotated Code of Maryland
29 (2006 Replacement Volume)
- 30 BY repealing and reenacting, with amendments,
31 Article – Courts and Judicial Proceedings
32 Section 3-8A-01(z)
33 Annotated Code of Maryland
34 (2006 Replacement Volume)
35 (As enacted by Chapter 387 of the Acts of the General Assembly of 2006)
- 36 BY repealing and reenacting, with amendments,

- 1 Article – Criminal Law
2 Section 13–406
3 Annotated Code of Maryland
4 (2002 Volume and 2006 Supplement)
5 (As enacted by Chapter 297 of the Acts of the General Assembly of 2006)
- 6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 11–709(a)(1)
9 Annotated Code of Maryland
10 (2001 Volume and 2006 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Education
13 Section 2–303(h)(1), 5–401(k), 8–408(a)(5), 8–416(c) and (g)(1) and (2)(i),
14 12–109(f), 12–113(b), 12–115(c)(1), 13–516(f), 14–104(n), 16–305(b)(10),
15 16–310(a)(2), 16–504(c)(1), 24–303(f), and 24–513(a)(4)
16 Annotated Code of Maryland
17 (2006 Replacement Volume)
- 18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 10–205(b)(6)(ii)1.
21 Annotated Code of Maryland
22 (2003 Volume and 2006 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article – Family Law
25 Section 5–338(b) and 12–202(a)(2)(iii)
26 Annotated Code of Maryland
27 (2006 Replacement Volume)
- 28 BY repealing and reenacting, with amendments,
29 Article – Health – General
30 Section 5–603 Part IV: Signature and Witnesses
31 Annotated Code of Maryland
32 (2005 Replacement Volume and 2006 Supplement)
33 (As enacted by Chapter 522 of the Acts of the General Assembly of 2006)
- 34 BY repealing and reenacting, with amendments,
35 Article – Health – General
36 Section 10–203(b), 13–901(a)(2), 13–1506(2)(i), 15–139(c)(1), 18–338.3(b)(2)(i)
37 and (ii), and 19–3A–07(f)

1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2006 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Health – General
5 Section 19–1810
6 Annotated Code of Maryland
7 (2005 Replacement Volume and 2006 Supplement)
8 (As enacted by Chapter 478 of the Acts of the General Assembly of 2006)

9 BY repealing and reenacting, with amendments,
10 Article – Health Occupations
11 Section 4–202(b)(4), 4–308(c) and (f), and 8–302(f)(4)
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 15–302.1(b)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2006 Supplement)
19 (As enacted by Chapter 540 of the Acts of the General Assembly of 2006)

20 BY repealing and reenacting, with amendments,
21 Article – Housing and Community Development
22 The subtitle designation “Subtitle 11. Operating Assistance Grants” in Title 4
23 Annotated Code of Maryland
24 (2006 Volume)

25 BY repealing and reenacting, without amendments,
26 Article – Housing and Community Development
27 Section 4–1101(a), 6–303(b)(4), 12–206(a)(1)(i), 12–704(a)(3)(iii); and 16–109(3)
28 and the title designation “Title 16. Montgomery County”
29 Annotated Code of Maryland
30 (2006 Volume)

31 BY repealing and reenacting, with amendments,
32 Article – Insurance
33 Section 15–415(a) and 24–201(g)
34 Annotated Code of Maryland
35 (2006 Replacement Volume and 2006 Supplement)

36 BY repealing and reenacting, with amendments,

- 1 Article – Labor and Employment
2 Section 8–609(b)(3)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2006 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – Labor and Employment
7 Section 9–503(d)
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2006 Supplement)
10 (As enacted by Chapter 270 of the Acts of the General Assembly of 2006)
- 11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 4–701.1(g)(6)(i)2.
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2006 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 1–306(b)(12)(ii)
19 Annotated Code of Maryland
20 (2003 Volume and 2006 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Public Utility Companies
23 Section 2–108(d)(8)(i), 7–509(c)(3), and 7–510(c)(4)(ii)1.
24 Annotated Code of Maryland
25 (1998 Volume and 2006 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Public Utility Companies
28 Section 7–505(b)(8)(ii)
29 Annotated Code of Maryland
30 (1998 Volume and 2006 Supplement)
31 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2006
32 Special Session)
- 33 BY repealing and reenacting, with amendments,
34 Article – Real Property
35 Section 8A–1001(c), 10–608, and 14–117(j)(3)
36 Annotated Code of Maryland
37 (2003 Replacement Volume and 2006 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article – State Finance and Procurement
3 Section 2–701, 3–409(a)(4), 4–407(b)(2), 4–416(a), 5A–301, 5A–406,
4 12–107(b)(5) and (6), and 15–221.2(b)
5 Annotated Code of Maryland
6 (2006 Replacement Volume and 2006 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article – State Finance and Procurement
9 Section 5A–328(c)(2)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2006 Supplement)
12 (As enacted by Chapter 26 of the Acts of the General Assembly of 2005)
- 13 BY repealing
14 Article – State Finance and Procurement
15 Section 6–207 and 12–107(b)(7)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2006 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article – State Finance and Procurement
20 Section 19–115
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2006 Supplement)
23 (As enacted by Chapter 283 of the Acts of the General Assembly of 2006)
- 24 BY repealing and reenacting, with amendments,
25 Article – State Government
26 Section 2–1505(f), 6–110(a), (b), and (c), 6–406(a), (b)(2), and (c),
27 9–122(d)(3), 9–906(f)(1); the title designation “Title 13. Emblems;
28 Commemorative Days” immediately preceding section 13–101;
29 15–714(d)(1), and 18–101(b)(1)
30 Annotated Code of Maryland
31 (2004 Replacement Volume and 2006 Supplement)
- 32 BY repealing and reenacting, without amendments,
33 Article – State Government
34 Section 13–101
35 Annotated Code of Maryland
36 (2004 Replacement Volume and 2006 Supplement)

- 1 BY repealing
2 Article – State Personnel and Pensions
3 Section 29–115(c)
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2006 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – State Personnel and Pensions
8 The title designation “Title 34. Postretirement Health Benefits”
9 Annotated Code of Maryland
10 (2004 Replacement Volume and 2006 Supplement)
11 (As enacted by Chapter 433 of the Acts of the General Assembly of 2006)
- 12 BY adding to
13 Article – State Personnel and Pensions
14 New subtitle designation “Subtitle 1. Postretirement Health Benefits Trust
15 Fund” to immediately precede Section 34–101
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2006 Supplement)
18 (As enacted by Chapter 433 of the Acts of the General Assembly of 2006)
- 19 BY repealing and reenacting, without amendments,
20 Article – State Personnel and Pensions
21 Section 34–101
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2006 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article – Tax – General
26 Section 10–205(h)(1), (2), and (4), 10–208(n)(1)(ii) and (2) and (o)(1) and (2),
27 10–720(e)(2)(i), and 13–918(a)(4)
28 Annotated Code of Maryland
29 (2004 Replacement Volume and 2006 Supplement)
- 30 BY repealing
31 Article – Tax – General
32 Section 10–306(d)
33 Annotated Code of Maryland
34 (2004 Replacement Volume and 2006 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article – Tax – Property
37 Section 8–104(c)(3) and (4) and 8–219(a)(1)

1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2006 Supplement)

3 BY repealing
4 Article – Tax – Property
5 Section 13–209(g)(3)(iii)
6 Annotated Code of Maryland
7 (2001 Replacement Volume and 2006 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 2–103.4(c)(4) and 8–408(b)
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 7–902(e)(1)(vi)
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2006 Supplement)
18 (As enacted by Chapter 18 of the Acts of the General Assembly of 2006)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 13–815(d)(1)(iii) and (iv), 16–205.1(f)(6)(ii), 18–107(d), and
22 21–1124(a)(3)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2006 Supplement)

25 BY repealing and reenacting, with amendments,
26 Chapter 134 of the Acts of the General Assembly of 2001, as amended by
27 Chapter 153 of the Acts of the General Assembly of 2002, as amended by
28 Chapter 236 of the Acts of the General Assembly of 2003
29 Section 12

30 BY repealing and reenacting, with amendments,
31 Chapter 135 of the Acts of the General Assembly of 2001, as amended by
32 Chapter 153 of the Acts of the General Assembly of 2002, as amended by
33 Chapter 236 of the Acts of the General Assembly of 2003
34 Section 12

35 BY repealing and reenacting, with amendments,
36 Chapter 19 of the Acts of the General Assembly of 2006

1 Section 2

2 BY repealing and reenacting, with amendments,
 3 Chapter 59 of the Acts of the General Assembly of 2006
 4 Section 4

5 BY repealing and reenacting, with amendments,
 6 Chapter 381 of the Acts of the General Assembly of 2006
 7 Section 4(b)(1)(vii)

8 BY repealing and reenacting, with amendments,
 9 Chapter 472 of the Acts of the General Assembly of 2006
 10 Section 3

11 BY repealing and reenacting, with amendments,
 12 Chapter 558 of the Acts of the General Assembly of 2006
 13 Section 2

14 BY repealing and reenacting, with amendments,
 15 Chapter 596 of the Acts of the General Assembly of 2006
 16 Section 2

17 BY repealing and reenacting, with amendments,
 18 The Public Local Laws of Frederick County
 19 Section 2-2-23(a), 2-3-1, 2-10-1, and 2-13-15(a)(1)
 20 Article 11 – Public Local Laws of Maryland
 21 (2004 Edition and June 2006 Supplement, as amended)

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

24 **Article 2B – Alcoholic Beverages**

25 6-301.

26 (n) (6) (i) 6. “Yacht or boat club” means a club or organization
 27 that:

28 A. May be operated for profit or not for profit; [and]

29 B. Owns real property in Harford County; and

1 C. Has not less than 150 bona fide dues-paying members
2 and not less than 50 of whom own a yacht, boat, or other vessel.

3 DRAFTER'S NOTE:

4 Error: Extraneous conjunction in Article 2B, § 6-301(n)(6)(i)6A.

5 Occurred: Ch. 70, Acts of 2005.

6 12-107.

7 (a) No retail dealer, other than the holder of a Class E, Class F or Class G
8 license, shall purchase any alcoholic beverages except from a duly licensed
9 manufacturer, wholesaler, or private bulk sale permit holder **OR NONRESIDENT**
10 **WINERY PERMIT HOLDER** under the provisions of this article, and no retail dealers
11 shall sell to any other retail dealer any alcoholic beverages except to the holder of a
12 special Class C beer, beer and wine and beer, wine and liquor license, and shall not at
13 any time keep or permit to be kept upon the licensed premises any alcoholic beverages
14 except those so purchased.

15 DRAFTER'S NOTE:

16 Error: Omitted words in Article 2B, § 12-107(a).

17 Occurred: As a result of Ch. 111, Acts of 2006.

18 12-108.

19 (a) (1) A licensee licensed under this article, or any employee of the
20 licensee, may not sell or furnish any alcoholic beverages at any time [to a person
21 under 21 years of age]:

22 (i) [For] **TO A PERSON UNDER 21 YEARS OF AGE FOR** the
23 underage person's own use or for the use of any other person; or

24 (ii) To any person who, at the time of the sale, or delivery, is
25 visibly under the influence of any alcoholic beverage.

26 DRAFTER'S NOTE:

27 Error: Mislplaced language in Article 2B, § 12-108(a)(1).

1 Occurred: As a result of Ch. 533, Acts of 1990.

2 **Article 23A – Corporations – Municipal**

3 19.

4 (o) (3) (ii) Except as provided in paragraph (4) of this subsection, for
5 annexations that begin before October 1, 2009, the annexation plan shall contain a
6 description of the land use pattern proposed for the area to be annexed, which may
7 include any county master plan already in effect for the area. It shall be presented so
8 as to demonstrate the available land for public facilities which may be considered
9 reasonably to be necessitated by the proposed use, such as school sites, water or
10 [sewerage] **SEWAGE** treatment facilities, libraries, recreation, fire or police. It shall
11 contain also a statement describing the schedule for extending to the area to be
12 annexed each municipal service performed within the municipality at the time of
13 annexation and a statement as to the general methods by which the municipality
14 anticipates to finance the extension of municipal services into the area to be annexed.

15 DRAFTER'S NOTE:

16 Error: Incorrect word usage in Article 23A, § 19(o)(3)(ii).

17 Occurred: Ch. 693, Acts of 1975.

18 **Article 41 – Governor – Executive and Administrative Departments**

19 4–403.

20 (b) (5) Supplemental Grant.

21 (i) In addition to the payments made under paragraphs (1), (2),
22 [(3)](3), and (4) of this subsection, the State shall pay:

23 1. To each subdivision, subject to subparagraph (ii) of
24 this paragraph, an amount the equivalent of \$2.50 per capita;

25 2. To Baltimore City, an amount the equivalent of fifty
26 cents per capita; and

27 3. To each subdivision that borders the District of
28 Columbia, in addition to the amount required under item 1 of this subparagraph, an

1 amount the equivalent of fifty cents per capita living in this State within 1 mile of the
2 border.

3 DRAFTER'S NOTE:

4 Error: Omitted comma in § 4–403(b)(5)(i) of Article 41.

5 Occurred: Ch. 2, Acts of 1975 Special Session.

6 **Article – Business Occupations and Professions**

7 2–321.

