

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

Committee Report: Favorable

Senate action: Adopted

Read second time: February 6, 2007

CHAPTER _____

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the
4 Annotated Code and 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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 BY repealing and reenacting, with amendments,
4 Article 41 – Governor – Executive and Administrative Departments
5 Section 4–403(b)(5)(i)
6 Annotated Code of Maryland
7 (2003 Replacement Volume and 2006 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Business Occupations and Professions
10 Section 2–321(d)
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Business Regulation
15 Section 5–310(a)(12), 11–831(4)(ii), 11–1302(5), and 11–1306(d)
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2006 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Commercial Law
20 Section 13–204(2), 14–1504(a), 14–1804, 14–1806, 14–2007(c), 14–2205(1),
21 14–2506, 14–2602(b), and 14–2705(a)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2006 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Correctional Services
26 Section 2–106(c)(1)(ii)
27 Annotated Code of Maryland
28 (1999 Volume and 2006 Supplement)

29 BY repealing and reenacting, with amendments,
30 Article – Courts and Judicial Proceedings
31 Section 2–309(o)(2)(v)2., 3–218, 3–2A–04(b)(1), 5–602(b), 5–803(a), and 10–703
32 Annotated Code of Maryland
33 (2006 Replacement Volume)

34 BY repealing and reenacting, with amendments,
35 Article – Courts and Judicial Proceedings
36 Section 3–8A–01(z)

1 Annotated Code of Maryland
2 (2006 Replacement Volume)
3 (As enacted by Chapter 387 of the Acts of the General Assembly of 2006)

4 BY repealing and reenacting, with amendments,
5 Article – Criminal Law
6 Section 13–406
7 Annotated Code of Maryland
8 (2002 Volume and 2006 Supplement)
9 (As enacted by Chapter 297 of the Acts of the General Assembly of 2006)

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 11–709(a)(1)
13 Annotated Code of Maryland
14 (2001 Volume and 2006 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 2–303(h)(1), 5–401(k), 8–408(a)(5), 8–416(c) and (g)(1) and (2)(i),
18 12–109(f), 12–113(b), 12–115(c)(1), 13–516(f), 14–104(n), 16–305(b)(10),
19 16–310(a)(2), 16–504(c)(1), 24–303(f), and 24–513(a)(4)
20 Annotated Code of Maryland
21 (2006 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article – Election Law
24 Section 10–205(b)(6)(ii)1.
25 Annotated Code of Maryland
26 (2003 Volume and 2006 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Family Law
29 Section 5–338(b) and 12–202(a)(2)(iii)
30 Annotated Code of Maryland
31 (2006 Replacement Volume)

32 BY repealing and reenacting, with amendments,
33 Article – Health – General
34 Section 5–603 Part IV: Signature and Witnesses
35 Annotated Code of Maryland
36 (2005 Replacement Volume and 2006 Supplement)
37 (As enacted by Chapter 522 of the Acts of the General Assembly of 2006)

- 1 BY repealing and reenacting, with amendments,
2 Article – Health – General
3 Section 10–203(b), 13–901(a)(2), 13–1506(2)(i), 15–139(c)(1), 18–338.3(b)(2)(i)
4 and (ii), and 19–3A–07(f)
5 Annotated Code of Maryland
6 (2005 Replacement Volume and 2006 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 19–1810
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2006 Supplement)
12 (As enacted by Chapter 478 of the Acts of the General Assembly of 2006)
- 13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 4–202(b)(4), 4–308(c) and (f), and 8–302(f)(4)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2006 Supplement)
- 18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 15–302.1(b)
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2006 Supplement)
23 (As enacted by Chapter 540 of the Acts of the General Assembly of 2006)
- 24 BY repealing and reenacting, with amendments,
25 Article – Housing and Community Development
26 The subtitle designation “Subtitle 11. Operating Assistance Grants” in Title 4
27 Annotated Code of Maryland
28 (2006 Volume)
- 29 BY repealing and reenacting, without amendments,
30 Article – Housing and Community Development
31 Section 4–1101(a), 6–303(b)(4), 12–206(a)(1)(i), 12–704(a)(3)(iii); and 16–109(3)
32 and the title designation “Title 16. Montgomery County”
33 Annotated Code of Maryland
34 (2006 Volume)
- 35 BY repealing and reenacting, with amendments,
36 Article – Insurance

- 1 Section 15–415(a) and 24–201(g)
2 Annotated Code of Maryland
3 (2006 Replacement Volume and 2006 Supplement)
- 4 BY repealing and reenacting, with amendments,
5 Article – Labor and Employment
6 Section 8–609(b)(3)
7 Annotated Code of Maryland
8 (1999 Replacement Volume and 2006 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–503(d)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2006 Supplement)
14 (As enacted by Chapter 270 of the Acts of the General Assembly of 2006)
- 15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 4–701.1(g)(6)(i)2.
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2006 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – Public Safety
22 Section 1–306(b)(12)(ii)
23 Annotated Code of Maryland
24 (2003 Volume and 2006 Supplement)
- 25 BY repealing and reenacting, with amendments,
26 Article – Public Utility Companies
27 Section 2–108(d)(8)(i), 7–509(c)(3), and 7–510(c)(4)(ii)1.
28 Annotated Code of Maryland
29 (1998 Volume and 2006 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article – Public Utility Companies
32 Section 7–505(b)(8)(ii)
33 Annotated Code of Maryland
34 (1998 Volume and 2006 Supplement)
35 (As enacted by Chapter 5 of the Acts of the General Assembly of the 2006
36 Special Session)

- 1 BY repealing and reenacting, with amendments,
2 Article – Real Property
3 Section 8A–1001(c), 10–608, and 14–117(j)(3)
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2006 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 2–701, 3–409(a)(4), 4–407(b)(2), 4–416(a), 5A–301, 5A–406,
9 12–107(b)(5) and (6), and 15–221.2(b)
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2006 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article – State Finance and Procurement
14 Section 5A–328(c)(2)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2006 Supplement)
17 (As enacted by Chapter 26 of the Acts of the General Assembly of 2005)
- 18 BY repealing
19 Article – State Finance and Procurement
20 Section 6–207 and 12–107(b)(7)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2006 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article – State Finance and Procurement
25 Section 19–115
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2006 Supplement)
28 (As enacted by Chapter 283 of the Acts of the General Assembly of 2006)
- 29 BY repealing and reenacting, with amendments,
30 Article – State Government
31 Section 2–1505(f), 6–110(a), (b), and (c), 6–406(a), (b)(2), and (c),
32 9–122(d)(3), 9–906(f)(1); the title designation “Title 13. Emblems;
33 Commemorative Days” immediately preceding section 13–101;
34 15–714(d)(1), and 18–101(b)(1)
35 Annotated Code of Maryland
36 (2004 Replacement Volume and 2006 Supplement)
- 37 BY repealing and reenacting, without amendments,

1 Article – State Government
2 Section 13–101
3 Annotated Code of Maryland
4 (2004 Replacement Volume and 2006 Supplement)

