

SENATE BILL 469

P5

EMERGENCY BILL

0lr0383

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

Introduced and read first time: February 1, 2010

Assigned to: Rules

A BILL ENTITLED

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; altering the conditions under which the county councils of
5 Montgomery County and Prince George's County may grant a full or partial
6 exemption for certain properties owned by certain entities from the system
7 development charge imposed by the Washington Suburban Sanitary
8 Commission (WSSC); authorizing each board of community college trustees to
9 waive certain out-of-state and out-of-county or out-of-region fees for certain
10 students who have moved to the State as an employee or a family member of an
11 employee as part of the Base Realignment and Closure (BRAC) process; altering
12 the techniques that may be used to restrain certain individuals in certain
13 facilities; requiring that certain trustees on the Board of Trustees of the State
14 Retirement and Pension System be given reasonable time during work to attend
15 certain Board of Trustees or committee meetings; extending the termination
16 date of certain provisions of law relating to the name, powers and duties, and
17 certain reports of the Mortality and Quality Review Committee, requiring the
18 Office of Health Care Quality to provide certain data to the Committee, and
19 requiring the Developmental Disabilities Administration to provide a certain
20 report to certain facilities or programs; providing for the effect and construction
21 of certain provisions of this Act; providing for the effective date of a certain
22 provision of this Act; making this Act an emergency measure; and generally
23 repealing and reenacting without amendments certain Acts of the General
24 Assembly that may be subject to possible title defects in order to validate those
25 Acts.

26 BY repealing and reenacting, without amendments,
27 Article 29 – Washington Suburban Sanitary District
28 Section 6-113
29 Annotated Code of Maryland
30 (2003 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, without amendments,
2 Article – Corporations and Associations
3 Section 5–108
4 Annotated Code of Maryland
5 (2007 Replacement Volume and 2009 Supplement)
- 6 BY repealing and reenacting, without amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–8C–12
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2009 Supplement)
- 11 BY repealing and reenacting, without amendments,
12 Article – Education
13 Section 16–310(a)(1) and (6) and (b)(1) and (4) and 18–2806
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2009 Supplement)
- 16 BY repealing and reenacting, without amendments,
17 Article – Environment
18 Section 9–1707(f)
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2009 Supplement)
- 21 BY repealing and reenacting, without amendments,
22 Article – Health – General
23 Section 10–701 and 21–305(a)
24 Annotated Code of Maryland
25 (2009 Replacement Volume)
- 26 BY repealing and reenacting, without amendments,
27 Article – State Personnel and Pensions
28 Section 21–104(e)
29 Annotated Code of Maryland
30 (2009 Replacement Volume and 2009 Supplement)
- 31 BY repealing and reenacting, without amendments,
32 Article – Tax – General
33 Section 5–301(e)
34 Annotated Code of Maryland
35 (2004 Replacement Volume and 2009 Supplement)
- 36 BY repealing and reenacting, without amendments,
37 Chapter 445 of the Acts of the General Assembly of 2005, as amended by
38 Chapter 485 of the Acts of the General Assembly of 2009
39 Section 1(3) Item RC00(A), Item RM00(D), and Item ZA00(AF)

1 BY repealing and reenacting, without amendments,
2 Chapter 268 of the Acts of the General Assembly of 2006, as amended by
3 Chapters 48 and 49 of the Acts of the General Assembly of 2009
4 Section 3

5 BY repealing and reenacting, without amendments,
6 Article – Transportation
7 Section 12–118(e)
8 Annotated Code of Maryland
9 (2009 Replacement Volume and 2009 Supplement)
10 (As enacted by Chapter 500, Section 2 of the Acts of the General Assembly of
11 2009)

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

14 **Article 29 – Washington Suburban Sanitary District**

15 6–113.

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

17 (2) “Fixture unit” means the assigned value for a particular plumbing
18 fixture, or group of plumbing fixtures, as set forth in the WSSC plumbing and gas
19 fitting regulations, standardized with a common lavatory having an assigned value of
20 1 based on its probable discharge into the drainage system or hydraulic demand on the
21 water supply.

