

SENATE BILL 506

P5

EMERGENCY BILL

6lr1120

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

Introduced and read first time: February 3, 2016

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 19, 2016

CHAPTER _____

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors or 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 ratifying certain corrections made by the publishers of the Annotated Code;
7 providing that this Act is not intended to affect any law other than to correct
8 technical errors; providing for the correction of certain errors and obsolete provisions
9 by the publishers of the Annotated Code; providing for the effect and construction of
10 certain provisions of this Act; and making this Act an emergency measure.

11 BY repealing and reenacting, with amendments,
12 Article – Agriculture
13 Section 2–513(b)(2)(vi), 5–210.5(b)(3), and 9–403
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Business Occupations and Professions
18 Section 4–306(b)(1)
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2015 Supplement)
21 (As enacted by Chapter 262 of the Acts of the General Assembly of 2015)

22 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 – Business Regulation
2 Section 2–105(c)(1), 5–710(b)(4)(i)1., and 12–306(c)
3 Annotated Code of Maryland
4 (2015 Replacement Volume and 2015 Supplement)
- 5 BY repealing and reenacting, with amendments,
6 Article – Courts and Judicial Proceedings
7 Section 3–408, 3–8A–15(f), 4–401(10)(xii) and (xiii), 5–522(a)(5), and 5–603(b)(4)
8 Annotated Code of Maryland
9 (2013 Replacement Volume and 2015 Supplement)
- 10 BY repealing
11 Article – Courts and Judicial Proceedings
12 Section 4–401(10)(xi)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2015 Supplement)
- 15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 7–103(e)(1)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2015 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – Criminal Procedure
22 Section 1–210(b) and (c), 10–305, and 11–601(d)(1)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2015 Supplement)
- 25 BY repealing and reenacting, with amendments,
26 Article – Economic Development
27 Section 10–458(b) and 10–499(a)(1) and (2)
28 Annotated Code of Maryland
29 (2008 Volume and 2015 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article – Education
32 Section 4–306.2(f)(4)(iii), (n)(5), (o), and (v), 11–207(b) and (c), and 18–601(g)(3)
33 Annotated Code of Maryland
34 (2014 Replacement Volume and 2015 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article – Education
37 Section 5–119(e)
38 Annotated Code of Maryland
39 (2014 Replacement Volume and 2015 Supplement)
40 (As enacted by Chapter 459 of the Acts of the General Assembly of 2015)

- 1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 7–4A–03(a)(7)(ii)
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2015 Supplement)
6 (As enacted by Chapter 417 of the Acts of the General Assembly of 2015)
- 7 BY repealing and reenacting, with amendments,
8 Article – Election Law
9 Section 5–1002(b)(2)(ii), 5–1003(b)(4)(ii), 5–1004(c)(5)(ii), 13–210(b), and 13–247
10 Annotated Code of Maryland
11 (2010 Replacement Volume and 2015 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article – Environment
14 Section 3–401(c)(5)(ii), 4–202.1(e)(2)(ii)2., 9–345(a), and 9–349(c)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2015 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – Family Law
19 Section 5–545(d), 5–564(f), and 10–301(aa)(1)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2015 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – General Provisions
24 Section 8–104(b)(6)
25 Annotated Code of Maryland
26 (2014 Volume and 2015 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Health – General
29 Section 5–804(g), 5–806, 7–903(b)(2), 7–909(e)(3), 7.5–303(a)(1)(iii), 10–608, 10–613,
30 10–614, 10–615, 10–616(a)(1), 10–617(a), 10–618(b) and (c), 10–619,
31 10–903(a)(1) and (c), 10–904(b), 10–920, 10–922(1), 10–923(d), 10–1101,
32 15–102.1(b)(10), 15–701(h)(2)(iii) and (4), 15–901(b)(1)(ii) and (iv),
33 15–904(e)(1)(iii)2. and 4., 18–218, 18–220, 19–1B–01(g), 19–361(a), 21–259(1),
34 21–260(a), and 21–2A–06(d)
35 Annotated Code of Maryland
36 (2015 Replacement Volume)
- 37 BY repealing and reenacting, with amendments,
38 Article – Health – General
39 Section 13–3003(h)(2)
40 Annotated Code of Maryland

- 1 (2015 Replacement Volume)
2 (As enacted by Chapters 498 and 499 of the Acts of the General Assembly of 2011)
- 3 BY repealing
4 Article – Health – General
5 Section 15–701(h)(3), 15–901(b)(1)(iii), and 15–904(e)(1)(iii)3.
6 Annotated Code of Maryland
7 (2015 Replacement Volume)
- 8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 21–2A–07(b)(1)
11 Annotated Code of Maryland
12 (2015 Replacement Volume)
13 (As enacted by Chapter 651 of the Acts of the General Assembly of 2014)
- 14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 8–6C–02(b)(12), 8–6C–10(b), (c), (d), and (g), and 8–6C–11(e)(3)(i)
17 Annotated Code of Maryland
18 (2014 Replacement Volume and 2015 Supplement)
19 (As enacted by Chapter 393 of the Acts of the General Assembly of 2015)
- 20 BY repealing and reenacting, with amendments,
21 Article – Health Occupations
22 Section 12–403(c)(22)(i)
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2015 Supplement)
- 25 BY repealing and reenacting, with amendments,
26 Article – Housing and Community Development
27 Section 4–1207(a)(2)(i), 6–305(b)(1), and 6–308(a)(3)
28 Annotated Code of Maryland
29 (2006 Volume and 2015 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article – Human Services
32 Section 5–304(a)(4)
33 Annotated Code of Maryland
34 (2007 Volume and 2015 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article – Insurance
37 Section 3–302(a)(9)(ii) and (iii), 5–306(e)(1)(ii)1.B. and (iii)1.B., 15–1408(4),
38 20–201(d)(3)(i), and 31–101(c–1) and (c–2)
39 Annotated Code of Maryland
40 (2011 Replacement Volume and 2015 Supplement)