5 BY repealing
6 Article – State Personnel and Pensions
7 Section 29–115(c)
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2006 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article – State Personnel and Pensions
12 The title designation “Title 34. Postretirement Health Benefits”
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2006 Supplement)
15 (As enacted by Chapter 433 of the Acts of the General Assembly of 2006)

16 BY adding to
17 Article – State Personnel and Pensions
18 New subtitle designation “Subtitle 1. Postretirement Health Benefits Trust
19 Fund” to immediately precede Section 34–101
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2006 Supplement)
22 (As enacted by Chapter 433 of the Acts of the General Assembly of 2006)

23 BY repealing and reenacting, without amendments,
24 Article – State Personnel and Pensions
25 Section 34–101
26 Annotated Code of Maryland
27 (2004 Replacement Volume and 2006 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Tax – General
30 Section 10–205(h)(1), (2), and (4), 10–208(n)(1)(ii) and (2) and (o)(1) and (2),
31 10–720(e)(2)(i), and 13–918(a)(4)
32 Annotated Code of Maryland
33 (2004 Replacement Volume and 2006 Supplement)

34 BY repealing
35 Article – Tax – General
36 Section 10–306(d)
37 Annotated Code of Maryland

- 1 (2004 Replacement Volume and 2006 Supplement)
- 2 BY repealing and reenacting, with amendments,
3 Article – Tax – Property
4 Section 8–104(c)(3) and (4) and 8–219(a)(1)
5 Annotated Code of Maryland
6 (2001 Replacement Volume and 2006 Supplement)
- 7 BY repealing
8 Article – Tax – Property
9 Section 13–209(g)(3)(iii)
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2006 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 2–103.4(c)(4) and 8–408(b)
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2006 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 7–902(e)(1)(vi)
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2006 Supplement)
22 (As enacted by Chapter 18 of the Acts of the General Assembly of 2006)
- 23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 13–815(d)(1)(iii) and (iv), 16–205.1(f)(6)(ii), 18–107(d), and
26 21–1124(a)(3)
27 Annotated Code of Maryland
28 (2006 Replacement Volume and 2006 Supplement)
- 29 BY repealing and reenacting, with amendments,
30 Chapter 134 of the Acts of the General Assembly of 2001, as amended by
31 Chapter 153 of the Acts of the General Assembly of 2002, as amended by
32 Chapter 236 of the Acts of the General Assembly of 2003
33 Section 12
- 34 BY repealing and reenacting, with amendments,

1 Chapter 135 of the Acts of the General Assembly of 2001, as amended by
 2 Chapter 153 of the Acts of the General Assembly of 2002, as amended by
 3 Chapter 236 of the Acts of the General Assembly of 2003
 4 Section 12

5 BY repealing and reenacting, with amendments,
 6 Chapter 19 of the Acts of the General Assembly of 2006
 7 Section 2

8 BY repealing and reenacting, with amendments,
 9 Chapter 59 of the Acts of the General Assembly of 2006
 10 Section 4

11 BY repealing and reenacting, with amendments,
 12 Chapter 381 of the Acts of the General Assembly of 2006
 13 Section 4(b)(1)(vii)

14 BY repealing and reenacting, with amendments,
 15 Chapter 472 of the Acts of the General Assembly of 2006
 16 Section 3

17 BY repealing and reenacting, with amendments,
 18 Chapter 558 of the Acts of the General Assembly of 2006
 19 Section 2

20 BY repealing and reenacting, with amendments,
 21 Chapter 596 of the Acts of the General Assembly of 2006
 22 Section 2

23 BY repealing and reenacting, with amendments,
 24 The Public Local Laws of Frederick County
 25 Section 2-2-23(a), 2-3-1, 2-10-1, and 2-13-15(a)(1)
 26 Article 11 – Public Local Laws of Maryland
 27 (2004 Edition and June 2006 Supplement, as amended)

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

30 **Article 2B – Alcoholic Beverages**

31 6-301.

- 1 (n) (6) (i) 6. "Yacht or boat club" means a club or organization
 2 that:
- 3 A. May be operated for profit or not for profit; [and]
 4 B. Owns real property in Harford County; and
 5 C. Has not less than 150 bona fide dues-paying members
 6 and not less than 50 of whom own a yacht, boat, or other vessel.

7 DRAFTER'S NOTE:

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

9 Occurred: Ch. 70, Acts of 2005.

10 12-107.

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

19 DRAFTER'S NOTE:

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

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

22 12-108.

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

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

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

3 DRAFTER'S NOTE:

4 Error: Misplaced language in Article 2B, § 12–108(a)(1).

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

6 **Article 23A – Corporations – Municipal**

7 19.

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

19 DRAFTER'S NOTE:

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

21 Occurred: Ch. 693, Acts of 1975.

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

23 4–403.

24 (b) (5) Supplemental Grant.

25 (i) In addition to the payments made under paragraphs (1), (2),
26 [(3)](3), and (4) of this subsection, the State shall pay:

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

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

5 3. To each subdivision that borders the District of
6 Columbia, in addition to the amount required under item 1 of this subparagraph, an
7 amount the equivalent of fifty cents per capita living in this State within 1 mile of the
8 border.

9 DRAFTER'S NOTE:

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

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

12 **Article – Business Occupations and Professions**

13 2–321.

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

17 DRAFTER'S NOTE:

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

20 Occurred: Ch. 254, Acts of 2005.

21 **Article – Business Regulation**

22 5–310.

23 (a) Subject to the hearing provisions of § 5–312 of this subtitle, the Director
24 may deny a registration or permit to an applicant, reprimand a person subject to the
25 registration or permit provisions of this title, or suspend or revoke a registration or
26 permit if an applicant, registrant, or permit holder, or an agent, employee, officer,
27 director, or partner of the applicant, registrant, or permit holder:

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

3 DRAFTER'S NOTE:

4 Error: Incorrect conjunction in § 5–310(a)(12) of the Business Regulation
5 Article. Correction is consistent with § 13–101 of the Commercial Law Article, which
6 defines the term “unfair or deceptive trade practice” for purposes of Title 13 (the
7 “Maryland Consumer Protection Act”).

8 Occurred: Ch. 675, Acts of 1997.

9 11–831.

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

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

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

15 DRAFTER'S NOTE:

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

18 Occurred: Ch. 518, Acts of 1998.

19 11–1302.

20 The purposes of this compact are to:

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

23 DRAFTER'S NOTE:

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

26 Occurred: Ch. 180, Acts of 2006.

1 11–1306.

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

4 DRAFTER’S NOTE:

5 Error: Incorrect usage of the defined term “Commission” in § 11–1306(d) of the
6 Business Regulation Article.

7 Occurred: Ch. 180, Acts of 2006.

8 **Article – Commercial Law**

9 13–204.

10 In addition to any other of its powers and duties, the Division has the powers
11 and duties to:

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

14 DRAFTER’S NOTE:

15 Error: Incorrect conjunction in § 13–204(2) of the Commercial Law Article.
16 Correction is consistent with § 13–101 of the Commercial Law Article, which defines
17 the term “unfair or deceptive trade practice” for purposes of Title 13 (the “Maryland
18 Consumer Protection Act”).