22 (3) “New service” means:

23 (i) A first time connection of a property to the WSSC water or
24 sewer system; or

25 (ii) A new connection or increased water meter size for a
26 property previously or currently served by the WSSC if the new connection or
27 increased meter size is needed because of a change in the use of the property or an
28 increase in demand for service at the property.

29 (4) “Toilet” means a water closet, as set forth in the WSSC plumbing
30 and gas fitting regulations.

31 (b) (1) Subject to the provisions of this section, in addition to any other
32 charges authorized under this article, the WSSC may impose a system development
33 charge that shall be paid by an applicant for new service.

34 (2) The system development charge shall be paid as follows:

35 (i) For residential properties:

1 1. 50% at the time the application is filed; and

2 2. 50% within 12 months after the date on which a
3 plumbing permit application is filed with the Commission or on transfer of title to the
4 property, whichever occurs first; and

5 (ii) For other properties, 100% at the time the plumbing permit
6 application is filed.

7 (3) At the time of the filing of the plumbing permit application, the
8 applicant shall deposit with the WSSC security in the form of an irrevocable letter of
9 credit or a financial guaranty bond or in a form established and approved by the
10 WSSC under its rules and regulations.

11 (c) (1) (i) The Montgomery County Council and the Prince George's
12 County Council shall meet annually to discuss and approve the amount of the system
13 development charge.

14 (ii) The amount of the charge for a particular property:

15 1. Shall be based on the number of plumbing fixtures
16 and the assigned values for those fixtures as set forth in the WSSC plumbing and gas
17 fitting regulations;

18 2. Except as provided in item 3 of this subparagraph, on
19 or after July 1, 1998, may not exceed \$200 per fixture unit;

20 3. For residential properties with five or fewer toilets,
21 shall be based on the number of toilets per dwelling unit and:

22 A. For each apartment unit, may not exceed \$2,000;

23 B. For dwellings with one or two toilets, may not exceed
24 \$3,000;

25 C. For dwellings with three to four toilets, may not
26 exceed \$5,000; or

27 D. For dwellings with five toilets, may not exceed \$7,000;
28 and

29 4. For dwellings with more than five toilets, shall be
30 calculated on a fixture unit basis.

31 (iii) When establishing the charge under this section, the County
32 Councils shall identify and consider the actual cost of construction of WSSC facilities.

1 (iv) When establishing the charge under this section, under
2 criteria established jointly and agreed to by the County Councils, the County Councils:

3 1. Shall grant a full or partial exemption from the
4 charge for public sponsored or affordable housing as jointly defined and agreed upon
5 by the County Councils;

6 2. May grant a full or partial exemption from the charge
7 for:

8 A. Revitalization projects; or

9 B. If the property is used primarily for recreational and
10 educational programs and services to youth, property owned by a community-based
11 organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue
12 Code and that has the primary mission and purpose of providing recreational and
13 educational programs and services to youth, provided the exemption amount is limited
14 to \$80,000; and

15 3. May grant a full or partial exemption from the charge,
16 under conditions prescribed by the County Councils, for:

17 A. Residential property located in a mixed retirement
18 development as defined in the zoning ordinance of Prince George's County;

19 B. Residential property located in a planned retirement
20 community as defined in the zoning ordinance of Montgomery County;

21 C. Other elderly housing; or

22 D. Properties used for biotechnology research and
23 development, or manufacturing.

24 (v) On July 1, 1999, and July 1 of each succeeding year, the
25 maximum charge, as established in subparagraph (ii) of this paragraph, may be
26 changed by an amount equal to the prior calendar year's change in the Consumer
27 Price Index published by the Bureau of Labor Statistics of the United States
28 Department of Labor for urban wage earners and clerical workers for all items for the
29 Washington, D.C. metropolitan area, or the successor index.