8 (d) An individual's right to practice under this section shall expire 2 years
9 after the date of notification to the Board as provided in subsection [(a)] (B) of this
10 section.

11 DRAFTER'S NOTE:

12 Error: Incorrect cross–reference in § 2–321(d) of the Business Occupations and
13 Professions Article.

14 Occurred: Ch. 254, Acts of 2005.

15 **Article – Business Regulation**

16 5–310.

17 (a) Subject to the hearing provisions of § 5–312 of this subtitle, the Director
18 may deny a registration or permit to an applicant, reprimand a person subject to the
19 registration or permit provisions of this title, or suspend or revoke a registration or
20 permit if an applicant, registrant, or permit holder, or an agent, employee, officer,
21 director, or partner of the applicant, registrant, or permit holder:

22 (12) is found guilty by a court in this State of violating an unfair [and]
23 **OR** deceptive trade practices provision under Title 13 of the Commercial Law Article.

24 DRAFTER'S NOTE:

25
26 Error: Incorrect conjunction in § 5–310(a)(12) of the Business Regulation
27 Article. Correction is consistent with § 13–101 of the Commercial Law Article, which

1 defines the term “unfair or deceptive trade practice” for purposes of Title 13 (the
2 “Maryland Consumer Protection Act”).

3 Occurred: Ch. 675, Acts of 1997.

4 11–831.

5 The Commission shall include in its annual report to the Legislative Policy
6 Committee of the Maryland General Assembly:

7 (4) if an application for a permit or permit renewal has been denied:

8 (ii) the impact on racing licensees if the [Racing] Commission
9 denied a permit renewal application.

10 DRAFTER’S NOTE:

11 Error: Incorrect usage of the defined term “Commission” in § 11–831(4)(ii) of the
12 Business Regulation Article.

13 Occurred: Ch. 518, Acts of 1998.

14 11–1302.

15 The purposes of this compact are to:

16 (5) authorize the [Maryland Racing] Commission to participate in this
17 compact;

DRAFTER’S NOTE:

18 Error: Incorrect usage of the defined term “Commission” in § 11–1302(5) of the
19 Business Regulation Article.

20 Occurred: Ch. 180, Acts of 2006.

21 11–1306.

22 (d) The Chairman of the [Racing] Commission shall designate the official,
23 and official’s alternate, to represent the State of Maryland on the compact committee.

DRAFTER'S NOTE:

1 Error: Incorrect usage of the defined term "Commission" in § 11-1306(d) of the
2 Business Regulation Article.

3 Occurred: Ch. 180, Acts of 2006.

4 Article – Commercial Law

5 13-204.

6 In addition to any other of its powers and duties, the Division has the powers
7 and duties to:

8 (2) Initiate its own investigation of any unfair [and] **OR** deceptive
9 trade practice;

10 DRAFTER'S NOTE:

11 Error: Incorrect conjunction in § 13-204(2) of the Commercial Law Article.
12 Correction is consistent with § 13-101 of the Commercial Law Article, which defines
13 the term "unfair or deceptive trade practice" for purposes of Title 13 (the "Maryland
14 Consumer Protection Act").

15 Occurred: Ch. 49, § 3, Acts of 1975.

16 14-1504.

17 (a) A violation of this subtitle shall be an unfair [and] **OR** deceptive trade
18 practice under Title 13 of this article.

19 DRAFTER'S NOTE:

20 Error: Incorrect conjunction in § 14-1504(a) of the Commercial Law Article.
21 Correction is consistent with § 13-101 of the Commercial Law Article, which defines
22 the term "unfair or deceptive trade practice" for purposes of Title 13 (the "Maryland
23 Consumer Protection Act").

24 Occurred: Ch. 650, Acts of 1987.

25 14-1804.

1 It shall be an unfair [and] **OR** deceptive trade practice under Title 13 of this
2 article if a dealer:

3 (1) Fails to comply with the requirements of § 14–1802 of this subtitle;
4 or

5 (2) Denies a consumer the remedies provided by § 14–1803 of this
6 subtitle.

7 **DRAFTER’S NOTE:**

8 Error: Incorrect conjunction in § 14–1804 of the Commercial Law Article.
9 Correction is consistent with § 13–101 of the Commercial Law Article, which defines
10 the term “unfair or deceptive trade practice” for purposes of Title 13 (the “Maryland
11 Consumer Protection Act”).

12 Occurred: Ch. 703, Acts of 1985.

13 14–1806.

14 Nothing in this [section] **SUBTITLE** shall limit any remedies otherwise
15 available under Maryland law.

16 **DRAFTER’S NOTE:**

17 Error: Erroneous internal reference in § 14–1806 of the Commercial Law
18 Article.

19 Occurred: Ch. 703, Acts of 1985.

20 14–2007.

21 (c) A violation of this subtitle shall be an unfair [and] **OR** deceptive trade
22 practice within the meaning of Title 13 of this article, except that a person who
23 recovers damages under this section for a violation of this subtitle shall not be entitled
24 to recover damages for the same violation under § 13–408 of this article.

25 **DRAFTER’S NOTE:**

26 Error: Incorrect conjunction in § 14–2007(c) of the Commercial Law Article.
27 Correction is consistent with § 13–101 of the Commercial Law Article, which defines

1 the term “unfair or deceptive trade practice” for purposes of Title 13 (the “Maryland
2 Consumer Protection Act”).

3 Occurred: Ch. 602, Acts of 1995.

4 14–2205.

5 In addition to any remedies otherwise available at law, a violation of this
6 subtitle shall be:

7 (1) An unfair [and] **OR** deceptive trade practice under Title 13,
8 Subtitle 3 of this article; and

9 **DRAFTER’S NOTE:**

10 Error: Incorrect conjunction in § 14–2205(1) of the Commercial Law Article.
11 Correction is consistent with § 13–101 of the Commercial Law Article, which defines
12 the term “unfair or deceptive trade practice” for purposes of Title 13 (the “Maryland
13 Consumer Protection Act”).

14 Occurred: Ch. 226, Acts of 1991.

15 14–2506.

16 Violation of this [act] **SUBTITLE** is:

17 (1) An unfair [and] **OR** deceptive trade practice; and

18 (2) Subject to the provisions of Title 13 of this article.

19 **DRAFTER’S NOTE:**

20 Error: Stylistic error and incorrect conjunction in § 14–2506 of the Commercial
21 Law Article. Correction of incorrect conjunction is consistent with § 13–101 of the
22 Commercial Law Article, which defines the term “unfair or deceptive trade practice”
23 for purposes of Title 13 (the “Maryland Consumer Protection Act”).

24 Occurred: Ch. 537, Acts of 1992.

25 14–2602.

1 (b) Violation of this subtitle shall be an unfair [and] **OR** deceptive trade
2 practice.

3 **DRAFTER'S NOTE:**

4 Error: Incorrect conjunction in § 14–2602(b) of the Commercial Law Article.
5 Correction is consistent with § 13–101 of the Commercial Law Article, which defines
6 the term “unfair or deceptive trade practice” for purposes of Title 13 (the “Maryland
7 Consumer Protection Act”).

8 Occurred: Ch. 642, Acts of 1992.

9 14–2705.

10 (a) A violation of this subtitle shall be an unfair [and] **OR** deceptive trade
11 practice under Title 13 of this article.

12 **DRAFTER'S NOTE:**

13 Error: Incorrect conjunction in § 14–2705(a) of the Commercial Law Article.
14 Correction is consistent with § 13–101 of the Commercial Law Article, which defines
15 the term “unfair or deceptive trade practice” for purposes of Title 13 (the “Maryland
16 Consumer Protection Act”).

17 Occurred: Ch. 51, Acts of 1994.

18 **Article – Correctional Services**

19 2–106.

20 (c) (1) (ii) An employee specified in [item] **SUBPARAGRAPH** (i) of this
21 paragraph:

22 1. is in the executive service or management service of,
23 or is a special appointment under, the State Personnel Management System; and

24 2. serves at the pleasure of the Secretary.

25 **DRAFTER'S NOTE:**

26 Error: Stylistic error in § 2–106(c)(1)(ii) of the Correctional Services Article.

1 Occurred: Ch. 54, Acts of 1999.

2 **Article – Courts and Judicial Proceedings**

3 2–309.

4 (o) (2) (v) After the probationary period, a full-time deputy sheriff at a
5 rank of lieutenant or below may be disciplined or dismissed only for just cause:

6 2. In accordance with the personnel rules and
7 regulations of the Howard County Sheriff's Office, if the [employees'] **EMPLOYEE'S**
8 rights are not covered under the Law Enforcement Officers' Bill of Rights.

9 **DRAFTER'S NOTE:**

10 Error: Grammatical error in § 2–309(o)(2)(v)2 of the Courts and Judicial
11 Proceedings Article.

12 Occurred: Ch. 272, Acts of 2005.

13 3–218.

14 On application of a party and for use as evidence, the arbitrators may permit a
15 deposition to be taken in the manner and upon the terms designated by the
16 [arbitrators] **ARBITRATORS**, if:

17 (1) The witness cannot be subpoenaed; or

18 (2) The witness is unable to attend a hearing.

19 **DRAFTER'S NOTE:**

20 Error: Omitted comma in § 3–218 of the Courts and Judicial Proceedings
21 Article.

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

23 3–2A–04.

24 (b) Unless the sole issue in the claim is lack of informed consent:

25 (1) (i) 1. Except as provided in [subparagraph] **ITEM** (ii) of this
26 paragraph, a claim or action filed after July 1, 1986, shall be dismissed, without

1 prejudice, if the claimant or plaintiff fails to file a certificate of a qualified expert with
2 the Director attesting to departure from standards of care, and that the departure
3 from standards of care is the proximate cause of the alleged injury, within 90 days
4 from the date of the complaint; **AND**

5 2. The claimant or plaintiff shall serve a copy of the
6 certificate on all other parties to the claim or action or their attorneys of record in
7 accordance with the Maryland Rules; and

8 (ii) In lieu of dismissing the claim or action, the panel chairman
9 or the court shall grant an extension of no more than 90 days for filing the certificate
10 required by this paragraph, if:

11 1. The limitations period applicable to the claim or
12 action has expired; and

13 2. The failure to file the certificate was neither willful
14 nor the result of gross negligence.

15 **DRAFTER'S NOTE:**

16 Error: Stylistic error and omitted conjunction in § 3-2A-04(b)(1)(i)1 of the
17 Courts and Judicial Proceedings Article.

18 Occurred: Ch. 688, Acts of 1989.

19 3-8A-01.

20 (z) "Qualified expert" means a licensed psychologist or licensed psychiatrist
21 who:

22 [(i)](1) Has expertise in child development, with training in the
23 forensic evaluation of children, as approved by the Secretary of Health and Mental
24 Hygiene;

25 [(ii)](2) Is familiar with the competency standards contained in this
26 subtitle; and

27 [(iii)](3) Is familiar with the treatment, training, and restoration
28 programs for children that are available in this State.

29 **DRAFTER'S NOTE:**

1 Error: Stylistic error in § 3–8A–01(z) of the Courts and Judicial Proceedings
2 Article.

3 Occurred: Ch. 387, Acts of 2006. Correction by the publisher of the Annotated
4 Code in the 2006 Supplement of the Courts and Judicial Proceedings Article is ratified
5 by this Act.

6 5–602.

7 (b) No action for damages may be brought against a person, firm, or
8 corporation who allows premises which he owns, controls, or occupies to be used, free
9 of charge, for one of the following purposes:

10 (1) Sheltering persons during an attack or raid by an enemy; [or]

11 (2) Stocking of food, water, medical supplies, equipment, or other
12 materials to be used in the event of an attack upon the United States; or

13 (3) Sheltering persons during an emergency.

14 DRAFTER'S NOTE:

15 Error: Extraneous conjunction in § 5–602(b)(1) of the Courts and Judicial
16 Proceedings Article.

17 Occurred: Ch. 666, Acts of 1975.

18 5–803.

19 (a) (1) Whether or not an individual receives compensation for the
20 individual's services, an employee of a county health department or other local
21 department or agency functioning as a school nurse or school health aide or a member
22 of the administrative, educational, or support staff of, or an individual who serves
23 under a contract for services to, any public, private, or parochial school is immune
24 from liability for:

25 [(1)](I) Making a report required by law, if the individual acts on
26 reasonable grounds;

27 [(2)](II) Participating in a judicial proceeding that results from the
28 individual's report; and

1 ~~[(3)]~~ ~~[(i)]~~**(III)** Making a report to the appropriate school official or to
2 a parent if the individual has reasonable grounds to suspect that a student is:

3 1. Under the influence of alcoholic beverages or a
4 controlled dangerous substance;

5 2. In possession of alcoholic beverages or a controlled
6 dangerous substance; or

7 3. Involved in the illegal sale or distribution of alcoholic
8 beverages or a controlled dangerous substance.

9 ~~[(ii)]~~**(2)** [This paragraph] **PARAGRAPH (1)(III) OF THIS**
10 **SUBSECTION** is effective only to the extent that its provisions do not conflict with
11 federal or State confidentiality laws and regulations.