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

20 14–1504.

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

23 DRAFTER’S NOTE:

24 Error: Incorrect conjunction in § 14–1504(a) of the Commercial Law Article.
25 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. 650, Acts of 1987.

4 14–1804.

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

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

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

11 **DRAFTER’S NOTE:**

12 Error: Incorrect conjunction in § 14–1804 of the Commercial Law 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. 703, Acts of 1985.

17 14–1806.

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

20 **DRAFTER’S NOTE:**

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

23 Occurred: Ch. 703, Acts of 1985.

24 14–2007.

25 (c) A violation of this subtitle shall be an unfair [and] **OR** deceptive trade
26 practice within the meaning of Title 13 of this article, except that a person who

1 recovers damages under this section for a violation of this subtitle shall not be entitled
2 to recover damages for the same violation under § 13–408 of this article.

3 DRAFTER’S NOTE:

4 Error: Incorrect conjunction in § 14–2007(c) 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. 602, Acts of 1995.

9 14–2205.

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

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

14 DRAFTER’S NOTE:

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

19 Occurred: Ch. 226, Acts of 1991.

20 14–2506.

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

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

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

24 DRAFTER’S NOTE:

25 Error: Stylistic error and incorrect conjunction in § 14–2506 of the Commercial
26 Law Article. Correction of incorrect conjunction is consistent with § 13–101 of the

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

3 Occurred: Ch. 537, Acts of 1992.

4 14–2602.

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

7 **DRAFTER’S NOTE:**

8 Error: Incorrect conjunction in § 14–2602(b) 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. 642, Acts of 1992.

13 14–2705.

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

16 **DRAFTER’S NOTE:**

17 Error: Incorrect conjunction in § 14–2705(a) of the Commercial Law 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. 51, Acts of 1994.

22 **Article – Correctional Services**

23 2–106.

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

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

1 2. serves at the pleasure of the Secretary.

2 DRAFTER'S NOTE:

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

4 Occurred: Ch. 54, Acts of 1999.

5 **Article – Courts and Judicial Proceedings**

6 2–309.

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

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

12 DRAFTER'S NOTE:

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

15 Occurred: Ch. 272, Acts of 2005.

16 3–218.

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

20 (1) The witness cannot be subpoenaed; or

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

22 DRAFTER'S NOTE:

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

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

1 3-2A-04.

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

3 (1) (i) 1. Except as provided in [subparagraph] **ITEM** (ii) of this
4 paragraph, a claim or action filed after July 1, 1986, shall be dismissed, without
5 prejudice, if the claimant or plaintiff fails to file a certificate of a qualified expert with
6 the Director attesting to departure from standards of care, and that the departure
7 from standards of care is the proximate cause of the alleged injury, within 90 days
8 from the date of the complaint; **AND**

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

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

15 1. The limitations period applicable to the claim or
16 action has expired; and

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

19 **DRAFTER'S NOTE:**

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

22 Occurred: Ch. 688, Acts of 1989.

23 3-8A-01.

24 (z) "Qualified expert" means a licensed psychologist or licensed psychiatrist
25 who:

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

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

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

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 3-8A-01(z) of the Courts and Judicial Proceedings
7 Article.

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

11 5-602.

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

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

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

18 (3) Sheltering persons during an emergency.

19 DRAFTER'S NOTE:

20 Error: Extraneous conjunction in § 5-602(b)(1) of the Courts and Judicial
21 Proceedings Article.

22 Occurred: Ch. 666, Acts of 1975.

23 5-803.

24 (a) (1) Whether or not an individual receives compensation for the
25 individual's services, an employee of a county health department or other local
26 department or agency functioning as a school nurse or school health aide or a member
27 of the administrative, educational, or support staff of, or an individual who serves

1 under a contract for services to, any public, private, or parochial school is immune
2 from liability for:

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

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

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

9 1. Under the influence of alcoholic beverages or a
10 controlled dangerous substance;

11 2. In possession of alcoholic beverages or a controlled
12 dangerous substance; or

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

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

18 DRAFTER'S NOTE:

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

21 Occurred: Ch. 546, Acts of 1990.

22 10–703.

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

28 DRAFTER'S NOTE:

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

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

4 **Article – Criminal Law**

5 **[13–406.] 13–1406.**

6 The County Commissioners may adopt [rules and] regulations to carry out this
7 subtitle, including age restrictions for participants in any activity involving a gaming
8 event or bingo.

9 DRAFTER’S NOTE:

10 Error: Erroneous section designation and extraneous language in § 13–1406 of
11 the Criminal Law Article.

12 Occurred: Ch. 297, Acts of 2006. Correction by the publisher of the Annotated
13 Code in the 2006 Supplement of the Criminal Law Article is ratified by this Act.

14 **Article – Criminal Procedure**

15 11–709.

16 (a) (1) (I) Every 3 months within 5 days after a [child sexual offender
17 or] sexually violent predator completes the registration requirements of § 11–707(a) of
18 this subtitle, a local law enforcement unit shall send notice of the [child sexual
19 offender’s or] sexually violent predator’s quarterly registration to the Department.

20 (II) **EVERY 6 MONTHS WITHIN 5 DAYS AFTER A CHILD**
21 **SEXUAL OFFENDER COMPLETES THE REGISTRATION REQUIREMENTS OF §**
22 **11–707(A) OF THIS SUBTITLE, A LOCAL LAW ENFORCEMENT UNIT SHALL SEND**
23 **NOTICE OF THE CHILD SEXUAL OFFENDER’S BIANNUAL REGISTRATION TO THE**
24 **DEPARTMENT.**

25 DRAFTER’S NOTE:

26 Error: Erroneous language in § 11–709(a)(1) of the Criminal Procedure Article.
27 Correction makes § 11–709(a)(1) consistent with the time period established for
28 registration of a child sexual offender in § 11–707(a)(1) of the Criminal Procedure
29 Article as enacted by Chapter 4 of the Acts of the Special Session of 2006.

1 Occurred: Ch. 4, Acts of the Special Session of 2006.

2 **Article – Education**

3 2–303.

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

8 (i) The Department of Juvenile Services;

9 (ii) The Developmental Disabilities [Administration,]
10 **ADMINISTRATION** or Mental Hygiene Administration of the Department of Health
11 and Mental Hygiene;

12 (iii) The Department of Public Safety and Correctional Services;

13 or

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

16 **DRAFTER'S NOTE:**

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

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

19 5–401.

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

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

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

1 DRAFTER'S NOTE:

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

3 Occurred: Ch. 288, Acts of 2002.

4 8–408.

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

8 DRAFTER'S NOTE:

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

11 Occurred: Ch. 347, Acts of 2006.

12 8–416.

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

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

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

26 DRAFTER'S NOTE:

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

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

2 12-109.

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

6 (i) The Governor;

7 (ii) The Chairman of the Board of Regents of the University
8 System of Maryland;

9 (iii) The Secretary of the Maryland Higher Education
10 Commission; and

11 (iv) The presiding officers of the Maryland General Assembly.

