

SENATE BILL 380

P5

EMERGENCY BILL

2lr0848

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

Introduced and read first time: January 31, 2012

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with
4 possible title defects; providing that if the Commissioner of Financial
5 Regulation receives a record from an agency that retains ownership of the
6 record, the Commissioner may not disclose the record to any person that
7 requests the record under the Maryland Public Information Act; limiting the
8 circumstances under which the State Board of Podiatric Medical Examiners is
9 required to conduct certain unannounced inspections of certain offices of
10 podiatrists to instances where a complaint has been filed with the Board
11 regarding a violation by a podiatrist of the Centers for Disease Control and
12 Prevention's guidelines on universal precautions; repealing a provision of law
13 that prohibits the Department of Natural Resources from adopting regulations
14 to prohibit a tidal fish licensee from obstructing the cull ring of a hard crab pot
15 at any time of the year in order to catch peeler crabs; establishing a maximum
16 term of imprisonment applicable to a violation of the prohibition against a
17 person who was previously convicted of a certain crime of violence or
18 drug-related crime possessing a certain regulated firearm; providing for the
19 effect and construction of certain provisions of this Act; making this Act an
20 emergency measure; and generally repealing and reenacting without
21 amendments certain Acts of the General Assembly that may be subject to
22 possible title defects in order to validate those Acts.

23 BY repealing and reenacting, without amendments,
24 Article – Agriculture

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 Section 6–222(b)
2 Annotated Code of Maryland
3 (2007 Replacement Volume and 2011 Supplement)
- 4 BY repealing and reenacting, without amendments,
5 Article – Environment
6 Section 4–203(b)(9)
7 Annotated Code of Maryland
8 (2007 Replacement Volume and 2011 Supplement)
- 9 BY repealing and reenacting, without amendments,
10 Article – Financial Institutions
11 Section 5–909
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2011 Supplement)
- 14 BY repealing and reenacting, without amendments,
15 Article – Health Occupations
16 Section 16–205(b)(4)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)
- 19 BY repealing and reenacting, without amendments,
20 Article – Natural Resources
21 Section 4–803(b)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2011 Supplement)
- 24 BY repealing and reenacting, without amendments,
25 Article – Public Safety
26 Section 5–133(c)
27 Annotated Code of Maryland
28 (2011 Replacement Volume)
- 29 BY repealing and reenacting, without amendments,
30 Article – Transportation
31 Section 24–301(a) and the subtitle designation “Subtitle 3. Mobile Seafood and
32 Produce Vendors” to immediately precede Section 24–301
33 Annotated Code of Maryland
34 (2009 Replacement Volume and 2011 Supplement)
- 35 BY repealing and reenacting, without amendments,
36 Chapter 488 of the Acts of the General Assembly of 2007, as amended by
37 Chapter 219 of the Acts of the General Assembly of 2008 and Chapter 396
38 of the Acts of the General Assembly of 2011
39 Section 1(3) Item ZA00(B)

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

3 **Article – Agriculture**

4 6–222.

5 (b) (1) On or before April 1, 2011, a manufacturer of lawn fertilizer whose
6 products are sold in the State shall reduce by 50% from 2006 levels the amount of
7 available phosphate (P₂O₅) resulting from the application of its lawn care products
8 within the State.

9 (2) The amount of available phosphate (P₂O₅) resulting from the
10 application within the State of lawn care products sold or distributed by a
11 manufacturer may not exceed an average of 1.5% available phosphate (P₂O₅) if, prior
12 to April 1, 2010, the manufacturer did not sell or distribute fertilizer in the State
13 intended for use on established lawns or grass.

14 (3) Beginning in 2011, a manufacturer of fertilizer whose products are
15 sold in the State shall report the pounds of phosphorus in its lawn care products sold
16 at retail locations in the State to the Department at the end of each calendar year.

17 DRAFTER'S NOTE:

18 Error: Function paragraphs of bills being cured incorrectly indicated that
19 § 6–222(b), rather than § 6–222(b)(1) and (2), of the Agriculture Article was being
20 amended.

21 Occurred: Chapters 484 and 485 (Senate Bill 487/House Bill 573) of the Acts of
22 2011.

23 **Article – Environment**

24 4–203.

25 (b) The Department shall adopt rules and regulations which establish
26 criteria and procedures for stormwater management in Maryland. The rules and
27 regulations shall:

28 (9) (i) Establish a comprehensive process for approving grading
29 and sediment control plans and stormwater management plans; and

30 (ii) Specify that the comprehensive process established under
31 item (i) of this item takes into account the cumulative impacts of both plans.

32 DRAFTER'S NOTE:

1 Error: Function paragraph of bill being cured failed to indicate that
2 § 4–203(b)(9) of the Environment Article was being amended.

3 Occurred: Chapter 65 (Senate Bill 455) of the Acts of 2011.

4 **Article – Financial Institutions**

5 5–909.

6 (a) In order to carry out the purposes of this article, the Commissioner may:

7 (1) Adopt regulations; and

8 (2) Subject to subsection (b) of this section, enter into cooperative or
9 information–sharing agreements with any other bank supervisory agency.

10 (b) If the Commissioner receives a record from a bank supervisory agency
11 under a cooperative or an information–sharing agreement authorized by subsection
12 (a)(2) of this section and the bank supervisory agency expressly retains ownership of
13 the record, either in writing or by law or regulation, the Commissioner:

14 (1) May not disclose the record to any person that requests the record
15 under §§ 10–611 through 10–628 of the State Government Article; and

16 (2) Shall forward the request for the record to the bank supervisory
17 agency that owns the record for processing in accordance with the laws or regulations
18 governing disclosure of the bank supervisory agency’s records.

