

SENATE BILL 382

P5

EMERGENCY BILL

9lr0379

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

Introduced and read first time: February 2, 2009

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 19, 2009

CHAPTER _____

1 AN ACT concerning

2 **Annual Corrective Bill**

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

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 8–222(b)(2) and 11–513(b)(3)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 8–222(e)(1), (4), (5), and (6)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2008 Supplement)
22 (As enacted by Chapter 531 of the Acts of the General Assembly of 2008)

23 BY repealing and reenacting, with amendments,

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 Article 2B – Alcoholic Beverages
2 Section 9–204.1(c)(1)(iii)5.
3 Annotated Code of Maryland
4 (2005 Replacement Volume and 2008 Supplement)
5 (As enacted by Chapter 184 of the Acts of the General Assembly of 2008)
- 6 BY repealing and reenacting, with amendments,
7 Article 24 – Political Subdivisions – Miscellaneous Provisions
8 Section 15–102.1(f)(1)
9 Annotated Code of Maryland
10 (2005 Replacement Volume and 2008 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article 24 – Political Subdivisions – Miscellaneous Provisions
13 Section 22–109(a)(2)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2008 Supplement)
16 (As enacted by Chapter 468 of the Acts of the General Assembly of 2008)
- 17 BY repealing and reenacting, with amendments,
18 Article 66B – Land Use
19 Section 4.01(d) and 5.05(a)
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2008 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – Business Occupations and Professions
24 Section 21–208(e)
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2008 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Business Regulation
29 Section 4–304.1(d)(1), 4.5–202(c)(5), 8–405(e) and (f)(2), 11–1203(a), 16–210(b),
30 and 17–1804(d)(2) and (3)
31 Annotated Code of Maryland
32 (2004 Replacement Volume and 2008 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article – Commercial Law
35 Section 11–304(l)(1) and (m)(2)(ii), 12–105(c)(4), 13–204(14)(ii), and
36 13–301(10)(ii)
37 Annotated Code of Maryland
38 (2005 Replacement Volume and 2008 Supplement)
- 39 BY repealing and reenacting, with amendments,
40 Article – Corporations and Associations
41 Section 2–418(a)(5)

1 Annotated Code of Maryland
2 (2007 Replacement Volume and 2008 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Correctional Services
5 Section 3–511(a), 8–209(a), 9–202(a)(3)(i), and 9–504(a)(2)
6 Annotated Code of Maryland
7 (2008 Replacement Volume and 2008 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 2–309(n)(1), 3–819 (b)(1)(ii)1., 3–823(k), and 3–8A–27(a)(2)
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 3–303(d)(3)
16 Annotated Code of Maryland
17 (2002 Volume and 2008 Supplement)
18 (As enacted by Chapter 345 of the Acts of the General Assembly of 2008)

19 BY repealing and reenacting, with amendments,
20 Article – Criminal Procedure
21 Section 10–105(a)(9)(ix), 10–221(b), and 12–210(c)
22 Annotated Code of Maryland
23 (2008 Replacement Volume)

24 BY repealing and reenacting, with amendments,
25 Article – Economic Development
26 Section 5–445(b)(12)(iii) and 13–503(a)(3)
27 Annotated Code of Maryland
28 (2008 Volume)

29 BY repealing and reenacting, with amendments,
30 Article – Economic Development
31 Section 12–211(a)
32 Annotated Code of Maryland
33 (2008 Volume)
34 (As enacted by Chapter 306 of the Acts of the General Assembly of 2008)

35 BY repealing
36 Article – Economic Development
37 The part designation “Part III. Consumer Affairs” immediately preceding
38 former Section 13–628
39 Annotated Code of Maryland
40 (2008 Volume)

- 1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 6–302(a)(3), 7–426(b)(2) and (3), 7–910(a), 10–205(c),
4 11–105(e)(3), 11–501, 11–502(b)(4), 14–302(a), 17–104(a)(1),
5 18–402(b), 18–601(a)(5), (d)(3)(i), (ii), and (vi), and (g),
6 18–705(a)(3)(ii), 24–106(c)(2), and 24–524(b)(1)
7 Annotated Code of Maryland
8 (2008 Replacement Volume)
- 9 BY repealing
10 Article – Education
11 The subtitle designation “Subtitle 1. Correctional Institutions” immediately
12 preceding former Section 22–101
13 Annotated Code of Maryland
14 (2008 Replacement Volume)
15 (As enacted by Chapter 134 of the Acts of the General Assembly of 2008)
- 16 BY repealing and reenacting, with amendments,
17 Article – Environment
18 Section 1–607(a)(3)(iii) and (b)(4)(ii), 2–403(c)(3), and 9–421(b)
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2008 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Environment
23 Section 9–1617.1(b)(3)
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2008 Supplement)
26 (As enacted by Chapter 121 of the Acts of the General Assembly of 2008)
- 27 BY repealing and reenacting, with amendments,
28 Article – Family Law
29 Section 5–323(d)(3)(iv), 5–3B–22(b)(1)(iii)5., 10–301(o), (x), and (y), and
30 10–350(a)
31 Annotated Code of Maryland
32 (2006 Replacement Volume and 2008 Supplement)
- 33 BY repealing and reenacting, with amendments,
34 Article – Financial Institutions
35 Section 13–801(a)
36 Annotated Code of Maryland
37 (2003 Replacement Volume and 2008 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – Health – General
40 Section 5–509(c)(7), 18–206(g)(2)(ii)6., 19–120(h)(2)(iii), 19–344(c)(1),
41 19–1401(a), and 24–1605(k)
42 Annotated Code of Maryland

1 (2005 Replacement Volume and 2008 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Health Occupations

4 The subtitle designation “Subtitle 2. State Board of Chiropractic and Massage

5 Therapy Examiners” immediately preceding Section 3–201

6 Annotated Code of Maryland

7 (2005 Replacement Volume and 2008 Supplement)

8 BY repealing and reenacting, without amendments,

9 Article – Health Occupations

10 Section 3–201

11 Annotated Code of Maryland

12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Health Occupations

15 Section 7–410(c)(7), 12–101(s)(1)(viii), 14–5B–04(b)(1), 14–5B–06(2) and (3), and

16 16–311(a)(21)

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Health Occupations

21 Section 7–4A–03(e)

22 Annotated Code of Maryland

23 (2005 Replacement Volume and 2008 Supplement)

24 (As enacted by Chapter 532 of the Acts of the General Assembly of 2008)

25 BY repealing and reenacting, with amendments,

26 Article – Health Occupations

27 Section 17–405.1

28 Annotated Code of Maryland

29 (2005 Replacement Volume and 2008 Supplement)

30 (As enacted by Chapter 505 of the Acts of the General Assembly of 2008)

31 BY repealing and reenacting, with amendments,

32 Article – Labor and Employment

33 Section 3–415(c)(1), 9–303(c), and 11–906(a)

34 Annotated Code of Maryland

35 (2008 Replacement Volume)

36 BY repealing and reenacting, with amendments,

37 Article – Labor and Employment

38 Section 11–806

39 Annotated Code of Maryland

40 (2008 Replacement Volume)

41 (As enacted by Chapter 134 of the Acts of the General Assembly of 2008)

- 1 BY repealing and reenacting, with amendments,
2 Article – Natural Resources
3 Section 1–403(c), 3–104(n)(1), 4–735(d), 4–1008(a)(3), and 5–903(d)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2008 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Natural Resources
8 Section 8–2A–03(b)(6) and (c)(1)(i)
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2008 Supplement)
11 (As enacted by Chapter 121 of the Acts of the General Assembly of 2008)
- 12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 8–2A–04(c)(2)(iv), 8–1801(a)(4), 8–1802(a)(4), and 8–1808.1(e)(1)(ii)1.
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2008 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 14–3A–01(e)(1) and (2)
20 Annotated Code of Maryland
21 (2003 Volume and 2008 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – Public Utility Companies
24 Section 2–110(c)(3), (6), (10)(i) and (ii), and (12), 6–206(b)(1),
25 6–210(b)(3), 7–211(f)(3), 12–311(e), and 13–208(b)
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2008 Supplement)
- 28 BY repealing and reenacting, with amendments,
29 Article – Real Property
30 Section 8–203.1(a)(5) and (6), 8–402.4(c)(4), 11–103.1(b)(2), and
31 14–120(o)
32 Annotated Code of Maryland
33 (2003 Replacement Volume and 2008 Supplement)
- 34 BY repealing
35 Article – State Finance and Procurement
36 The subtitle designation “Subtitle 4. Information Processing” immediately
37 preceding Section 3–401
38 Annotated Code of Maryland
39 (2006 Replacement Volume and 2008 Supplement)
- 40 BY repealing and reenacting, with amendments,

- 1 Article – State Finance and Procurement
2 Section 3–401, 5–7A–01(6), 7–326(c), and 11–203(a)(1)(xii)
3 Annotated Code of Maryland
4 (2006 Replacement Volume and 2008 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – State Government
7 Section 2–10A–11(e)
8 Annotated Code of Maryland
9 (2004 Replacement Volume and 2008 Supplement)
10 (As enacted by Chapter 469 of the Acts of the General Assembly of 2007)
- 11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 2–1505(j)(1), 10–502(c)(4) and (h)(1)(ii)3., and 10–616(p)(5)(viii)
14 Annotated Code of Maryland
15 (2004 Replacement Volume and 2008 Supplement)
- 16 BY repealing
17 Article – State Government
18 Section 9–1801 through 9–1809, 9–1811, and 9–1812 and the subtitle “Subtitle
19 18. Council on Management and Productivity”
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2008 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – State Personnel and Pensions
24 Section 22–406(c)(10)(vi) and 23–407(c)(10)(vi)
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2008 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Tax – General
29 Section 5–101(d)(2)
30 Annotated Code of Maryland
31 (2004 Replacement Volume and 2008 Supplement)
32 (As enacted by Chapter 702 of the Acts of the General Assembly of 2008)
- 33 BY repealing and reenacting, with amendments,
34 Article – Tax – General
35 Section 10–211.1(a) and 10–305(d)
36 Annotated Code of Maryland
37 (2004 Replacement Volume and 2008 Supplement)
- 38 BY repealing and reenacting, with amendments,
39 Article – Tax – Property
40 Section 7–211(c) and (d)
41 Annotated Code of Maryland

1 (2007 Replacement Volume and 2008 Supplement)
2 (As enacted by Chapter 338 of the Acts of the General Assembly of 2008)

3 BY repealing and reenacting, with amendments,
4 Article – Tax – Property
5 Section 14–812
6 Annotated Code of Maryland
7 (2007 Replacement Volume and 2008 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 2–103(f)(2)(ii) and (g)(2)(ii), 5–1002(d), and 8–610(h)
11 Annotated Code of Maryland
12 (2008 Replacement Volume)

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 7–208
16 Annotated Code of Maryland
17 (2008 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 25–111(i)(1)(i)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2008 Supplement)

23 BY repealing and reenacting, with amendments,
24 Chapter 131 of the Acts of the General Assembly of 2008
25 Section 3(b)

26 BY repealing and reenacting, with amendments,
27 Chapter 211 of the Acts of the General Assembly of 2008
28 Section 5(b)(7)

29 BY repealing and reenacting, with amendments,
30 Chapter 212 of the Acts of the General Assembly of 2008
31 Section 5(b)(7)

32 BY repealing and reenacting, with amendments,
33 Chapter 261 of the Acts of the General Assembly of 2008
34 Section 5

35 BY repealing and reenacting, with amendments,
36 Chapter 417 of the Acts of the General Assembly of 2008
37 Section 3

38 BY repealing and reenacting, with amendments,

1 Chapter 659 of the Acts of the General Assembly of 2008
2 Section 2(a) and (d)

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

5 **Article 2B – Alcoholic Beverages**

6 8–222.

7 (b) (2) The fee for such license shall be one hundred dollars (\$100) each
8 calendar year, and shall entitle the holder to sell beer at one or more locations within
9 the park from 8 a.m. to [12 p.m.] **MIDNIGHT** on every day from May 1 to September
10 30 of each year, except Sundays and election days.

11 DRAFTER’S NOTE:

12 Error: Stylistic error in Article 2B, § 8–222(b)(2).

13 Occurred: Ch. 716, Acts of 1961.

14 (e) (1) The Board of License Commissioners may issue a sidewalk [café]
15 **CAFE** license to a holder of a Class B or Class P [“pouring” license] **“POURING**
16 **LICENSE”**.

17 (4) A sidewalk [café] **CAFE** license may be issued only with an
18 application for a Class B license or Class P [“pouring” license] **“POURING LICENSE”**.

19 (5) To maintain a sidewalk [café] **CAFE** license, a holder:

20 (i) Shall comply with all rules and regulations applicable to the
21 issuance of the underlying Class B license or Class P [“pouring” license] **“POURING**
22 **LICENSE”** and with all municipal ordinances and fire and health department
23 regulations;

24 (ii) [Ensure] **SHALL ENSURE** that at least one employee is
25 certified by an alcohol awareness program and on the premises at all times during the
26 operation of the sidewalk [café] **CAFE**; and

27 (iii) [Keep] **SHALL KEEP** the kitchen open during all hours of
28 operation and have prepared meals available to be served in the sidewalk [café] **CAFE**.

29 (6) A holder may sell or serve alcoholic beverages in the sidewalk
30 [café] **CAFE** from noon to midnight, every day of the week.

31 DRAFTER’S NOTE:

1 Error: Stylistic errors in Article 2B, § 8–222(e)(1), (4), (5), and (6) and omitted
2 words in (5)(ii) and (iii).

3 Occurred: Ch. 531, Acts of 2008. Corrections by the publisher of the Annotated
4 Code in the 2008 Supplement of Article 2B of the Code are ratified by this Act.

5 9–204.1.

6 [(c) (1) (iii) 5.] (F) (2) (IV) For not more than three restaurants in a
7 business planned unit development in ward 24, precinct 5 of the 46th alcoholic
8 beverages district, which at all times shall be coterminous with the 46th Legislative
9 District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court
10 of Appeals on June 21, 2002, if each restaurant has a minimum capital investment of
11 \$700,000, a seating capacity that exceeds 75 persons but is not more than 150 persons,
12 average daily receipts from the sale of food that are at least 65% of the total daily
13 receipts of the restaurant, and no sales for off–premises consumption[; and].