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

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

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

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

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

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

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

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

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

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

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

13 DRAFTER'S NOTE:

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

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

17 12–113.

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

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

24 DRAFTER'S NOTE:

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

26 Occurred: Ch. 515, Acts of 1999.

27 12–115.

1 (c) (1) A member of the Board of Regents may not, for the benefit of the
 2 Governor, Lieutenant Governor, Attorney General, **OR** Comptroller, [or] A member of
 3 the General Assembly, or A candidate for election to the office of Governor, Lieutenant
 4 Governor, Attorney General, Comptroller, or member of the General Assembly, engage
 5 in the following activities:

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

8 (ii) Serving on a fund-raising committee or a political
 9 committee;

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

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

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

16 **DRAFTER'S NOTE:**

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

19 Occurred: Ch. 60, Acts of 2006.

20 13-516.

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

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

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

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

- 1 [(iii)] **3.** Provide emergency medical transport;
- 2 [(2) (i)] **(II)** An emergency medical dispatcher may:
- 3 1. Perform medical interrogation in order to determine
- 4 the type and level of response required at the scene of a medical emergency; **AND**
- 5 2. Provide prearrival instructions including instructions
- 6 in cardiopulmonary resuscitation; and
- 7 [(ii) Participation in emergency medical dispatch programs by
- 8 jurisdictions is totally voluntary; and]
- 9 [(3)] **(III)** A first responder:
- 10 [(i)] **1.** May perform specified medical procedures as defined
- 11 by the EMS Board; and
- 12 [(ii)] **2.** May not be the primary emergency medical services
- 13 provider during emergency medical transport.
- 14 **(2) PARTICIPATION IN EMERGENCY MEDICAL DISPATCH**
- 15 **PROGRAMS BY JURISDICTIONS IS TOTALLY VOLUNTARY.**

16 **DRAFTER'S NOTE:**

17 Error: Stylistic errors and misplaced language in § 13-516(f) of the Education

18 Article.

19 Occurred: Ch. 201, Acts of 1997.

20 14-104.

21 (n) (1) Notwithstanding any other provision of law, and except as

22 provided in paragraph (2) of this subsection, the University shall use the statewide

23 Financial Management Information System administered by the Department of

24 Budget and Management as its accounting, budgeting, personnel, and payroll [system]

25 **SYSTEMS.**

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

4 DRAFTER’S NOTE:

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

6 Occurred: Ch. 485, Acts of 1994.

7 16–305.

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

9 (i) Allegany College of Maryland;

10 (ii) Garrett [Community] College;

11 (iii) Hagerstown Community College;

12 (iv) Carroll Community College;

13 (v) Cecil Community College;

14 (vi) Chesapeake College; or

15 (vii) Wor–Wic Community College.

16 DRAFTER’S NOTE:

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

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

19 16–310.

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

23 (ii) For each full–time equivalent student participating in the
24 reciprocity agreement, the State shall pay to Garrett [Community] College an amount

1 equal to the net State support per full-time equivalent student as provided in §
2 16–305 of this subtitle. For any fiscal year, if State appropriations for reimbursement
3 of any reciprocity agreements under this paragraph do not provide sufficient funds to
4 fully reimburse the college, the Governor shall include in the budget bill for the next
5 fiscal year a deficiency appropriation to provide the additional funds to fully reimburse
6 the college.

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

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

13 DRAFTER'S NOTE:

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

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

16 16–504.

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

19 DRAFTER'S NOTE:

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

21 Occurred: Ch. 220, Acts of 1990.

22 24–303.

23 (f) Each member of the Board:

24 (1) Serves without compensation; and

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

27 DRAFTER'S NOTE:

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

2 Occurred: Ch. 282, Acts of 1994.

3 24–513.

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

9 DRAFTER’S NOTE:

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

11 Occurred: Ch. 583, Acts of 1997.

12 Article – Election Law

13 10–205.

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

18 DRAFTER’S NOTE:

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

20 Occurred: Ch. 585, Acts of 1998.

21 Article – Family Law

22 5–338.

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

1 DRAFTER'S NOTE:

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

3 Occurred: Ch. 464, Acts of 2005.

4 12-202.

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

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

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

17 DRAFTER'S NOTE:

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

19 Occurred: Ch. 58, Acts of 1990.

20 **Article - Health - General**

21 5-603.

22 **PART IV: SIGNATURE AND WITNESSES**

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

25 _____
26 (Signature of Donor)

(Date)

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

4 _____
5 (Signature of [Donor] **WITNESS**) (Date)

6 _____
7 Telephone Number(s)

8 _____
9 (Signature of Witness) (Date)

10 _____
11 Telephone Number(s)

12 **DRAFTER’S NOTE:**

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

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

16 10–203.

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

20 **DRAFTER’S NOTE:**

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

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

25 13–901.

26 (a) (2) The Fund consists of moneys collected under [§ 16–111.1(f)] §
27 **16–111.2(F)** of the Transportation Article.

1 DRAFTER'S NOTE:

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

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

5 13-1506.

6 The Advisory Council shall:

7 (2) (i) Review proposed regulations submitted to the Advisory
8 Council in accordance with § 10-110 of the State Government Article to determine if
9 the proposed regulation:

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

14 2. Is consistent and uniform with the children's
15 environmental health policies, rules, regulations, and standards of other State
16 agencies; and

17 DRAFTER'S NOTE:

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

19 Occurred: Ch. 585, Acts of 2000.

20 15-139.

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

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

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

4 [(iii)] (II) Subject to adjustment in accordance with subsection
5 (e) of this section.

6 DRAFTER'S NOTE:

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

8 Occurred: Ch. 428, Acts of 2003.

9 18–338.3.

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

14 (2) (i) Informed consent, or substitute consent as required under §
15 18–338.1(c) of this [title,] **SUBTITLE**, of the patient to test a blood sample of the
16 patient for the presence of HIV was sought and the patient was unavailable or unable
17 to consent; or

18 (ii) Informed consent, or substitute consent as required under §
19 18–338.1(c) of this [title,] **SUBTITLE**, of the patient to test a blood sample already
20 obtained from the patient for the presence of HIV was sought, the patient refused, and
21 the patient was informed of the provisions of this subsection;

22 DRAFTER'S NOTE:

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

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

26 19–3A–07.

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

1 DRAFTER'S NOTE:

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

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

4 [19–1810.] **19–1811.**

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

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

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

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

14 (5) The Account is a continuing, nonlapsing fund, not subject to §
15 7–302 of the State Finance and Procurement Article.

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

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

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

24 DRAFTER'S NOTE:

25 Error: Incorrect section designation for § 19–1811 and omitted word in
26 § 19–1811(b) and (c) of the Health – General Article.

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

Article – Health Occupations

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4–202.

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

DRAFTER’S NOTE:

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

Occurred: Ch. 433, Acts of 1994.

4–308.