30 (2) If the charge established by the County Councils is less than the
31 amount necessary to recover the full cost of constructing growth related facilities, the
32 WSSC shall identify the portion of the cost of that growth that will be paid by current
33 ratepayers as:

34 (i) A percentage of any rate increase; and

1 (ii) The annual monetary amount on a typical residential
2 customer's annual water and sewer bill.

3 (3) If the County Councils do not agree on the amount of the charge,
4 the charge imposed during the previous year shall continue in effect for the following
5 fiscal year.

6 (4) If the County Councils have not previously agreed on any system
7 development charge, a system development charge may not be imposed during that
8 fiscal year.

9 (5) (i) Before July 1, 1994, the WSSC may not impose a system
10 development charge in an amount greater than 50% of the charge established by the
11 County Councils under this subsection.

12 (ii) Before July 1, 1995, the WSSC may not impose a system
13 development charge greater than 75% of the charge established by the County
14 Councils under this subsection.

15 (d) (1) (i) The WSSC shall deposit all funds collected under the system
16 development charge into the system development charge fund.

17 (ii) The system development charge fund is a special fund which
18 may not revert to general funds of the WSSC.

19 (2) The WSSC may only use the funds collected under the system
20 development charge to:

21 (i) Pay for new treatment, transmission, and collection
22 facilities, the need for which is directly attributable to the addition of new service, and
23 the construction of which began after July 1, 1993; or

24 (ii) Amortize any bond that is issued in connection with the
25 construction of those new facilities.

26 (3) Other costs of enhancement, maintenance, or environmental
27 regulation on existing or new systems shall be borne equally by all ratepayers.

28 (e) (1) The WSSC may allow a developer to design and construct any
29 on-site or off-site facilities necessary for a project of the developer, as long as those
30 facilities are:

31 (i) In the WSSC Capital Improvement Program and the
32 10-year Comprehensive Water Supply and Sewerage System Plan adopted by one of
33 the County Councils;

34 (ii) Major projects included in the WSSC Capital Improvement
35 Program; or

- 1 (iii) Projects that include a sewer main or a water main that:
- 2 1. Provides only local service;
- 3 2. Is 2,000 feet or less;
- 4 3. Has a diameter of:
- 5 A. 15 inches or more if it is a sewer main; or
- 6 B. 16 inches or more if it is a water main; and
- 7 4. Is built to avoid unnecessary and uneconomical
- 8 duplication when a major project is constructed.

9 (2) A facility constructed under this subsection shall be designed,

10 constructed, and inspected in accordance with:

- 11 (i) The standards utilized by the WSSC; and
- 12 (ii) All applicable laws, regulations, and written policies of the
- 13 WSSC.

14 (3) After the WSSC approves facilities constructed by a developer

15 under this subsection, the WSSC shall:

- 16 (i) Accept the facilities as part of the WSSC system; and
- 17 (ii) Subject to the provisions of paragraph (4) of this subsection,
- 18 grant the developer a credit against any charge imposed under this section in an
- 19 amount equal to the cost of constructing those facilities.

20 (4) The internal auditor of the WSSC shall review and approve the

21 costs incurred by the developer.

22 (5) The WSSC and the developer shall enter into an agreement

23 incorporating the provisions of this subsection.

24 (6) If the WSSC rejects a developer's request to design and construct

25 facilities under this subsection, the WSSC shall submit to the developer a written

26 explanation of the reasons for the rejection.

27 (7) The WSSC shall submit a report at the end of each fiscal year to

28 the House and Senate Delegations of both counties and to the County Councils. The

29 report shall state the number of requests made by developers under this subsection

30 including the number of acceptances and rejections by the WSSC and the justification

31 for any rejections.

1 DRAFTER'S NOTE:

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

4 Occurred: Chapter 441 (House Bill 1139) of the Acts of 2009.

5 **Article – Corporations and Associations**

6 5–108.