14 DRAFTER’S NOTE:

15 Error: Codification error and extraneous conjunction in Article 2B, §
16 9–204.1.

17 Occurred: As a result of Ch. 425, Acts of 2008. Corrections by the publisher of
18 the Annotated Code in the 2008 Supplement of Article 2B of the Code are ratified by
19 this Act.

20 11–513.

21 (b) (3) During a baseball game only, a licensee **WHO HOLDS A STADIUM**
22 **ON–SALE LICENSE UNDER § 8–213.1 OF THIS ARTICLE** may not sell alcoholic
23 beverages:

24 (i) After the beginning of the eighth inning; or

25 (ii) During a doubleheader game, after the beginning of the
26 sixth inning of the second game.

27 DRAFTER’S NOTE:

28 Error: Omitted language and cross–reference in Article 2B, § 11–513(b)(3).

29 Occurred: Ch. 548, Acts of 2002.

30 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

31 15–102.1.

1 (f) (1) In **CARROLL COUNTY AND** St. Mary’s County, a person who
2 violates this section is committing a civil infraction and is subject to a civil penalty of:

3 (i) \$300 for the first violation; and

4 (ii) \$500 for any subsequent violation within a 24-month period
5 from the previous citation.

6 DRAFTER’S NOTE:

7 Error: Omitted reference to Carroll County in Article 24, § 15–102.1(f)(1).

8 Occurred: Ch. 254, Acts of 2008, rendered incorrect as a result of Ch. 221, Acts
9 of 2008. Correction suggested by the Attorney General in bill review letter for Senate
10 Bill 822 (Ch. 221) and House Bill 148 (Ch. 254).

11 22–109.

12 (a) The authority shall:

13 (2) Establish policies and procedures requiring the disclosure of
14 relationships that may give rise to a conflict of **INTEREST, INCLUDING REQUIRING**
15 **THAT ANY MEMBER OF THE BOARD WITH A** direct or indirect interest in a matter
16 before the authority disclose the member’s interest to the board before the board takes
17 any action on the matter; and

18 DRAFTER’S NOTE:

19 Error: Omitted words in Article 24, § 22–109(a)(2).

20 Occurred: Ch. 468, Acts of 2008. The error resulted from a misprint in the third
21 reader version of Senate Bill 911 (Ch. 468, Acts of 2008), which enacted Art. 24, §
22 22–109 of the Code. Correction by the publisher of the Annotated Code in the 2008
23 Supplement of Volume 1 of the Code is ratified by this Act.

24 **Article 66B – Land Use**

25 4.01.

26 (d) The powers granted to a local jurisdiction under this [subsection]
27 **SECTION** do not:

28 (1) Grant the local jurisdiction powers in any substantive area not
29 otherwise granted to the local jurisdiction by any other public general or public local
30 law;

1 (2) Restrict the local jurisdiction from exercising any power granted to
2 the local jurisdiction by any other public general or public local law or otherwise;

3 (3) Authorize the local jurisdiction or its officers to engage in any
4 activity which is beyond their power under any other public general law, public local
5 law, or otherwise; or

6 (4) Preempt or supersede the regulatory authority of any State
7 department or agency under any public general law.

8 DRAFTER'S NOTE:

9 Error: Stylistic error in Article 66B, § 4.01(d).

10 Occurred: Ch. 395, Acts of 1983.

11 5.05.

12 (a) Except as provided in §§ 14.03(c), [14.05(f)] **14.05(E)**, 14.06(d), and
13 14.07(e) and (f) of this article, an owner or agent of an owner of land located within a
14 subdivision who transfers or sells or agrees to sell or negotiate to sell any land by
15 reference to, exhibition of, or other use of a plat of a subdivision before the plat has
16 been approved by the planning commission and recorded or filed in the office of the
17 appropriate county clerk, shall be subject to a civil penalty of not less than \$200 and
18 not exceeding \$1,000 for each lot or parcel transferred or sold or agreed or negotiated
19 to be sold.

20 DRAFTER'S NOTE:

21 Error: Erroneous cross-reference in Article 66B, § 5.05(a).

22 Occurred: Ch. 427, Acts of 2000. Correction recommended by Assistant Attorney
23 General, Kathryn Rowe, Office of the Counsel to the General Assembly, in a
24 memorandum dated August 1, 2008.

25 **Article – Business Occupations and Professions**

26 21–208.

27 (e) The Fund consists of:

28 (1) revenue distributed to the Fund under § 21–207 of this [title]
29 **SUBTITLE;**

30 (2) money appropriated in the State budget to the Fund; and

1 (3) any other money from any other source accepted for the benefit of
2 the Fund.

3 DRAFTER'S NOTE:

4 Error: Stylistic error in § 21–208(e)(1) of the Business Occupations and
5 Professions Article.

6 Occurred: Ch. 623, Acts of 2008.

7 **Article – Business Regulation**

8 4–304.1.

9 (d) (1) If the Commission denies a license, [suspends,] **SUSPENDS** or
10 revokes a license, denies renewal of a license, or does not allow an individual to
11 participate in a contest because of the failure of the individual to comply with this
12 section, the Commission shall keep the information confidential and may not disclose
13 the reason for its action.

14 DRAFTER'S NOTE:

15 Error: Extraneous comma in § 4–304.1(d)(1) of the Business Regulation Article.

16 Occurred: Ch. 551, Acts of 1996.

17 4.5–202.

18 (c) (5) The failure of a home builder to provide a copy of the consumer
19 [protection] **INFORMATION** pamphlet to a contract purchaser may not be used as a
20 basis for invalidation of the contract for the initial sale of a new home.

21 DRAFTER'S NOTE:

22 Error: Inconsistent terminology in § 4.5–202(c)(5) of the Business Regulation
23 Article.

24 Occurred: Ch. 522, Acts of 2000.

25 8–405.

26 (e) The Commission may not award from the Fund:

27 (1) more than \$20,000 to [1] **ONE** claimant for acts or omissions of [1]
28 **ONE** contractor;

1 (2) more than \$100,000 to all claimants for acts or omissions of [1]
2 **ONE** contractor unless, after the Commission has paid out \$100,000 on account of acts
3 or omissions of the contractor, the contractor reimburses \$100,000 to the Fund;

4 (3) an amount for attorney fees, consequential damages, court costs,
5 interest, personal injury damages, or punitive damages; or

6 (4) an amount as a result of a default judgment in court.

7 DRAFTER'S NOTE:

8 Error: Stylistic error in § 8–405(e)(1) and (2) of the Business Regulation Article.

9 Occurred: Ch. 4, Acts of 1992.

10 (f) (2) An owner may make a claim against the Fund only if the owner:

11 (i) resides in the home as to which the claim is made; or

12 (ii) does not own more than [3] **THREE** residences or dwelling
13 places.

14 DRAFTER'S NOTE:

15 Error: Stylistic error in § 8–405(f)(2)(ii) of the Business Regulation Article.

16 Occurred: Ch. 34, Acts of 1999.

17 11–1203.

18 (a) The Authority consists of the following 15 members:

19 (1) the Baltimore City Planning Director;

20 (2) ten members, five of whom shall be business owners, residents, or
21 service providers of the areas described in [§ 9–1A–31(a)(2)] § **9–1A–31(A)(1)(II)** of
22 the State Government Article, appointed by the Mayor of Baltimore City, after
23 consultation with the members of the Baltimore City Delegation in the General
24 Assembly representing legislative districts 40 and 41;

25 (3) the State Senators representing legislative districts 40 and 41; and

26 (4) one State Delegate representing legislative district 40 and one
27 State Delegate representing legislative district 41, each appointed by the Speaker of
28 the House.

29 DRAFTER'S NOTE:

1 Error: Erroneous cross-reference in § 11-1203(a)(2) of the Business Regulation
2 Article.

3 Occurred: Ch. 4, Acts of the Special Session of 2007.
4 16-210.

5 (b) Subject to the hearing provisions of § 16-211 of this subtitle, the
6 Comptroller may suspend or revoke a license if the licensee violates:

7 (1) Title 12 of the Tax – General Article, or regulations adopted under
8 that title; or

9 (2) [Title 16 of the Business Regulation Article,] **THIS TITLE** or
10 regulations adopted under [that] **THIS** title.

11 DRAFTER'S NOTE:

12 Error: Stylistic error in § 16-210(b)(2) of the Business Regulation Article.

13 Occurred: Ch. 464, Acts of 1994.
14 17-1804.

15 (d) (2) An exhibitor need not get a trader's license for a show if the
16 exhibitor gives to the promoter an exhibitor's affidavit stating that the exhibitor:

17 (i) receives less than 10% of the exhibitor's annual income from
18 selling the kind of goods that the exhibitor will display and sell at the show; and

19 (ii) has not participated in more than [3] **THREE** shows, not
20 including participation in one show sponsored by a national organization that is
21 exempt from taxation under § 501(c)(3) of the Internal Revenue Code, during the
22 previous 365 days.

23 DRAFTER'S NOTE:

24 Error: Stylistic error in § 17-1804(d)(2)(ii) of the Business Regulation Article.

25 Occurred: Ch. 4, Acts of 1992.

26 (3) An exhibitor at an antique show, coin show, or collector show need
27 not get a trader's license for the show if the exhibitor gives to the promoter an
28 exhibitor's affidavit stating that the exhibitor:

29 (i) will display and sell at the show;

1 (ii) receives less than 10% of the exhibitor's annual income in
2 the State from selling the kind of goods that the exhibitor will display and sell at the
3 show; and

4 (iii) has not participated in more than [3] **THREE** antique shows,
5 coin shows, or collector shows in the State during the previous 365 days.

6 DRAFTER'S NOTE:

7 Error: Stylistic error in § 17-1804(d)(3)(iii) of the Business Regulation Article.

8 Occurred: Ch. 112, Acts of 2001.

9 Article - Commercial Law

10 11-304.

11 (1) (1) A distributor who sets the retail price of gasoline through
12 controlled outlets shall provide those noncontrolled outlets that it supplies with
13 gasoline products at a wholesale price of at least 4 cents per gallon under the lowest
14 price posted for each grade of gasoline at any controlled outlet. Violation of this
15 subsection constitutes price discrimination as prohibited by § 11-204(a)(3) of this
16 [article] **TITLE**.

17 (m) (2) (ii) In accordance with [§ 11-304(g) of this subtitle]
18 **SUBSECTION (G) OF THIS SECTION**, during the period of the trial marketing
19 agreement, and with the consent of the distributor, the successor dealer may:

- 20 1. Sell the business assets;
- 21 2. Assign the marketing agreement; or
- 22 3. Renew the marketing agreement under terms and
23 conditions agreeable to the distributor and the successor dealer.

24 DRAFTER'S NOTE:

25 Error: Stylistic errors in § 11-304(1)(1) and (m)(2)(ii) of the Commercial Law
26 Article.

27 Occurred: Ch. 993, Acts of 1978; Ch. 798, Acts of 1982.

28 12-105.

1 (c) Except as provided in subsection (d) of this section, if the loan contract
2 provides for them, the following fees and charges also may be collected and are not
3 interest under this subtitle:

4 (4) A prepayment charge or penalty on a prepayment of the unpaid
5 principal balance of the loan, if the loan is secured by a home, by a combination of
6 home and business property, or by agricultural property, or if the loan is a commercial
7 loan not in excess of \$15,000, provided that the charge or penalty:

8 (i) May be imposed only on prepayments made within [three] **3**
9 years from the date the loan is made; and

10 (ii) May not exceed an amount equal to [two] **2** months' advance
11 interest on the aggregate amount of all prepayments made in any 12-month period in
12 excess of one-third of the amount of the original loan.

13 DRAFTER'S NOTE:

14 Error: Stylistic errors in § 12-105(c)(4) of the Commercial Law Article.

15 Occurred: Ch. 49, Acts of 1975.

16 13-204.

17 In addition to any other of its powers and duties, the Division has the powers
18 and duties to:

19 (14) (ii) Provide the name and telephone number of an organization
20 on the list to a homeowner who contacts the Division after receiving a notice under [§
21 7-105(a-1)] **§ 7-105.1(D)(2)(VII)** of the Real Property Article.

22 DRAFTER'S NOTE:

23 Error: Erroneous cross-reference in § 13-204(14)(ii) of the Commercial Law
24 Article.

25 Occurred: As a result of Chs. 1 and 2, Acts of 2008.

26 13-301.

27 Unfair or deceptive trade practices include any:

28 (10) Solicitations of sales or services over the telephone without first
29 clearly, affirmatively, and expressly stating:

30 (ii) The purpose of **THE** telephone conversation; and

1 DRAFTER'S NOTE:

2 Error: Omitted article in § 13–301(10)(ii) of the Commercial Law Article.

3 Occurred: Ch. 506, Acts of 1976.

4 **Article – Corporations and Associations**

5 2–418.

6 (a) (5) (I) “Official capacity” means [the following]:

7 [(i)] 1. When used with respect to a director, the office of
8 director in the corporation; and

9 [(ii)] 2. When used with respect to a person other than a
10 director as contemplated in subsection (j) of this section, the elective or appointive
11 office in the corporation held by the officer, or the employment or agency relationship
12 undertaken by the employee or agent in behalf of the corporation.

13 [(iii)] (II) “Official capacity” does not include service for any
14 other foreign or domestic corporation or any partnership, joint venture, trust, other
15 enterprise, or employee benefit plan.

16 DRAFTER'S NOTE:

17 Error: Stylistic errors in § 2–418(a)(5) of the Corporations and Associations
18 Article.

19 Occurred: Ch. 737, Acts of 1981.

20 **Article – Correctional Services**

21 3–511.

22 (a) The Commissioner and **THE** Chief Executive Officer may develop
23 programs to provide services or produce goods used by:

24 (1) units of State government;

25 (2) political subdivisions of the State;

26 (3) units of the federal government;

27 (4) units of other states; or

28 (5) political subdivisions of other states.

1 DRAFTER’S NOTE:

2 Error: Omitted article in § 3–511(a) of the Correctional Services Article.

3 Occurred: Ch. 124, Acts of 2005.

4 8–209.

5 (a) An individual may not be given or accept a probationary or permanent
6 appointment as A correctional officer, correctional supervisor, or correctional
7 administrator unless the individual satisfactorily meets minimum qualifications
8 established by the Commission.

9 DRAFTER’S NOTE:

10 Error: Omitted article in § 8–209(a) of the Correctional Services Article.

11 Occurred: Ch. 54, Acts of 1999.

12 9–202.