(c) While it is effective, a retired volunteer dentist’s license or a volunteer dentist’s license to practice dentistry issued under this title authorizes the licensee to practice dentistry:

(1) Only in a dental office, dental clinic, ambulatory care facility, or hospital;

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

(i) The State or a local government;

(ii) A bona fide charitable organization; or

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

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

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

1 (5) If the dentist does not otherwise practice dentistry for profit in
2 Maryland.

3 (f) While it is effective, a retired volunteer dental hygienist's license or a
4 volunteer hygienist's license to practice dental hygiene issued under this title
5 authorizes the licensee to practice dental hygiene:

6 (1) Only in a dental office, dental clinic, ambulatory care facility, or
7 hospital;

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

10 (i) The State or a local government;

11 (ii) A bona fide charitable organization; or

12 (iii) Any other entity authorized under regulations adopted by
13 the Board;

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

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

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

22 **DRAFTER'S NOTE:**

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

25 Occurred: Ch. 83, Acts of 2000.

26 8-302.

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

5 **DRAFTER'S NOTE:**

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

7 Occurred: Ch. 645, Acts of 1988.

8 15–302.1.

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

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

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

18 **DRAFTER'S NOTE:**

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

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

22 **Article – Housing and Community Development**

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

24 4–1101.

25 (a) The Department shall award operating assistance grants to nonprofit
26 organizations to increase their capacity to participate in housing projects and
27 activities authorized by the programs that are financed through the Homeownership
28 Programs Fund under § 4–502 of this title, the Rental Housing Programs Fund under

1 § 4–504 of this title, the Special Loan Programs Fund under § 4–505 of this title, or
2 otherwise financed totally or partly by the Department.

3 DRAFTER’S NOTE:

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

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

7 6–303.

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

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

11 DRAFTER’S NOTE:

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

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

17 12–206.

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

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

22 DRAFTER’S NOTE:

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

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

4 12–704.

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

8 (3) covenant against:

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

11 DRAFTER'S NOTE:

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

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

17 Title 16. Montgomery County.

18 16–109.

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

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

24 DRAFTER'S NOTE:

25 Error: Erroneous title designation for Title 16 and erroneous cross–reference in
26 § 16–109(3) of the Housing and Community Development Article.

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

4 Article – Insurance

5 15–415.

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

7 (2) “Group contract” means a health insurance contract or policy that:

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

10 (ii) provides hospital, medical, or surgical benefits on an
11 expense–incurred basis; and

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

13 (3) [“Succeeding policy” means a group contract that:

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

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

17 (4)] “Succeeding insurer” means the insurer or nonprofit health service
18 plan that issues a succeeding policy.

19 (4) **“SUCCEEDING POLICY” MEANS A GROUP CONTRACT THAT:**

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

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

23 DRAFTER’S NOTE:

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

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

1 24–201.

2 (g) “Surplus” does not include debt of the Society incurred in accordance with
3 [§ 3–116(b)] § **3–116(A)(1)** of this article to enable it to comply with a surplus
4 requirement.

5 DRAFTER’S NOTE:

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

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

8 **Article – Labor and Employment**

9 8–609.

10 (b) A new employer shall pay contributions at a rate that does not exceed
11 2.6% of the taxable wage base, and that is the highest of:

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

14 DRAFTER’S NOTE:

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

17 Occurred: Ch. 628, Acts of 1995.

18 9–503.

19 (d) A paid law enforcement employee of the Department of Natural
20 Resources who is a covered employee under § 9–207 of this title is presumed to have
21 an occupational disease that was suffered in the line of duty and is compensable under
22 this title if the employee:

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

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

1 DRAFTER'S NOTE:

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

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

6 **Article – Natural Resources**

7 4–701.1.

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

9 2. An individual who held a Maryland Provisional
10 [Charterboat] **CHESAPEAKE BAY CHARTER BOAT** Permit in accordance with
11 § 4–210.2 of this title;

12 DRAFTER'S NOTE:

13 Error: Omitted words and misspelling in § 4–701.1(g)(6)(i)2 of the Natural
14 Resources Article.

15 Occurred: Ch. 126, Acts of 2006.

16 **Article – Public Safety**

17 1–306.

18 (b) The Board's responsibilities include:

19 (12) authorizing expenditures from the 9–1–1 Trust Fund that:

20 (ii) are approved by the Board for [payment] **PAYMENT:**

21 1. from money collected under § 1–310 of this subtitle;

22 and

23 2. directly to a third party contractor on behalf of a
24 county.

1 DRAFTER'S NOTE:

2 Error: Omitted colon in § 1–306(b)(12)(ii) of the Public Safety Article.

3 Occurred: Ch. 451, Acts of 2003.

4 **Article – Public Utility Companies**

5 2–108.

6 (d) (8) (i) Except as provided in [paragraph] **SUBPARAGRAPH** (ii) of
7 this [item] **PARAGRAPH** or otherwise by law, all personnel of the Commission are
8 subject to the provisions of the State Personnel and Pensions Article.

9 DRAFTER'S NOTE:

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

11 Occurred: Ch. 8, Acts of 1998.

12 7–505.

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

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

17 DRAFTER'S NOTE:

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

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

23 7–509.

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

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

5 **DRAFTER'S NOTE:**

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

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

10 7-510.

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

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

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

24 **DRAFTER'S NOTE:**

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

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

28 **Article - Real Property**

29 8A-1001.

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

3 [(1)] (2) The receipt may be included in a written rental agreement.

4 [(2)] (3) The park owner shall be liable to the resident in the sum of
5 \$25 if the park owner fails to provide a written receipt for the security deposit.

6 [(3)] (4) The receipt or rental agreement shall contain language
7 informing the resident of his rights under this section to receive from the park owner a
8 written list of all existing damages if the resident makes a written request of the park
9 owner within 15 days of the resident's occupancy.

10 DRAFTER'S NOTE:

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

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

13 10-608.

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

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

21 DRAFTER'S NOTE:

22 Error: Incorrect conjunction in § 10-608(b) of the Real Property Article.
23 Correction is consistent with § 13-101 of the Commercial Law Article, which defines
24 the term "unfair or deceptive trade practice" for purposes of Title 13 (the "Maryland
25 Consumer Protection Act").

26 Occurred: Ch. 223, Acts of 1990.

27 14-117.

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

3 (i) The performance standards or guidelines adopted at the
4 time of the contract:

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

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

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

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

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

14 (iii) Any performance standards or guidelines adopted at the
15 time of the contract by a county or municipal corporation that are equal to or more
16 stringent than the performance standards or guidelines adopted at the time of the
17 contract:

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

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

21 **DRAFTER'S NOTE:**

22 Error: Misnomer in § 14-117(j)(3)(i)2, (ii)2, and (iii)2 of the Real Property
23 Article.

24 Occurred: Ch. 560, Acts of 2001.

25 **Article – State Finance and Procurement**

26 2-701.

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

- 1 (1) the Commission on African American History and Culture;
- 2 (2) the Commission on Indian Affairs; and
- 3 (3) the Office of Asian–Pacific American Affairs.

4 DRAFTER’S NOTE:

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

6 Occurred: Ch. 611, Acts of 1992.

7 3–409.