7 (a) If required under § 5–107 of this subtitle to obtain a certificate of
8 authorization for use of a corporate name, the professional corporation or its
9 incorporator shall file an application with the appropriate licensing unit, using a form
10 provided by the licensing unit that contains:

11 (1) The name to be adopted by the corporation;

12 (2) The reasons for adopting the name; and

13 (3) Any other information required by the licensing unit.

14 (b) The application shall be accompanied by the fee, if any, set by the
15 licensing unit.

16 (c) (1) Upon receipt of the application and fee under subsections (a) and
17 (b) of this section, the licensing unit shall consult with and obtain the approval of the
18 professional organization, if one exists, to which a majority of individuals in the State
19 rendering the professional service belong.

20 (2) In determining the appropriateness of the proposed corporate
21 name, the professional organization shall consider the established ethical standards,
22 rules, and regulations of the profession.

23 (d) If the licensing unit and, if required, the professional organization
24 approve of the proposed corporate name, the licensing unit shall issue a certificate of
25 authorization for use of a corporate name to the corporation or its incorporator.

26 (e) Any licensing unit with jurisdiction over the professional service
27 mentioned in the corporation's articles of incorporation may approve the adoption and
28 use of a corporate name under the provisions of §§ 5–106 through 5–108 of this
29 subtitle.

30 DRAFTER'S NOTE:

31 Error: Function paragraph of bill being cured incorrectly indicated that § 5–108
32 of the Corporations and Associations Article was unamended.

1 Occurred: Chapter 339 (House Bill 498) of the Acts of 2009.

2 **Article – Courts and Judicial Proceedings**

3 3–8C–12.

4 On or before November 1 of each year, the Chief Judge of the Court of Appeals
5 shall report to the General Assembly, in accordance with § 2–1246 of the State
6 Government Article, on each Truancy Reduction Pilot Program established under this
7 subtitle.

8 DRAFTER’S NOTE:

9 Error: Function paragraph of bill being cured incorrectly indicated that §
10 3–8C–11, rather than § 3–8C–12, of the Courts Article was being added.

11 Occurred: Chapter 718 (House Bill 1321) of the Acts of 2009.

12 **Article – Education**

13 16–310.

14 (a) (1) Subject to paragraphs (2), (3), (4), (5), and (6) of this subsection and
15 subsection (f) of this section, any student who attends a community college in this
16 State and is not a resident of this State shall pay, in addition to the student tuition
17 and fees payable by a county resident, an out-of-state fee, at least equal to:

18 (i) 60% of the county share per full-time equivalent student as
19 determined under § 16–305 of this subtitle; and

20 (ii) The marginal cost component of the State share per
21 full-time equivalent student as determined under § 16–305(c)(5) of this subtitle.

22 (6) (i) In this paragraph, “BRAC” means the Base Realignment
23 and Closure process as announced by the United States Department of Defense.

24 (ii) Each board of community college trustees may waive the
25 out-of-state fee as determined in paragraph (1) of this subsection for a student who
26 resides in the State but does not meet the in-State residency requirement for tuition
27 purposes and has moved to the State as an employee or a family member of an
28 employee as part of BRAC.

29 (iii) Any BRAC employee or family member of a BRAC employee
30 attending a community college in the State who satisfies the requirements established
31 in this paragraph shall be included as an in-State resident for computation of the
32 State aid to community colleges in accordance with § 16–305 of this subtitle.

1 (b) (1) Subject to the provisions of paragraphs (2), (3), and (4) of this
2 subsection and subsection (g) of this section, any student who attends a community
3 college not supported by the county in which the student resides shall pay, in addition
4 to the student tuition and fees payable by a resident of a county that supports the
5 community college, an out-of-county or out-of-region fee at least equal to 60% of the
6 county share per full-time equivalent student as determined under § 16-305 of this
7 subtitle.

8 (4) (i) In this paragraph, "BRAC" means the Base Realignment
9 and Closure process as announced by the United States Department of Defense.