- 1 BY repealing and reenacting, with amendments,
2 Article – Labor and Employment
3 Section 3–415(b)(2) and 11–405(a)(2), (5), and (10)
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2015 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Land Use
8 Section 5–301(a)(1) and 25–212
9 Annotated Code of Maryland
10 (2012 Volume and 2015 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 4–713(i)(2)(iii), 4–715(e)(2)(ii), 4–11A–07(e)(1), 5–212.1(g)(2)(ii),
14 5–421(a)(1)(i), 8–2103(b), and 10–412(a)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2015 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 3–201(d)(2)(ii) and (iii) and (e)(3)(iii)2. and 3.
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2015 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article – Public Utilities
24 Section 10–406(a)(1)
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2015 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Real Property
29 Section 7–106(e), 8–402(b)(3)(i), 10–506(b)(4), 10–507(a)(2), 11–122, 11–135(g),
30 12–105(a), and 14–127(a)(4), (c)(2), and (d)
31 Annotated Code of Maryland
32 (2015 Replacement Volume)
- 33 BY repealing and reenacting, with amendments,
34 Article – State Finance and Procurement
35 Section 3A–506(c)(3), 5A–330(h)(2), 11–203(a)(1)(vi)3., 14–103(a)(1), and
36 14–302(a)(4)(ii)
37 Annotated Code of Maryland
38 (2015 Replacement Volume)
- 39 BY repealing and reenacting, with amendments,

- 1 Article – State Finance and Procurement
2 Section 14–603(a)
3 Annotated Code of Maryland
4 (2015 Replacement Volume)
5 (As enacted by Chapter 3 of the Acts of the General Assembly of 2015)
- 6 BY repealing and reenacting, with amendments,
7 Article – State Government
8 Section 20–702(a)(2)
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2015 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – State Personnel and Pensions
13 Section 11–113(a), 12–201(a)(2)(i), and 21–309(b)(2)
14 Annotated Code of Maryland
15 (2015 Replacement Volume)
- 16 BY adding to
17 Article – Tax – General
18 Section 10–207(q)(1)(ii) and 10–702(a)(4)
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2015 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Tax – General
23 Section 10–207(q)(1)(ii) and 10–702(a)(4)
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2015 Supplement)
- 26 BY repealing
27 Article – Tax – General
28 Section 10–207(q)(1)(iii) and 10–702(a)(3)
29 Annotated Code of Maryland
30 (2010 Replacement Volume and 2015 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article – Tax – Property
33 Section 7–211.3(a)(2), 9–304(f)(7), and 14–833(a)(1)
34 Annotated Code of Maryland
35 (2012 Replacement Volume and 2015 Supplement)
- 36 BY repealing and reenacting, with amendments,
37 Article – Transportation
38 Section 16–122(d)(2)
39 Annotated Code of Maryland
40 (2012 Replacement Volume and 2015 Supplement)

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

3 **Article – Agriculture**

4 2–513.

5 (b) (2) Except as provided in paragraphs (3) and (7) of this subsection, on
6 written application, the Foundation shall release free of easement restrictions only for the
7 landowner who originally sold an easement, 1 acre or less for the purpose of constructing a
8 dwelling house for the use only of that landowner or child of the landowner, up to a
9 maximum of three lots, subject to the following conditions:

10 (vi) After certifying that the landowner or child of the landowner has
11 met the conditions provided in subparagraphs (i) through (v) of this paragraph, the
12 Foundation shall issue a preliminary release which shall:

13 1. Become final when the Foundation receives and certifies a
14 nontransferable building permit in the name of the landowner or child of the landowner for
15 construction of a dwelling house; [or]

16 2. Become void upon the death of the person for whose
17 benefit the release was intended if the Foundation has not yet received a building permit
18 as provided in this subparagraph; or

19 3. Unless extended by a majority vote of the Foundation
20 Board of Trustees, become void if a nontransferable building permit in the name of the
21 landowner or child of the landowner is not received by the Foundation within 3 years of the
22 date of recordation of the preliminary release.

23 DRAFTER'S NOTE:

24 Error: Extraneous conjunction in § 2–513(b)(2)(vi) of the Agriculture Article.

25 Occurred: As a result of Ch. 35, Acts of 2012.

26 5–210.5.

27 (b) (3) A cyclodiene termiticide applied by a licensee shall [only] be applied
28 ONLY by:

29 (i) A certified pesticide applicator; or

30 (ii) A registered employee who has completed a course in termiticide
31 application that is approved by the Department and is making the application under the
32 direct supervision of a certified pesticide applicator.