8 (a) In addition to any other powers granted and duties imposed by law, and
9 subject to any restrictions imposed by law, the Board has the following powers and
10 duties:

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

- 13 (i) the availability of personal information on the Internet;
- 14 (ii) the use of unsolicited bulk [e–mail] **ELECTRONIC MAIL**;
- 15 (iii) the use of encryption technology; and
- 16 (iv) the use of filters to screen out obscene or objectionable
17 material;

18 DRAFTER’S NOTE:

19 Error: Incorrect word usage in § 3–409(a)(4)(ii) of the State Finance and
20 Procurement Article. Correction is consistent with the use of the term “electronic
21 mail” throughout the State Finance and Procurement Article.

22 Occurred: Ch. 656, Acts of 1999.

23 4–407.

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

3 (i) the Board of Public Works; and

4 (ii) the Department of Budget and Management.

5 **DRAFTER'S NOTE:**

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

8 Occurred: Ch. 11, Acts of 1985.

9 4-416.

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

13 **DRAFTER'S NOTE:**

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

16 Occurred: Ch. 48, Acts of 1988.

17 5A-301.

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

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

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

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

1 ~~[(d)]~~**(E)** (1) “Historic property” means a district, site, building,
2 structure, monument, or object significant to:

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

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

6 (2) “Historic property” includes related artifacts, records, and remains.

7 **(F) “NONPROFIT ORGANIZATION” MEANS A CORPORATION,**
8 **FOUNDATION, OR OTHER LEGAL ENTITY, NO PART OF THE NET EARNINGS OF**
9 **WHICH INURES TO THE BENEFIT OF A PRIVATE SHAREHOLDER OR INDIVIDUAL**
10 **HOLDING AN INTEREST IN THE ENTITY.**

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

13 ~~[(e)]~~ **(H)** “Preservation” or “historic preservation” means the identification,
14 evaluation, recordation, documentation, curation, acquisition, protection,
15 management, rehabilitation, restoration, stabilization, maintenance, and
16 reconstruction of a historic property.

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

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

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

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

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

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

28 **DRAFTER’S NOTE:**

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

3 Occurred: Ch. 440, Acts of 2005. Ch. 440, Acts of 2005 transferred the
4 Maryland Historical Trust from the Department of Housing and Community
5 Development to the Department of Planning, but failed to transfer required
6 definitions.

7 5A–328.

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

11 DRAFTER’S NOTE:

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

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

17 5A–406.

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

21 DRAFTER’S NOTE:

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

24 Occurred: Ch. 187, Acts of 2006.

25 [6–207.

26 Before using a financial institution as a depository, the Treasurer shall consider
27 the extent to which the financial institution makes higher education loans under Title
28 18, Subtitle 10 of the Education Article.]

1 DRAFTER'S NOTE:

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

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

7 12–107.

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

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

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

14 1. supplies funded by the proceeds from State general
15 obligation bonds; and

16 2. insurance;

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

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

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

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

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

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

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

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

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

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

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

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

21 **DRAFTER'S NOTE:**

22 **Error:** Stylistic errors in § 12–107(b)(5)(v) and (b)(6)(ii) and obsolete provision in
23 § 12–107(b)(7) of the State Finance and Procurement Article.

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

29 15–221.2.

30 (b) The Appeals Board may award to a contractor the reasonable costs of
31 filing and pursuing a claim, including reasonable [attorney] **ATTORNEY'S** fees, if the

1 Appeals Board finds that the conduct of unit personnel in processing a contract claim
2 is in bad faith or without substantial justification.

3 DRAFTER'S NOTE:

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

7 Occurred: Ch. 682, Acts of 1996.

8 19–115.

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

11 “The undersigned bidder hereby certifies and agrees that the following
12 information is correct:

13 In preparing its bid on this project, the bidder has considered all proposals
14 submitted from qualified, potential subcontractors and suppliers, and has not engaged
15 in “discrimination” as defined in § 19–103 of the [State Government Article] **STATE**
16 **FINANCE AND PROCUREMENT ARTICLE** of the Annotated Code of Maryland; to wit:
17 discrimination in the solicitation, selection, or [commerical] **COMMERCIAL** treatment
18 of any subcontractor, vendor, supplier, or commercial customer on the basis of race,
19 color, religion, ancestry or national origin, sex, age, marital status, sexual orientation,
20 or on the basis of disability or other unlawful forms of discrimination. Without limiting
21 the foregoing, “discrimination” also includes retaliating against any person or other
22 entity for reporting any incident of “discrimination”. Without limiting any other
23 provision of the solicitation for bids on this project, it is understood and agreed that, if
24 this certification is false, such false certification will constitute grounds for the State
25 to reject the bid submitted by the bidder on this project, and terminate any contract
26 awarded based on the bid. As part of its bid or proposal, the bidder shall provide to the
27 State a list of all instances within the immediate past 4 years where there has been a
28 final adjudicated determination in a legal or administrative proceeding in the State of
29 Maryland that the bidder discriminated against its subcontractors, vendors, suppliers,
30 or commercial customers, and a description of the status or resolution of that
31 complaint, including any remedial action taken. As a condition of submitting a bid or
32 proposal to the State, the bidder agrees to comply with the State’s Commercial
33 Nondiscrimination Policy as described under Title 19 of the State Finance and
34 Procurement Article of the Annotated Code of Maryland.”.

1 DRAFTER'S NOTE:

2 Error: Erroneous cross-reference and misspelling in § 19-115 of the State
3 Finance and Procurement Article.

4 Occurred: Ch. 283, Acts of 2006. Correction by the publisher of the Annotated
5 Code in the 2006 Supplement to the 2006 Replacement Volume is ratified by this Act.

6 **Article – State Government**

7 2-1505.

8 (f) As soon as possible after the adoption of an amendment that changes the
9 fiscal impact of a bill, the Department of Legislative Services shall:

10 (1) prepare a revised fiscal note for the bill; **AND**

11 (2) send the revised note:

12 (i) to the chairman of the committee to which the bill is referred
13 in the house of origin;

14 (ii) if the bill has reached the opposite house, to the chairman of
15 the committee to which the bill is referred in that house;

16 (iii) if the bill is in the custody of either the Secretary of the
17 Senate or the Chief Clerk of the House, to that officer; and

18 (iv) to the primary sponsor of the bill.

19 DRAFTER'S NOTE:

20 Error: Missing conjunction “and” between § 2-1505(f)(1) and (2) of the State
21 Government Article.

22 Occurred: Ch. 311, Acts of 1984.

23 6-110.

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

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

4 (1) on and after the date that the Attorney General sets in the notice;
5 and

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

8 (c) If the Attorney General has not given notice, but the members of the
9 Board of Public Works and the presiding officers of the General Assembly, by a
10 majority vote, make a formal, written determination of a temporary inability or
11 unavailability of the Attorney General, the [senior] **CHIEF** Deputy Attorney General
12 shall serve as acting Attorney General:

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

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

18 **DRAFTER'S NOTE:**

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

20 Occurred: As a result of administrative changes in the Office of the Attorney
21 General.

22 6–406.