12 **DRAFTER'S NOTE:**

13 Error: Stylistic errors in § 5–803(a) of the Courts and Judicial Proceedings
14 Article.

15 Occurred: Ch. 546, Acts of 1990.

16 10–703.

17 Except as provided in § 10–704 of this subtitle, a foreign judgment meeting the
18 requirements of § 10–702 of this [subtitle,] **SUBTITLE** is conclusive between the
19 parties to the extent that it grants or denies recovery of a sum of money. The foreign
20 judgment is enforceable in the same manner as the judgment of a sister state which is
21 entitled to full faith and credit.

22 **DRAFTER'S NOTE:**

23 Error: Misplaced comma in § 10–703 of the Courts and Judicial Proceedings
24 Article.

25 Occurred: As a result of Ch. 19, § 10, Acts of 2002.

26 **Article – Criminal Law**

27 ~~[13–406.]~~ **13–1406.**

1 (h) (1) If the program is based on and complies with the standards
2 established by the bylaws, rules, and regulations of the State Board, the State
3 Superintendent shall approve any program of instruction offered by a State institution
4 under the supervision of:

5 (i) The Department of Juvenile Services;

6 (ii) The Developmental Disabilities [Administration,]
7 **ADMINISTRATION** or Mental Hygiene Administration of the Department of Health
8 and Mental Hygiene;

9 (iii) The Department of Public Safety and Correctional Services;
10 or

11 (iv) The residential school located within the Institute of
12 Psychiatry and Human Behavior of the University Hospital.

13 **DRAFTER'S NOTE:**

14 Error: Extraneous comma in § 2–303(h)(1)(ii) of the Education Article.

15 Occurred: Ch. 22, Acts of 1978; Ch. 290, Acts of 1987.

16 5–401.

17 (k) The State Board may withhold State funds from a county board if **A**
18 **SCHOOL SYSTEM:**

19 (1) [A school system fails] **FAILS** to demonstrate annual progress
20 toward improving student achievement and meeting State performance standards in
21 each segment of the student population; and

22 (2) Fails to develop a plan that meets the requirements of subsections
23 (b) through (g) of this section or take any action required by the State Superintendent
24 under this section.

25 **DRAFTER'S NOTE:**

26 Error: Stylistic error in § 5–401(k) of the Education Article.

27 Occurred: Ch. 288, Acts of 2002.

1 8–408.

2 (a) (5) “National Instructional Materials Access Center” means the center
3 established under § 674(e) of the federal Individuals with Disabilities Education
4 **IMPROVEMENT** Act of 2004.

5 DRAFTER’S NOTE:

6 Error: Misnomer in § 8–408(a)(5) of the Education Article (erroneous reference
7 to federal statute).

8 Occurred: Ch. 347, Acts of 2006.

9 8–416.

10 (c) The Program shall include the early intervention services provided or
11 supervised by the Department, the Department of Health and Mental Hygiene,
12 including the Program for Hearing–Impaired Infants established under Title 13,
13 Subtitle 6 of the Health – General Article, the Department of Human [Resources]
14 **RESOURCES**, and the Governor’s Office for Children.

15 (g) (1) In each county, the county executive or county commissioners, as
16 appropriate, or in Baltimore City, the [Mayor] **MAYOR**, shall establish a local
17 interagency coordinating council to advise and assist the local lead agency in the
18 development and implementation of policies that constitute the local Program.

19 (2) (i) In each county, the county executive or county
20 commissioners, as appropriate, or in Baltimore City, the [Mayor] **MAYOR**, may
21 designate the local management board to serve as the local interagency coordinating
22 council or establish the local interagency coordinating council as a part of that board.

23 DRAFTER’S NOTE:

24 Error: Omitted commas in § 8–416(c) and (g) of the Education Article.

25 Occurred: Ch. 233, Acts of 2006; Ch. 556, Acts of 1993.

26 12–109.

27 (f) (1) The institutional boards established under subsection (e)(16) of
28 this section shall be known as boards of visitors. Each board shall submit a report by
29 October 1 of each year to:

- 1 (i) The Governor;
- 2 (ii) The Chairman of the Board of Regents of the University
3 System of Maryland;
- 4 (iii) The Secretary of the Maryland Higher Education
5 Commission; and
- 6 (iv) The presiding officers of the Maryland General Assembly.

7 (2) Except as provided in paragraph (3) of this subsection, each report
8 submitted under paragraph (1) of this subsection shall include the comments of the
9 appropriate board on the institution's progress toward meeting its goals consistent
10 with its mission.

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

13 (i) The [Board's] **BOARD OF VISITORS'** evaluation of the
14 status of the effort by the University System of Maryland and the State in meeting the
15 requirements of the Maryland Charter for Higher Education set forth in § 10–209 of
16 this article which require the University System of Maryland to:

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

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

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

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

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

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

3 (iv) Other matters in support of institutional priorities as
4 determined by the [Board] **BOARD OF VISITORS**.

5 (4) The **INSTITUTIONAL** boards of visitors are encouraged to meet
6 periodically with the Chancellor and Board of Regents to develop close working
7 relationships.

8 **DRAFTER'S NOTE:**

9 Error: Unclear word usage in § 12–109(f)(3)(i) and (iv) and (4) of the Education
10 Article.

11 Occurred: Ch. 199, Acts of 1994; Ch. 515, Acts of 1999.

12 12–113.

13 (b) (1) A business entity established, invested in, financed, or operated in
14 accordance with this subsection may not be considered an agency or instrumentality of
15 the State or a unit of the Executive Branch for any [purpose; and] **PURPOSE**.

16 (2) A financial obligation or liability of a business entity established,
17 invested in, financed, or operated in accordance with this subsection may not be a debt
18 or obligation of the State or University.

19 **DRAFTER'S NOTE:**

20 Error: Stylistic error in § 12–113(b)(1) of the Education Article.

21 Occurred: Ch. 515, Acts of 1999.

22 12–115.

23 (c) (1) A member of the Board of Regents may not, for the benefit of the
24 Governor, Lieutenant Governor, Attorney General, **OR** Comptroller, [or] **A** member of
25 the General Assembly, or **A** candidate for election to the office of Governor, Lieutenant
26 Governor, Attorney General, Comptroller, or member of the General Assembly, engage
27 in the following activities:

1 (i) Soliciting or transmitting a political contribution from any
 2 person, including a political committee;

3 (ii) Serving on a fund-raising committee or a political
 4 committee;

5 (iii) Acting as a treasurer for a candidate or official or as
 6 treasurer or chair of a political committee;

7 (iv) Organizing or establishing a political committee for the
 8 purpose of soliciting or transmitting contributions from any person; or

9 (v) Forwarding tickets for fund-raising activities, or other
 10 solicitations for political contributions, to a potential contributor.

11 DRAFTER’S NOTE:

12 Error: Omitted article and misplaced conjunction in § 12-115(c)(1) of the
 13 Education Article.

14 Occurred: Ch. 60, Acts of 2006.

15 13-516.

16 (f) **(1)** Subject to the rules, regulations, protocols, orders, and standards
 17 of the EMS Board and subject to medical direction, while providing emergency medical
 18 services:

19 **[(1)] (I)** A cardiac rescue technician, an emergency medical
 20 technician-B, or an emergency medical technician-P may:

21 **[(i)] 1.** Perform specified medical procedures as authorized
 22 by the EMS Board;

23 **[(ii)] 2.** Administer specified medications or intravenous
 24 solutions; and

25 **[(iii)] 3.** Provide emergency medical transport;

26 **[(2)] (i) (II)** An emergency medical dispatcher may:

1 1. Perform medical interrogation in order to determine
2 the type and level of response required at the scene of a medical emergency; **AND**

3 2. Provide prearrival instructions including instructions
4 in cardiopulmonary resuscitation; and

5 [(ii) Participation in emergency medical dispatch programs by
6 jurisdictions is totally voluntary; and]

7 [(3)] **(III)** A first responder:

8 [(i)] **1.** May perform specified medical procedures as defined
9 by the EMS Board; and

10 [(ii)] **2.** May not be the primary emergency medical services
11 provider during emergency medical transport.

12 **(2) PARTICIPATION IN EMERGENCY MEDICAL DISPATCH**
13 **PROGRAMS BY JURISDICTIONS IS TOTALLY VOLUNTARY.**

14 DRAFTER'S NOTE:

15 Error: Stylistic errors and misplaced language in § 13–516(f) of the Education
16 Article.

17 Occurred: Ch. 201, Acts of 1997.

18 14–104.

19 (n) (1) Notwithstanding any other provision of law, and except as
20 provided in paragraph (2) of this subsection, the University shall use the statewide
21 Financial Management Information System administered by the Department of
22 Budget and Management as its accounting, budgeting, personnel, and payroll [system]
23 **SYSTEMS.**

24 (2) The University may use an internal financial management
25 information system software program and State–approved interfaces for its
26 accounting, budgeting, personnel, and payroll systems.

27 DRAFTER'S NOTE:

28 Error: Incorrect word usage in § 14–104(n)(1) of the Education Article.

1 Occurred: Ch. 485, Acts of 1994.

2 16–305.

3 (b) (10) “Small community college” means:

4 (i) Allegany College of Maryland;

5 (ii) Garrett [Community] College;

6 (iii) Hagerstown Community College;

7 (iv) Carroll Community College;

8 (v) Cecil Community College;

9 (vi) Chesapeake College; or

10 (vii) Wor–Wic Community College.

11 DRAFTER’S NOTE:

12 Error: Misnomer in § 16–305(b)(10)(ii) of the Education Article.

13 Occurred: As a result of Ch. 192, Acts of 2004.

14 16–310.

15 (a) (2) (i) A resident of the state of West Virginia who attends Garrett
16 [Community] College under a negotiated reciprocity agreement between the states of
17 Maryland and West Virginia is an in–county resident for tuition purposes.

18 (ii) For each full–time equivalent student participating in the
19 reciprocity agreement, the State shall pay to Garrett [Community] College an amount
20 equal to the net State support per full–time equivalent student as provided in §
21 16–305 of this subtitle. For any fiscal year, if State appropriations for reimbursement
22 of any reciprocity agreements under this paragraph do not provide sufficient funds to
23 fully reimburse the college, the Governor shall include in the budget bill for the next
24 fiscal year a deficiency appropriation to provide the additional funds to fully reimburse
25 the college.

1 (iii) The Commission may make payments to effectuate the
2 provisions of this paragraph from funds specifically appropriated for this purpose as
3 provided in the State budget or any supplemental budget request.

4 (iv) The payments authorized by this paragraph are in addition
5 to the State operating fund to community colleges authorized in § 16–305(c) of this
6 subtitle.

7 DRAFTER'S NOTE:

8 Error: Misnomer in § 16–310(a)(2)(i) and (ii) of the Education Article.

9 Occurred: As a result of Ch. 192, Acts of 2004.

10 16–504.

11 (c) (1) The student member shall have a term of 1 year beginning June 1
12 and ending on May [30] **31**.

13 DRAFTER'S NOTE:

14 Error: Incorrect date in § 16–504(c)(1) of the Education Article.

15 Occurred: Ch. 220, Acts of 1990.

16 24–303.

17 (f) Each member of the Board:

18 (1) Serves without compensation; and

19 (2) Is entitled to reimbursement for expenses in accordance with the
20 [State's applicable travel regulations] **STANDARD STATE TRAVEL REGULATIONS**.

21 DRAFTER'S NOTE:

22 Error: Incorrect word usage in § 24–303(f)(2) of the Education Article.

23 Occurred: Ch. 282, Acts of 1994.

24 24–513.

1 (a) (4) “Principal residence” means a dwelling actually occupied or
2 expected to be actually occupied by the homeowner or the homeowners for more than 6
3 consecutive months of the present calendar year. Nonoccupancy of the dwelling
4 because of illness or the need for special [care,] **CARE** of the [homeowner,]
5 **HOMEOWNER** is occupancy for the purposes of this section.

6 DRAFTER’S NOTE:

7 Error: Extraneous commas in § 24–513(a)(4) of the Education Article.

8 Occurred: Ch. 583, Acts of 1997.

9 **Article – Election Law**

10 10–205.

11 (b) (6) (ii) 1. In Prince George’s County, except as provided under
12 [sub–subparagraph] **SUBSUBPARAGRAPH** 2 of this subparagraph, election judges and
13 alternate election judges shall receive \$25 as compensation for completing the course
14 of instruction required under § 10–206 of this subtitle.

15 DRAFTER’S NOTE:

16 Error: Extraneous hyphen in § 10–205(b)(6)(ii)1 of the Election Law Article.

17 Occurred: Ch. 585, Acts of 1998.

18 **Article – Family Law**

19 5–338.

20 (b) A local department may not withhold consent for the sole reason that the
21 race, religion, [color] **COLOR**, or national origin of a prospective adoptive parent
22 differs from that of the child or parent.

23 DRAFTER’S NOTE:

24 Error: Omitted comma in § 5–338(b) of the Family Law Article.

25 Occurred: Ch. 464, Acts of 2005.

26 12–202.