10 (ii) Each board of community college trustees may waive the
11 out-of-county fee or out-of-region fee as determined in paragraph (1) of this
12 subsection for a student who resides in the county but does not meet the in-county
13 residency requirement for tuition purposes and has moved to the State as an employee
14 or a family member of an employee as part of BRAC.

15 DRAFTER'S NOTE:

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

18 Occurred: Chapter 697 (House Bill 923) of the Acts of 2009.

19 18-2806.

20 The Office, in collaboration with the Department, shall adopt regulations to
21 implement the provisions of this subtitle, including:

22 (1) Establishing the maximum number of participants in the Program
23 each year in each priority area described under § 18-2805 of this subtitle; and

24 (2) Establishing the minimum and maximum amount of a loan
25 awarded under this subtitle in each priority area described under § 18-2805 of this
26 subtitle.

27 DRAFTER'S NOTE:

28 Error: Function paragraphs of bills being cured incorrectly indicated that §§
29 18-2801 through 18-2805, rather than §§ 18-2801 through 18-2806, of the Education
30 Article were being added.

31 Occurred: Chapters 575 and 576 (Senate Bill 627/House Bill 714) of the Acts of
32 2009.

33 **Article – Environment**

34 9-1707.

- 1 (f) (1) There is a State Recycling Trust Fund.
- 2 (2) The Fund shall consist of:
- 3 (i) The newsprint recycling incentive fee;
- 4 (ii) The telephone directory recycling incentive fee collected
5 under § 9–1709 of this subtitle;
- 6 (iii) The covered electronic device manufacturer registration fee
7 collected under § 9–1728 of this subtitle;
- 8 (iv) The mercury switch or mercury switch assembly removal
9 fees collected under § 6–905.4(c)(6)(iii)3 of this article;
- 10 (v) All fines and penalties collected under this subtitle and
11 under §§ 6–905.4 and 6–905.6 of this article;
- 12 (vi) Money appropriated in the State budget to the Fund; and
- 13 (vii) Any other money from any other source accepted for the
14 benefit of the Fund.
- 15 (3) The Secretary shall administer the Fund.
- 16 (4) The Treasurer shall hold the Fund separately and the Comptroller
17 shall account for the Fund.
- 18 (5) At the end of each fiscal year, any unspent or unencumbered
19 balance in the Fund that exceeds \$2,000,000 shall revert to the General Fund of the
20 State in accordance with § 7–302 of the State Finance and Procurement Article.
- 21 (6) In accordance with the State budget, the Fund shall be used only:
- 22 (i) To provide grants to the counties to be used by the counties
23 to develop and implement local recycling plans;
- 24 (ii) To provide grants to counties that have addressed methods
25 for the separate collection and recycling of covered electronic devices in accordance
26 with § 9–1703(c)(1) of this subtitle;
- 27 (iii) To provide grants to municipalities to be used by the
28 municipalities to implement local covered electronic device recycling programs; and
- 29 (iv) To carry out the purposes of the Office of Recycling under
30 this subtitle and under Title 6, Subtitle 9 of this article.

1 (7) (i) The Treasurer shall invest the money in the Fund in the
2 same manner as other State money may be invested.

3 (ii) Any investment earnings of the Fund shall be credited to the
4 General Fund of the State.

5 DRAFTER'S NOTE:

6 Error: Function paragraph of bill being cured incorrectly indicated that §
7 19-1707(f), rather than § 9-1707(f), of the Environment Article was being amended.

8 Occurred: Chapter 713 (House Bill 1263) of the Acts of 2009.

9 **Article – Health – General**

10 10-701.

11 (a) (1) In this subtitle the following words have the meanings indicated.

12 (2) (i) “Advocate” means a person who provides support and
13 guidance to an individual in a facility.

14 (ii) “Advocate” includes a family member or friend.

15 (iii) “Advocate” does not include an attorney acting in the
16 capacity of legal counsel to an individual in a facility during the treatment planning
17 and discharge planning process.