1 DRAFTER'S NOTE:

2 Error: Grammatical error in § 5–210.5(b)(3) of the Agriculture Article.

3 Occurred: Ch. 693, Acts of 1987.

4 9–403.

5 After an agreement between the Secretary and the county is executed, the Secretary
6 and the county may conduct surveys to determine the location and amount of infestation of
7 a noxious weed or other plant species within the county. Both parties may provide technical
8 assistance to landowners in a cooperative control or eradication program, and may effect a
9 program of mowing, spraying, or other control or eradication practices on any road
10 right-of-way, drainage ditch bank, park, playground, and any other public or private land.
11 The agreement between the Secretary and county may be terminated by either party on 30
12 [days] DAYS' written notice.

13 DRAFTER'S NOTE:

14 Error: Stylistic error in § 9–403 of the Agriculture Article.

15 Occurred: Ch. 6, Acts of the First Special Session of 1973.

16 **Article – Business Occupations and Professions**

17 4–306.

18 (b) The Board may grant a waiver under this section only if:

19 (1) the applicant pays the application fee set by the Board under § 4–206
20 **OF THIS TITLE** and any applicable examination fee required under § 4–303 of this subtitle
21 for any examination requirement that is not waived by the Board;

22 DRAFTER'S NOTE:

23 Error: Stylistic error in § 4–306(b)(1) of the Business Occupations and Professions
24 Article.

25 Occurred: Ch. 262, Acts of 2015. Correction by the publisher of the Annotated Code
26 in the 2015 Supplement of the Business Occupations and Professions Article is ratified by
27 this Act.

28 **Article – Business Regulation**

29 2–105.

1 (c) (1) [Except as provided in subsection (d) of this section, the] **THE** Secretary
2 may approve any proposed regulation.

3 DRAFTER'S NOTE:

4 Error: Obsolete cross-reference in § 2-105(c)(1) of the Business Regulation Article.

5 Occurred: As a result of Chs. 501 and 502, Acts of 2007.

6 5-710.

7 (b) (4) (i) A seller of preneed goods or preneed services that sells its
8 business, files a petition in bankruptcy, or ceases to operate shall provide written notice
9 within 15 days:

10 1. to the Director, detailing the changes and the
11 arrangements the seller has made for carrying out the preneed burial contracts and the
12 disbursement of any [moneys] **MONEY** held in an escrow or trust account; and

13 DRAFTER'S NOTE:

14 Error: Incorrect word usage in § 5-710(b)(4)(i)1 of the Business Regulation Article.

15 Occurred: Ch. 675, Acts of 1997.

16 12-306.

17 (c) A dealer who refuses to allow access or to produce [records,] **RECORDS OR**
18 precious metal objects for inspection on request, shall be subject to the provisions of §
19 12-209 of this title and, in addition, may be assessed a civil penalty as provided in
20 subsection (d) of this section.

21 DRAFTER'S NOTE:

22 Error: Extraneous comma and omitted word in § 12-306(c) of the Business
23 Regulation Article.

24 Occurred: Ch. 227, Acts of 1997.

25 **Article – Courts and Judicial Proceedings**

26 3-408.

27 Any person interested as or through a personal representative, trustee, guardian or
28 other fiduciary, creditor, devisee, legatee, heir, next of kin, or beneficiary of a trust, in the
29 administration of a trust, or of the estate of a decedent, a minor, A disabled person, or AN

1 insolvent, may have a declaration of rights or legal relations in respect to the trust or the
2 estate of **[a] THE decedent, MINOR, DISABLED PERSON, OR INSOLVENT** in order to:

3 (1) Ascertain any class of creditors, devisees, legatees, heirs, next of kin, or
4 others;

5 (2) Direct the personal representative, guardian, or other fiduciary or
6 trustees to do or abstain from doing any particular act in their fiduciary capacity; or

7 (3) Determine any question arising in the administration of the estate or
8 trust, including questions of construction of wills and other writings.

9 DRAFTER'S NOTE:

10 Error: Omitted words and stylistic errors in § 3–408 of the Courts and Judicial
11 Proceedings Article.

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

13 3–8A–15.

14 (f) (1) Shelter care may only be continued beyond emergency shelter care if
15 the court has found that:

16 [(1)] (I) Continuation of the child in the child's home is contrary to the
17 welfare of the child; and

18 [(2) (i)] (II) 1. Removal of the child from the child's home is
19 necessary due to an alleged emergency situation and in order to provide for the safety of
20 the child; or

21 [(ii)] 2. Reasonable but unsuccessful efforts were made to prevent
22 or eliminate the need for removal of the child from the home.

23 [(3)] (2) (i) If the court continues shelter care on the basis of an
24 alleged emergency, the court shall assess whether the absence of efforts to prevent removal
25 was reasonable.

26 (ii) If the court finds that the absence of efforts to prevent removal
27 was not reasonable, the court shall make a written determination so stating.

28 [(4)] (3) The court shall make a determination as to whether reasonable
29 efforts are being made to make it possible to return the child to the child's home or whether
30 the absence of such efforts is reasonable.

31 DRAFTER'S NOTE:

1 Error: Tabulation error in § 3–8A–15(f) of the Courts and Judicial Proceedings
2 Article.

3 Occurred: Ch. 173, Acts of 1992.

4 4–401.