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

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

28 (2) findings, actions, and recommendations, related to the
29 investigations of disciplinary actions, grievances, incident reports, and alleged cases of
30 child abuse and neglect; and

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

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

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

12 **DRAFTER’S NOTE:**

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

15 Occurred: Ch. 12, Acts of 2006.

16 9–122.

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

19 (i) an adult member of the minor’s family; or

20 (ii) a guardian of the minor.

21 **DRAFTER’S NOTE:**

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

23 Occurred: Ch. 284, Acts of 1984.

24 9–906.

25 (f) To qualify for a plot in a State veterans’ cemetery:

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

4 DRAFTER'S NOTE:

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

6 Occurred: Ch. 238, Acts of 2006.

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

8 13–101.

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

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

12 DRAFTER'S NOTE:

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

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

16 15–714.

17 (d) (1) A regulated lobbyist who is subject to this section or a person
18 acting on behalf of the regulated lobbyist may not, for the benefit of the Governor,
19 Lieutenant Governor, Attorney General, **OR** Comptroller, or **A** member of the General
20 Assembly, or **A** candidate for election to the office of Governor, Lieutenant Governor,
21 Attorney General, Comptroller, or member of the General Assembly, engage in the
22 following activities:

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

25 (ii) serving on a fund-raising committee or a political
26 committee;

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

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

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

7 **DRAFTER'S NOTE:**

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

9 Occurred: Ch. 562, Acts of 1997.

10 18-101.

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

14 **DRAFTER'S NOTE:**

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

16 Occurred: Ch. 31, Acts of 1997.

17 **Article - State Personnel and Pensions**

18 29-115.

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

21 **DRAFTER'S NOTE:**

22 Error: Obsolete language in § 29-115(c) of the State Personnel and Pensions
23 Article.

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

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

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

2 34–101.

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

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

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

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

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

17 (2) Notwithstanding any other provision of law:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **DRAFTER'S NOTE:**

15 **Error:** Incorrect title and omitted Subtitle 1 immediately preceding § 34-101 of
 16 the State Personnel and Pensions Article.

17 **Occurred:** Ch. 433, Acts of 2006. Correction by the publisher of the Annotated
 18 Code in the 2006 Supplement of the State Personnel and Pensions Article is ratified by
 19 this Act.

20 **Article - Tax - General**

21 10-205.

22 (h) (1) (i) In this subsection the following words have the meanings
 23 indicated.

24 **(II) "ACCOUNT HOLDER" MEANS AN ACCOUNT HOLDER AS**
 25 **DEFINED IN § 18-1901 OF THE EDUCATION ARTICLE OR ACCOUNT HOLDER AS**
 26 **DEFINED IN § 18-19A-01 OF THE EDUCATION ARTICLE.**

27 **[(ii)](III) ["Contributor" and "qualified] "QUALIFIED**
 28 **designated beneficiary" [have] HAS the [meanings] MEANING** stated in § 18-19A-01
 29 of the Education Article.

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

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

6 (2) The addition under subsection (a) of this section includes the
7 amount of:

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

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

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

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

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

27 **DRAFTER’S NOTE:**

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

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

31 10–208.

1 (n) (1) (ii) ["Purchaser"] **"ACCOUNT HOLDER"** has the meaning
2 stated in § 18-1901 of the Education Article.

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

7 (o) (1) In this subsection, **"ACCOUNT HOLDER"**, "investment account",
8 "qualified designated beneficiary", ["contributor"], and "qualified higher education
9 expenses" have the meanings stated in § 18-19A-01 of the Education Article.

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

13 **DRAFTER'S NOTE:**

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

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

17 10-306.

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

21 **DRAFTER'S NOTE:**

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

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

24 10-720.

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

- 1 1. the number of certifications and taxpayers claiming
2 the credit under this section;
- 3 2. the name and physical location of each taxpayer
4 issued an initial credit certificate;
- 5 3. the maximum credit amount approved for each
6 taxpayer;
- 7 4. the geographical distribution of the credits claimed;
8 and
- 9 5. any other available information the Administration
10 determines to be meaningful and appropriate.

11 DRAFTER'S NOTE:

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

13 Occurred: Ch. 129, Acts of 2006.

14 13-918.

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

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

19 DRAFTER'S NOTE:

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

21 Occurred: Ch. 19, Acts of 1998.

22 **Article – Tax – Property**

23 8-104.

24 (c) (3) The Department or supervisor shall revalue real property under
25 [subparagraphs (i), (ii), (iv), (v), and (vi) of paragraph (1)] **PARAGRAPH (1)(I), (II),**

1 (IV), (V), AND (VI) of this subsection on the semiannual date of finality. The
2 revaluation shall be effective for the taxable year beginning on the semiannual date of
3 finality, if the notice under this title is sent no later than 30 days after the semiannual
4 date of finality.

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

9 DRAFTER'S NOTE:

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

11 Occurred: Ch. 191, Acts of 1986.

12 8-219.

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

15 DRAFTER'S NOTE:

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

17 Occurred: Ch. 8, Acts of 1985.

18 13-209.

19 (g) (3) [(iii) 1. Except as provided in subparagraph 2 of this
20 subparagraph, this subsection does not apply to any fiscal year for which the Governor
21 is required under § 3-216(g) of the Transportation Article to include an appropriation
22 to the Transportation Trust Fund.

23 2. This subsection applies in any fiscal year in which the
24 cumulative amount required to be appropriated under § 3-216(g) of the
25 Transportation Article has been paid and there is excess surplus under subsection
26 (g)(1) of this section.]

27 DRAFTER'S NOTE:

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

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

4 **Article – Transportation**

5 2-103.4.

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

7 (i) The collective bargaining rights of members of the transit
8 workers union;

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

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

13 DRAFTER'S NOTE:

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

15 Occurred: Ch. 168, Acts of 1992.

16 7-902.

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

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

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

27 DRAFTER'S NOTE:

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

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

4 8–408.

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

7 (1) First, to pay debt service on outstanding bonds or other evidences
8 of obligation issued before June 1, 1947, by or for the county or any municipality in the
9 county to finance construction, reconstruction, or maintenance of roads or streets, to
10 the extent that gasoline tax revenues have been lawfully dedicated, pledged, or
11 otherwise committed to that debt service, so that the dedication, pledge, or
12 commitment remains unimpaired and continues as a charge against the county's share
13 of the gasoline tax to the same extent that it was a charge against any gasoline tax
14 revenues under prior laws; and

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

16 (i) The cost of transportation facilities, as defined in § 3–101 of
17 this article;

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

20 (iii) The construction, reconstruction, or maintenance of county
21 roads; and

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

26 DRAFTER'S NOTE:

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

28 Occurred: Ch. 521, Acts of 1977.

1 13–815.

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

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

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

10 DRAFTER’S NOTE:

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

13 Occurred: Ch. 296, Acts of 2000.

14 16–205.1.

15 (f) (6) (ii) A request for A hearing scheduled under this paragraph does
16 not extend the period for which the person is authorized to drive, and the suspension
17 and, if applicable, the disqualification shall become effective on the expiration of the
18 45–day period that begins on the date of the issuance of the order of suspension.