18 (3) “Facility” does not include an acute general care hospital that does
19 not have a separately identified inpatient psychiatric service.

20 (4) (i) “Mental abuse” means any persistent course of conduct
21 resulting in or maliciously intended to produce emotional harm.

22 (ii) “Mental abuse” does not include the performance of an
23 accepted clinical procedure.

24 (5) (i) “Prone restraint” means restricting the free movement of all
25 or a portion of an individual’s body through the use of physical force or mechanical
26 devices while the individual is in a prone position.

27 (ii) “Prone restraint” does not include a technique for
28 transitioning an individual to a restraint position that involves momentarily placing
29 the individual face down.

30 (b) It is the policy of this State that each individual with a mental disorder
31 who receives any service in a facility has, in addition to any other rights, the rights
32 provided in this subtitle.

1 (c) Each individual in a facility shall:

2 (1) Receive appropriate humane treatment and services in a manner
3 that restricts the individual's personal liberty within a facility only to the extent
4 necessary and consistent with the individual's treatment needs and applicable legal
5 requirements;

6 (2) Receive treatment in accordance with the applicable individualized
7 plan of rehabilitation or the individualized treatment plan provided for in § 10-706 of
8 this subtitle;

9 (3) Be free from restraints or seclusions except for restraints or
10 seclusions that are:

11 (i) Used only during an emergency in which the behavior of the
12 individual places the individual or others at serious threat of violence or injury; and

13 (ii) 1. Ordered by a physician in writing; or

14 2. Directed by a registered nurse if a physician's order is
15 obtained within 2 hours of the action;

16 (4) Be free from prone restraint;

17 (5) Be free from restraint that:

18 (i) Applies pressure to the individual's back;

19 (ii) Obstructs the airway of the individual or impairs the
20 individual's ability to breathe;

21 (iii) Obstructs a staff member's view of the individual's face; or

22 (iv) Restricts the individual's ability to communicate distress;

23 (6) Be free from mental abuse;

24 (7) Be protected from harm or abuse as provided in this subtitle;

25 (8) Except as provided in subsection (d) of this section, and subject to
26 subsection (j) of this section, have the right to an advocate of the individual's choice
27 participate in the treatment planning and discharge planning process; and

28 (9) Subject to the provisions of § 10-708 of this subtitle, if the
29 individual has an advance directive for mental health services provided for in §
30 5-602.1 of this article, receive treatment in accordance with the preferences in the
31 advance directive.

1 (d) Notwithstanding the provisions of subsection (c)(8) of this section, a
2 facility may prohibit an advocate from participating in the treatment planning or
3 discharge planning process for an individual if:

4 (1) (i) The individual is a minor or an adult under guardianship in
5 accordance with § 13–705 of the Estates and Trusts Article; and

6 (ii) The parent of the minor or the legal guardian of the
7 individual has requested that the advocate not participate; or

8 (2) The advocate has engaged in behavior that:

9 (i) Is disruptive to the individual, other patients, or staff at the
10 facility; or

11 (ii) Poses a threat to the safety of the individual, other patients,
12 or staff at the facility.

13 (e) A facility shall:

14 (1) Have a written policy specifying the method used to ensure that an
15 individual whose primary language or method of communication is nonverbal is able
16 to effectively communicate distress during a physical restraint or hold; and

17 (2) Ensure that all staff at the facility who are authorized to
18 participate in a physical restraint or hold of individuals are trained in the method
19 specified in the written policy required under item (1) of this subsection.

20 (f) Subject to the provisions of §§ 4–301 through 4–309 of this article, the
21 records of each individual in a facility are confidential.