5 Except as provided in § 4–402 of this subtitle, and subject to the venue provisions of
6 Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

7 (10) A proceeding for adjudication of:

8 [(xi) A subdivision violation for which a civil penalty has been
9 provided in accordance with § 9–1607 of the Land Use Article;]

10 [(xii)] **(XI)** A violation under Title 10, Subtitle 1, Part III of the
11 Criminal Law Article; or

12 [(xiii)] **(XII)** A civil infraction relating to the storage or distribution of
13 tobacco products under Title 1, Subtitle 12 of the Local Government Article;

14 DRAFTER’S NOTE:

15 Error: Obsolete language in § 4–401(10)(xi) of the Courts and Judicial Proceedings
16 Article.

17 Occurred: As a result of Ch. 439, Acts of 2015, which repealed former § 9–1607 of the
18 Land Use Article.

19 5–522.

20 (a) Immunity of the State is not waived under § 12–104 of the State Government
21 Article for:

22 (5) A claim by an individual arising from a single incident or occurrence
23 that exceeds **[\$200,000] THE AMOUNT SPECIFIED IN § 12–104 OF THE STATE**
24 **GOVERNMENT ARTICLE**; or

25 DRAFTER’S NOTE:

26 Error: Incorrect word usage in § 5–522(a)(5) of the Courts and Judicial Proceedings
27 Article.

1 Occurred: As a result of Ch. 132, Acts of 2015, which increased, from \$200,000 to
2 \$400,000, the limit on liability of the State and its units under the Maryland Tort Claims
3 Act for injuries to a claimant arising from an incident or occurrence.

4 5–603.

5 (b) Subsection (a) of this section applies to the following:

6 (4) A corporation when its fire department personnel are immune under
7 [paragraph] ITEM (2) of this subsection.

8 DRAFTER'S NOTE:

9 Error: Stylistic error in § 5–603(b)(4) of the Courts and Judicial Proceedings Article.

10 Occurred: Ch. 775, Acts of 1982.

11 Article – Criminal Law

12 7–103.

13 (e) (1) For the purposes of determining whether a theft violation subject to
14 either § 7–104(g)(1) or (2) of this subtitle has been committed, when it cannot be determined
15 whether the value of the property or service is more or less than **[\$500] \$1,000** under the
16 standards of this section, the value is deemed to be less than **[\$500] \$1,000**.

17 DRAFTER'S NOTE:

18 Error: Erroneous reference in § 7–103(e)(1) of the Criminal Law Article.

19 Occurred: As a result of Ch. 655, Acts of 2009.

20 Article – Criminal Procedure

21 1–210.

22 (b) A person who, in good faith, seeks, provides, or assists with the provision of
23 medical assistance for a person reasonably believed to be experiencing a medical emergency
24 after ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or
25 prosecution for a violation of **[\$§ 5–601, 5–619, 5–620, 10–114, 10–116, and 10–117] §**
26 **5–601, § 5–619, § 5–620, § 10–114, § 10–116, OR § 10–117** of the Criminal Law Article
27 if the evidence for the criminal arrest, charge, or prosecution was obtained solely as a result
28 of the person's seeking, providing, or assisting with the provision of medical assistance.

29 (c) A person who reasonably believes that the person is experiencing a medical
30 emergency after ingesting or using alcohol or drugs shall be immune from criminal arrest,

1 charge, or prosecution for a violation of [§§ 5–601, 5–619, 5–620, 10–114, 10–116, and
2 10–117] **§ 5–601, § 5–619, § 5–620, § 10–114, § 10–116, OR § 10–117** of the Criminal
3 Law Article if the evidence for the criminal arrest, charge, or prosecution was obtained
4 solely as a result of the person seeking or receiving medical assistance.

5 DRAFTER’S NOTE:

6 Error: Erroneous conjunctions in § 1–210(b) and (c) of the Criminal Procedure
7 Article.

8 Occurred: Ch. 401, Acts of 2014.

9 10–305.

10 A conviction that has been shielded under this subtitle may not be considered a
11 conviction for purposes of [§ 10–105(e)(4)(ii)1] **§ 10–105(E)(4)(I)** of this title.

12 DRAFTER’S NOTE:

13 Error: Erroneous cross–reference in § 10–305 of the Criminal Procedure Article.

14 Occurred: As a result of Ch. 314, Acts of 2015.

15 11–601.

16 (d) (1) “Crime” means an act committed by a person in the State that is a crime
17 under:

18 (i) common law;

19 (ii) § 109 of the Code of Public Local Laws of Caroline County;

20 (iii) [§ 4–103 of the Code of Public Local Laws of Carroll County;

21 (iv)] § 8A–1 of the Code of Public Local Laws of Talbot County; or

22 [(v)] **(IV)** except as provided in paragraph (2) of this subsection, the
23 Annotated Code.

24 DRAFTER’S NOTE:

25 Error: Obsolete reference in § 11–601(d)(1) of the Criminal Procedure Article.

26 Occurred: As a result of Ch. 147, Acts of 2011, which repealed § 4–103 of the Code of
27 Public Local Laws of Carroll County.

Article – Economic Development

10–458.

(b) The grant funding in subsection (a) **OF THIS SECTION** shall be awarded:

(1) to support pre–commercial research on intellectual property to increase the likelihood of commercializing the intellectual property;

(2) to defray costs of evaluating the feasibility of a technology becoming commercialized through a start–up company;

(3) to defray the direct costs of developing early stage technology through a start–up entity;

(4) to assess intellectual property issues, including licensing and patents;

(5) for any other costs that the Initiative’s participating members determine are appropriate to promote technology transfer and commercialization in the State.