1 (a) (2) (iii) In determining whether the application of the guidelines
2 would be unjust or inappropriate in a particular case, the court may consider:

3 1. the terms of any existing separation or property
4 settlement agreement or court order, including any provisions for payment of
5 mortgages or marital debts, payment of college education expenses, the terms of any
6 use and possession order or right to occupy [to] the family home under an agreement,
7 any direct payments made for the benefit of the children required by agreement or
8 order, or any other financial considerations set out in an existing separation or
9 property settlement agreement or court order; and

10 2. the presence in the household of either parent of other
11 children to whom that parent owes a duty of support and the expenses for whom that
12 parent is directly contributing.

13 DRAFTER’S NOTE:

14 Error: Extraneous language in § 12–202(a)(2)(iii)1 of the Family Law Article.

15 Occurred: Ch. 58, Acts of 1990.

16 **Article – Health – General**

17 5–603.

18 **PART IV: SIGNATURE AND WITNESSES**

19 By signing below, I indicate that I am emotionally and mentally competent to make
20 this donation and that I understand the purpose and effect of this document.

21 _____
22 (Signature of Donor)

(Date)

23 The Donor signed or acknowledged signing this donation document in my presence
24 and, based upon personal observation, appears to be emotionally and mentally
25 competent to make this donation.

26 _____
27 (Signature of [Donor] **WITNESS**)

(Date)

1 _____
2 Telephone Number(s)

3 _____
4 (Signature of Witness) (Date)

5 _____
6 Telephone Number(s)

7 DRAFTER’S NOTE:

8 Error: Incorrect word usage in § 5–603 of the Health – General Article.

9 Occurred: Ch. 522, Acts of 2006. Correction by the publisher of the Annotated
10 Code in the 2006 Supplement of the Health – General Article is ratified by this Act.

11 10–203.

12 (b) The Director shall report to the [Assistant Secretary for Mental Health,
13 Mental Retardation, Addictions, and Developmental Disabilities] **DEPUTY**
14 **SECRETARY FOR PUBLIC HEALTH SERVICES.**

15 DRAFTER’S NOTE:

16 Error: Misnomer in § 10–203(b) of the Health – General Article.

17 Occurred: As a result of Ch. 307, Acts of 1987 and the administrative naming
18 by the Secretary of Health and Mental Hygiene of the Deputy Secretary for Public
19 Health Services.

20 13–901.

21 (a) (2) The Fund consists of moneys collected under [§ 16–111.1(f)] §
22 **16–111.2(F)** of the Transportation Article.

23 DRAFTER’S NOTE:

24 Error: Erroneous cross–reference in § 13–901(a)(2) of the Health – General
25 Article.

26 Occurred: As a result of Ch. 483, Acts of 1998.

1 13–1506.

2 The Advisory Council shall:

3 (2) (i) Review proposed regulations submitted to the Advisory
4 Council in accordance with § 10–110 of the State Government Article to determine if
5 the proposed regulation:

6 1. Adequately protects the health of children from
7 environmental hazards by taking into account the special vulnerability of children
8 because of their developing physiology, and because their exposures, behaviors, and
9 diets can differ greatly from those of adults; **AND**

10 2. Is consistent and uniform with the children’s
11 environmental health policies, rules, regulations, and standards of other State
12 agencies; and

13 **DRAFTER’S NOTE:**

14 Error: Omitted conjunction in § 13–1506(2)(i) of the Health – General Article.

15 Occurred: Ch. 585, Acts of 2000.

16 15–139.

17 (c) (1) For fiscal year 2004 and each subsequent fiscal year, the Governor
18 shall provide funds in the budget for the Children’s Cabinet Fund established under
19 Article 49D of the Code in an amount equal to[:

20 (i) The] **THE** amount of federal funds received under subsection
21 (a) of this section during the most recently completed fiscal year[;]:

22 [(ii)] **(I)** Less any administrative costs incurred by the
23 Department, the Department of Juvenile Services, and the Department of Human
24 Resources in implementing the programs required under this section; and

25 [(iii)] **(II)** Subject to adjustment in accordance with subsection
26 (e) of this section.

27 **DRAFTER’S NOTE:**

28 Error: Stylistic error in § 15–139(c)(1) of the Health – General Article.

1 Occurred: Ch. 428, Acts of 2003.

2 18–338.3.

3 (b) Notwithstanding the provisions of § 18–338.1 of this subtitle, the
4 designated infectious disease/communicable disease officer of a hospital shall order a
5 test for the presence of antibodies to the human immunodeficiency virus (HIV) under
6 subsection (d) of this section when:

7 (2) (i) Informed consent, or substitute consent as required under §
8 18–338.1(c) of this [title,] **SUBTITLE**, of the patient to test a blood sample of the
9 patient for the presence of HIV was sought and the patient was unavailable or unable
10 to consent; or

11 (ii) Informed consent, or substitute consent as required under §
12 18–338.1(c) of this [title,] **SUBTITLE**, of the patient to test a blood sample already
13 obtained from the patient for the presence of HIV was sought, the patient refused, and
14 the patient was informed of the provisions of this subsection;

15 **DRAFTER’S NOTE:**

16 Error: Stylistic errors in § 18–338.3(b)(2)(i) and (ii) of the Health – General
17 Article.

18 Occurred: Ch. 143, Acts of 2003; Ch. 330, Acts of 2005.

19 19–3A–07.

20 (f) The provisions of §§ 19–3A–01 through 19–3A–06 **OF THIS SUBTITLE**
21 shall apply to a freestanding medical facility pilot project.

22 **DRAFTER’S NOTE:**

23 Error: Stylistic error in § 19–3A–07(f) of the Health – General Article.

24 Occurred: Chs. 549 and 550, Acts of 2005.

25 **[19–1810.] 19–1811.**

26 (a) (1) There is a Health Care Quality Account for Assisted Living
27 Programs established in the Department.

1 (2) The Account shall be funded by civil money penalties paid by
2 assisted living programs and other penalties that the Office of Health Care Quality
3 may assess.

4 (3) The Department shall pay all penalties collected under this title to
5 the Comptroller.

6 (4) The Comptroller shall distribute funds collected under this title to
7 the Health Care Quality Account for Assisted Living Programs.

8 (5) The Account is a continuing, nonlapsing fund, not subject to §
9 7–302 of the State Finance and Procurement Article.

10 (6) Any unspent portions of the Account may not be transferred or
11 reverted to the General Fund of the State, but shall remain in the Account to be used
12 for the purposes specified in this section.

13 (b) The Health Care Quality Account for Assisted Living **PROGRAMS** shall
14 be used for training, grant awards, demonstration projects, or other purposes designed
15 to improve the quality of care.

16 (c) The Department shall adopt regulations for the distribution of funds from
17 the Health Care Quality Account for Assisted Living **PROGRAMS**.

18 **DRAFTER’S NOTE:**

19 Error: Incorrect section designation for § 19–1811 and omitted word in
20 § 19–1811(b) and (c) of the Health – General Article.

21 Occurred: Ch. 478, Acts of 2006. Correction by the publisher of the Annotated
22 Code in the 2006 Supplement of the Health – General Article is ratified by this Act.

23 **Article – Health Occupations**

24 4–202.

25 (b) (4) At least 2 weeks before a meeting is held under paragraph (2) of
26 this subsection, the [secretary] **SECRETARY** of the Maryland Dental Hygienists’
27 Association shall mail to each licensed dental hygienist, at the address appearing in
28 their records or the records of the Board, a notice that states the time, place, and
29 purpose of the meeting.

1 DRAFTER'S NOTE:

2 Error: Capitalization error in § 4–202(b)(4) of the Health Occupations Article.

3 Occurred: Ch. 433, Acts of 1994.

4 4–308.

5 (c) While it is effective, a retired volunteer dentist's license or a volunteer
6 dentist's license to practice dentistry issued under this title authorizes the licensee to
7 practice dentistry:8 (1) Only in a dental office, dental clinic, ambulatory care facility, or
9 hospital;10 (2) Only for an entity providing medical care to the poor, elderly, or
11 handicapped that is operated by:

12 (i) The State or a local government;

13 (ii) A bona fide charitable organization; or

14 (iii) Any other entity authorized under regulations adopted by
15 the Board;16 (3) If the dentist signs a written statement agreeing to donate at least
17 100 hours of dental services without compensation in a facility that satisfies the
18 requirements of [subsection (d)(1)] **ITEMS (1) and (2)** of this [section] **SUBSECTION**;19 (4) If the dentist provides documentation as required by the Board
20 which evidences that the licensee is covered by malpractice insurance; and21 (5) If the dentist does not otherwise practice dentistry for profit in
22 Maryland.23 (f) While it is effective, a retired volunteer dental hygienist's license or a
24 volunteer hygienist's license to practice dental hygiene issued under this title
25 authorizes the licensee to practice dental hygiene:26 (1) Only in a dental office, dental clinic, ambulatory care facility, or
27 hospital;

1 (2) Only for an entity providing medical care to the poor, elderly, or
2 handicapped that is operated by:

3 (i) The State or a local government;

4 (ii) A bona fide charitable organization; or

5 (iii) Any other entity authorized under regulations adopted by
6 the Board;

7 (3) If the dental hygienist signs a written statement agreeing to
8 donate at least 100 hours of dental hygiene services without compensation in a facility
9 that satisfies the requirements of [subsection (g)(1)] **ITEMS (1) and (2)** of this
10 [section] **SUBSECTION**;

11 (4) If the dental hygienist provides documentation as required by the
12 Board which evidences that the licensee is covered by malpractice insurance; and

13 (5) If the dental hygienist does not otherwise practice dental hygiene
14 for profit in Maryland.

15 **DRAFTER'S NOTE:**

16 Error: Erroneous cross-references in § 4-308(c)(3) and (f)(3) of the Health
17 Occupations Article.

18 Occurred: Ch. 83, Acts of 2000.

19 8-302.

20 (f) (4) If any disciplinary [charges] **CHARGE** or action that involves a
21 problem with the oral communication of the English language [are] **IS** brought against
22 a licensee under this title, the Board shall require the licensee to take and pass a
23 Board approved standardized test of oral competency.

24 **DRAFTER'S NOTE:**

25 Error: Grammatical errors in § 8-302(f)(4) of the Health Occupations Article.

26 Occurred: Ch. 645, Acts of 1988.

1 15-302.1.

2 (b) Subject to subsection (c) of this section, if a delegation agreement is
3 pending, on receipt of a temporary practice letter from the staff of the [board] **BOARD,**
4 **A PHYSICIAN ASSISTANT MAY PRACTICE IN ACCORDANCE WITH THE PENDING**
5 **DELEGATION AGREEMENT** if:

6 (1) The supervising physician has been previously approved to
7 supervise one or more physician assistants in the proposed practice setting for the
8 same scope of practice; and

9 (2) The physician assistant has been previously approved for the same
10 scope of practice in a different practice setting.

11 **DRAFTER'S NOTE:**

12 Error: Omitted words in § 15-302.1(b) of the Health Occupations Article.

13 Occurred: Ch. 540, Acts of 2006. Correction by the publisher of the Annotated
14 Code in the 2006 Supplement of the Health Occupations Article is ratified by this Act.

15 **Article - Housing and Community Development**

16 Subtitle 11. Operating Assistance Grants [Demonstration Projects].

17 4-1101.

18 (a) The Department shall award operating assistance grants to nonprofit
19 organizations to increase their capacity to participate in housing projects and
20 activities authorized by the programs that are financed through the Homeownership
21 Programs Fund under § 4-502 of this title, the Rental Housing Programs Fund under
22 § 4-504 of this title, the Special Loan Programs Fund under § 4-505 of this title, or
23 otherwise financed totally or partly by the Department.

24 **DRAFTER'S NOTE:**

25 Error: Obsolete subtitle designation immediately preceding § 4-1101(a) of the
26 Housing and Community Development Article.

27 Occurred: As a result of Ch. 381, Acts of 1997.

1 6–303.

2 (b) The purposes of the Program are, in designated neighborhoods, to:

3 (4) stimulate political subdivisions to participate in developing and
4 expanding small businesses and microenterprises.

5 DRAFTER’S NOTE:

6 Error: Omitted preposition in § 6–303(b)(4) of the Housing and Community
7 Development Article.

8 Occurred: Ch. 26, Acts of 2005. Correction by the publisher of the Annotated
9 Code in the 2006 Volume of the Housing and Community Development Article is
10 validated by this Act.

11 12–206.

12 (a) (1) A pre-existing authority may be governed by articles of
13 organization if:

14 (i) the pre-existing authority meets the requirements of
15 subsection (b) or (c) of this section;

16 DRAFTER’S NOTE:

17 Error: Omitted word in § 12–206(a)(1)(i) of the Housing and Community
18 Development Article.

19 Occurred: Ch. 63, Acts of 2006. Correction by the publisher of the Annotated
20 Code in the 2006 Volume of the Housing and Community Development Article is
21 validated by this Act.

22 12–704.

23 (a) In connection with issuing bonds or incurring obligations under leases,
24 and to secure payment of the bonds or obligations, an authority, in addition to its other
25 powers, may:

26 (3) covenant against:

1 (iii) suffering any lien on anything listed under item (i) or (ii) of
2 this item;

3 DRAFTER'S NOTE:

4 Error: Omitted word in § 12-704(a)(3)(iii) of the Housing and Community
5 Development Article.

6 Occurred: Ch. 63, Acts of 2006. Correction by the publisher of the Annotated
7 Code in the 2006 Volume of the Housing and Community Development Article is
8 validated by this Act.