13 (a) (3) (i) “Non–Division custody” means any [post–sentencing]
14 **POSTSENTENCING** criminal confinement other than Division custody.

15 DRAFTER’S NOTE:

16 Error: Extraneous hyphen in § 9–202(a)(3)(i) of the Correctional Services
17 Article.

18 Occurred: Ch. 54, Acts of 1999.

19 9–504.

20 (a) (2) After receiving a request from the county roads authority, the
21 Division of Correction shall furnish the number of requested inmates [that] **WHO** are
22 available to work on the public roads of the county.

23 DRAFTER’S NOTE:

24 Error: Incorrect word usage in § 9–504(a)(2) of the Correctional Services Article.

25 Occurred: Ch. 54, Acts of 1999.

26 **Article – Courts and Judicial Proceedings**

27 2–309.

1 (n) (1) (I) The Sheriff of Harford County shall receive a salary of:

2 [(i)] 1. \$90,000 in 2004; AND

3 [(ii)] 2. \$98,500 commencing January 1, 2007, thereafter to be
4 adjusted annually on July 1 in accordance with subparagraph [(iii)] (II) of this
5 paragraph.

6 [(iii)] (II) 1. On and after July 1, 2007, the annual salary of
7 the Sheriff of Harford County shall be adjusted annually to reflect the annual change
8 in the "Consumer Price Index" for "All urban consumers" for the expenditure category
9 "All items not seasonally adjusted", and for all regions. The Annual Consumer Price
10 Index for the period ending each December, as published by the Bureau of Labor
11 Statistics of the U.S. Department of Labor, shall be used to adjust the annual salary of
12 the Sheriff of Harford County while in office.

13 2. Notwithstanding subsubparagraph 1 of this
14 subparagraph, the adjustment to the annual salary of the Sheriff of Harford County
15 may not exceed 3 percent in any fiscal year.

16 DRAFTER'S NOTE:

17 Error: Tabulation error in § 2-309 (n)(1) of the Courts and Judicial Proceedings
18 Article.

19 Occurred: Ch. 185, Acts of 2005.

20 3-819.

21 (b) (1) In making a disposition on a CINA petition under this subtitle, the
22 court shall:

23 (ii) Hold in abeyance a finding on whether a child with a
24 developmental disability or a mental illness is a child in need of assistance and:

25 1. Order the local department to assess or reassess the
26 [family] FAMILY'S and child's eligibility for placement of the child in accordance with
27 a voluntary placement agreement under § 5-525(a)(1)(i) of the Family Law Article;

28 DRAFTER'S NOTE:

29 Error: Grammatical error in § 3-819(b)(1)(ii)1 of the Courts and Judicial
30 Proceedings Article.

31 Occurred: Ch. 461, Acts of 2007.

1 3-823.

2 (k) At least every 12 months at a hearing under this section, the court shall
3 consult on the record with the child in an [age appropriate] ~~AGE-APPROPRIATE~~
4 manner.

5 DRAFTER'S NOTE:

6 Error: Omitted hyphen in § 3-823(k) of the Courts and Judicial Proceedings
7 Article.

8 Occurred: Ch. 16, Acts of 2008.

9 3-8A-27.

10 (a) (2) This subsection does not prohibit:

11 (i) Access to and confidential use of the record by the
12 Department of Juvenile Services or in the investigation and prosecution of the child by
13 any law enforcement agency;

14 (ii) Access to and confidential use of the record by the Baltimore
15 City Health Department:

16 1. If the Baltimore City Health Department is providing
17 treatment or care to a child who is the subject of the record, for a purpose relevant to
18 the provision of the treatment or care;

19 2. If the record concerns a child convicted of a crime or
20 adjudicated delinquent for an act that caused a death or near fatality; or

21 3. If the record concerns a victim of a crime of violence,
22 as defined in § 14-101 of the Criminal Law Article, who is a child residing in
23 Baltimore City for the purpose of developing appropriate programs and policies aimed
24 at reducing violence against children in Baltimore City; [or]

25 (iii) A law enforcement agency of the State or of a political
26 subdivision of the State, the Department of Juvenile Services, or the criminal justice
27 information system from including in the law enforcement computer information
28 system information about an outstanding juvenile court ordered writ of attachment,
29 for the sole purpose of apprehending a child named in the [writ.] **WRIT; OR**

30 (iv) A law enforcement agency of the State or of a political
31 subdivision of the State from releasing to the public photographs and identifying
32 information of a child who has escaped from a detention center for juveniles or a

1 secure residential facility for juveniles, for the purposes of facilitating apprehension of
2 the child and ensuring public safety.

3 DRAFTER'S NOTE:

4 Error: Stylistic error in § 3–8A–27(a)(2)(ii)3 and (iii) of the Courts and Judicial
5 Proceedings Article.

6 Occurred: Chs. 526, 602, 603, Acts of 2008.

7 **Article – Criminal Law**

8 3–303.

9 (d) (3) A person who violates [subsections (a) and (b)] **SUBSECTION (A)**
10 **OR (B)** of this section is guilty of the felony of rape in the first degree and on
11 conviction is subject to imprisonment not exceeding life without the possibility of
12 parole if the defendant was previously convicted of violating this section or § 3–305 of
13 this subtitle.

14 DRAFTER'S NOTE:

15 Error: Incorrect conjunction in § 3–303(d)(3) of the Criminal Law Article.

16 Occurred: Ch. 345, Acts of 2008. Correction by the publisher of the Annotated
17 Code in the 2008 Supplement of the Criminal Law Article is ratified by this Act.

18 **Article – Criminal Procedure**

19 10–105.

20 (a) A person who has been charged with the commission of a crime, including
21 a violation of the Transportation Article for which a term of imprisonment may be
22 imposed, or who has been charged with a civil offense or infraction, except a juvenile
23 offense, as a substitute for a criminal charge may file a petition listing relevant facts
24 for expungement of a police record, court record, or other record maintained by the
25 State or a political subdivision of the State if:

26 (9) the person was convicted of a crime under any State or local law
27 that prohibits:

28 (ix) [Except] **EXCEPT** for carrying or possessing an explosive,
29 acid, concealed weapon, or other dangerous article as provided in § 7–705(b)(6) of the
30 Transportation Article, any of the acts specified in § 7–705 of the Transportation
31 Article.

32 DRAFTER'S NOTE:

1 Error: Capitalization error in § 10–105(a)(9)(ix) of the Criminal Procedure
2 Article.

3 Occurred: Chs. 615 and 616, Acts of 2008.

4 10–221.

5 (b) Subject to [Title 3, Subtitle 4] **TITLE 3A, SUBTITLE 3** of the State
6 Finance and Procurement Article, the regulations adopted by the Secretary under
7 subsection (a)(1) of this section and the rules adopted by the Court of Appeals under
8 subsection (a)(2) of this section shall:

9 (1) regulate the collection, reporting, and dissemination of criminal
10 history record information by a court and criminal justice units;

11 (2) ensure the security of the criminal justice information system and
12 criminal history record information reported to and collected from it;

13 (3) regulate the dissemination of criminal history record information
14 in accordance with Subtitle 1 of this title and this subtitle;

15 (4) regulate the procedures for inspecting and challenging criminal
16 history record information;

17 (5) regulate the auditing of criminal justice units to ensure that
18 criminal history record information is:

19 (i) accurate and complete; and

20 (ii) collected, reported, and disseminated in accordance with
21 Subtitle 1 of this title and this subtitle;

22 (6) regulate the development and content of agreements between the
23 Central Repository and criminal justice units and noncriminal justice units; and

24 (7) regulate the development of a fee schedule and provide for the
25 collection of the fees for obtaining criminal history record information for other than
26 criminal justice purposes.

27 **DRAFTER’S NOTE:**

28 Error: Obsolete cross–reference in § 10–221(b) of the Criminal Procedure
29 Article.

30 Occurred: As a result of Ch. 9, Acts of 2008, which repealed §§ 3–401 through
31 3–413 of the State Finance and Procurement Article and enacted the new title “Title

1 3A. Department of Information Technology”, and the new subtitle “Subtitle 3.
2 Information Processing”.

3 12–210.

4 (c) If a person who is an owner or owner’s tenant [and] remains in
5 possession of the real property and the person’s interest in the real property is
6 forfeited, the person shall immediately surrender the real property to the seizing
7 authority in substantially the same condition as when seized.

8 DRAFTER’S NOTE:

9 Error: Extraneous conjunction in § 12–210(c) of the Criminal Procedure Article.

10 Occurred: Ch. 10, Acts of 2001.

11 **Article – Economic Development**

12 5–445.

13 (b) A project qualifies as an energy project if it consists of:

14 (12) the construction of a fuel production facility for commercial
15 production of a gaseous, liquid, or solid fuel, or of a combination of them, that:

16 (iii) includes only:

17 1. the fuel production facility, including the equipment,
18 plant, supplies, and other materials associated with the fuel production facility;

19 2. the land and mineral rights required directly for use
20 in connection with the fuel production facility; [and]

21 3. any other facility or equipment to be used in the
22 extraction of a mineral for use directly and exclusively in the fuel production facility
23 that is necessary to the project and is:

24 A. colocated with or located in the immediate vicinity of
25 the fuel production facility; or

26 B. if not colocated or located in accordance with item A of
27 this item:

28 I. a coal mine in the case that no other reasonable
29 source of coal is available to the project; or

30 II. incidental to the project; and

1 4. any transportation facility, electric power plant,
2 electric transmission line, or other facility that is:

3 A. for the exclusive use of the project;

4 B. incidental to the project; and

5 C. necessary to the project;

6 DRAFTER'S NOTE:

7 Error: Extraneous conjunction in § 5-445(b)(12)(iii)2 of the Economic
8 Development Article.

9 Occurred: Ch. 306, Acts of 2008.

10 12-211.

11 (a) The principal amount of bonds, interest payable on bonds, the transfer of
12 bonds, and income from bonds, including profit made in the sale or transfer of bonds,
13 [is] **ARE** exempt from State and local taxes.

14 DRAFTER'S NOTE:

15 Error: Grammatical error in § 12-211(a) of the Economic Development Article.

16 Occurred: Ch. 306, Acts of 2008. Correction by the publisher of the Annotated
17 Code in the 2008 Volume of the Economic Development Article is ratified by this Act.

18 13-503.

19 (a) The Board consists of the following members:

20 (3) [as selected by] the Secretary of [Budget and Management, either
21 the Chief of the State Office of] Information Technology or the Director of Network
22 Maryland **AS THE DESIGNEE OF THE SECRETARY OF INFORMATION**
23 **TECHNOLOGY;**

24 DRAFTER'S NOTE:

25 Error: Obsolete references in § 13-503(a)(3) of the Economic Development
26 Article.

27 Occurred: As a result of Ch. 9, Acts of 2008. Ch. 9, Acts of 2008 transferred all
28 functions, powers, duties, equipment, assets, liabilities, and employees of the former
29 Office of Information Technology in the Department of Budget and Management to the

1 newly formed Department of Information Technology, but failed to amend §
2 13–503(a)(3) of the Economic Development Article to reflect the status of the new
3 Department of Information Technology and to clarify the appointment power of the
4 Secretary of Information Technology as it relates to the membership of the Maryland
5 Rural Broadband Coordination Board. Correction suggested by the Office of the
6 Attorney General, Counsel to the General Assembly.

7 [Part III. Consumer Affairs.]

8 13–628. Repealed by Acts 2008, Ch. 307.

9 DRAFTER’S NOTE:

10 Error: Obsolete part designation immediately preceding former § 13–628 of the
11 Economic Development Article.

12 Occurred: As a result of Ch. 307, Acts of 2008.

13 **Article – Education**

14 6–302.

15 (a) An individual who is employed as a teacher, librarian, principal, director
16 of education, or supervisor of vocational education on the staffs of the following
17 institutions or in the following programs, or an individual who is employed as a
18 central office director, superintendent, specialist, or coordinator of education for the
19 following institutions or programs, shall be paid the annual salary determined under
20 subsection (b) of this section:

21 (3) Any correctional education program operated by the [State
22 Department of Education] **DEPARTMENT OF LABOR, LICENSING, AND**
23 **REGULATION** in a facility of the Department of Public Safety and Correctional
24 Services.

25 DRAFTER’S NOTE:

26 Error: Obsolete reference in § 6–302(a)(3) of the Education Article.

27 Occurred: As a result of Ch. 134, Acts of 2008.

28 7–426.

29 (b) The guidelines shall include:

30 (2) A description of parental or caregiver [responsibilities]
31 **RESPONSIBILITIES**, including:

1 (i) School notification of a child's special health care needs or
2 diagnosis;

3 (ii) Providing appropriate medication and delivery devices and
4 medical condition indication devices including Medic Alert bracelets or necklaces;

5 (iii) Parental consent for the administration of medications; and

6 (iv) Providing an emergency card for medical emergencies with
7 current contact names and telephone numbers;

8 (3) A description of school [responsibilities] **RESPONSIBILITIES**,
9 including:

10 (i) Training for school health services personnel, teachers,
11 coaches, transportation personnel, and other appropriate school personnel;

12 (ii) Providing and distributing the required notices and forms
13 for notification, consent for the administration of medications, medical emergency
14 contact information, and any other appropriate material; and

15 (iii) Providing outreach and education for parents and other
16 caregivers regarding providing emergency medical care to students with special health
17 needs;

18 DRAFTER'S NOTE:

19 Error: Omitted commas in § 7-426(b)(2) and (3) of the Education Article.

20 Occurred: Ch. 442, Acts of 2007.

21 7-910.

22 (a) The State Superintendent and the Secretary of Business and Economic
23 Development jointly shall ensure that specifications used in all grants and
24 procurement contracts for technology-based instructional products require equivalent
25 access for students with disabilities, including blindness, in accordance with the
26 technical standards for electronic and information technology issued under Subsection
27 (a)(2) of Section 508 of the federal Rehabilitation Act of 1973, [29 U.S.C. § 794(a)(2)]
28 **29 U.S.C. § 794(A)**.

29 DRAFTER'S NOTE:

30 Error: Incorrect citation in § 7-910(a) of the Education Article.

31 Occurred: Ch. 457, Acts of 2002.

1 10–205.

2 (c) In developing missions and programs, the Maryland Higher Education
3 Commission[,] **AND** each governing board and its constituent institutions shall
4 consider the role, mission, and function of other public senior higher education
5 institutions, particularly those institutions offering unique programs and services in
6 the same geographical region.