DRAFTER’S NOTE:

Error: Omitted words in § 10–458(b) of the Economic Development Article.

Occurred: Ch. 450, Acts of 2012.

10–499.

(a) (1) [In accordance with § 2.5–109 of this article, the] **THE** Corporation shall submit a report on the implementation of the Program.

(2) [In addition to the requirements under § 2.5–109(c) of this article, the] **THE** report required under this section shall be submitted to the Senate Budget and Taxation Committee and the House Ways and Means Committee.

DRAFTER’S NOTE:

Error: Obsolete cross–reference in § 10–499(a)(1) and (2) of the Economic Development Article.

Occurred: As a result of Ch. 141, Acts of 2015, which transferred reporting responsibilities from the Department of Business and Economic Development to the Maryland Technology Development Corporation.

Article – Education

1 4-306.2.

2 (f) The resolution of the board or the trust agreement relating to the bonds may
3 contain provisions that:

4 (4) Protect and enforce the rights and remedies of the bondholders that are
5 reasonable and proper and not in violation of the law, including covenants that shall
6 include:

7 (iii) The custody, safeguarding, and application of all [moneys]
8 MONEY; and

9 (n) The bonds of any issue shall be payable from and secured solely by:

10 (5) Any [moneys] MONEY which may lawfully be applied to the payment
11 of the bonds, including without limitation any appropriation by the State or Baltimore City
12 made lawfully available for such purpose; or

13 (o) Prior to and during construction and for 1 year after completion of
14 construction of any public school facility for which bonds have been issued, the interest on
15 the bonds may be paid out of the proceeds of the bonds or out of other [moneys] MONEY
16 allocated for that purpose.

17 (v) Upon the issuance of bonds, the State Comptroller shall withhold from any
18 installment due the board from the general State school fund [moneys] MONEY for deposit
19 to the credit of a sinking fund maintained to pay the principal and interest on the bonds.
20 Such [moneys] MONEY shall be withheld until the bonds are no longer outstanding and
21 unpaid and shall be withheld in installments. The amount of each installment shall be
22 determined at the time the bonds are issued and shall be provided in writing by the board
23 to the State Comptroller, provided that the frequency and amount of such installments
24 shall allow for the timely payment of the principal and interest on the bonds.

25 DRAFTER'S NOTE:

26 Error: Incorrect word usage in § 4-306.2(f)(4)(iii), (n)(5), (o), and (v) of the Education
27 Article.

28 Occurred: Ch. 559, Acts of 2000.

29 5-119.

30 (e) The Board shall post in a timely manner on the searchable Web site the
31 payment [date] DATA required under this section.

32 DRAFTER'S NOTE:

1 Error: Misspelling in § 5–119(e) of the Education Article.

2 Occurred: Ch. 459, Acts of 2015. Correction by the publisher of the Annotated Code
3 in the 2015 Supplement of the Education Article is ratified by this Act.

4 7–4A–03.

5 (a) The Council consists of the following 15 voting members and 6 ex officio
6 members:

7 (7) The following 15 members, appointed by the Governor:

8 (ii) Three representatives of school–based health centers, nominated
9 by the Maryland Assembly on School–Based Health [care] CARE:

10 1. From a diverse array of sponsoring organizations; and

11 2. For at least one of the representatives, from a nursing
12 background;

13 DRAFTER’S NOTE:

14 Error: Capitalization error in § 7–4A–03(a)(7)(ii) of the Education Article.

15 Occurred: Ch. 417, Acts of 2015. Correction by the publisher of the Annotated Code
16 in the 2015 Supplement of the Education Article is ratified by this Act.

17 11–207.

18 (b) The Commission, in collaboration with the public institutions of higher
19 education, shall develop and implement a statewide transfer agreement whereby at least
20 60 credits of general education, elective, and major courses that a student earns at any
21 community college in the State toward an [associate’s] ASSOCIATE of [art] ARTS or
22 [associate’s] ASSOCIATE of science degree shall be [transferrable] TRANSFERABLE to any
23 public senior higher education institution in the State for credit toward a bachelor’s degree
24 by July 1, 2016.

25 (c) The Commission, in collaboration with the public institutions of higher
26 education, shall develop and implement a statewide reverse transfer agreement whereby
27 at least 30 credits that a student earns at any public senior higher education institution in
28 the State toward a bachelor’s degree are [transferrable] TRANSFERABLE to any
29 community college in the State for credit toward an associate’s degree by July 1, 2016.

30 DRAFTER’S NOTE:

31 Error: Misnomer and misspelling in § 11–207(b) and (c) of the Education Article.

1 Occurred: Ch. 533, Acts of 2013.

2 18–601.

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

7 DRAFTER’S NOTE:

8 Error: Erroneous cross–reference in § 18–601(g)(3) of the Education Article.

9 Occurred: As a result of Ch. 123, Acts of 2012, which added § 18–601(d)(3)(vi) to the
10 Education Article and renumbered item (vi) to be item (vii).

11 Article – Election Law

12 5–1002.