9 Title 16. Montgomery County.

10 16-109.

11 A substantial part of the housing in a housing project is deemed to be for
12 persons of eligible income if:

13 (3) the owners of the housing certify to the Montgomery Commission
14 that they will make their best efforts to meet the standard under item (1) or (2) of this
15 section.

16 DRAFTER'S NOTE:

17 Error: Erroneous title designation for Title 16 and erroneous cross-reference in
18 § 16-109(3) of the Housing and Community Development Article.

19 Occurred: Ch. 63, Acts of 2006. Correction by the publisher of the Annotated
20 Code in the 2006 Volume of the Housing and Community Development Article is
21 validated by this Act.

22 **Article - Insurance**

23 15-415.

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

25 (2) "Group contract" means a health insurance contract or policy that:

26 (i) is issued or delivered in the State to an employer by an
27 insurer or nonprofit health service plan;

1 (ii) provides hospital, medical, or surgical benefits on an
2 expense-incurred basis; and

3 (iii) covers a group of 100 or fewer individuals.

4 (3) ["Succeeding policy" means a group contract that:

5 (i) replaces or succeeds a group contract; and

6 (ii) takes effect within 65 days after the date on which the
7 replaced or succeeded group contract terminates.

8 (4)] "Succeeding insurer" means the insurer or nonprofit health service
9 plan that issues a succeeding policy.

10 (4) **"SUCCEEDING POLICY" MEANS A GROUP CONTRACT THAT:**

11 (I) **REPLACES OR SUCCEEDS A GROUP CONTRACT; AND**

12 (II) **TAKES EFFECT WITHIN 65 DAYS AFTER THE DATE ON**
13 **WHICH THE REPLACED OR SUCCEDED GROUP CONTRACT TERMINATES.**

14 DRAFTER'S NOTE:

15 Error: Stylistic error in § 15-415(a) of the Insurance Article.

16 Occurred: Ch. 35, § 2, Acts of 1997.

17 24-201.

18 (g) "Surplus" does not include debt of the Society incurred in accordance with
19 [§ 3-116(b)] **§ 3-116(A)(1)** of this article to enable it to comply with a surplus
20 requirement.

21 DRAFTER'S NOTE:

22 Error: Erroneous cross-reference in § 24-201(g) of the Insurance Article.

23 Occurred: As a result of Ch. 514, Acts of 2006.

24 **Article - Labor and Employment**

1 8-609.

2 (b) A new employer shall pay contributions at a rate that does not exceed
3 2.6% of the taxable wage base, and that is the highest of:

4 (3) the contribution rate under [§ 8-611] § **8-612** of this subtitle that
5 applies to an employing unit with a benefit ratio of 0.000.

6 DRAFTER'S NOTE:

7 Error: Incorrect cross-reference in § 8-609(b)(3) of the Labor and Employment
8 Article.

9 Occurred: Ch. 628, Acts of 1995.

10 9-503.

11 (d) A paid law enforcement employee of the Department of Natural
12 Resources who is a covered employee under § 9-207 of this title is presumed to have
13 an occupational disease that was suffered in the line of duty and is compensable under
14 this title if the employee:

15 [(i)] **(1)** is suffering from Lyme disease; and

16 [(ii)] **(2)** was not suffering from Lyme disease before assignment to a
17 position that regularly places the employee in an outdoor wooded environment.

18 DRAFTER'S NOTE:

19 Error: Stylistic errors in § 9-503(d) of the Labor and Employment Article.

20 Occurred: Ch. 270, Acts of 2006. Corrections by the publisher of the Annotated
21 Code in the 2006 Supplement of the Labor and Employment Article are ratified by this
22 Act.

23 **Article - Natural Resources**

24 4-701.1.

25 (g) (6) (i) This paragraph shall apply only to:

1 DRAFTER'S NOTE:

2 Error: Stylistic errors in § 2–108(d)(8)(i) of the Public Utility Companies Article.

3 Occurred: Ch. 8, Acts of 1998.

4 7–505.

5 (b) (8) The Commission shall determine the terms, conditions, and rates
6 of standard offer service in accordance with:

7 (ii) as applicable, [§ 7–510(c)(3)(ii)] § **7–510(C)(4)** of this
8 subtitle.

9 DRAFTER'S NOTE:

10 Error: Obsolete cross–reference in § 7–505(b)(8)(ii) of the Public Utility
11 Companies Article.

12 Occurred: As a result of Ch. 5, Acts of the Special Session of 2006. Correction by
13 the publisher of the Annotated Code in the 2006 Supplement of the Public Utility
14 Companies Article is ratified by this Act.

15 7–509.

16 (c) The exceptions in subsection (a)(1) of this section as to any electric
17 company shall remain in effect until the [later] **LATEST** of:

18 (3) [if, under § 7–510(c)(3)(ii) of this subtitle, the Commission extends
19 the obligation to provide standard offer service,] the date on which the [Commission
20 terminates that] obligation **OF THE ELECTRIC COMPANY TO PROVIDE STANDARD
21 OFFER SERVICE UNDER § 7–510(C)(3)(II) OF THIS SUBTITLE TERMINATES.**

22 DRAFTER'S NOTE:

23 Error: Grammatical error in § 7–509(c); obsolete language in § 7–509(c)(3) of the
24 Public Utility Companies Article.

25 Occurred: Chs. 3 and 4, Acts of 1999; as a result of Ch. 5, Acts of the Special
26 Session of 2006.

27 7–510.

1 (c) (4) (ii) 1. Under [an extension of] the obligation to provide
 2 standard offer service in accordance with paragraph (3)(ii) of this subsection, the
 3 Commission, by regulation or order, and in a manner that is designed to obtain the
 4 best price for residential and small commercial customers in light of market conditions
 5 at the time of procurement and the need to protect these customers from excessive
 6 price increases:

7 A. shall require each investor-owned electric company to
 8 obtain its electricity supply for residential and small commercial customers
 9 participating in standard offer service through a competitive process in accordance
 10 with this paragraph; and

11 B. may require or allow an investor-owned electric
 12 company to procure electricity for these customers directly from an electricity supplier
 13 through one or more bilateral contracts outside the competitive process.

14 DRAFTER'S NOTE:

15 Error: Obsolete language in § 7-510(c)(4)(ii)1 of the Public Utility Companies
 16 Article.

17 Occurred: As a result of Ch. 5, Acts of the Special Session of 2006.

18 **Article - Real Property**

19 8A-1001.

20 (c) (1) The park owner shall give the resident a receipt for the security
 21 deposit.

22 [(1)] (2) The receipt may be included in a written rental agreement.

23 [(2)] (3) The park owner shall be liable to the resident in the sum of
 24 \$25 if the park owner fails to provide a written receipt for the security deposit.

25 [(3)] (4) The receipt or rental agreement shall contain language
 26 informing the resident of his rights under this section to receive from the park owner a
 27 written list of all existing damages if the resident makes a written request of the park
 28 owner within 15 days of the resident's occupancy.

29 DRAFTER'S NOTE:

1 Error: Incorrect tabulation in § 8A–1001(c) of the Real Property Article.

2 Occurred: Ch. 843, § 3, Acts of 1980.

3 10–608.

4 (a) Any warranties provided in accordance with the requirements of this
5 subtitle are in addition to all other implied or express warranties provided by law or
6 agreement.

7 (b) In addition to any other penalty imposed by law, the failure to comply
8 with the provisions of this subtitle or the knowing misrepresentation that a new home
9 warranty exists is an unfair [and] **OR** deceptive trade practice, as defined in § 13–301
10 of the Commercial Law Article.

11 **DRAFTER’S NOTE:**

12 Error: Incorrect conjunction in § 10–608(b) of the Real Property Article.
13 Correction is consistent with § 13–101 of the Commercial Law Article, which defines
14 the term “unfair or deceptive trade practice” for purposes of Title 13 (the “Maryland
15 Consumer Protection Act”).

16 Occurred: Ch. 223, Acts of 1990.

17 14–117.

18 (j) (3) The performance standards or guidelines described in paragraph
19 (2) of this subsection shall be:

20 (i) The performance standards or guidelines adopted at the
21 time of the contract:

22 1. By the National Association of Home Builders; or

23 2. Under the federal National Manufactured Housing
24 **CONSTRUCTION** and Safety Standards Act, to the extent applicable;

25 (ii) Any performance standards or guidelines adopted by the
26 home builder and incorporated into the contract that are equal to or more stringent
27 than the performance standards or guidelines adopted at the time of the contract:

1 1. By the National Association of Home Builders; or

2 2. Under the federal National Manufactured Housing
3 **CONSTRUCTION** and Safety Standards Act, to the extent applicable; or

4 (iii) Any performance standards or guidelines adopted at the
5 time of the contract by a county or municipal corporation that are equal to or more
6 stringent than the performance standards or guidelines adopted at the time of the
7 contract:

8 1. By the National Association of Home Builders; or

9 2. Under the federal National Manufactured Housing
10 **CONSTRUCTION** and Safety Standards Act, to the extent applicable.

11 **DRAFTER'S NOTE:**

12 Error: Misnomer in § 14–117(j)(3)(i)2, (ii)2, and (iii)2 of the Real Property
13 Article.

14 Occurred: Ch. 560, Acts of 2001.

15 **Article – State Finance and Procurement**

16 2–701.

17 In this subtitle, [the term] “ethnic affairs unit” means:

18 (1) the Commission on African American History and Culture;

19 (2) the Commission on Indian Affairs; and

20 (3) the Office of Asian–Pacific American Affairs.

21 **DRAFTER'S NOTE:**

22 Error: Stylistic error in § 2–701 of the State Finance and Procurement Article.

23 Occurred: Ch. 611, Acts of 1992.

24 3–409.

1 (a) In addition to any other powers granted and duties imposed by law, and
2 subject to any restrictions imposed by law, the Board has the following powers and
3 duties:

4 (4) developing standards and making recommendations concerning
5 Internet user privacy, including:

- 6 (i) the availability of personal information on the Internet;
7 (ii) the use of unsolicited bulk [e-mail] **ELECTRONIC MAIL**;
8 (iii) the use of encryption technology; and
9 (iv) the use of filters to screen out obscene or objectionable
10 material;

11 **DRAFTER'S NOTE:**

12 Error: Incorrect word usage in § 3-409(a)(4)(ii) of the State Finance and
13 Procurement Article. Correction is consistent with the use of the term "electronic
14 mail" throughout the State Finance and Procurement Article.

15 Occurred: Ch. 656, Acts of 1999.

16 4-407.

17 (b) (2) On or before December 31 of each [year] **YEAR**, the Department of
18 General Services shall send any changes to these general policies and standards to:

- 19 (i) the Board of Public Works; and
20 (ii) the Department of Budget and Management.

21 **DRAFTER'S NOTE:**

22 Error: Omitted comma in § 4-407(b)(2) of the State Finance and Procurement
23 Article.

24 Occurred: Ch. 11, Acts of 1985.

25 4-416.

1 (a) Except for real property that is acquired by gift, before any real property
2 is acquired from a private owner, the Board of Public Works shall obtain [2] TWO
3 independent appraisals of the property.

4 DRAFTER'S NOTE:

5 Error: Stylistic error in § 4-416(a) of the State Finance and Procurement
6 Article.

7 Occurred: Ch. 48, Acts of 1988.

8 5A-301.

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

10 (b) "Director" means the Director of the Maryland Historical Trust.

11 (c) "Financial assistance" means action by the State or a State unit to award
12 grants, loans, loan guarantees, or insurance to a public or private entity to finance,
13 wholly or partly, an undertaking.

14 (D) **"GOVERNMENTAL UNIT" MEANS AN AGENCY, AUTHORITY, BOARD,**
15 **COMMISSION, COUNCIL, OFFICE, OR OTHER UNIT OR INSTRUMENTALITY OF THE**
16 **GOVERNMENT OF THE STATE OR OF A POLITICAL SUBDIVISION OF THE STATE.**

17 [(d)](E) (1) "Historic property" means a district, site, building,
18 structure, monument, or object significant to:

19 (i) the prehistory or history of the State; or

20 (ii) the upland and underwater archaeology, architecture,
21 engineering, or culture of the State.

22 (2) "Historic property" includes related artifacts, records, and remains.

23 (F) **"NONPROFIT ORGANIZATION" MEANS A CORPORATION,**
24 **FOUNDATION, OR OTHER LEGAL ENTITY, NO PART OF THE NET EARNINGS OF**
25 **WHICH INURES TO THE BENEFIT OF A PRIVATE SHAREHOLDER OR INDIVIDUAL**
26 **HOLDING AN INTEREST IN THE ENTITY.**

1 **(G) “POLITICAL SUBDIVISION” MEANS A COUNTY OR MUNICIPAL**
2 **CORPORATION OF THE STATE.**

3 **[(e)] (H)** “Preservation” or “historic preservation” means the identification,
4 evaluation, recordation, documentation, curation, acquisition, protection,
5 management, rehabilitation, restoration, stabilization, maintenance, and
6 reconstruction of a historic property.

7 **[(f)] (I)** “State Historic Preservation Officer” means the individual who
8 administers the State Historic Preservation Program under the National Historic
9 Preservation Act of 1966, 16 U.S.C. §§ 470–470mm.