7 DRAFTER’S NOTE:

8 Error: Extraneous comma and omitted conjunction in § 10–205(c) of the
9 Education Article.

10 Occurred: Ch. 246, Acts of 1988.

11 11–105.

12 (e) (3) The Commission is responsible for receiving and allocating federal
13 funds [which] **THAT**, under federal law or regulation, must be allocated among
14 segments by a statewide authority.

15 DRAFTER’S NOTE:

16 Error: Grammatical error in § 11–105(e)(3) of the Education Article.

17 Occurred: Ch. 246, Acts of 1988.

18 11–501.

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

20 **(B) “COMMISSION” MEANS THE MARYLAND FIRE–RESCUE EDUCATION**
21 **AND TRAINING COMMISSION.**

22 [(b)] **(C) “Emergency services” means fire, rescue, and ambulance services.**

23 [(c)] **(D) “Schools” means the Maryland Fire and Rescue Institute, any**
24 **emergency services training academy operated by any city, county, or municipal**
25 **government, any community college offering emergency services education and**
26 **training courses, any public school offering emergency services education and training**
27 **courses, and any private or governmental institution or body providing emergency**
28 **services education and training courses.**

29 DRAFTER’S NOTE:

30 Error: Omitted definition in § 11–501 of the Education Article.

1 Occurred: Ch. 246, Acts of 1988.

2 11–502.

3 (b) (4) A member may be removed by the Governor:

4 (i) For neglect of duty; or

5 (ii) If [he] **THE GOVERNOR** believes the member’s continued
6 membership is not in the public interest.

7 DRAFTER’S NOTE:

8 Error: Stylistic error in § 11–502(b)(4)(ii) of the Education Article.

9 Occurred: Ch. 246, Acts of 1988.

10 14–302.

11 (a) The Secretary of Budget and Management shall provide [for] forms for
12 initiating and processing grievances.

13 DRAFTER’S NOTE:

14 Error: Extraneous word in § 14–302(a) of the Education Article.

15 Occurred: Ch. 485, Acts of 1994.

16 17–104.

17 (a) The Maryland Higher Education Commission shall compute the amount
18 of the annual apportionment for each institution that qualifies under this subtitle by
19 multiplying:

20 (1) The number of full–time equivalent students enrolled at the
21 institution during the fall semester of the fiscal year preceding the fiscal year for
22 which the aid apportionment is made, as determined by the Maryland Higher
23 Education Commission [times;]; **TIMES**

24 DRAFTER’S NOTE:

25 Error: Misplaced punctuation in § 17–104(a)(1) of the Education Article.

26 Occurred: Ch. 22, Acts of 1978.

27 18–402.

1 (b) Each applicant shall:

2 (1) Be a resident of this State; and

3 (2) At the time of [his] **THE APPLICANT'S** initial application, be a
4 resident of the legislative district from which [he] **THE APPLICANT** seeks an
5 [appointment] **AWARD**.

6 **DRAFTER'S NOTE:**

7 Error: Stylistic errors and misnomer in § 18–402(b)(2) of the Education Article.

8 Occurred: Ch. 22, Acts of 1978.

9 18–601.

10 (a) (5) “Victim of the [September 11, 2001] **SEPTEMBER 11, 2001,**
11 terrorist attacks” means a Maryland resident who was killed as a result of the attacks
12 on the World Trade Center in New York City, the attack on the Pentagon in Virginia,
13 or the crash of United Airlines Flight 93 in Pennsylvania.

14 (d) A person may apply to the Office for a scholarship under this section if
15 the person:

16 (3) (i) Is at least 16 years old and a son or daughter of a member of
17 the armed forces who:

18 1. Died as a result of military service after December 7,
19 1941;

20 2. Suffered a service connected 100% permanent
21 disability after December 7, 1941; or

22 3. Was declared to be a prisoner of war or missing in
23 action, if that occurred on or after [January 1, 1960] **JANUARY 1, 1960**, as a result of
24 the Vietnam conflict, and if the child was born prior to or while the parent was a
25 prisoner of war or missing in action;

26 (ii) Was a prisoner of war on or after [January 1, 1960]
27 **JANUARY 1, 1960**, as a result of the Vietnam conflict and was a resident of this State
28 at the time the person was declared to be a prisoner of war or missing in action;

29 (vi) Is at least 16 years old and a son or daughter of or the
30 surviving spouse of a victim of the [September 11, 2001] **SEPTEMBER 11, 2001,**
31 terrorist attacks.

1 (g) (1) Each recipient of a scholarship under this section may hold the
2 award for 5 years of full-time study or 8 years of part-time study.

3 (2) The Office may not award more than 15 scholarships annually
4 under subsection (d)(3)(v) of this section.

5 (3) An award provided under subsection (d)(3)(vi) of this section may
6 not exceed the amount specified in subsection (f)(2) of this section when combined with
7 any other scholarship received by a student based on the student's status as a child or
8 spouse of a victim of the [September 11, 2001] **SEPTEMBER 11, 2001**, terrorist
9 attacks.

10 DRAFTER'S NOTE:

11 Error: Omitted punctuation in § 18-601(a)(5), (d)(3)(i)3, (ii), and (vi), and (g)(3)
12 of the Education Article.

13 Occurred: Ch. 221, Acts of 1990; Ch. 99, Acts of 2002.

14 18-705.

15 (a) (3) "Child care provider" means a person employed:

16 (ii) At a child care center as a:

17 1. Senior staff member; or

18 2. Staff [aid] **AIDE** under the full-time, on-site
19 supervision of a senior staff member or director of a child care center.

20 DRAFTER'S NOTE:

21 Error: Incorrect word usage in § 18-705(a)(3)(ii)2 of the Education Article.

22 Occurred: Ch. 462, Acts of 1991.

23 [Subtitle 1. Correctional Institutions.]

24 22-101. Repealed by Acts of 2008, Ch. 134.

25 DRAFTER'S NOTE:

26 Error: Obsolete subtitle designation immediately preceding former § 22-101 of
27 the Education Article.

1 Occurred: As a result of Ch. 134, Acts of 2008. Correction by the publisher of the
2 Annotated Code in the 2008 Replacement Volume of the Education Article is ratified
3 by this Act.

4 24–106.

5 (c) The Governor shall appoint a board of trustees to govern the Lida Lee
6 Tall Learning Resources Center who shall:

7 (2) Appoint the principal [and] **AND**, upon the recommendation of the
8 [principal shall] **PRINCIPAL**, appoint all professional and support staff and determine
9 the salaries of the professional and support staff;

10 DRAFTER'S NOTE:

11 Error: Omitted punctuation and extraneous word in § 24–106(c)(2) of the
12 Education Article.

13 Occurred: Ch. 888, Acts of 1982.

14 24–524.

15 (b) (1) Subject to paragraph (2) of this subsection, the bonds of the
16 Commission may **BE**, but are not required to be, issued in conformance with any
17 applicable provisions of the Internal Revenue Code of the United States in order that
18 the interest payable thereon shall be excludable from federal gross income.

19 DRAFTER'S NOTE:

20 Error: Omitted word in § 24–524(b)(1) of the Education Article.

21 Occurred: Ch. 583, Acts of 1997.

22 Article – Environment

23 1–607.

24 (a) (3) On or before January 1, 1998, for each licensing and permitting
25 program, the Department shall offer assistance and information to persons which may
26 include:

27 (iii) Preapplication meetings with prospective [applicant]
28 **APPLICANTS** to address technical issues;

29 (b) (4) A permit applicant may apply to the Department for a refund of all
30 or a portion of the application fee if:

1 (ii) The applicant demonstrates that the delay was caused solely
2 by the Department and was not the result of procedures or requirements outside **THE**
3 control of the Department, including:

4 1. Reviews by federal, local, or other State government
5 agencies;

6 2. Procedures for public participation; or

7 3. The failure of the applicant to submit information to
8 the Department in a timely manner; and

9 DRAFTER'S NOTE:

10 Error: Grammatical error in § 1-607(a)(3)(iii) and omitted word in §
11 1-607(b)(4)(ii) of the Environment Article.

12 Occurred: Ch. 639, Acts of 1997.

13 2-403.

14 (c) (3) The fee established under this section may be adjusted to reflect
15 changes in the Consumer Price Index, as authorized by 40 C.F.R. [Part] 70
16 (Operating Permit Program).

17 DRAFTER'S NOTE:

18 Error: Extraneous word in § 2-403(c)(3) of the Environment Article.

19 Occurred: Ch. 358, Acts of 1993.

20 9-421.

21 (b) State assistance under this Part II of [Subtitle 4] **THIS SUBTITLE**, may
22 not exceed [87½] **87.5** percent of eligible costs for each project or part of a project.

23 DRAFTER'S NOTE:

24 Error: Stylistic errors in § 9-421(b) of the Environment Article.

25 Occurred: Ch. 187, Acts of 1990.

26 9-1617.1.

27 (b) (3) [(i)] The [auditors] **AUDITORS**:

1 (I) [may] **MAY** not have a personal interest either directly or
2 indirectly in the fiscal affairs of the administration; and

3 (ii) Shall be experienced and qualified in the accounting and
4 auditing of public bodies.

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 9–1617.1(b)(3) of the Environment Article.

7 Occurred: Ch. 121, Acts of 2008. Correction by the publisher of the Annotated
8 Code in the 2008 Supplement of the Environment Article is ratified by this Act.

9 **Article – Family Law**

10 5–323.

11 (d) Except as provided in subsection (c) of this section, in ruling on a petition
12 for guardianship of a child, a juvenile court shall give primary consideration to the
13 health and safety of the child and consideration to all other factors needed to
14 determine whether terminating a parent's rights is in the child's best interests,
15 including:

16 (3) whether:

17 (iv) the parent has been convicted, in any state or any court of
18 the United States, of:

19 1. a crime of violence against:

20 A. a minor offspring of the parent;

21 B. the child; or

22 C. another parent of the child; or

23 2. aiding or abetting, conspiring, or soliciting to commit
24 a crime described in [subitem] **ITEM** 1 of this item; and

25 DRAFTER'S NOTE:

26 Error: Stylistic error in § 5–323(d)(3)(iv)2 of the Family Law Article.

27 Occurred: Ch. 464, Acts of 2005.

28 5–3B–22.

1 (b) (1) A court may allow adoption, without parental consent otherwise
 2 required under this subtitle, by a petitioner who has exercised physical care, control,
 3 or custody over the prospective adoptee for at least 180 days, if the court finds by clear
 4 and convincing evidence that:

5 (iii) the parent:

6 5. has been convicted, in any state or any court of the
 7 United States, of:

8 A. a crime of violence against:

9 I. a minor offspring of the parent;

10 II. the child; or

11 III. another parent of the child; or

12 B. aiding or abetting, conspiring, or soliciting to commit
 13 a crime described in [subitem] **ITEM A** of this item; or

14 **DRAFTER'S NOTE:**

15 Error: Stylistic error in § 5–3B–22(b)(1)(iii)5B of the Family Law Article.

16 Occurred: Ch. 464, Acts of 2005.

17 10–301.

18 (o) “Person” means an individual, corporation, business trust, estate, trust,
 19 partnership, limited liability company, association, joint venture, government,
 20 governmental subdivision, agency, [or] instrumentality, public corporation, or any
 21 other legal or commercial entity.

22 (x) “Support order” means a judgment, decree, order, or directive whether
 23 temporary, final, or subject to modification, issued by a tribunal for the benefit of a
 24 child, a spouse, or a former spouse, [which] **THAT** provides for monetary support,
 25 health care, arrearages, or reimbursement, and may include related costs and fees,
 26 interest, income withholding, attorney’s fees, and other relief.

27 (y) “Tribe” means a tribe, band, or village of Native Americans [which] **THAT**
 28 is recognized by federal law or formally acknowledged by a state.

29 **DRAFTER'S NOTE:**

30 Error: Extraneous conjunction in § 10–301(o); grammatical error in § 10–301(x)
 31 and (y) of the Family Law Article.

1 Occurred: Ch. 522, Acts of 2008; Ch. 667, Acts of 1996.

2 10–350.

3 (a) If § 10–352 **OF THIS SUBTITLE** does not apply, except as otherwise
4 provided in § 10–353.1 of this subtitle, on the filing of a complaint, a tribunal of this
5 State may modify a child support order issued in another state that is registered in
6 this State if, after notice and hearing, the tribunal finds that:

7 (1) the following requirements are met:

8 (i) neither the child, nor the obligee who is an individual, nor
9 the obligor resides in the issuing state;

10 (ii) a plaintiff who is a nonresident of this State seeks
11 modification; and

12 (iii) the defendant is subject to the personal jurisdiction of the
13 tribunal of this State; or

14 (2) this State is the state of residence of the child or a party who is an
15 individual is subject to the personal jurisdiction of the tribunal of this State and all of
16 the parties who are individuals have filed consents in a record in the issuing tribunal
17 for a tribunal of this State to modify the support order and assume continuing,
18 exclusive jurisdiction.

19 **DRAFTER’S NOTE:**

20 Error: Stylistic error in § 10–350(a) of the Family Law Article.

21 Occurred: Ch. 522, Acts of 2008.

22 **Article – Financial Institutions**

23 13–801.

24 (a) In this [section] **SUBTITLE** the following words have the meanings
25 indicated, unless otherwise required by the context.

26 **DRAFTER’S NOTE:**

27 Error: Erroneous internal reference in § 13–801(a) of the Financial Institutions
28 Article.

29 Occurred: Ch. 598, Acts of 1987.

1 **Article – Health – General**

2 5–509.

3 (c) Unless a person has knowledge that contrary directions have been given
4 by the decedent, if a decedent has not executed a document under subsection (a) of this
5 section, the following persons, in the order of priority stated, have the right to arrange
6 for the final disposition of the body of the decedent, including by cremation under §
7 5–502 of this subtitle:

8 (7) In the absence of any person under [paragraphs] **ITEMS** (1)
9 through (6) of this subsection, any other person willing to assume the responsibility to
10 act as the authorizing agent for purposes of arranging the final disposition of the
11 decedent’s body, including the personal representative of the decedent’s estate, after
12 attesting in writing that a good faith effort has been made to no avail to contact the
13 individuals under [paragraphs] **ITEMS** (1) through (6) of this subsection.