13 (b) (2) (ii) The successor nominee designated by the State central
14 committee under [subparagraph] **ITEM** (i) of this paragraph shall file a certificate of
15 candidacy with the State Board.

16 DRAFTER’S NOTE:

17 Error: Stylistic error in § 5–1002(b)(2)(ii) of the Election Law Article.

18 Occurred: Ch. 291, Acts of 2002.

19 5–1003.

20 (b) (4) Following the death, declination, or disqualification of the nominee, by
21 the 60th day before the general election:

22 (ii) the successor nominee designated by the State central committee
23 under [subparagraph] **ITEM** (i) of this paragraph shall file a certificate of candidacy with
24 the State Board.

25 DRAFTER’S NOTE:

26 Error: Stylistic error in § 5–1003(b)(4)(ii) of the Election Law Article.

27 Occurred: Ch. 291, Acts of 2002.

28 5–1004.

1 (c) (5) By the deadline prescribed in subsection (b) of this section:

2 (ii) the successor nominee designated by the applicable central
3 committee under [subparagraph] ITEM (i) of this paragraph shall file a certificate of
4 candidacy with the applicable board.

5 DRAFTER'S NOTE:

6 Error: Stylistic error in § 5–1004(c)(5)(ii) of the Election Law Article.

7 Occurred: Ch. 291, Acts of 2002.

8 13–210.

9 (b) A lobbyist, or person acting on behalf of a lobbyist, may be subject to the
10 limitations on campaign finance activity prescribed in the [State Government Article]
11 **GENERAL PROVISIONS ARTICLE.**

12 DRAFTER'S NOTE:

13 Error: Erroneous cross–reference in § 13–210(b) of the Election Law Article.

14 Occurred: As a result of Ch. 94, Acts of 2014, which transferred the provisions of the
15 State Government Article relating to lobbying to the General Provisions Article.

16 13–247.

17 After all campaign expenditures have been made and before filing a final campaign
18 finance report under Subtitle 3 of this title, any remaining balance in the account of a
19 campaign finance entity shall be returned pro rata to the contributors or paid to:

20 (1) if the campaign finance entity is [a personal treasurer or] a political
21 committee formed to support a candidate or act for a political party:

22 (i) the State central committee of the political party:

23 1. of which the candidate is a member; or

24 2. for which the political committee is acting;

25 (ii) the local central committee of the political party:

26 1. of which the candidate is a member in a county in which
27 the candidate resides or which the candidate seeks to represent; or

28 2. for which the political committee is acting;

1 (iii) the board of education of a county in which the candidate resides
2 or which the candidate seeks to represent;

3 (2) a nonprofit organization that provides services or funds for the benefit
4 of pupils or teachers;

5 (3) a charitable organization registered or exempt from registration under
6 the Maryland Charitable Solicitations Act;

7 (4) the Fair Campaign Financing Fund established under § 15–103 of this
8 article; or

9 (5) a public or private institution of higher education in the State if:

10 (i) that institution possesses a certificate of approval from the
11 Maryland Higher Education Commission; and

12 (ii) the payment is designated for use by the institution solely to
13 award scholarships, grants, or loans to students attending the institution.

14 **DRAFTER’S NOTE:**

15 Error: Obsolete reference in § 13–247 of the Election Law Article.

16 Occurred: As a result of Ch. 510, Acts of 2006, which abolished the “personal
17 treasurer” type of campaign finance entity. Correction suggested by the Attorney General
18 in the Bill Review Letter for H.B. 485 (Ch. 312) of 2015 (footnote 3), dated May 5, 2015.

19 **Article – Environment**

20 3–401.

21 (c) (5) (ii) This paragraph does not apply in Allegany **COUNTY**, Anne
22 Arundel **COUNTY**, Baltimore City, Calvert **COUNTY**, Charles **COUNTY**, Garrett **COUNTY**,
23 Howard **COUNTY**, Montgomery **COUNTY**, St. Mary’s **COUNTY**, and Washington [counties]
24 **COUNTY**.

25 **DRAFTER’S NOTE:**

26 Error: Stylistic error in § 3–401(c)(5)(ii) of the Environment Article.

27 Occurred: Ch. 338, Acts of 1983.

28 4–202.1.

1 (e) (2) (ii) 2. A county or municipality may not charge a stormwater
2 remediation fee to property specifically covered by a current national pollutant discharge
3 elimination system **PHASE I** municipal separate storm sewer system permit or industrial
4 stormwater permit held by the State or a unit of State government.

5 DRAFTER'S NOTE:

6 Error: Omitted word in § 4–202.1(e)(2)(ii)2 of the Environment Article.

7 Occurred: Ch. 124, Acts of 2015.

8 9–345.

9 (a) There is a Water Pollution Control Fund consisting of [moneys] **MONEY** made
10 available under water quality loan authorizations or by funds appropriated in the State
11 budget.

12 DRAFTER'S NOTE:

13 Error: Stylistic error in § 9–345(a) of the Environment Article.

14 Occurred: Ch. 795, Acts of 1984.

15 9–349.

16 (c) For any loan assistance exceeding \$2,500, the Secretary of Commerce shall
17 require the granting to the State of an appropriate security interest in any equipment,
18 structures, or similar items purchased with State [moneys] **MONEY**.

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 9–349(c) of the Environment Article.

21 Occurred: Ch. 795, Acts of 1984.

22 Article – Family Law

23 5–545.