10 **[(g)] (J)** “State unit” has the meaning stated in § 11–101 of the State
11 Government Article.

12 **[(h)] (K)** “Submerged” means beneath or substantially beneath water.

13 **[(i)] (L)** “Terrestrial” means relating to land above the mean high tide line
14 and above nontidal waters.

15 **[(j)] (M)** “Trust” means the Maryland Historical Trust.

16 **[(k)] (N)** “Undertaking” means a project that involves or may result in
17 building construction, building alteration, or land disturbance.

18 **DRAFTER’S NOTE:**

19 Error: Omitted definitions in § 5A–301 of the State Finance and Procurement
20 Article.

21 Occurred: Ch. 440, Acts of 2005. Ch. 440, Acts of 2005 transferred the
22 Maryland Historical Trust from the Department of Housing and Community
23 Development to the Department of Planning, but failed to transfer required
24 definitions.

25 5A–328.

26 (c) (2) The Trust shall ensure that [any] A grant awarded under the MHT
27 Grant Program to acquire, restore, or rehabilitate a historic property is used only if
28 the historic property is listed in or is eligible to be listed in the Historic Register.

29 **DRAFTER’S NOTE:**

1 Error: Incorrect word usage in § 5A–328(c)(2) of the State Finance and
2 Procurement Article.

3 Occurred: Ch. 26, Acts of 2005. This correction corrects an erroneous change
4 made by the publisher of the Annotated Code in the 2006 Supplement of the State
5 Finance and Procurement Article.

6 5A–406.

7 Receipt of a grant award under this [program] **SUBTITLE** and conditions of the
8 award shall be recorded in the land records for the county in which the historic barn or
9 agricultural structure is located.

10 **DRAFTER’S NOTE:**

11 Error: Incorrect word usage in § 5A–406 of the State Finance and Procurement
12 Article.

13 Occurred: Ch. 187, Acts of 2006.

14 [6–207.

15 Before using a financial institution as a depository, the Treasurer shall consider
16 the extent to which the financial institution makes higher education loans under Title
17 18, Subtitle 10 of the Education Article.]

18 **DRAFTER’S NOTE:**

19 Error: Obsolete provision in § 6–207 of the State Finance and Procurement
20 Article.

21 Occurred: As a result of Ch. 180, Acts of 2005. Title 18, Subtitle 10 of the
22 Education Article was repealed by Ch. 180 of the Acts of 2005 as a result of the
23 dissolution of the Higher Education Loan Corporation.

24 12–107.

25 (b) Subject to the authority of the Board, jurisdiction over procurement is as
26 follows:

1 (5) the Maryland Port Commission, without the approval of any of the
2 other primary procurement units, may engage in the procurement of:

3 (i) supplies for port related activities, including motor vehicles
4 and information processing supplies, but excluding:

5 1. supplies funded by the proceeds from State general
6 obligation bonds; and

7 2. insurance;

8 (ii) services for port related activities, including information
9 processing services, but excluding banking and financial services under the authority
10 of the State Treasurer under item (1) of this subsection;

11 (iii) construction and construction related services for a port
12 facility as defined in § 6–101(e) of the Transportation Article;

13 (iv) port related architectural and engineering services under
14 Title 13, Subtitle 3 of this article; and

15 (v) leases of real property for port related activities unless the
16 lease payments are from the General Fund of the State; **AND**

17 (6) the Department of Public Safety and Correctional Services may,
18 without the approval of any of the other primary procurement units:

19 (i) engage in the procurement of construction and construction
20 related services for State correctional facilities; and

21 (ii) engage in the procurement of supplies, materials, and
22 equipment in support of construction and construction related services for State
23 correctional facilities in accordance with this Division II and Title 2 and Title 10,
24 Subtitle 1 of the Correctional Services [Article; and] **ARTICLE.**

25 [(7) Morgan State University, without the approval of any of the other
26 primary procurement units, may engage in the procurement of:

27 (i) supplies for the University, including motor vehicles and, to
28 the extent provided by Title 3, Subtitle 4 of this article, information processing
29 supplies, but excluding insurance;

1 (ii) services for the University, including information processing
2 services to the extent provided in Title 3, Subtitle 4 of this article, but excluding
3 banking and financial services under the authority of the State Treasurer under item
4 (1) of this subsection;

5 (iii) construction and construction related services for the
6 University, regardless of the source of funds, to the extent that the Board grants
7 authority over specific projects or classes of projects; and

8 (iv) leases of real property for the University if the lease
9 payments are not paid from the General Fund of the State.]

10 DRAFTER'S NOTE:

11 Error: Stylistic errors in § 12–107(b)(5)(v) and (b)(6)(ii) and obsolete provision in
12 § 12–107(b)(7) of the State Finance and Procurement Article.

13 Occurred: As a result of Ch. 273, Acts of 2004. The obsolete provision is related
14 to the jurisdiction of Morgan State University over its procurement system. Ch. 273,
15 Acts of 2004 established that, with specific exceptions, Division II of the State Finance
16 and Procurement Article does not apply to Morgan State University. Thus, that Act
17 made § 12–107(b)(7) of the State Finance and Procurement Article obsolete.

18 15–221.2.

19 (b) The Appeals Board may award to a contractor the reasonable costs of
20 filing and pursuing a claim, including reasonable [attorney] **ATTORNEY'S** fees, if the
21 Appeals Board finds that the conduct of unit personnel in processing a contract claim
22 is in bad faith or without substantial justification.

23 DRAFTER'S NOTE:

24 Error: Incorrect word usage in § 15–221.2(b) of the State Finance and
25 Procurement Article. Correction is consistent with the use of the term “attorney’s
26 fees” throughout the State Finance and Procurement Article.

27 Occurred: Ch. 682, Acts of 1996.

28 19–115.

29 All requests for bids or proposals issued for State contracts shall include the
30 following certification to be completed by the bidder:

- 1 (1) prepare a revised fiscal note for the bill; **AND**
- 2 (2) send the revised note:
 - 3 (i) to the chairman of the committee to which the bill is referred
 - 4 in the house of origin;
 - 5 (ii) if the bill has reached the opposite house, to the chairman of
 - 6 the committee to which the bill is referred in that house;
 - 7 (iii) if the bill is in the custody of either the Secretary of the
 - 8 Senate or the Chief Clerk of the House, to that officer; and
 - 9 (iv) to the primary sponsor of the bill.

10 **DRAFTER'S NOTE:**

11 Error: Missing conjunction "and" between § 2-1505(f)(1) and (2) of the State
12 Government Article.

13 Occurred: Ch. 311, Acts of 1984.

14 6-110.

15 (a) The [senior] **CHIEF** Deputy Attorney General shall serve as acting
16 Attorney General if the Attorney General temporarily is unable or unavailable to carry
17 out the duties of office.

18 (b) If the Attorney General gives the [senior] **CHIEF** Deputy Attorney
19 General written notice of a temporary inability or unavailability, the acting Attorney
20 General shall serve:

21 (1) on and after the date that the Attorney General sets in the notice;
22 and

23 (2) until the Attorney General gives the acting Attorney General
24 written notice that the Attorney General is able to carry out the duties of office.

25 (c) If the Attorney General has not given notice, but the members of the
26 Board of Public Works and the presiding officers of the General Assembly, by a
27 majority vote, make a formal, written determination of a temporary inability or

1 unavailability of the Attorney General, the [senior] **CHIEF** Deputy Attorney General
2 shall serve as acting Attorney General:

3 (1) on and after the date of the determination; and

4 (2) until the members of the Board of Public Works and the presiding
5 officers of the General Assembly, by a majority vote, determine and give the Attorney
6 General and the acting Attorney General written notice that the Attorney General is
7 able to carry out the duties of office.

8 **DRAFTER'S NOTE:**

9 Error: Misnomer in § 6–110(a), (b), and (c) of the State Government Article.

10 Occurred: As a result of administrative changes in the Office of the Attorney
11 General.

12 6–406.

13 (a) The Unit shall report in a timely manner to the Special Secretary, the
14 Secretary, and, in accordance with § 2–1246 of [the State Government Article] **THIS**
15 **ARTICLE**, the Speaker of the House of Delegates and the President of the Senate:

16 (1) knowledge of any problem regarding the care, supervision, and
17 treatment of children in facilities;

18 (2) findings, actions, and recommendations, related to the
19 investigations of disciplinary actions, grievances, incident reports, and alleged cases of
20 child abuse and neglect; and

21 (3) all other findings and actions related to the monitoring required
22 under this subtitle.

23 (b) (2) A copy of the report shall be provided to the State Advisory Board
24 for Juvenile Services and, in accordance with § 2–1246 of [the State Government
25 Article] **THIS ARTICLE**, the General Assembly.

26 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
27 report to the Special Secretary, the Secretary, the advisory boards established under
28 Article 83C, § 2–119 of the Code, the Governor, and, in accordance with § 2–1246 of
29 [the State Government Article] **THIS ARTICLE**, the General Assembly, on all the
30 activities of the Office and the actions taken by the Department in response to findings
31 and recommendations of the Unit.

1 DRAFTER'S NOTE:

2 Error: Stylistic errors in § 6–406(a), (b)(2), and (c) of the State Government
3 Article.

4 Occurred: Ch. 12, Acts of 2006.

5 9–122.

6 (d) (3) If a minor wins \$5,000 or more, the Director may deposit the prize
7 in a bank to the credit of [1] **ONE** of the following, as custodian for the minor:

8 (i) an adult member of the minor's family; or

9 (ii) a guardian of the minor.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 9–122(d)(3) of the State Government Article.

12 Occurred: Ch. 284, Acts of 1984.

13 9–906.

14 (f) To qualify for a plot in a State veterans' cemetery:

15 (1) the applicant must be a veteran who meets the requirements for
16 burial at a national [veterans] **VETERANS'** cemetery or an eligible spouse or
17 dependent of a veteran who meets the requirements of this subsection; and

18 DRAFTER'S NOTE:

19 Error: Grammatical error in § 9–906(f)(1) of the State Government Article.

20 Occurred: Ch. 238, Acts of 2006.

21 Title 13. Emblems; Commemorative Days[; Manual].

22 13–101.

23 (a) The Great Seal of Maryland is the State seal.

1 (b) The reverse of the State seal shall be used officially. The obverse has not
2 been used officially.

3 DRAFTER'S NOTE:

4 Error: Obsolete reference in the title designation of Title 13 of the State
5 Government Article.

6 Occurred: As a result of Ch. 286, Acts of 1984.

7 15-714.

8 (d) (1) A regulated lobbyist who is subject to this section or a person
9 acting on behalf of the regulated lobbyist may not, for the benefit of the Governor,
10 Lieutenant Governor, Attorney General, **OR** Comptroller, or **A** member of the General
11 Assembly, or **A** candidate for election to the office of Governor, Lieutenant Governor,
12 Attorney General, Comptroller, or member of the General Assembly, engage in the
13 following activities:

14 (i) soliciting or transmitting a political contribution from any
15 person, including a political committee;

16 (ii) serving on a fund-raising committee or a political
17 committee;

18 (iii) acting as a treasurer for a candidate or official or as
19 treasurer or chairman of a political committee;

20 (iv) organizing or establishing a political committee for the
21 purpose of soliciting or transmitting contributions from any person; or

22 (v) forwarding tickets for fund-raising activities, or other
23 solicitations for political contributions, to a potential contributor.

24 DRAFTER'S NOTE:

25 Error: Grammatical error in § 15-714(d)(1) of the State Government Article.

26 Occurred: Ch. 562, Acts of 1997.

27 18-101.

1 (b) (1) The Governor, on approval of the application by the Secretary of
2 State and a member of the Senate of Maryland, shall appoint and commission
3 out-of-state individuals as notaries public as provided in this [article] **TITLE**.

4 **DRAFTER'S NOTE:**

5 Error: Stylistic error in § 18–101(b)(1) of the State Government Article.

6 Occurred: Ch. 31, Acts of 1997.

7 **Article – State Personnel and Pensions**

8 29–115.

9 [(c) If the retiree refuses to provide the information, the Board of Trustees
10 shall suspend the retiree's allowance until the information is provided.]

11 **DRAFTER'S NOTE:**

12 Error: Obsolete language in § 29–115(c) of the State Personnel and Pensions
13 Article.

14 Occurred: As a result of Ch. 618, Acts of 2006.

15 Title 34. Postretirement Health Benefits [Trust Fund].

16 **SUBTITLE 1. POSTRETIREMENT HEALTH BENEFITS TRUST FUND.**

17 34–101.

18 (a) There is a Postretirement Health Benefits Trust Fund.

19 (b) The Postretirement Health Benefits Trust Fund shall be established as a
20 tax-exempt trust, in accordance with § 115 of the Internal Revenue Code or other
21 applicable federal statute.

22 (c) The purpose of the Postretirement Health Benefits Trust Fund is to
23 assist the State in financing the postretirement health insurance subsidy, as specified
24 in § 2–508 of this article.

1 (d) Beginning in fiscal year 2008, any subsidy received by the State that is
2 provided to employers as a result of the federal Medicare Prescription Drug,
3 Improvement, and Modernization Act of 2003, or similar federal subsidy received as a
4 result of the State's prescription drug program, shall be deposited into the
5 Postretirement Health Benefits Trust Fund.