14 **DRAFTER’S NOTE:**

15 Error: Stylistic error in § 5–509(c)(7) of the Health – General Article.

16 Occurred: Ch. 517, Acts of 1994.

17 18–206.

18 (g) (2) (ii) The committee shall consist of:

19 6. Representatives of the **STATE** Department of
20 Education; and

21 **DRAFTER’S NOTE:**

22 Error: Misnomer in § 18–206(g)(2)(ii)6 of the Health – General Article.

23 Occurred: Ch. 611, Acts of 1982.

24 19–120.

25 (h) (2) This subsection does not apply to any increase or decrease in bed
26 capacity if:

27 (iii) 1. At least 45 days before increasing or decreasing bed
28 capacity, written notice of intent to change bed capacity is filed with the Commission;

29 2. The Commission in its sole discretion finds that the
30 proposed change:

1 A. Is pursuant to the consolidation or merger of 2 or
2 more health care facilities, or conversion of a health care facility or part of a facility to
3 a nonhealth–related use;

4 B. Is not inconsistent with the State health plan or the
5 institution–specific plan developed by the Commission;

6 C. Will result in the delivery of more efficient and
7 effective health care services; **AND**

8 D. Is in the public interest; and

9 3. Within 45 days of receiving notice, the Commission
10 [shall notify] **NOTIFIES** the health care facility of its finding; or

11 DRAFTER’S NOTE:

12 Error: Omitted conjunction in § 19–120(h)(2)(iii)2C; grammatical error in §
13 19–120(h)(2)(iii)3 of the Health – General Article.

14 Occurred: Ch. 678, Acts of 1999; Ch. 109, Acts of 1985.

15 19–344.

16 (c) (1) In this [subsection] **SUBSECTION**, “agent” means a person who
17 manages, uses, or controls the funds or assets that legally may be used to pay the
18 applicant’s or resident’s share of costs or other charges for the facility’s services.

19 DRAFTER’S NOTE:

20 Error: Stylistic error in § 19–344(c)(1) of the Health – General Article.

21 Occurred: Ch. 452, Acts of 1988.

22 19–1401.

23 (a) In this [subsubtitle,] **SUBTITLE** the following words have the meanings
24 indicated.

25 DRAFTER’S NOTE:

26 Error: Extraneous comma in § 19–1401(a) of the Health – General Article.

27 Occurred: Ch. 134, Acts of 1989.

28 24–1605.

1 (k) If, at the end of the extension of time and not more than 60 days from the
 2 beginning of the 2009 **SESSION OF THE** General Assembly, the Authority has not
 3 reached a final agreement on the transfer of the Prince George’s County health care
 4 system to a successful bidder, the State and the county shall be relieved of their
 5 obligation to commit financial support to the Prince George’s County health care
 6 system as agreed upon under § 24–1604(b) and (c) of this subtitle.

7 DRAFTER’S NOTE:

8 Error: Omitted words in § 24–1605(k) of the Health – General Article.

9 Occurred: Ch. 680, Acts of 2008.

10 **Article – Health Occupations**

11 Subtitle 2. State Board of Chiropractic **AND MASSAGE THERAPY** Examiners.

12 3–201.

13 There is a State Board of Chiropractic and Massage Therapy Examiners in the
 14 Department.

15 DRAFTER’S NOTE:

16 Error: Obsolete subtitle designation immediately preceding Section 3–201 of the
 17 Health Occupations Article.

18 Occurred: As a result of Chs. 242 and 243, Acts of 2008.

19 7–410.

20 (c) Unless a person has knowledge that contrary directions have been given
 21 by the decedent, if a decedent has not executed a document under subsection (a) of this
 22 section, the following persons, in the order of priority stated, have the right to arrange
 23 for the final disposition of the body of the decedent under this section and are liable for
 24 the reasonable costs of preparation, care, and disposition of the decedent:

25 (7) In the absence of any person under [paragraphs] **ITEMS** (1)
 26 through (6) of this subsection, any other person willing to assume the responsibility to
 27 act as the authorizing agent for purposes of arranging the final disposition of the
 28 decedent’s body, including the personal representative of the decedent’s estate, after
 29 attesting in writing that a good faith effort has been made to no avail to contact the
 30 persons described in [paragraphs] **ITEMS** (1) through (6) of this subsection.

31 DRAFTER’S NOTE:

32 Error: Stylistic errors in § 7–410(c)(7) of the Health Occupations Article.

1 Occurred: Ch. 145, Acts of 1996.

2 7-4A-03.

3 (e) The Fund is not liable [to] **FOR** any other expenses or obligations of the
4 Board.

5 DRAFTER'S NOTE:

6 Error: Incorrect word usage in § 7-4A-03(e) of the Health Occupations Article.

7 Occurred: Ch. 532, Acts of 2008. Correction by the publisher of the Annotated
8 Code in the 2008 Supplement of the Health Occupations Article is ratified by this Act.

9 12-101.

10 (s) (1) "Practice pharmacy" means to engage in any of the following
11 activities:

12 (viii) Administering an influenza, **PNEUMOCOCCAL**
13 **PNEUMONIA, OR HERPES ZOSTER** vaccination in accordance with § 12-508 of this
14 title.

15 DRAFTER'S NOTE:

16 Error: Omitted references in § 12-101(s)(1)(viii) of the Health Occupations
17 Article.

18 Occurred: Ch. 619, Acts of 2008. Ch. 619 of the Acts of 2008 expanded the
19 authority of a pharmacist to administer a vaccination under §
20 12-508 of the Health Occupations Article, but failed to make conforming changes in §
21 12-101 of the Health Occupations Article.

22 14-5B-04.

23 (b) (1) The Board shall pay all fees collected under the provisions of this
24 subtitle to the **STATE** Comptroller [of the State].

25 DRAFTER'S NOTE:

26 Error: Misnomer in § 14-5B-04(b)(1) of the Health Occupations Article.

27 Occurred: Ch. 373, Acts of 2002.

28 14-5B-06.

1 In addition to the powers set forth elsewhere in this subtitle, the Committee
2 shall:

3 (2) Make recommendations to the Board on a code of ethics for the
4 practice of radiation therapy, the practice of radiography, the practice of nuclear
5 medicine technology, and **THE** practice of radiology assistance for adoption by the
6 Board;

7 (3) On request, make recommendations to the Board on standards of
8 care for the practice of radiation therapy, **THE** practice of radiography, **THE** practice of
9 nuclear medicine technology, and **THE** practice of radiology assistance;

10 DRAFTER'S NOTE:

11 Error: Omitted articles in § 14-5B-06(2) and (3) of the Health Occupations
12 Article.

13 Occurred: Ch. 328, Acts of 2008.

14 16-311.

15 (a) Subject to the hearing provisions of § 16-313 of this subtitle, the Board,
16 on the affirmative vote of a majority of its members then serving, may deny a license
17 or a limited license to any applicant, reprimand any licensee or holder of a limited
18 license, impose an administrative monetary penalty not exceeding \$50,000 on any
19 licensee or holder of a limited license, place any licensee or holder of a limited license
20 on probation, or suspend or revoke a license or a limited license if the applicant,
21 licensee, or holder:

22 (21) Has been disciplined by a licensing or disciplinary authority of any
23 state or country or convicted or disciplined by a court of any state or country or
24 disciplined by any branch of the United States [Uniformed Services] **UNIFORMED**
25 **SERVICES** or the United States Veterans Administration for an act that would be
26 grounds for disciplinary action under this section;

27 DRAFTER'S NOTE:

28 Error: Capitalization error in § 16-311(a)(21) of the Health Occupations Article.

29 Occurred: Ch. 134, Acts of 2003.

30 17-405.1.

31 (a) [(1)] The Board shall waive the requirements for certification as a
32 certified professional counselor-alcohol and drug under § 17-402 of this subtitle for
33 any individual who:

1 [(i)] (1) Had filed a letter of intent with the Board by October
2 1, 2001;

3 [(ii)] (2) Files an application for certification as a certified
4 professional counselor–alcohol and drug on or before May 1, 2009;

5 [(iii)] (3) Holds a master’s or doctoral degree in a health and
6 human services counseling field or has completed a program that the Board
7 determines to be substantially equivalent in subject matter and extent of training as a
8 master’s or doctoral degree in a health and human services counseling field;

9 [(iv)] (4) As of July 1, 2001, was certified as a certified
10 chemical dependency counselor, its equivalent, or higher by the Maryland Addiction
11 Counselor Certification Board, another state, the Certification Commission of the
12 National Association of Alcoholism and Drug Abuse Counselors, or the International
13 Certification Reciprocity Consortium, or was employed in the capacity of a Program
14 Specialist I, II, III, or its equivalent, or higher, in an agency or facility accredited by
15 the Joint Commission on the Accreditation of Health Care Organizations or certified
16 under Title 8, Subtitle 4 of the Health – General Article;

17 [(v)] (5) Has completed not less than 3 years with a minimum
18 of 3,000 hours of supervised experience in alcohol and drug abuse counseling approved
19 by the Board, 2 years of which shall have been completed after the award of the
20 master’s or doctoral degree; and

21 [(vi)] (6) Had, by October 1, 2001, successfully passed an
22 examination approved by the Board.

23 [(2)] (B) The Board shall waive the requirements for certification as a
24 certified associate counselor–alcohol and drug for any individual who:

25 [(i)] (1) Had filed a letter of intent with the Board by October
26 1, 2001;

27 [(ii)] (2) Files an application for certification as a certified
28 associate counselor–alcohol and drug on or before May 1, 2009;

29 [(iii)] (3) Holds a bachelor’s degree in a health and human
30 services counseling field or has completed a program that the Board determines to be
31 substantially equivalent in subject matter and extent of training to a bachelor’s degree
32 in a health and human services counseling field;

33 [(iv)] (4) As of July 1, 2001, was certified as a certified
34 chemical dependency counselor, its equivalent, or higher, by the Maryland Addiction
35 Counselor Certification Board, another state, the Certification Commission of the
36 National Association of Alcoholism and Drug Abuse Counselors, or the International
37 Certification Reciprocity Consortium, or was employed in the capacity of a Program

1 Specialist I, II, III, or its equivalent, or higher, in an agency or facility accredited by
 2 the Joint Commission on the Accreditation of Health Care Organizations or certified
 3 under Title 8, Subtitle 4 of the Health – General Article; and

4 [(v)] (5) Has completed not less than 3 years with a minimum
 5 of 3,000 hours of supervised experience in alcohol and drug abuse counseling approved
 6 by the Board, 2 years of which shall have been completed after the award of the
 7 bachelor’s degree or a program that the Board determines to be substantially
 8 equivalent in subject matter and extent of training.

9 [(3)] (C) The Board shall waive the requirements for certification as a
 10 certified supervised counselor–alcohol and drug for any individual who:

11 [(i)] (1) Had filed a letter of intent with the Board by October
 12 1, 2001;

13 [(ii)] (2) Files an application for certification as a certified
 14 supervised counselor–alcohol and drug on or before May 1, 2009;

15 [(iii)] (3) Holds an associate’s degree in health and human
 16 services counseling or has completed a program that the Board determines to be
 17 substantially equivalent in subject matter and extent of training to an associate’s
 18 degree in health and human services counseling; or

19 [(iv)] (4) As of July 1, 2001, was certified as a certified
 20 alcoholism counselor, certified drug counselor, or higher, by the Maryland Addiction
 21 Counselor Certification Board, another state, the Certification Commission of the
 22 National Association of Alcoholism and Drug Abuse Counselors, or the International
 23 Certification Reciprocity Consortium, or was employed in the capacity of an Addiction
 24 Counselor II or III, or its equivalent, or higher, in an agency or facility accredited by
 25 the Joint Commission on the Accreditation of Health Care Organizations or certified
 26 under Title 8, Subtitle 4 of the Health – General Article.

27 DRAFTER’S NOTE:

28 Error: Tabulation error in § 17–405.1 of the Health Occupations Article.

29 Occurred: Ch. 505, Acts of 2008. Correction by the publisher of the Annotated
 30 Code in the 2008 Supplement of the Health Occupations Article is ratified by this Act.

31 **Article – Labor and Employment**

32 3–415.

33 (c) This section does not apply to an employer with respect to:

1 (1) an employee for whom the United States Secretary of
2 Transportation may set qualifications and maximum hours of service under 49 U.S.C.
3 § [3102] **31502**;

4 DRAFTER'S NOTE:

5 Error: Obsolete reference in § 3–415(c)(1) of the Labor and Employment Article.

6 Occurred: As a result of changes in federal law enacted by P. L. 97–449 (1983).

7 9–303.

8 (c) The Chairman shall conduct hearings unless [it interferes] **THE**
9 **HEARINGS INTERFERE** with the adequate and efficient performance of the
10 administrative and executive functions of the Chairman.

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in § 9–303(c) of the Labor and Employment Article.

13 Occurred: Ch. 8, Acts of 1991.

14 11–806.

15 (a) (1) The Adult Education and Literacy Services Office shall distribute
16 competitive grants for adult education and literacy services in accordance with the
17 State plan for adult education and family literacy.

18 (2) The grants distributed under this section shall be based on need
19 and performance.

20 (3) Grants under this section may be used for adult education and
21 literacy services, including:

22 (i) GED instruction;

23 (ii) the Maryland Adult External High School Program under §
24 11–807 of this subtitle;

25 (iii) Workplace Literacy Services;

26 (iv) English for speakers of other languages;

27 (v) family literacy; and

28 (vi) literacy instruction.

1 (b) Funding for the competitive grants under this section shall be as
2 provided in the State budget.

3 (c) **ON OR BEFORE AUGUST 1 EACH YEAR, THE DEPARTMENT SHALL:**

4 (1) **COMPILE A LIST BY COUNTY OF ADULT EDUCATION AND**
5 **LITERACY SERVICES OFFERED TO THE PUBLIC;**

6 (2) **DISTRIBUTE THE LIST TO THE COUNTY BOARD AND COUNTY**
7 **SUPERINTENDENT OR CHIEF EXECUTIVE OFFICER OF EACH LOCAL SCHOOL**
8 **SYSTEM IN THE STATE; AND**

9 (3) **POST THE LIST ON ITS PUBLIC WEBSITE.**

10 DRAFTER'S NOTE:

11 Error: Codification error corrected and placed at § 11-806(c) of the Labor and
12 Employment Article.

13 Occurred: As a result of Ch. 134, Acts of 2008. The provisions of § 11-806(c)
14 were originally enacted as § 5-218(c) of the Education Article by Ch. 451, Acts of 2008.
15 Ch. 134, Acts of 2008, repealed § 5-218 of the Education Article, but enacted
16 equivalent provisions as § 11-806 of the Labor and Employment Article. The Attorney
17 General, in the bill review letter for Senate Bill 773 advised that Ch. 451, Acts of 2008,
18 be treated as an amendment to § 11-806 of the Labor and Employment Article. In
19 accordance with the advice of the Attorney General, the correction was made by the
20 publisher of the Annotated Code in the 2008 Replacement Volume of the Labor and
21 Employment Article and is ratified by this Act.