22 (g) (1) Notwithstanding any other provision of law, when the State
23 designated protection and advocacy agency for persons with developmental disabilities
24 has received and documented a request for an investigation of a possible violation of
25 the rights of an individual in a facility that is owned and operated by the Department
26 or under contract to the Department to provide mental health services in the
27 community under this subtitle, the executive director of the protection and advocacy
28 agency or the executive director's designee:

29 (i) Before pursuing any investigation:

30 1. Shall interview the individual whose rights have been
31 allegedly violated; and

32 2. Shall attempt to obtain written consent from the
33 individual; and

1 (ii) If the individual is unable to give written consent but does
2 not object to the investigation:

3 1. Shall document this fact; and

4 2. Shall request, in writing, access to the individual's
5 records from the Director of the Mental Hygiene Administration.

6 (2) On receipt of the request for access to the individual's records, the
7 Director of the Mental Hygiene Administration shall authorize access to the
8 individual's records.

9 (3) After satisfying the provisions of paragraphs (1) and (2) of this
10 subsection, the executive director of the protection and advocacy agency, or the
11 executive director's designee, may pursue an investigation and as part of that
12 investigation, shall continue to have access to the records of the individual whose
13 rights have been allegedly violated.

14 (h) (1) On admission to a facility, an individual shall be informed of the
15 rights provided in this subtitle in language and terms that are appropriate to the
16 individual's condition and ability to understand.

17 (2) A facility shall post notices in locations accessible to the individual
18 and to visitors describing the rights provided in this subtitle in language and terms
19 that may be readily understood.

20 (i) A facility shall implement an impartial, timely complaint procedure that
21 affords an individual the ability to exercise the rights provided in this subtitle.

22 (j) This section may not be construed to:

23 (1) Grant the advocate of an individual legal authority that the
24 advocate does not otherwise have under law to make decisions on behalf of the
25 individual regarding treatment or discharge;

26 (2) Grant the advocate access to the medical records of the individual
27 or other confidential information that the advocate does not otherwise have access to
28 under law; or

29 (3) Limit the legal authority that an attorney or other person
30 otherwise has under law to participate in the treatment planning and discharge
31 planning process or to otherwise act on behalf of an individual in a facility.

32 DRAFTER'S NOTE:

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

1 Occurred: Chapters 620 and 621 (Senate Bill 874/House Bill 415) of the Acts of
2 2009.
3 21–305.

4 (a) Except as otherwise provided in this subtitle, a person may not operate a
5 food establishment unless the person is licensed by the Department.

6 DRAFTER’S NOTE:

7 Error: Function paragraph of bill being cured incorrectly indicated that §
8 21–305(a) of the Health – General Article was amended.

9 Occurred: Chapter 478 (House Bill 1542) of the Acts of 2009.

10 **Article – State Personnel and Pensions**

11 21–104.

12 (e) (1) Except as provided in paragraph (2) of this subsection, each trustee
13 shall attend at least 80% of the monthly Board of Trustees meetings held during a
14 1–year period beginning January 1.

15 (2) (i) A trustee may be granted an excused absence by the
16 chairman of the Board or another officer of the Board due to:

- 17 1. illness;
- 18 2. family emergencies;
- 19 3. jury duty; or
- 20 4. attendance at investment or fiduciary training.

21 (ii) An excused absence under this paragraph may not be
22 considered an absence for the purposes of paragraph (1) of this subsection.

23 (3) (i) Any elected or Governor–appointed trustee that fails to
24 attend at least 80% of the meetings, not including excused absences under paragraph
25 (2) of this subsection, shall be removed from the Board of Trustees by the Governor.

26 (ii) The Governor shall fill the vacancy for the office of the
27 trustee for the unexpired term in the same manner as the office was previously filled.

28 (iii) The State Retirement Agency shall submit a trustee
29 attendance report to the Department of Legislative Services by June 30 and December
30 31 of each year.

1 (4) An elected trustee representing employees of any of the several
2 systems shall be given reasonable time during work to attend monthly meetings of the
3 Board of Trustees or committee meetings of the Board of Trustees.

4 DRAFTER’S NOTE:

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

7 Occurred: Chapter 674 (House Bill 446) of the Acts of 2009.

8 **Article – Tax – General**

9 5–301.