19 DRAFTER’S NOTE:

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

21 Occurred: Ch. 413, Acts of 1990.

22 18–107.

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

26 DRAFTER’S NOTE:

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

5 Occurred: Ch. 269, Acts of 1988.

6 21–1124.

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

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

10 (ii) A text messaging device.

11 DRAFTER’S NOTE:

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

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

14 **Chapter 134 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 135 of the Acts of 2001, as amended by Chapter 153 of the Acts of**
25 **2002, as amended by Chapter 236 of the Acts of 2003**

26 SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act
27 shall take effect July 1, 2001. [It shall remain effective for a period of 5 years and, at

1 the end of June 30, 2006, with no further action required by the General Assembly,
2 Section 3 of this Act shall be abrogated and of no further force and effect.]

3 DRAFTER'S NOTE:

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

6 Occurred: Ch. 22, Acts of 2006.

7 **Chapter 19 of the Acts of 2006**

8 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the
9 appointed members of the Stem Cell Research Commission established under Section
10 1 of this Act shall expire as follows:

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

12 (2) [six] SEVEN in 2009.

13 DRAFTER'S NOTE:

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

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

17 **Chapter 59 of the Acts of 2006**

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

22 DRAFTER'S NOTE:

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

24 Occurred: Ch. 59, Acts of 2006.

25 **Chapter 381 of the Acts of 2006**

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

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

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

4 1. one representative of the environmental community;

5 2. one representative of the State Builders Association;

6 and

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

8 DRAFTER'S NOTE:

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

10 Occurred: Ch. 381, Acts of 2006.

11 **Chapter 472 of the Acts of 2006**

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

18 DRAFTER'S NOTE:

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

20 Occurred: Ch. 472, Acts of 2006.

21 **Chapter 558 of the Acts of 2006**

22 SECTION 2. AND BE IT FURTHER ENACTED, That on or before September
23 1, 2006, September 1, 2007, September 1, 2008, September 1, 2009, and [September]
24 **SEPTEMBER 1**, 2010, each county board shall:

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

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

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

9 (ii) the State Department of Education.

10 DRAFTER'S NOTE:

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

12 Occurred: Ch. 558, Acts of 2006.

13 Chapter 596 of the Acts of 2006

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

16 DRAFTER'S NOTE:

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

18 Occurred: Ch. 596, Acts of 2006. Correction is consistent with the October 1,
19 2006 effective date of the Housing and Community Development Article which is
20 amended by Ch. 596, Acts of 2006.

21 Article 11 - Frederick County

22 2-2-23.

23 (a) The board of county commissioners may abolish any water or sewer
24 authority created by the board of county commissioners pursuant to the provisions of
25 [§§ 445 through 466 of article 43] **TITLE 9, SUBTITLE 9 OF THE ENVIRONMENT**
26 **ARTICLE** of the Annotated Code of Maryland, or by public local law enacted by the
27 General Assembly, and may abolish any sanitary district or commission created
28 pursuant to the provisions of [§§ 645 through 673 of article 43] **TITLE 9, SUBTITLE 6**

1 **OF THE ENVIRONMENT ARTICLE** or enacted by public local law by the General
2 Assembly. After such an authority, district or commission has been so abolished, or if
3 none exists, the board of county commissioners shall create a department of public
4 works and shall provide for its organization and functions.

5 DRAFTER'S NOTE:

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

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

9 2-3-1.

10 Upon conviction before a court of competent jurisdiction, any person violating or
11 refusing to comply with any of the provisions of [§§ 191 to 198, both inclusive, of
12 article 56] **ARTICLE 24, TITLE 11, SUBTITLE 5** of the Annotated Code of Maryland[,
13 1957,] shall be guilty of a misdemeanor, and shall be fined a sum of not less than
14 twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) or shall be
15 imprisoned in the county jail for not more than three (3) months, or shall be both fined
16 and imprisoned. It is the duty of the state's attorney, the sheriff and the law
17 enforcement officers of the county to prosecute all persons found violating the law by
18 refusing to comply with its provisions.

19 DRAFTER'S NOTE:

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

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

23 2-10-1.

24 Every person shall have the power and authority to employ an unlicensed
25 plumber or a mechanic to do repair work about his premises situated in the county,
26 such as the repair of pumps, windmills, pipes, machinery and work of like nature.
27 Such plumber or mechanic shall not be compelled to take out any master [plumber's
28 certificate] **PLUMBER LICENSE**; provided, that if such premises are situated in any
29 town, village or city in the county having more than one thousand inhabitants and the
30 repair work to be done is plumbing work, then no such plumber or mechanic shall
31 perform such work, unless he [has first taken out a plumber's certificate as provided
32 in Annotated Code of Maryland, 1957, Article 43, §§ 326 to 333, inclusive] **IS**

1 **LICENSED AS A PLUMBER IN ACCORDANCE WITH TITLE 12, SUBTITLE 3 OF THE**
2 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OF THE ANNOTATED**
3 **CODE OF MARYLAND.**

4 DRAFTER'S NOTE:

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

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

8 2-13-15.

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

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

15 DRAFTER'S NOTE:

16 Error: Incorrect cross-references in § 2-13-15(a)(1) of the Public Local Laws of
17 Frederick County.

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That the publishers of the
20 Annotated Code of Maryland, in consultation with and subject to the approval of the
21 Department of Legislative Services, with no further action required by the General
22 Assembly, shall correct throughout the Code any references to the federal "Veterans
23 Administration" to be the federal "Department of Veterans Affairs." The publishers
24 shall make these corrections in the 2007 Supplements and 2007 Replacement Volumes
25 and shall adequately describe any such correction in an editor's note following any
26 section affected.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the publisher of the
28 Annotated Code of Maryland, subject to the approval of the Department of Legislative
29 Services, shall make any changes in the text of the Annotated Code necessary to
30 effectuate any termination provision that was enacted by the General Assembly and
31 has taken effect or will take effect prior to October 1, 2007. Any enactment of the 2007

1 Session of the General Assembly that negates or extends the effect of a previously
2 enacted termination provision shall prevail over the provisions of this section.

3 SECTION 4. AND BE IT FURTHER ENACTED, That the Drafter's Notes
4 contained in this Act are not law and may not be considered to have been enacted as
5 part of this Act.

6 SECTION 5. AND BE IT FURTHER ENACTED, That the provisions of this Act
7 are intended solely to correct technical errors in the law and there is no intent to
8 revive or otherwise affect law that is the subject of other acts, whether those acts were
9 signed by the Governor prior to or after the signing of this Act.

10 SECTION 6. AND BE IT FURTHER ENACTED, That any reference in the
11 Annotated Code of Maryland rendered obsolete by an Act of the General Assembly of
12 2007 shall be corrected by the publisher of the Annotated Code, in consultation with
13 and subject to the approval of the Department of Legislative Services, with no further
14 action required by the General Assembly. The publisher shall adequately describe any
15 such correction in an editor's note following the section affected.

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

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