22 11-906.

23 (a) Notwithstanding any other provision of law, Patuxent Institution is a
24 correctional institution within the Division of Correction and under the jurisdiction of
25 the Education and Workforce Training [and] Coordinating Council for [correctional
26 institutions] **CORRECTIONAL INSTITUTIONS** for the funding of educational
27 programs only.

28 DRAFTER'S NOTE:

29 Error: Misnomer in § 11-906(a) of the Labor and Employment Article.

30 Occurred: Ch. 134, Acts of 2008.

31 **Article - Natural Resources**

32 1-403.

1 (c) The Department shall develop the electronic system consistent with the
2 statewide information technology master plan developed under Title [3] **3A**, Subtitle
3 [4] **3** of the State Finance and Procurement Article.

4 DRAFTER'S NOTE:

5 Error: Obsolete cross-reference in § 1-403(c) of the Natural Resources Article.

6 Occurred: As a result of Ch. 9, Acts of 2008.

7 3-104.

8 (n) (1) To make any contract or agreement the Service determines to be
9 necessary or incidental to the performance of its duties and to the execution of the
10 purpose of and the powers granted by this subtitle, including contracts with the
11 federal or any state government, or any unit, instrumentality, or municipality thereof,
12 or with any person, on terms and [condition] **CONDITIONS** the Service approves.

13 DRAFTER'S NOTE:

14 Error: Grammatical error in § 3-104(n)(1) of the Natural Resources Article.

15 Occurred: Ch. 196, Acts of 1993.

16 4-735.

17 (d) Chain pickerel may not be transported into or out of the State during
18 April, May, and June. Anglers, however, may possess and transport chain pickerel
19 caught with rod, or hook and line, in accordance with the provisions of this section.
20 This subsection does not prevent shipment in interstate commerce of live chain
21 pickerel for propagating, breeding, or stocking purposes under [§ 4-11A-19]
22 **§ 4-11A-21** of this title, nor prevent any person from catching or engaging in catching
23 chain pickerel for propagating or restocking the waters of the State under the
24 direction of the Department under § 4-410 of this title.

25 DRAFTER'S NOTE:

26 Error: Erroneous cross-reference in § 4-735(d) of the Natural Resources Article.

27 Occurred: Ch. 4, Acts of the First Special Session of 1973, which, in revising
28 former Art. 66C as part of the enactment of the Natural Resources Article, enacted an
29 erroneous cross-reference to § 4-621 rather than § 4-623 of the Natural Resources
30 Article (formerly Art. 66C, § 215). The error was repeated when the cross-reference
31 was amended by Ch. 6, Acts of 1990 to conform to a previous renumbering of the
32 cross-referenced provision enacted by Ch. 534, Acts of 1988.

33 4-1008.

1 (a) (3) “Nonnative” means a species of oyster other than the *Crassostrea*
2 [*Virginica*] **VIRGINICA**.

3 DRAFTER’S NOTE:

4 Error: Capitalization error in § 4–1008(a)(3) of the Natural Resources Article.

5 Occurred: Ch. 441, Acts of 2005.

6 5–903.

7 (d) Any funds previously or subsequently appropriated or reimbursed to the
8 Department from the Land and Water Conservation Fund of the United States
9 Department of **THE** Interior, National Park Service shall be used to supplement the
10 acquisition and development program of the Department and of other eligible State
11 agencies and local government bodies.

12 DRAFTER’S NOTE:

13 Error: Omitted article in § 5–903(d) of the Natural Resources Article.

14 Occurred: Ch. 4, Acts of the First Special Session of 1973.

15 8–2A–03.

16 (b) The BayStat Program shall:

17 (6) Increase public awareness of, and participation in, efforts to
18 restore the vitality of the Chesapeake [Bay] **AND ATLANTIC COASTAL BAYS**; and

19 (c) The BayStat Subcabinet shall:

20 (1) Report annually to the public regarding:

21 (i) The health of the Chesapeake [and Atlantic Coastal Bays
22 tributary] **BAY TRIBUTARY** basin;

23 DRAFTER’S NOTE:

24 Error: Inconsistent terminology in § 8–2A–03(b)(6) and (c)(1)(i) of the Natural
25 Resources Article.

26 Occurred: Ch. 121, Acts of 2008. Correction by the publisher of the Annotated
27 Code in the 2008 Supplement of the Natural Resources Article, consistent with
28 Chapter 120, Acts of 2008, is ratified by this Act.

1 8–2A–04.

2 (c) (2) The BayStat Subcabinet agencies shall administer the funds in
3 accordance with the final work and expenditure plans, including the distribution of
4 funds:

5 (iv) To the Woodland [Incentive] **INCENTIVES** Fund established
6 under § 5–307 of this article.

7 DRAFTER’S NOTE:

8 Error: Misnomer in § 8–2A–04(c)(2)(iv) of the Natural Resources Article.

9 Occurred: Chs. 120 and 121, Acts of 2008.

10 8–1801.

11 (a) The General Assembly finds and declares that:

12 (4) Human activity is harmful in these shoreline areas, where the new
13 development of nonwater–dependent structures or an increase in lot coverage is
14 presumed to be contrary to the purpose of this subtitle, because these activities may
15 cause adverse impacts, of both an immediate and a long–term nature, to the
16 Chesapeake and **THE** Atlantic Coastal Bays, and thus it is necessary wherever
17 possible to maintain a buffer of at least 100 feet landward from the mean high water
18 line of tidal waters, tributary streams, and tidal wetlands;

19 DRAFTER’S NOTE:

20 Error: Omitted article in § 8–1801(a)(4) of the Natural Resources Article.

21 Occurred: Ch. 526, Acts of 2004.

22 8–1802.

23 (a) (4) “Buffer” means an existing, naturally vegetated area, or an area
24 established in vegetation and managed to protect aquatic, wetlands, shoreline, and
25 terrestrial environments from [man–made] **MANMADE** disturbances.

26 DRAFTER’S NOTE:

27 Error: Extraneous hyphen in § 8–1802(a)(4) of the Natural Resources Article.

28 Occurred: Ch. 526, Acts of 2004.

29 8–1808.1.

1 (e) (1) Except as authorized under paragraph (2) of this subsection, in
 2 calculating the 1-in-20 acre density of development that is permitted on a parcel
 3 located within the resource conservation area, a local jurisdiction:

4 (ii) May permit the area of any private wetlands located on the
 5 property to be included, under the following conditions:

6 1. The density of development on the upland portion of the
 7 parcel may not exceed [1] ONE dwelling unit per 8 acres; and

8 DRAFTER’S NOTE:

9 Error: Stylistic error in § 8–1808.1(e)(1)(ii)1 of the Natural Resources Article.

10 Occurred: Ch. 602, Acts of 1986.

11 **Article – Public Safety**

12 14–3A–01.

13 (e) “Health care provider” means:

14 (1) a health care facility as defined in § [19–114(e)(1)] **19–114(D)(1)**
 15 of the Health – General Article;

16 (2) a health care practitioner as defined in § [19–114(f)] **19–114(E)** of
 17 the Health – General Article; and

18 DRAFTER’S NOTE:

19 Error: Erroneous cross–reference in § 14–3A–01(e)(1) and (2) of the Public
 20 Safety Article.

21 Occurred: Ch. 26, Acts of 2004.

22 **Article – Public Utility Companies**

23 2–110.

24 (c) (3) The Commission shall send a bill to each public service company
 25 on or before [May 1st] **MAY 1** of each year.

26 (6) The public service company:

27 (i) shall pay the bill on or before the next [July 15th] **JULY 15**;

28 or

1 (ii) may elect to make partial payments on the 15th days of
2 July, October, January, and April.

3 (10) (i) On or before [September 15th] **SEPTEMBER 15** of each
4 year, the Chairman shall compute the actual costs and expenses of the Commission,
5 and the actual costs and expenses of the Office of People's Counsel, as provided by the
6 People's Counsel for the preceding fiscal year.

7 (ii) If the amounts collected are less than the actual costs and
8 expenses of the Commission and the Office of the People's Counsel, after deducting the
9 amounts recovered under §§ 2-111(a) and 2-123 of this subtitle, on or before [October
10 15th] **OCTOBER 15**, the Chairman shall send to any public service company that is
11 affected a statement that shows the amount due.

12 (12) The total amount that may be charged to a public service company
13 under this section for a State fiscal year may not exceed:

14 (i) 0.17% of the public service company's gross operating
15 revenues derived from intrastate utility and electricity [supplier's] **SUPPLIER**
16 operations in the preceding calendar year, or other 12-month period that the
17 Chairman determines, for the costs and expenses of the Commission other than that of
18 the Office of People's Counsel; plus

19 (ii) 0.05% of those revenues for the costs and expenses of the
20 Office of People's Counsel.

21 **DRAFTER'S NOTE:**

22 Error: Stylistic errors in § 2-110(c)(3), (6), and (10)(i) and (ii); incorrect word
23 usage in § 2-110(c)(12)(i) of the Public Utility Companies Article.

24 Occurred: The stylistic errors occurred in Ch. 8, Acts of 1998; and the incorrect
25 word usage occurred in Chs. 3 and 4, Acts of 1999.

26 6-206.

27 (b) (1) The Commission shall provide each public service company with a
28 blank form of **AN** annual report in time to allow the public service company to comply
29 with subsection (a) of this section.

30 **DRAFTER'S NOTE:**

31 Error: Omitted word in § 6-206(b)(1) of the Public Utility Companies Article.

32 Occurred: Ch. 8, Acts of 1998.

33 6-210.

1 (b) In its annual report, a public service company shall:

2 (3) provide a copy of any restrictive covenant attached to the debt
3 described in [paragraph] **ITEM** (1) or (2) of this subsection.

4 DRAFTER'S NOTE:

5 Error: Stylistic error in § 6–210(b)(3) of the Public Utility Companies Article.

6 Occurred: Ch. 8, Acts of 1998.

7 7–211.

8 (f) The Commission shall:

9 (3) ensure that adoption of electric customer choice under Subtitle 5 of
10 this title does not adversely impact the continuation of [cost effective energy
11 conservation and efficiency] **COST-EFFECTIVE ENERGY EFFICIENCY AND
12 CONSERVATION** programs.

13 DRAFTER'S NOTE:

14 Error: Omitted hyphen and inconsistent terminology in § 7–211(f)(3) of the
15 Public Utility Companies Article.

16 Occurred: As a result of Ch. 131, Acts of 2008.

17 12–311.

18 (e) Before an agreement made under this section takes [effect] **EFFECT**, the
19 Commission may conduct proceedings and shall:

20 (1) determine that the agreement is in the public interest; and

21 (2) issue an order to approve the agreement, disapprove the
22 agreement, or approve the agreement subject to specified conditions.

23 DRAFTER'S NOTE:

24 Error: Omitted comma in § 12–311(e) of the Public Utility Companies Article.

25 Occurred: Ch. 8, Acts of 1998.

26 13–208.

1 (b) A summary cease and desist order issued by the Commission under
2 subsection (a) of this section shall:

3 (1) be personally and promptly served on the affected person or the
4 person's legal representative;

5 (2) be effective only after it is served under item (1) of this subsection;
6 [and]

7 (3) [(i)] identify the date and hour of issuance;

8 [(ii)] (4) define the harm that the Commission finds will result
9 if the summary cease and desist order is not issued;

10 [(iii)] (5) state the basis for the Commission's finding that the
11 harm will be immediate, substantial, and irreparable;

12 [(iv)] (6) state that any person affected by the summary cease
13 and desist order may immediately apply to have the order modified or vacated by the
14 Commission;

15 [(v)] (7) state that the Commission may modify or vacate the
16 summary cease and desist order as requested or may set the matter for hearing under
17 subsection (c) of this section; and

18 [(vi)] (8) provide notice of the opportunity for an evidentiary
19 hearing to determine whether the summary cease and desist order should be modified,
20 vacated, or entered as final.

21 DRAFTER'S NOTE:

22 Error: Tabulation error in § 13-208(b) of the Public Utility Companies Article.

23 Occurred: Ch. 267, Acts of 2002.

24 **Article - Real Property**

25 8-203.1.

26 (a) A receipt for a security deposit shall notify the tenant of the following:

27 (5) The tenant's right to receive, by [first class] **FIRST-CLASS** mail,
28 delivered to the last known address of the tenant, a written list of the charges against
29 the security deposit claimed by the landlord and the actual costs, within 45 days after
30 the termination of the tenancy;

1 (6) The obligation of the landlord to return any unused portion of the
2 security deposit, by [first class] **FIRST-CLASS** mail, addressed to the tenant's last
3 known address within 45 days after the termination of the tenancy; and

4 DRAFTER'S NOTE:

5 Error: Omitted hyphen in § 8–203.1(a)(5) and (6) of the Real Property Article.

6 Occurred: Ch. 649, Acts of 1999.

7 8–402.4.

8 (c) (4) If notice of the summons is sent to the person in possession by
9 [first class] **FIRST-CLASS** mail, the affixing of the summons in accordance with
10 paragraph (3) of this subsection shall constitute sufficient service to support
11 restitution of possession.

12 DRAFTER'S NOTE:

13 Error: Omitted hyphen in § 8–402.4(c)(4) of the Real Property Article.

14 Occurred: Ch. 649, Acts of 1999.

15 11–103.1.

16 (b) If a council of unit owners or board of directors executes and records an
17 amendment under subsection (a) of this section, the council or board shall also record
18 with the amendment:

19 (2) An affidavit by the council or board that at least 30 days before
20 recordation of the amendment a copy of the amendment was sent by [first class]
21 **FIRST-CLASS** mail to each unit owner at the last address on record with the council of
22 unit owners.