24 (d) (1) If the local board finds under subsection [(c)(7)] **(C)(9)** of this section
25 that a child's current living arrangement is not appropriate and the child is not placed in
26 the jurisdiction of origin, the local board shall explain why the arrangement is
27 inappropriate, including whether:

28 (i) resources are not available to meet the child's service needs;

29 (ii) family treatment services are not accessible;

1 (iii) distance is a barrier to family visitation; or

2 (iv) the local school system is not meeting the child's educational
3 needs.

4 (2) If the local board disagrees under subsection [(c)(7)] **(C)(9)** of this
5 section with the local department's placement plan and the child would be placed outside
6 the jurisdiction of origin, the local board shall explain why the plan is inappropriate,
7 including whether:

8 (i) resources are not available to meet the child's service needs;

9 (ii) family treatment services are not accessible;

10 (iii) distance is a barrier to family visitation; or

11 (iv) the local school system is not meeting the child's educational
12 needs.

13 DRAFTER'S NOTE:

14 Error: Erroneous internal reference in § 5-545(d)(1) and (2) of the Family Law
15 Article.

16 Occurred: As a result of Ch. 630, Acts of 2009, which renumbered the paragraphs in
17 § 5-545(c) of the Family Law Article.

18 5-564.

19 (f) Information obtained from the Department under this Part VI of this subtitle
20 shall be maintained in a manner to [insure] **ENSURE** the security of the information.

21 DRAFTER'S NOTE:

22 Error: Incorrect word usage in § 5-564(f) of the Family Law Article.

23 Occurred: Ch. 481, Acts of 1994.

24 10-301.

25 (aa) (1) "State" means a state of the United States, the District of Columbia,
26 Puerto Rico, the United States Virgin [Islands] **ISLANDS**, or any territory or insular
27 possession under the jurisdiction of the United States.

28 DRAFTER'S NOTE:

1 Error: Omitted comma in § 10–301(aa)(1).

2 Occurred: Ch. 609, Acts of 1997.

3 **Article – General Provisions**

4 8–104.

5 (b) (6) Limitations imposed by the court under paragraph (5) of this subsection
6 may include:

7 (i) a limitation on the number of witnesses the person may call to
8 testify;

9 (ii) a limitation on the length of the testimony of witnesses called by
10 the person;

11 (iii) a limitation on the person’s cross–examination of witnesses; [or]
12 **AND**

13 (iv) a limitation on the participation of the person in the litigation.

14 **DRAFTER’S NOTE:**

15 Error: Incorrect conjunction in § 8–104(b)(6) of the General Provisions Article.

16 Occurred: Ch. 165, Acts of 2015.

17 **Article – Health – General**

18 5–804.

19 (g) The Secretary shall select a [chairperson] **CHAIR** from among the members of
20 the Committee.

21 **DRAFTER’S NOTE:**

22 Error: Incorrect word usage in § 5–804(g) of the Health – General Article.

23 Occurred: Ch. 470, Acts of 2000.

24 5–806.

25 Upon request of the [chairman] **CHAIR** of the Committee or subcommittee, and as
26 necessary to carry out the purpose of the Committee, the following shall immediately
27 provide the Committee or subcommittee with access to information and records regarding
28 an individual whose death is being reviewed:

1 (1) A provider of medical care, including dental and mental health care;

2 (2) A State or local government agency; and

3 (3) A provider of residential or other services.

4 DRAFTER'S NOTE:

5 Error: Incorrect word usage in § 5–806 of the Health – General Article.

6 Occurred: Ch. 470, Acts of 2000.

7 7–903.

8 (b) (2) Upon a showing by the Deputy Secretary that the licensed, certified, or
9 accredited person is out of compliance with licensing regulations adopted by the [Secretary]
10 **SECRETARY**, the Deputy Secretary may revoke the waiver.

11 DRAFTER'S NOTE:

12 Error: Omitted comma in § 7–903(b)(2) of the Health – General Article.

13 Occurred: Ch. 473, Acts of 1989.

14 7–909.

15 (e) (3) The regulations shall define and address:

16 (i) The procedures and timelines that providers must follow when
17 reporting serious reportable incidents and deaths to the Department;

18 (ii) The Department's protocol to determine the necessity to
19 investigate a serious reportable incident that takes into account:

20 1. The severity of the incident;

21 2. The quality of the licensee's internal investigation; and

22 3. The number and frequency of serious reportable incidents
23 reported by the licensee to the Department;

24 (iii) The specific roles and responsibilities of each governmental unit
25 involved in any follow-up investigations that may occur due to a licensee's report of a
26 serious reportable incident or death;

27 (iv) Methods of investigations, including on-site investigations;

1 (v) [Time lines] **TIMELINES** for response to serious reportable
2 incidents and deaths and investigation of serious reportable incidents and deaths;

3 (vi) [Time lines] **TIMELINES** for issuing specified reports, including
4 corrective action plans, to the Department, licensee, Mortality and Quality Review
5 Committee, Medicaid Fraud Unit, individuals receiving services from the licensee involved
6 in the incident and their guardians or family members, and others; and

7 (vii) Follow-up protocols for the Department to ensure that corrective
8 action has been implemented by the licensee.