6 (e) (1) The Board of Trustees are the trustees of the Postretirement
7 Health Benefits Trust Fund.

8 (2) Notwithstanding any other provision of law:

9 (i) the Board of Trustees shall have full power to invest and
10 manage the assets of the Postretirement Health Benefits Trust Fund to achieve the
11 statutory purpose of the Fund; and

12 (ii) each member of the Board of Trustees shall discharge the
13 member's duties with respect to the Postretirement Health Benefits Trust Fund as a
14 fiduciary and be indemnified in accordance with the provisions of Title 21, Subtitle 2 of
15 this article.

16 (3) The Board of Trustees may incur reasonable investment expenses
17 payable from the assets of the Postretirement Health Benefits Trust Fund, and in
18 accordance with § 21-315(d) of this article, for:

19 (i) services of managers to invest the assets of the
20 Postretirement Health Benefits Trust Fund;

21 (ii) services of one or more duly qualified banks or trust
22 companies for the safe custody of the investments and banking services; and

23 (iii) any other service that the Board of Trustees deems
24 reasonable and necessary in connection with the investments of the Postretirement
25 Health Benefits Trust Fund.

26 (4) (i) The Board of Trustees may incur reasonable administrative
27 expenses payable from the assets of the Postretirement Health Benefits Trust Fund.

28 (ii) Administrative expenses paid under subparagraph (i) of this
29 paragraph may not exceed an amount equal to the amount of administrative expenses
30 paid by the Board of Trustees under § 21-315(c) of this article multiplied by a fraction:

31 1. the numerator of which equals the total assets of the
32 Postretirement Health Benefits Trust Fund; and

1 2. the denominator of which equals the combined total
2 assets of the several systems and the Postretirement Health Benefits Trust Fund.

3 (5) The Board of Trustees is not subject to Division II of the State
4 Finance and Procurement Article for:

5 (i) obtaining services of managers to invest the assets of the
6 Postretirement Health Benefits Trust Fund; and

7 (ii) expenditures to manage, maintain, and enhance the value of
8 the assets of the Postretirement Health Benefits Trust Fund.

9 (f) To the extent possible, the assets of the Postretirement Health Benefits
10 Trust Fund shall be invested in the same manner as those of the several systems.

11 (g) For fiscal year 2008 through fiscal year 2017, no payments may be made
12 from the Postretirement Health Benefits Trust Fund.

13 (h) For fiscal year 2018 and each fiscal year thereafter, the Board of Trustees
14 shall transfer to the General Fund, for the sole purpose of assisting in the payment of
15 the State's postretirement health insurance subsidy, the lesser of:

16 (1) one-quarter of the prior year's investment gains of the
17 Postretirement Health Benefits Trust Fund; or

18 (2) the amount necessary to pay the annual health insurance
19 premiums and other costs that constitute the State's postretirement health insurance
20 subsidy specified in § 2-508 of this article.

21 (i) If for any reason the State discontinues the postretirement health
22 insurance subsidy specified in § 2-508 of this article or a successor subsidy, the assets
23 of the Postretirement Health Benefits Trust Fund shall be transferred to the General
24 Fund.

25 (j) On or before October 1, 2009, and on or before October 1 thereafter, the
26 Board of Trustees shall publish an annual consolidated report that includes:

27 (1) the fiscal transactions of the Postretirement Health Benefits Trust
28 Fund for the preceding fiscal year; and

29 (2) the amount of the accumulated cash, securities, and other assets of
30 the Postretirement Health Benefits Trust Fund.

1 DRAFTER'S NOTE:

2 Error: Incorrect title and omitted Subtitle 1 immediately preceding § 34–101 of
3 the State Personnel and Pensions Article.

4 Occurred: Ch. 433, Acts of 2006. Correction by the publisher of the Annotated
5 Code in the 2006 Supplement of the State Personnel and Pensions Article is ratified by
6 this Act.

7 **Article – Tax – General**

8 10–205.

9 (h) (1) (i) In this subsection the following words have the meanings
10 indicated.

11 (II) **“ACCOUNT HOLDER” MEANS AN ACCOUNT HOLDER AS**
12 **DEFINED IN § 18–1901 OF THE EDUCATION ARTICLE OR ACCOUNT HOLDER AS**
13 **DEFINED IN § 18–19A–01 OF THE EDUCATION ARTICLE.**

14 [(ii)](III) [“Contributor” and “qualified] **“QUALIFIED**
15 **designated beneficiary” [have] HAS the [meanings] MEANING** stated in § 18–19A–01
16 of the Education Article.

17 [(iii)](IV) [“Purchaser” and “qualified] **“QUALIFIED**
18 **beneficiary” [have] HAS the [meanings] MEANING** stated in § 18–1901 of the
19 Education Article.

20 [(iv)](V) **“Qualified higher education expenses”** has the
21 meaning stated in § 529 of the Internal Revenue Code.

22 (2) The addition under subsection (a) of this section includes the
23 amount of:

24 (i) any refund received in the taxable year by [a purchaser] **AN**
25 **ACCOUNT HOLDER** under a prepaid contract in accordance with the Maryland
26 Prepaid College Trust or [a contributor] under an investment account in accordance
27 with the Maryland College Investment Plan; or

1 (ii) any distribution received in the taxable year by [a
2 purchaser] **AN ACCOUNT HOLDER** under a prepaid contract in accordance with the
3 Maryland Prepaid College Trust or [a contributor] under an investment account in
4 accordance with the Maryland College Investment Plan that is not used on behalf of
5 the qualified beneficiary or qualified designated beneficiary for qualified higher
6 education expenses.

7 (4) The cumulative amount of the addition under this subsection for
8 the taxable year and all prior taxable years may not exceed the cumulative amount
9 allowed as a subtraction:

10 (i) under § 10–208(n) of this subtitle for the taxable year and
11 all prior taxable years for the [purchaser’s] **ACCOUNT HOLDER’S** payments to the
12 prepaid contract under which the refund or distribution is received; or

13 (ii) under § 10–208(o) of this subtitle for the taxable year and all
14 prior taxable years for contributions made by [a contributor] **AN ACCOUNT HOLDER**
15 to an investment account under which the refund or distribution is received.

16 **DRAFTER’S NOTE:**

17 Error: Obsolete terminology in § 10–205(h)(1)(ii) and (iii), (2), and (4) of the Tax
18 – General Article.

19 Occurred: As a result of Chs. 381 and 382, Acts of 2003.

20 10–208.

21 (n) (1) (ii) [“Purchaser”] **“ACCOUNT HOLDER”** has the meaning
22 stated in § 18–1901 of the Education Article.

23 (2) The subtraction under subsection (a) of this section includes the
24 amount of advance payments of qualified higher education expenses made by [a
25 purchaser] **AN ACCOUNT HOLDER** during the taxable year as provided under a
26 prepaid contract in accordance with the Maryland Prepaid College Trust.

27 (o) (1) In this subsection, **“ACCOUNT HOLDER”**, “investment account”,
28 “qualified designated beneficiary”, [“contributor”,] and “qualified higher education
29 expenses” have the meanings stated in § 18–19A–01 of the Education Article.

1 (2) The subtraction under subsection (a) of this section includes the
2 amount contributed by [a contributor] **AN ACCOUNT HOLDER** during the taxable year
3 to an investment account.

4 **DRAFTER'S NOTE:**

5 Error: Obsolete terminology in § 10–208(n)(1)(ii) and (2) and (o)(1) and (2) of the
6 Tax – General Article.

7 Occurred: As a result of Chs. 381 and 382, Acts of 2003.

8 10–306.

9 [(d) The addition under subsection (a) of this section includes the amount of
10 the credit allowed under § 10–712 of this title for property taxes paid by a public
11 utility on operating real property that is used to generate electricity or steam for sale.]

12 **DRAFTER'S NOTE:**

13 Error: Obsolete language in § 10–306(d) of the Tax – General Article.

14 Occurred: As a result of Ch. 5, Acts of the 2006 Special Session.

15 10–720.

16 (e) (2) (i) On or before October 1, [2007] **2007**, and each year
17 thereafter, the Comptroller and the Administration jointly shall submit to the
18 Governor and, subject to § 2–1246 of the State Government Article, to the General
19 Assembly a written report regarding:

20 1. the number of certifications and taxpayers claiming
21 the credit under this section;

22 2. the name and physical location of each taxpayer
23 issued an initial credit certificate;

24 3. the maximum credit amount approved for each
25 taxpayer;

26 4. the geographical distribution of the credits claimed;
27 and

1 5. any other available information the Administration
2 determines to be meaningful and appropriate.

3 DRAFTER'S NOTE:

4 Error: Omitted comma in § 10–720(e)(2)(i) of the Tax – General Article.

5 Occurred: Ch. 129, Acts of 2006.

6 13–918.

7 (a) The Comptroller shall honor income tax refund interception requests in
8 the following order:

9 (4) any other refund interception request by the State, [county]
10 **COUNTY**, or other political subdivision of the State;

11 DRAFTER'S NOTE:

12 Error: Omitted comma in § 13–918(a)(4) of the Tax – General Article.

13 Occurred: Ch. 19, Acts of 1998.

14 **Article – Tax – Property**

15 8–104.

16 (c) (3) The Department or supervisor shall revalue real property under
17 [subparagraphs (i), (ii), (iv), (v), and (vi) of paragraph (1)] **PARAGRAPH (1)(I), (II),**
18 **(IV), (V), AND (VI)** of this subsection on the semiannual date of finality. The
19 revaluation shall be effective for the taxable year beginning on the semiannual date of
20 finality, if the notice under this title is sent no later than 30 days after the semiannual
21 date of finality.

22 (4) The Department or supervisor shall revalue real property under
23 [subparagraph (iii) of paragraph (1)] **PARAGRAPH (1)(III)** of this subsection on the
24 date of finality, semiannual date of finality, or quarterly date of finality following the
25 substantial completion of the improvements to land.

26 DRAFTER'S NOTE:

27 Error: Stylistic errors in § 8–104(c)(3) and (4) of the Tax – Property Article.

1 Occurred: Ch. 191, Acts of 1986.

2 8–219.

3 (a) (1) In this [section,] **SECTION** the following words have the meanings
4 indicated.

5 **DRAFTER’S NOTE:**

6 Error: Extraneous comma in § 8–219(a)(1) of the Tax – Property Article.

7 Occurred: Ch. 8, Acts of 1985.

8 13–209.

9 (g) (3) [(iii) 1. Except as provided in subsubparagraph 2 of this
10 subparagraph, this subsection does not apply to any fiscal year for which the Governor
11 is required under § 3–216(g) of the Transportation Article to include an appropriation
12 to the Transportation Trust Fund.

13 2. This subsection applies in any fiscal year in which the
14 cumulative amount required to be appropriated under § 3–216(g) of the
15 Transportation Article has been paid and there is excess surplus under subsection
16 (g)(1) of this section.]

17 **DRAFTER’S NOTE:**

18 Error: Obsolete language and cross–reference in § 13–209(g)(3)(iii) of the
19 Tax – Property Article.

20 Occurred: As a result of Chs. 471 and 472, Acts of 2005.

21 **Article – Transportation**

22 2–103.4.

23 (c) (4) Nothing in this [Act] **SECTION** shall affect:

24 (i) The collective bargaining rights of members of the transit
25 workers union;

1 (ii) The rights of employees hired at any time to join an
2 employee organization; or

3 (iii) The rights of Maryland Transit Administration employees
4 eligible under § 7–601 of this article to be included in a collective bargaining unit.

5 DRAFTER'S NOTE:

6 Error: Incorrect word usage in § 2–103.4(c)(4) of the Transportation Article.

7 Occurred: Ch. 168, Acts of 1992.

8 7–902.

9 (e) Before closing a station on a passenger railroad service line described in
10 subsection (a) of this section, the Mass Transit Administration shall review and report,
11 in accordance with § 2–1246 of the State Government Article, to the Governor and the
12 General Assembly, on the following:

13 (1) With respect to the Dickerson and Boyds MARC stations on the
14 CSX line between Brunswick and the District of Columbia:

15 (vi) The projected ridership if train stops are increased from [3]
16 **THREE** stops each to [9] **NINE** stops each for trains arriving at Washington Union
17 Station and from [4] **FOUR** stops each to [10] **TEN** stops each (to discharge passengers
18 only) for trains departing Washington Union Station;

19 DRAFTER'S NOTE:

20 Error: Stylistic errors in § 7–902(e)(1)(vi) of the Transportation Article.

21 Occurred: Ch. 18, Acts of 2006. Correction by the publisher of the Annotated
22 Code in the 2006 Supplement of the Transportation Article is ratified by this Act.

23 8–408.