23 DRAFTER'S NOTE:

24 Error: Omitted hyphen in § 11–103.1(b)(2) of the Real Property Article.

25 Occurred: Ch. 576, Acts of 1995.

26 14–120.

27 (o) Provisions of [the Real Property Article] **THIS ARTICLE** or public local
28 laws applicable to actions between a landlord and tenant are not applicable to actions
29 brought against a landlord or a tenant under this section.

30 DRAFTER'S NOTE:

1 Error: Stylistic error in § 14–120(o) of the Real Property Article.

2 Occurred: Ch. 301, Acts of 2000.

3 **Article – State Finance and Procurement**

4 [Subtitle 4. Information Processing.]

5 [3–401.] **3A–313.**

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

7 (2) (i) “Payee” means any party who receives from the State an
8 aggregate payment of \$25,000 in a fiscal year.

9 (ii) “Payee” does not include:

10 1. a State employee with respect to the employee’s
11 compensation; or

12 2. a State retiree with respect to the retiree’s retirement
13 allowance.

14 (3) “Searchable website” means a website created in accordance with
15 this section that displays and searches State payment data.

16 (b) On or before January 1, 2009, the Department shall develop and operate
17 a single searchable website, accessible to the public at no cost through the Internet.

18 (c) The searchable website shall contain State payment data, including:

19 (1) the name of a payee receiving a payment;

20 (2) the location of a payee by postal zip code;

21 (3) the amount of a payment; and

22 (4) the name of an agency making a payment.

23 (d) The searchable website shall allow the user to:

24 (1) search data for fiscal year 2008 and each year thereafter; and

25 (2) search by the following data fields:

26 (i) a payee receiving a payment;

1 (ii) an agency making a payment; and

2 (iii) the zip code of a payee receiving a payment.

3 (e) State agencies shall provide appropriate assistance to the Secretary to
4 ensure the existence and ongoing operation of the single website.

5 (f) This section may not be construed to require the disclosure of information
6 that is confidential under State or federal law.

7 (g) This section shall be known and may be cited as the “Maryland Funding
8 Accountability and Transparency Act of 2008”.

9 DRAFTER’S NOTE:

10 Error: Obsolete subtitle designation immediately preceding § 3–401 of the State
11 Finance and Procurement Article and incorrect numbering of § 3–401 of the State
12 Finance and Procurement Article.

13 Occurred: As a result of Chs. 9 and 659, Acts of 2008. The corrections made by
14 this Act were recommended by Assistant Attorney General Kathryn Rowe, Office of
15 the Counsel to the General Assembly.

16 5–7A–01.

17 The State Economic Growth, Resource Protection, and Planning Policy is that:

18 (6) to encourage the achievement of [paragraphs] **ITEMS** (1) through
19 (5) of this subsection, economic growth shall be encouraged and regulatory
20 mechanisms shall be streamlined;

21 DRAFTER’S NOTE:

22 Error: Stylistic error in § 5–7A–01(6) of the State Finance and Procurement
23 Article.

24 Occurred: Ch. 437, Acts of 1992.

25 7–326.

26 (c) The Fund consists of moneys transferred by the [Maryland Stadium
27 Authority as required under § 13–715.2 of the Financial Institutions Article] **CAMDEN
28 YARDS FINANCING FUNDS AS REQUIRED UNDER § 10–652 OF THE ECONOMIC
29 DEVELOPMENT ARTICLE.**

30 DRAFTER’S NOTE:

1 Error: Obsolete terminology in § 7–326(c) of the State Finance and Procurement
2 Article.

3 Occurred: As a result of Ch. 306, § 18, Acts of 2008.
4 11–203.

5 (a) Except as provided in subsection (b) of this section, this Division II does
6 not apply to:

7 (1) procurement by:

8 (xii) the Department of Business and Economic Development, for
9 negotiating and entering into private sector cooperative marketing projects that
10 directly enhance promotion of Maryland and the tourism industry where there will be
11 a private sector contribution to the project [if] **OF** not less than 50% of the total cost of
12 the project, if the project is reviewed by the Attorney General and approved by the
13 Secretary of Business and Economic Development or the Secretary's designee;

14 DRAFTER'S NOTE:

15 Error: Incorrect word usage in § 11–203(a)(1)(xii) of the State Finance and
16 Procurement Article.

17 Occurred: Ch. 548, Acts of 1997.

18 Article – State Government

19 2–10A–11.

20 (e) The Committee shall provide continuing legislative oversight of the
21 State's response to changes and opportunities occurring as a result of the Base
22 Realignment and Closure [Process] **PROCESS**.

23 DRAFTER'S NOTE:

24 Error: Capitalization error in § 2–10A–11(e) of the State Government Article.

25 Occurred: Ch. 469, Acts of 2007. Correction by the publisher of the Annotated
26 Code in the 2008 Supplement of the State Government Article is ratified by this Act.

27 2–1505.

28 (j) (1) **(I)** In its summary report of legislation enacted by the General
29 Assembly that has a fiscal impact, the Department of Legislative Services shall
30 include a list of legislation that:

1 [(i)] 1. affects local government units [and indicate which
2 legislation imposes mandates on local government units]; or

3 [(ii)] 2. requires a mandated appropriation in the annual
4 budget bill.

5 (II) IN THE LIST OF LEGISLATION DESCRIBED IN
6 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, THE DEPARTMENT OF LEGISLATIVE
7 SERVICES SHALL INDICATE WHICH LEGISLATION IMPOSES MANDATES ON
8 LOCAL GOVERNMENT UNITS.

9 DRAFTER'S NOTE:

10 Error: Misplaced language in § 2–1505(j)(1) of the State Government Article.

11 Occurred: Ch. 2, Acts of the Special Session of 2007.

12 [Subtitle 18. Council on Management and Productivity.]

13 [9–1801.

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

15 (b) “Council” means the Council on Management and Productivity.

16 (c) (1) “Governmental unit” means a permanent instrumentality in the
17 Executive, Legislative, or Judicial Branch of State government.

18 (2) “Governmental unit” includes a department, board, commission,
19 agency, or a subunit in the Executive, Legislative, or Judicial Branch of State
20 government and those county–funded State entities specified in Article 24, § 8–101 of
21 the Code.]

22 [9–1802.

23 (a) This subtitle may not be construed to authorize the Council to exercise
24 regulatory authority.

25 (b) Consistent with its reporting obligations under § 9–1812 of this subtitle,
26 the authority of the Council is advisory only.]

27 [9–1803.

28 There is a Council on Management and Productivity in the Department of
29 Budget and Management.]

1 [9-1804.

2 The Council consists of:

3 (1) ten individuals, including representatives of labor, local
4 government, and nonprofit organizations, who shall be appointed by and serve at the
5 pleasure of the Governor;

6 (2) one member of the Senate of Maryland, appointed by the President
7 of the Senate;

8 (3) one member of the House of Delegates, appointed by the Speaker of
9 the House;

10 (4) one representative of the Judicial Branch, appointed by the Chief
11 Judge of the Maryland Court of Appeals;

12 (5) two representatives of the business community:

13 (i) one appointed by the President of the Senate of Maryland;
14 and

15 (ii) one appointed by the Speaker of the House of Delegates; and

16 (6) four representatives from the general public:

17 (i) two appointed by the President of the Senate of Maryland;
18 and

19 (ii) two appointed by the Speaker of the House of Delegates.]

20 [9-1805.

21 (a) (1) The Governor shall appoint a chairman from among the members
22 of the Council.

23 (2) The Council shall determine the times and places of the meetings
24 of the Council.

25 (b) A quorum of the Council is 10 members.

26 (c) (1) The term of a member is 3 years.

27 (2) The terms of members are staggered as required by the terms
28 provided for members of the Council on June 1, 2002.

1 (3) At the end of a term, a member continues to serve until a successor
2 is appointed and qualifies.

3 (4) If a vacancy occurs during the term of a member, the appointing
4 authority shall appoint another individual to serve the remainder of the term.

5 (5) Any member may be removed by the appointing authority for
6 incompetence, misconduct, or the failure to attend meetings.

7 (d) A member of the Council:

8 (1) may not receive compensation for duties performed as a member of
9 the Council; but

10 (2) is entitled to reimbursement for expenses under the Standard
11 State Travel Regulations, as provided in the State budget.]

12 [9–1806.

13 (a) (1) In and after fiscal year 1997, the Council shall prepare a budget for
14 submission to the Governor with due regard to the dictates of practicality and the
15 fiscal condition of the State.

16 (2) The Governor shall include an appropriation for the Council in the
17 annual State budget sufficient for the operation of the Council.

18 (b) The Council is subject to an audit by the Office of the Legislative Auditor
19 in accordance with §§ 2–1217 through 2–1227 of this article.]

20 [9–1807.

21 The Council shall:

22 (1) solicit ideas, proposals, and suggestions from the business
23 community, nonprofit organizations, government entities, and citizens of the State for
24 innovative ways for the State to manage its resources more efficiently while
25 maintaining quality programs and delivery of services;

26 (2) review and evaluate the organizational structure and management
27 practices of State government and facilitate the use of best practices in State agencies;

28 (3) evaluate and recommend public–private partnership alternatives
29 regarding the operation and management of State programs and assets;

30 (4) examine government contracting policies and procedures; and

1 (5) provide information on entrepreneurial government activities and
2 offer procedural and implementation assistance.]

3 [9-1808.

4 (a) Except as provided in subsection (b) of this section, the State, the Council,
5 and the members of the Council are not personally liable in any action for damages
6 because of acts committed or omitted by the Council, any member of the Council, or
7 any employee of the Council, in the performance of their duties.

8 (b) The immunity from liability provided in subsection (a) of this section does
9 not apply in the case of willful malfeasance or breach of trust by the State, the
10 Council, or any of its members or staff.]

11 [9-1809.

12 All personnel in any governmental unit shall cooperate with the Council in the
13 discharge of the functions of the Council and with regard to any reasonable request
14 that the Council makes for information associated with its purpose under this
15 subtitle.]

16 [9-1811.

17 Unless otherwise extended by law and without any further action required by
18 the General Assembly, the Council shall terminate its existence by July 1, 2007.]

19 [9-1812.

20 On or before October 30 of each year in and after 2002, the Council shall submit
21 a report concerning its activities and recommendations to:

22 (1) the Governor;

23 (2) the Legislative Policy Committee; and

24 (3) subject to § 2-1246 of this article, the General Assembly.]

25 DRAFTER'S NOTE:

26 Error: Obsolete subtitle in Title 9 of the State Government Article.

27 Occurred: The Council on Management and Productivity was rendered obsolete
28 as a result of Ch. 126, Acts of 2002, which provided that unless extended by law, the
29 Council would terminate its existence by July 1, 2007.

30 10-502.

1 (c) “Advisory function” means the study of a matter of public concern or the
2 making of recommendations on the matter, under a delegation of responsibility by:

3 (4) formal action by or for a public body that exercises an [executive]
4 **ADMINISTRATIVE**, judicial, legislative, quasi-judicial, or quasi-legislative function.

5 (h) (1) “Public body” means an entity that:

6 (ii) is created by:

7 3. a county **OR MUNICIPAL** charter;

8 **DRAFTER’S NOTE:**

9 Error: Obsolete language in § 10–502(c)(4); omitted language in
10 § 10–502(h)(1)(ii)3 of the State Government Article.

11 Occurred: As a result of Ch. 584, Acts of 2006; Ch. 285, Acts of 1984. Corrections
12 suggested by Assistant Attorney General William Varga.

13 10–616.

14 (p) (5) Notwithstanding the provisions of paragraphs (3) and (4) of this
15 subsection, a custodian shall disclose personal information:

16 (viii) for use by an employer or insurer to obtain or verify
17 information relating to a holder of a commercial driver’s license that is required under
18 the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C.A. [§ 2701] § **31101** et
19 seq.);

20 **DRAFTER’S NOTE:**

21 Error: Incorrect cross-reference in § 10–616(p)(5)(viii) of the State Government
22 Article.

23 Occurred: As a result of changes in federal law enacted by P.L. 103–272 (1994).

24 **Article – State Personnel and Pensions**

25 22–406.

26 (c) (10) On or before August 1 of each year, the local superintendent shall
27 report to the State Department of Education for the previous school year:

28 (vi) the percentage of student population [comprised]
29 **COMPOSED** of children in poverty that is required to be present in a school in that
30 school system in order for that school to qualify as a Title 1 school.

1 DRAFTER'S NOTE:

2 Error: Incorrect word usage in § 22-406(c)(10)(vi) of the State Personnel and
3 Pensions Article.

4 Occurred: Ch. 443, Acts of 2007.

5 23-407.

6 (c) (10) On or before August 1 of each year, the local superintendent shall
7 report to the State Department of Education for the previous school year:

8 (vi) the percentage of student population [comprised]
9 **COMPOSED** of children in poverty that is required to be present in a school in that
10 school system in order for that school to qualify as a Title 1 school.

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in § 23-407(c)(10)(vi) of the State Personnel and
13 Pensions Article.

14 Occurred: Ch. 443, Acts of 2007.

15 **Article - Tax - General**

16 5-101.

17 (d) (2) "Beer" includes:

18 (i) ale;

19 (ii) porter;

20 (iii) stout;

21 (iv) hard cider, as defined in **ARTICLE 2B**, § 1-102(a)(9-1) of
22 [this article] **THE CODE**; and

23 (v) alcoholic beverages that contain:

24 1. 6% or less alcohol by volume, derived primarily from
25 the fermentation of grain, with not more than 49% of the beverage's overall alcohol
26 content by volume obtained from flavors and other added nonbeverage ingredients
27 containing alcohol; or

1 7-211.

2 (c) (1) Except for an interest in federal enclave property as defined in §
3 7-211.3 of this subtitle, an interest of a person in any property of the federal
4 government or the State is not subject to property tax, if the government that owns
5 the property makes negotiated payments in lieu of tax payments.

6 [(d)] (2) Land owned by the federal government that is the location for
7 federal enclave property as defined in § 7-211.3 of this subtitle is not subject to
8 property tax.

9 DRAFTER’S NOTE:

10 Error: Stylistic error in § 7-211(c) and (d) of the Tax – Property Article.

11 Occurred: Ch. 338, Acts of 2008. Correction by the publisher of the Annotated
12 Code in the 2008 Supplement of the Tax – Property Article is ratified by this Act.

13 14-812.