19 **DRAFTER’S NOTE:**

20 Error: Purpose paragraph of bill being cured failed to accurately describe the
21 changes made by the bill.

22 Occurred: Chapter 109 (House Bill 198) of the Acts of 2011.

23 **Article – Health Occupations**

24 16–205.

25 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

26 (4) Except for an office of a podiatrist in a hospital, related institution,
27 freestanding medical facility, or freestanding birthing center, conduct an unannounced
28 inspection of the office of a podiatrist against whom a complaint has been filed with
29 the Board regarding a violation of the Centers for Disease Control and Prevention’s
30 guidelines on universal precautions to determine compliance at that office with the
31 guidelines.

1 DRAFTER'S NOTE:

2 Error: Purpose paragraphs of bills being cured failed to accurately describe the
3 changes made by the bills.

4 Occurred: Chapters 180 and 181 (Senate Bill 117/House Bill 36) of the Acts of
5 2011.

6 **Article – Natural Resources**

7 4–803.

8 (b) The Department may not adopt regulations to:

9 (1) Restrict a tidal fish licensee who catches crabs using trotline gear
10 to a workday of less than 8 hours per day, excluding time spent setting or taking up
11 gear; or

12 (2) Establish time restrictions on a tidal fish licensee using trotline
13 gear for setting and taking up gear.

14 DRAFTER'S NOTE:

15 Error: Purpose paragraph of bill being cured failed to accurately describe the
16 changes made by the bill.

17 Occurred: Chapter 577 (House Bill 111) of the Acts of 2011.

18 **Article – Public Safety**

19 5–133.

20 (c) (1) A person may not possess a regulated firearm if the person was
21 previously convicted of:

22 (i) a crime of violence; or

23 (ii) a violation of § 5–602, § 5–603, § 5–604, § 5–605, § 5–612, §
24 5–613, or § 5–614 of the Criminal Law Article.

25 (2) (i) Subject to paragraph (3) of this subsection, a person who
26 violates this subsection is guilty of a felony and on conviction is subject to
27 imprisonment for not less than 5 years and not exceeding 15 years.

28 (ii) The court may not suspend any part of the mandatory
29 minimum sentence of 5 years.

1 (iii) Except as otherwise provided in § 4–305 of the Correctional
2 Services Article, the person is not eligible for parole during the mandatory minimum
3 sentence.

4 (3) At the time of the commission of the offense, if a period of more
5 than 5 years has elapsed since the person completed serving the sentence for the most
6 recent conviction under paragraph (1)(i) or (ii) of this subsection, including all
7 imprisonment, mandatory supervision, probation, and parole:

8 (i) the imposition of the mandatory minimum sentence is
9 within the discretion of the court; and

10 (ii) the mandatory minimum sentence may not be imposed
11 unless the State’s Attorney notifies the person in writing at least 30 days before trial
12 of the State’s intention to seek the mandatory minimum sentence.

13 (4) Each violation of this subsection is a separate crime.

14 **DRAFTER’S NOTE:**

15 Error: Purpose paragraphs of bills being cured failed to accurately describe the
16 changes made by the bills.

17 Occurred: Chapters 164 and 165 (Senate Bill 174/House Bill 241) of the Acts of
18 2011.

19 **Article – Transportation**

20 Subtitle 3. Mobile Seafood and Produce Vendors.

21 24–301.

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

23 **DRAFTER’S NOTE:**

24 Error: Function paragraph of bill being cured failed to accurately describe the
25 subtitle designation immediately preceding § 24–301 of the Transportation Article.

26 Occurred: Chapter 65 (Senate Bill 455) of the Acts of 2011.

27 **Chapter 488 of the Acts of 2007, as amended by Chapter 219 of the Acts of**
28 **2008 and Chapter 396 of the Acts of 2011**

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That:

1 (3) ZA00 MISCELLANEOUS GRANT PROGRAMS

2 (B) Comprehensive Housing Assistance, Inc. Provide a grant to
3 THE ASSOCIATED: Jewish Community Federation of
4 Baltimore for the acquisition, design, construction,
5 renovation, and capital equipping of a community
6 development building and other buildings in the 5700 and
7 5800 block of the Park Heights Avenue neighborhood near
8 their existing campus, subject to the requirement that the
9 grantee provide and expend a matching fund of \$1,500,000.
10 Notwithstanding Section 1(5) of this Act, the matching fund
11 may consist of funds expended prior to the effective date of
12 this Act (Baltimore City) 2,500,000

13 DRAFTER’S NOTE:

14 Error: Function paragraph of bill being cured incorrectly indicated that Chapter
15 488 of the Acts of the General Assembly of 2007, as amended by Chapter 219 of the
16 Acts of the General Assembly of 2008 Section 1(3) Item ZA01(AM) and ZA02(AW),
17 rather than Item ZA00(B), was being amended.

18 Occurred: Chapter 396 (House Bill 71) of the Acts of 2011.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter’s Notes
20 contained in this Act are not law and may not be considered to have been enacted as
21 part of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
23 measure, is necessary for the immediate preservation of the public health or safety,
24 has been passed by a yea and nay vote supported by three–fifths of all the members
25 elected to each of the two Houses of the General Assembly, and shall take effect from
26 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.