24 (b) The net share of highway user revenues distributed for a county other
25 than Kent [County,] **COUNTY** may be used only:

26 (1) First, to pay debt service on outstanding bonds or other evidences
27 of obligation issued before June 1, 1947, by or for the county or any municipality in the
28 county to finance construction, reconstruction, or maintenance of roads or streets, to

1 the extent that gasoline tax revenues have been lawfully dedicated, pledged, or
2 otherwise committed to that debt service, so that the dedication, pledge, or
3 commitment remains unimpaired and continues as a charge against the county's share
4 of the gasoline tax to the same extent that it was a charge against any gasoline tax
5 revenues under prior laws; and

6 (2) Then, as to the remainder of the county's share, to pay or finance:

7 (i) The cost of transportation facilities, as defined in § 3-101 of
8 this article;

9 (ii) For Talbot County, maintenance of private roads as
10 authorized in Article 25, § 3(o)(4) of the Code;

11 (iii) The construction, reconstruction, or maintenance of county
12 roads; and

13 (iv) Debt service on bonds or other evidences of obligation that,
14 for the construction, reconstruction, or maintenance of county roads, are lawfully
15 issued on or after June 1, 1947, by or for the county or by or for a municipality in the
16 county that is not receiving its own share under § 8-407 of this subtitle.

17 DRAFTER'S NOTE:

18 Error: Extraneous comma in § 8-408(b) of the Transportation Article.

19 Occurred: Ch. 521, Acts of 1977.

20 13-815.

21 (d) (1) For a qualified hybrid vehicle that has a rechargeable energy
22 storage system that provides at least 5% of the vehicle's maximum available power,
23 subject to paragraph (2) of this subsection, the credit allowed under this section may
24 not exceed:

25 (iii) \$750 if the vehicle's rechargeable energy storage system
26 [that] provides at least 20% but less than 30% of the maximum available power; or

27 (iv) \$1,000 if the vehicle's rechargeable energy storage system
28 [that] provides at least 30% of the maximum available power.

29 DRAFTER'S NOTE:

1 Error: Extraneous language in § 13–815(d)(1)(iii) and (iv) of the Transportation
2 Article.

3 Occurred: Ch. 296, Acts of 2000.

4 16–205.1.

5 (f) (6) (ii) A request for A hearing scheduled under this paragraph does
6 not extend the period for which the person is authorized to drive, and the suspension
7 and, if applicable, the disqualification shall become effective on the expiration of the
8 45–day period that begins on the date of the issuance of the order of suspension.

9 DRAFTER’S NOTE:

10 Error: Omitted article in § 16–205.1(f)(6)(ii) of the Transportation Article.

11 Occurred: Ch. 413, Acts of 1990.

12 18–107.

13 (d) In addition to any remedies otherwise available at law, a violation of this
14 section shall be an unfair [and] **OR** deceptive trade practice under Title 13, Subtitle 3
15 of the Commercial Law Article.

16 DRAFTER’S NOTE:

17 Error: Incorrect conjunction in § 18–107(d) of the Transportation Article.
18 Correction is consistent with § 13–101 of the Commercial Law Article, which defines
19 the term “unfair or deceptive trade practice” for purposes of Title 13 (the “Maryland
20 Consumer Protection Act”).

21 Occurred: Ch. 269, Acts of 1988.

22 21–1124.

23 (a) (3) “Wireless communication device” means:

24 (i) A handheld or [hands free] **HANDS–FREE** device used to
25 access a wireless telephone service; or

26 (ii) A text messaging device.

1 DRAFTER'S NOTE:

2 Error: Omitted hyphen in § 21–1124(a)(3)(i) of the Transportation Article.

3 Occurred: Chs. 543 and 544, Acts of 2005.

4 **Chapter 134 of the Acts of 2001, as amended by Chapter 153 of the Acts of**
5 **2002, as amended by Chapter 236 of the Acts of 2003**

6 SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act
7 shall take effect July 1, 2001. [It shall remain effective for a period of 5 years and, at
8 the end of June 30, 2006, with no further action required by the General Assembly,
9 Section 3 of this Act shall be abrogated and of no further force and effect.]

10 DRAFTER'S NOTE:

11 Error: Failure to remove limited duration language for § 15–124.2 of the Health
12 – General Article in Ch. 22, Acts of 2006.

13 Occurred: Ch. 22, Acts of 2006.

14 **Chapter 135 of the Acts of 2001, as amended by Chapter 153 of the Acts of**
15 **2002, as amended by Chapter 236 of the Acts of 2003**

16 SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act
17 shall take effect July 1, 2001. [It shall remain effective for a period of 5 years and, at
18 the end of June 30, 2006, with no further action required by the General Assembly,
19 Section 3 of this Act shall be abrogated and of no further force and effect.]

20 DRAFTER'S NOTE:

21 Error: Failure to remove limited duration language for § 15–124.2 of the Health
22 – General Article in Ch. 22, Acts of 2006.

23 Occurred: Ch. 22, Acts of 2006.

24 **Chapter 19 of the Acts of 2006**

25 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
26 appointed members of the Stem Cell Research Commission established under Section
27 1 of this Act shall expire as follows:

1 (1) [six] SEVEN in 2008; and

2 (2) [six] SEVEN in 2009.

3 DRAFTER'S NOTE:

4 Error: Incorrect numbers in Section 2 of Ch. 19, Acts of 2006.

5 Occurred: Ch. 19, Acts of 2006. Correction recommended by the Office of the
6 Attorney General in an April 5, 2006 bill review letter for S.B. 144 (Ch. 19) of 2006.

7 **Chapter 59 of the Acts of 2006**

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 June 1, 2006. Section 1 of this Act shall remain effective for a period of 1 year and, at
10 the end of May [30] **31**, 2007, with no further action required by the General
11 Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.

12 DRAFTER'S NOTE:

13 Error: Erroneous date in Section 4 of Ch. 59, Acts of 2006.

14 Occurred: Ch. 59, Acts of 2006.

15 **Chapter 381 of the Acts of 2006**

16 SECTION 4. AND BE IT FURTHER ENACTED, That:

17 (b) (1) The Task Force consists of the following members:

18 (vii) the following members, appointed by the Governor:

19 1. one representative of the environmental community;

20 2. one representative of the State Builders Association;

21 and

22 [(iii)] **3.** one representative of the agricultural community.

23 DRAFTER'S NOTE:

1 Error: Stylistic error in Section 4 of Ch. 381, Acts of 2006.

2 Occurred: Ch. 381, Acts of 2006.

3 **Chapter 472 of the Acts of 2006**

4 SECTION 3. AND BE IT FURTHER ENACTED, That the regulations adopted
5 under § 14–110.1(d) of the [Health – General] **PUBLIC SAFETY** Article, as enacted by
6 Section 1 of this Act, shall include guidelines for the creation of an executive summary
7 of the evacuation procedures of a human service facility that shall be provided to the
8 family member of a resident or the family member of a patient of a human service
9 facility on request.

10 DRAFTER'S NOTE:

11 Error: Erroneous cross–reference in Section 3 of Ch. 472, Acts of 2006.

12 Occurred: Ch. 472, Acts of 2006.

13 **Chapter 558 of the Acts of 2006**

14 SECTION 2. AND BE IT FURTHER ENACTED, That on or before September
15 1, 2006, September 1, 2007, September 1, 2008, September 1, 2009, and [September]
16 **SEPTEMBER 1**, 2010, each county board shall:

17 (1) collect, maintain, and analyze an interim graduation rate by
18 dividing the number of students that receive a regular high school diploma in a given
19 year by the number of students that enrolled in the ninth grade four years earlier; and

20 (2) report the information required under item (1) of this section to:

21 (i) the public in the aggregate and disaggregated by American
22 Indian, African American, Hispanic, White, Asian/Pacific Islander, students who are
23 limited English proficient, students who receive free and reduced priced meals, and
24 students who receive special education services; and

25 (ii) the State Department of Education.

26 DRAFTER'S NOTE:

27 Error: Incomplete date in Section 2 of Ch. 558, Acts of 2006.

1 Occurred: Ch. 558, Acts of 2006.

2 **Chapter 596 of the Acts of 2006**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 [July] **OCTOBER 1, 2006.**

5 DRAFTER'S NOTE:

6 Error: Incorrect date in Section 2 of Ch. 596, Acts of 2006.

7 Occurred: Ch. 596, Acts of 2006. Correction is consistent with the October 1,
8 2006 effective date of the Housing and Community Development Article which is
9 amended by Ch. 596, Acts of 2006.

10 **Article 11 – Frederick County**

11 2–2–23.

12 (a) The board of county commissioners may abolish any water or sewer
13 authority created by the board of county commissioners pursuant to the provisions of
14 [§§ 445 through 466 of article 43] **TITLE 9, SUBTITLE 9 OF THE ENVIRONMENT**
15 **ARTICLE** of the Annotated Code of Maryland, or by public local law enacted by the
16 General Assembly, and may abolish any sanitary district or commission created
17 pursuant to the provisions of [§§ 645 through 673 of article 43] **TITLE 9, SUBTITLE 6**
18 **OF THE ENVIRONMENT ARTICLE** or enacted by public local law by the General
19 Assembly. After such an authority, district or commission has been so abolished, or if
20 none exists, the board of county commissioners shall create a department of public
21 works and shall provide for its organization and functions.

22 DRAFTER'S NOTE:

23 Error: Incorrect cross–references in § 2–2–23(a) of the Public Local Laws of
24 Frederick County.

25 Occurred: As a result of Ch. 240, Acts of 1982.

26 2–3–1.

27 Upon conviction before a court of competent jurisdiction, any person violating or
28 refusing to comply with any of the provisions of [§§ 191 to 198, both inclusive, of
29 article 56] **ARTICLE 24, TITLE 11, SUBTITLE 5** of the Annotated Code of Maryland[,

1 1957,] shall be guilty of a misdemeanor, and shall be fined a sum of not less than
2 twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) or shall be
3 imprisoned in the county jail for not more than three (3) months, or shall be both fined
4 and imprisoned. It is the duty of the state's attorney, the sheriff and the law
5 enforcement officers of the county to prosecute all persons found violating the law by
6 refusing to comply with its provisions.

7 DRAFTER'S NOTE:

8 Error: Incorrect cross-references in § 2-3-1 of the Public Local Laws of
9 Frederick County.

10 Occurred: As a result of Ch. 4, Acts of 1992.

11 2-10-1.

12 Every person shall have the power and authority to employ an unlicensed
13 plumber or a mechanic to do repair work about his premises situated in the county,
14 such as the repair of pumps, windmills, pipes, machinery and work of like nature.
15 Such plumber or mechanic shall not be compelled to take out any master [plumber's
16 certificate] **PLUMBER LICENSE**; provided, that if such premises are situated in any
17 town, village or city in the county having more than one thousand inhabitants and the
18 repair work to be done is plumbing work, then no such plumber or mechanic shall
19 perform such work, unless he [has first taken out a plumber's certificate as provided
20 in Annotated Code of Maryland, 1957, Article 43, §§ 326 to 333, inclusive] **IS**
21 **LICENSED AS A PLUMBER IN ACCORDANCE WITH TITLE 12, SUBTITLE 3 OF THE**
22 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OF THE ANNOTATED**
23 **CODE OF MARYLAND.**

24 DRAFTER'S NOTE:

25 Error: Incorrect cross-references and obsolete terminology in § 2-10-1 of the
26 Public Local Laws of Frederick County.

27 Occurred: As a result of Ch. 3, Acts of 1989.

28 2-13-15.

29 (a) The board may provide for the issuance of bonds under this section at any
30 time or times for the purpose of refunding any bonds of:

1 (1) The district, a body politic and corporate created by the county
2 pursuant to the provisions of [Md. Code Ann., Art. 43, §§ 646 to 673, inclusive, (1971
3 Replacement Volume and 1978 Supplement)] **TITLE 9, SUBTITLE 6 OF THE**
4 **ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND;**

5 **DRAFTER’S NOTE:**

6 Error: Incorrect cross–references in § 2–13–15(a)(1) of the Public Local Laws of
7 Frederick County.

8 Occurred: As a result of Ch. 240, Acts of 1982.

9 **SECTION 2. AND BE IT FURTHER ENACTED,** That the publishers of the
10 Annotated Code of Maryland, in consultation with and subject to the approval of the
11 Department of Legislative Services, with no further action required by the General
12 Assembly, shall correct throughout the Code any references to the federal “Veterans
13 Administration” to be the federal “Department of Veterans Affairs.” The publishers
14 shall make these corrections in the 2007 Supplements and 2007 Replacement Volumes
15 and shall adequately describe any such correction in an editor’s note following any
16 section affected.

17 **SECTION 3. 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, 2007. Any enactment of the 2007
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 4. 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 5. AND BE IT FURTHER ENACTED,** That the provisions of this Act
28 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 6. 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 2007 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

1 action required by the General Assembly. The publisher shall adequately describe any
2 such correction in an editor's note following the section affected.

3 SECTION 7. AND BE IT FURTHER ENACTED, That the publisher of the
4 Annotated Code of Maryland, in consultation with and subject to the approval of the
5 Department of Legislative Services, at the time of publication of a new supplement,
6 new volume, or replacement volume of the Annotated Code, shall make
7 nonsubstantive corrections to codification, style, capitalization, punctuation, grammar,
8 spelling, and any reference rendered obsolete by an Act of the General Assembly, with
9 no further action required by the General Assembly. The publisher shall adequately
10 describe any such correction in an editor's note following the section affected.

11 SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency
12 measure, is necessary for the immediate preservation of the public health or safety,
13 has been passed by a yea and nay vote supported by three-fifths of all the members
14 elected to each of the two Houses of the General Assembly, and shall take effect from
15 the date it is enacted.