14 At least 30 days before any property is first advertised for sale under this
15 subtitle, the collector shall have mailed to the person who last appears as owner of the
16 property on the collector’s tax roll, at the last address shown on the tax roll, a
17 statement giving the name of the person, and the amounts of taxes due. On the
18 statement there shall also appear the following notice:

19
“Date”

20 “This Is a Final Bill and Legal Notice to the Person Whose Name Appears on This
21 Notice.”

22 “According to **THE** collector’s tax roll you are the owner of the property
23 appearing on this notice. Some of the taxes listed are in arrears. Notice is given you
24 that unless all taxes in arrears are paid on or before 30 days from the above date, the
25 collector will proceed to sell the above property to satisfy your entire indebtedness.
26 Interest and penalties must be added to the total at the time of payment.”

27 For any individual who last appears as an owner of the property on the
28 collector’s tax roll who has been listed as an owner of the property on the collector’s tax
29 roll for at least the last 25 years, the collector shall provide, at least 30 days before the
30 property is first advertised, a list that includes the individual’s name and address and
31 notice to the area agency, as defined in § 10-101 of the Human Services Article.

1 In Baltimore County the above statement and notice shall also be posted by the
 2 collector at least 30 days before the property is first advertised, in a conspicuous place
 3 on the property to be sold.

4 Failure of the collector to mail the statement and notice to the last address of
 5 the person last assessed for the property, as it appears on the collector’s tax roll, to
 6 mail, if applicable, a list including the name and address of an individual receiving the
 7 statement who has been listed as an owner of the property on the collector’s tax roll for
 8 at least the last 25 years and notice to the area agency, or in Baltimore County to post
 9 the statement and notice on the property, or to include any taxes in the statement and
 10 notice, does not invalidate or otherwise affect any tax, except a tax that is required to
 11 be but has not been certified as provided in § 14–810 of this subtitle, or any sale made
 12 under this subtitle to enforce payment of taxes, nor prevent nor stay any proceedings
 13 under this subtitle, nor affect the title of any purchaser.

14 DRAFTER’S NOTE:

15 Error: Omitted article in § 14–812 of the Tax – Property Article.

16 Occurred: Ch. 8, Acts of 1985.

17 **Article – Transportation**

18 2–103.

19 (f) (2) This subsection does not apply to:

20 (ii) The powers or duties that are vested by law in:

- 21 1. The Board of Airport Zoning Appeals;
- 22 2. The Transportation Professional Services Selection
 23 Board;
- 24 3. The Maryland Transportation Authority; **OR**
- 25 4. [The Board of Review of the Department; or
- 26 5.] The Maryland Port Commission and Maryland Port
 27 Administration.

28 (g) (2) This subsection does not apply to:

29 (ii) The powers or duties that do not require by law the approval
 30 or action of the Secretary and are vested by law in:

- 31 1. The Board of Airport Zoning Appeals;

1 (b) (1) For fiscal year 2009 and each fiscal year thereafter, the
2 Administration shall separately recover from fares and other operating revenues at
3 least 35 percent of the total operating costs for:

4 (i) The Administration's bus, light rail, and Metro Subway
5 services in the Baltimore region; and

6 (ii) All passenger railroad services under the Administration's
7 control.

8 (2) The Administration shall submit, in accordance with § 2-1246 of
9 the State Government Article, an annual report to the Senate Budget and Taxation
10 Committee, House Ways and Means Committee, and House Appropriations
11 Committee by December 1 of each year that includes:

12 (i) Separate farebox recovery ratios for the prior fiscal year for:

13 1. Bus, light rail, and Metro subway services provided by
14 the Administration in the Baltimore region;

15 2. Commuter bus service provided under contract to the
16 Administration in the Baltimore region; and

17 3. Maryland Area Rail Commuter (MARC) service
18 provided under contract to the Administration;

19 (ii) A discussion of the success or failure to achieve the farebox
20 recovery requirement established in paragraph (1) of this subsection; and

21 (iii) Comparisons of farebox recovery ratios for the
22 Administration's mass transit services and other similar transit systems nationwide.

23 (c) (1) For fiscal year 2009 and each fiscal year thereafter, the
24 Administration shall implement performance indicators to track service efficiency for
25 the Administration's mass transit services, including:

26 (i) Operating expenses per revenue vehicle mile;

27 (ii) Operating expenses per passenger trip; and

28 (iii) Passenger trips per revenue vehicle mile.

29 (2) The Administration shall submit, in accordance with § 2-1246 of
30 the State Government Article, an annual performance report to the Senate Budget and
31 Taxation Committee, House Ways and Means Committee, and House Appropriations
32 Committee by December 1 of each year on:

1 (i) The status of the performance indicators listed in paragraph
2 (1) of this subsection for the prior fiscal year, including a discussion of the failure or
3 success in meeting the goals established for the prior fiscal year by the
4 Administration;

5 (ii) The status of managing-for-results goals of the
6 Administration as they pertain to mass transit service in the Baltimore area;

7 (iii) Comparisons of performance indicators for the
8 Administration's mass transit services and other similar systems nationwide; and

9 (iv) The Administration's goals for each of the measures in
10 paragraph (1) of this subsection for the next fiscal year.

11 (d) (1) The Administration shall provide for an independent management
12 audit of the operational costs and revenues of the Administration's mass transit
13 services every 4 years.

14 (2) The audit shall provide data on fares, cost containment measures,
15 comparisons with other similar mass transit systems, and other information necessary
16 in evaluating the operations of the Administration's mass transit system.

17 (3) The findings from the audit shall be used as a benchmark for the
18 annual performance reports.

19 (e) The determinations of the Secretary, Administration, or Maryland
20 Transportation Authority as to the type of service performed or the rentals, rates, fees,
21 fares, and other charges imposed are not subject to judicial review or to the processes
22 of any court.

23 (f) Notwithstanding any other provision of this title or the Public Utility
24 Companies Article, the Public Service Commission does not have any jurisdiction over
25 transit facilities owned or controlled by the Administration or over any contractor
26 operating these facilities.

27 (g) Except as provided in this title, the Administration does not have any
28 jurisdiction over transportation in the District by private carriers.

29 DRAFTER'S NOTE:

30 Error: Failure to amend proper version of § 7-208 of the Transportation Article.

31 Occurred: Ch. 684, Acts of 2008. Amendments enacted in Ch. 684 (i.e., repeal of
32 termination provisions enacted in Chs. 210 and 211, Acts of 2000, as amended by Ch.
33 447, Acts of 2004) rendered the version of § 7-208 of the Transportation Article
34 amended in Ch. 684 incorrect. Correction by the publisher of the Annotated Code in
35 the 2008 Replacement Volume is validated by this Act.

1 8–610.

2 (h) “Municipality” means the governing body of a municipal corporation as
3 defined in Article 23A, § 9 **OF THE CODE**.

4 DRAFTER’S NOTE:

5 Error: Omitted language in § 8–610(h) of the Transportation Article.

6 Occurred: Ch. 293, Acts of 1978.

7 25–111.

8 (i) (1) Except as provided for in paragraph (2) of this subsection,
9 regulations adopted under this section for intrastate motor carrier transportation may
10 not:

11 (i) Apply the provisions of § 391.21, § 391.23, [§ 391.31] §
12 **391.31**, or § 391.35 of the Federal Motor Carrier Safety Regulations to:

13 DRAFTER’S NOTE:

14 Error: Omitted comma in § 25–111(i)(1)(i) of the Transportation Article.

15 Occurred: Ch. 865, Acts of 1986.

16 **Chapter 131 of the Acts of 2008**

17 SECTION 3. AND BE IT FURTHER ENACTED, That:

18 (b) Of the \$300,000 that may be collected under [paragraph (1) of this]
19 subsection **(A) OF THIS SECTION**:

20 (1) up to \$250,000 may be expended in accordance with an approved
21 budget amendment for consultants, personnel, and related expenses of the
22 Commission, as deemed necessary by the Commission to accomplish the requirements
23 of this Act; and

24 (2) up to \$50,000 may be expended in accordance with an approved
25 budget amendment for consultants, personnel, and related expenses of the Office of
26 the People’s Counsel, as deemed necessary by the Office of the People’s Counsel to
27 accomplish the requirements of this Act.

28 DRAFTER’S NOTE:

29 Error: Erroneous internal reference in Section 3(b) of Ch. 131, Acts of 2008.

1 Occurred: Ch. 131, Acts of 2008. Correction suggested by the Attorney General
2 in the bill review letter for House Bill 374 (Ch. 131) of 2008.

3 **Chapter 211 of the Acts of 2008**

4 SECTION 5. AND BE IT FURTHER ENACTED, That:

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

6 (7) two current executive directors or administrators for health
7 occupation boards that may not be from the same boards as the representatives in
8 [item (5)] **ITEM (6)** of this subsection, appointed by the Secretary of Health and
9 Mental Hygiene; and

10 **Chapter 212 of the Acts of 2008**

11 SECTION 5. AND BE IT FURTHER ENACTED, That:

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

13 (7) two current executive directors or administrators for health
14 occupation boards that may not be from the same boards as the representatives in
15 [item (5)] **ITEM (6)** of this subsection, appointed by the Secretary of Health and
16 Mental Hygiene; and

17 DRAFTER'S NOTE:

18 Error: Erroneous internal reference in Section 5(b)(7) of Chs. 211 and 212, Acts
19 of 2008.

20 Occurred: Chs. 211 and 212, Acts of 2008. Correction suggested by the Attorney
21 General in the bill review letter for House Bill 811 (Ch. 212) and Senate Bill 764 (Ch.
22 211) of 2008.

23 **Chapter 261 of the Acts of 2008**

24 SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby
25 authorized shall constitute, and they shall so recite, an irrevocable pledge of the full
26 faith and credit and unlimited taxing power of the County to the payment of the
27 maturing principal of and interest on the bonds as and when they become payable. In
28 each and every fiscal year that any of the bonds are outstanding, the County shall levy
29 or cause to be levied ad valorem taxes upon all the assessable property within the
30 corporate limits of the County in rate and amount sufficient to provide for or [assume]
31 **ASSURE** the payment, when due, of the principal of and interest on all the bonds
32 maturing in each such fiscal year and, if the proceeds from the taxes so levied in any
33 fiscal year prove inadequate for such payment, additional taxes shall be levied in the
34 succeeding fiscal year to make up any deficiency. The County may apply to the

1 payment of the principal of and interest on any bonds issued under this Act any funds
 2 received by it from the State of Maryland, the United States of America, any agency or
 3 instrumentality of either, or from any other source. If such funds are granted for the
 4 purpose of assisting the County in financing the construction, improvement,
 5 development, or renovation of the public facilities defined in this Act and, to the extent
 6 of any such funds received or receivable in any fiscal year, taxes that might otherwise
 7 be required to be levied under this Act may be reduced or need not be levied.

8 DRAFTER'S NOTE:

9 Error: Incorrect word usage in Section 5 of Ch. 261, Acts of 2008.

10 Occurred: Ch. 261, Acts of 2008. Correction recommended by the Attorney
 11 General in the bill review letter for House Bill 256 (Ch. 261) of 2008.

12 Chapter 417 of the Acts of 2008

13 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any
 14 other provision of law, any balance remaining at the end of May 31, 2008, in the
 15 Joseph Fund Account established under [§ 7-237] § ~~7-327~~ of the State Finance and
 16 Procurement Article shall be transferred to the Revenue Stabilization Account of the
 17 State Reserve Fund.

18 DRAFTER'S NOTE:

19 Error: Erroneous cross-reference in Section 3 of Ch. 417, Acts of 2008.

20 Occurred: Ch. 417, Acts of 2008.

21 Chapter 659 of the Acts of 2008

22 SECTION 2. AND BE IT FURTHER ENACTED, That:

23 (a) The [Chief] **SECRETARY** of Information Technology [in the Department
 24 of Budget and Management] shall conduct a study to assess the feasibility, approach,
 25 and cost to expand or replace the searchable website established under § 3-414 of the
 26 State Finance and Procurement Article enacted by this Act to allow the public, at no
 27 cost, to search and aggregate State funding by different elements, which may include:

28 (1) the name of an entity receiving an award and, if applicable, the
 29 parent entity of the recipient;

30 (2) the amount of an award;

31 (3) the transaction type;

32 (4) the name of an agency making an award;

- 1 (5) the budget program fund source;
- 2 (6) a descriptive purpose of each funding action or State award;
- 3 (7) the location of an entity receiving the award; and
- 4 (8) any other relevant information specified by the Department.

5 (d) On or before June 30, 2010, the [Chief] **SECRETARY** of Information
6 Technology shall report to the General Assembly, in accordance with § 2–1246 of the
7 State Government Article, on the implementation of this Act.

8 **DRAFTER'S NOTE:**

9 Error: Obsolete terminology in Section 2(a) and (d) of Ch. 659, Acts of 2008.

10 Occurred: As a result of Ch. 9, Acts of 2008.

11 **SECTION 2. AND BE IT FURTHER ENACTED,** That the publishers of the
12 Annotated Code of Maryland, subject to the approval of the Department of Legislative
13 Services, shall make any changes in the text of the Annotated Code necessary to
14 effectuate any termination provision that was enacted by the General Assembly and
15 has taken effect or will take effect prior to October 1, 2009. Any enactment of the 2009
16 Session of the General Assembly that negates or extends the effect of a previously
17 enacted termination provision shall prevail over the provisions of this section.

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

21 **SECTION 4. AND BE IT FURTHER ENACTED,** That the provisions of this Act
22 are intended solely to correct technical errors in the law and there is no intent to
23 revive or otherwise affect law that is the subject of other acts, whether those acts were
24 signed by the Governor prior to or after the signing of this Act.

25 **SECTION 5. AND BE IT FURTHER ENACTED,** That the publishers of the
26 Annotated Code of Maryland, in consultation with and subject to the approval of the
27 Department of Legislative Services, shall make nonsubstantive corrections to
28 codification, style, capitalization, punctuation, grammar, spelling, and any reference
29 rendered incorrect or obsolete by an Act of the General Assembly, with no further
30 action required by the General Assembly. The publishers shall adequately describe
31 any such correction in an editor's note following the section affected.

32 **SECTION 6. AND BE IT FURTHER ENACTED,** That this Act is an emergency
33 measure, is necessary for the immediate preservation of the public health or safety,
34 has been passed by a ye and nay vote supported by three-fifths of all the members

1 elected to each of the two Houses of the General Assembly, and shall take effect from
2 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.