10 (e) Before a resident dealer delivers or ships beer to a wholesaler in the
11 State, the resident dealer shall pay the alcoholic beverage tax on that beer, in the
12 manner that the Comptroller requires.

13 DRAFTER’S NOTE:

14 Error: Function paragraph of bill being cured failed to indicate that §
15 5–301(e) of the Tax – General Article was being added.

16 Occurred: Chapter 205 (Senate Bill 162) of the Acts of 2009.

17 **Chapter 445 of the Acts of 2005, as amended by Chapter 485 of the Acts of**
18 **2009**

19 Section 1(3)

20 RC00 BALTIMORE CITY COMMUNITY COLLEGE
21 (Baltimore City)

22 (A) Main Building Renovation – Liberty Campus. Provide funds
23 to equip the Student Services Wing 458,184

24 RM00 MORGAN STATE UNIVERSITY
25 (Baltimore City)

26 (D) Montebello E–Wing/Old Power Plant/Morgue/Northwood
27 Shopping Center Demolition. Provide funds for the design and
28 demolition of the E–Wing, Old Power Plant, and Morgue at
29 the Montebello Complex on the Morgan State University
30 campus and for the demolition of the Northwood Shopping
31 Center 920,000

32 ZA00 MISCELLANEOUS GRANT PROGRAMS

1 (AF) Strathmore Hall Performing Arts Center. Provide a grant to
 2 the County Executive and County Council of Montgomery
 3 County to assist in the construction and capital equipping of a
 4 multi-use performing arts center and educational facility on
 5 the grounds of the Strathmore Hall in Bethesda, subject to
 6 the requirement that the grantee provide an equal and
 7 matching fund for this purpose. Notwithstanding Section 1(5)
 8 of this Act, the matching fund may include funds expended
 9 prior to the effective date of this Act (Montgomery County).... 0

10 DRAFTER'S NOTE:

11 Error: Misplaced conjunction in function paragraph of bill being cured.

12 Occurred: Chapter 485 (House Bill 102) of the Acts of 2009.

13 **Chapter 268 of the Acts of 2006, as amended by Chapters 48 and 49 of the Acts**
 14 **of 2009**

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 16 July 1, 2006. It shall remain effective for a period of 6 years and 6 months and, at the
 17 end of December 31, 2012, with no further action required by the General Assembly,
 18 this Act shall be abrogated and of no further force and effect.

19 DRAFTER'S NOTE:

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

22 Occurred: Chapters 48 and 49 (Senate Bill 305/House Bill 93) of the Acts of
 23 2009.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 25 read as follows:

26 **Article – Transportation**

27 12–118.

28 (e) (1) Subject to paragraph (2) of this subsection, money in the special
 29 fund established under subsection (c)(2) of this section shall be distributed to the
 30 Department of State Police and the State Highway Administration to cover the costs of
 31 implementing and administering work zone speed control systems.

32 (2) The balance of the money in the special fund shall be distributed to
 33 the Transportation Trust Fund established under § 3–216 of this article.

1 DRAFTER’S NOTE:

2 Error: Function paragraph of bill being cured incorrectly indicated that
3 § 12–118(e) of the Transportation Article, as enacted by Section 1 of Chapter 500 of the
4 Acts of 2009, rather than by Section 2, was being amended.

5 Occurred: Chapter 500 (Senate Bill 277) of the Acts of 2009.

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

9 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
10 take effect October 1, 2012, the effective date of Chapter 500, Section 3 of the Acts of
11 the General Assembly of 2009. If the effective date of Chapter 500, Section 3 is
12 amended, this Act shall take effect on the taking effect of Chapter 500, Section 3.

13 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety,
15 has been passed by a yea and nay vote supported by three–fifths of all the members
16 elected to each of the two Houses of the General Assembly and, except as provided in
17 Section 4 of this Act, shall take effect from the date it is enacted.