9 **DRAFTER'S NOTE:**

10 Error: Misspellings in § 7-909(e)(3) of the Health – General Article.

11 Occurred: Ch. 389, Acts of 2005.

12 7.5-303.

13 (a) (1) The Council consists of the following members:

14 (iii) Five representatives of the Department, including:

- 15 1. The Secretary, or the Secretary's designee;
- 16 2. The Deputy Secretary for Behavioral Health [and
17 Disabilities], or the Deputy Secretary's designee;
- 18 3. The Director of the Behavioral Health Administration, or
19 the Director's designee;
- 20 4. The Executive Director of the Maryland Health Benefit
21 Exchange, or the Executive Director's designee; and
- 22 5. The Deputy Secretary for Health Care Financing, or the
23 Deputy Secretary's designee;

24 **DRAFTER'S NOTE:**

25 Error: Incorrect word usage in § 7.5-303(a)(1)(iii) of the Health – General Article.

26 Occurred: Ch. 328, Acts of 2015.

27 10-608.

1 A veteran may be admitted voluntarily to a Veterans' Administration hospital
2 without regard to [Part II of this subtitle] **THIS PART**.

3 DRAFTER'S NOTE:

4 Error: Stylistic error in § 10–608 of the Health – General Article.

5 Occurred: Ch. 21, Acts of 1982.

6 10–613.

7 In [Part III of this subtitle] **THIS PART**, “involuntary admission” includes every
8 admission of a minor to a State facility unless the admission is a voluntary admission
9 authorized under Part II of this subtitle.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 10–613 of the Health – General Article.

12 Occurred: Ch. 21, Acts of 1982.

13 10–614.

14 (a) Except as provided in subsection (b) of this section, application for involuntary
15 admission of an individual to a facility or Veterans' Administration hospital may be made
16 under [Part III of this subtitle] **THIS PART** by any person who has a legitimate interest in
17 the welfare of the individual.

18 (b) If the Administration agrees to pay the appropriate expenses, application for
19 involuntary admission to a facility of an inmate in an institution under the Division of
20 Correction or the Patuxent Institution may be made under [Part III of this subtitle] **THIS**
21 **PART** by the Division or the Patuxent Institution.

22 DRAFTER'S NOTE:

23 Error: Stylistic error in § 10–614 of the Health – General Article.

24 Occurred: Ch. 21, Acts of 1982.

25 10–615.

26 Each application for involuntary admission to a facility or Veterans' Administration
27 hospital under [Part III of this subtitle] **THIS PART** shall:

28 (1) Be in writing;

- 1 (2) Be dated;
- 2 (3) Be on the form required by:
- 3 (i) The Administration, in the case of a facility; or
- 4 (ii) The Veterans' Administration hospital, in the case of a Veterans'
5 Administration hospital;
- 6 (4) State the relationship of the applicant to the individual for whom
7 admission is sought;
- 8 (5) Be signed by the applicant;
- 9 (6) Be accompanied by the certificates of:
- 10 (i) 1 physician and 1 psychologist;
- 11 (ii) 2 physicians; or
- 12 (iii) 1 physician and 1 psychiatric nurse practitioner; and
- 13 (7) Contain any other information that the Administration requires.

14 DRAFTER'S NOTE:

15 Error: Stylistic error in § 10–615 of the Health – General Article.

16 Occurred: Ch. 21, Acts of 1982.

17 10–616.

18 (a) (1) A certificate for involuntary admission of an individual under [Part III
19 of this subtitle] **THIS PART** shall:

20 (i) Be based on the personal examination of the physician,
21 psychologist, or psychiatric nurse practitioner who signs the certificate; and

22 (ii) Be in the form that the Secretary adopts, by rule or regulation.

23 DRAFTER'S NOTE:

24 Error: Stylistic error in § 10–616(a)(1) of the Health – General Article.

25 Occurred: Ch. 21, Acts of 1982.

26 10–617.

1 (a) A facility or Veterans' Administration hospital may not admit the individual
2 under [Part III of this subtitle] **THIS PART** unless:

3 (1) The individual has a mental disorder;

4 (2) The individual needs inpatient care or treatment;

5 (3) The individual presents a danger to the life or safety of the individual
6 or of others;

7 (4) The individual is unable or unwilling to be admitted voluntarily; and

8 (5) There is no available, less restrictive form of intervention that is
9 consistent with the welfare and safety of the individual.

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 10-617(a) of the Health – General Article.

12 Occurred: Ch. 21, Acts of 1982.

13 10-618.

14 (b) A facility or Veterans' Administration hospital that acts in compliance with
15 the provisions of [Part III of this subtitle] **THIS PART** shall have the immunity from
16 liability described under § 5-623(c) of the Courts and Judicial Proceedings Article.

17 (c) An agent or employee of a facility or Veterans' Administration hospital who
18 acts in compliance with the provisions of [Part III of this subtitle] **THIS PART** shall have
19 the immunity from liability described under § 5-623(d) of the Courts and Judicial
20 Proceedings Article.

21 DRAFTER'S NOTE:

22 Error: Stylistic error in § 10-618(b) and (c) of the Health – General Article.

23 Occurred: Ch. 459, Acts of 1982.

24 10-619.

25 Within 12 hours of notification by a physician or licensed psychologist who has
26 certified an individual under [Part III of this subtitle] **THIS PART**, a facility operated by
27 the Department of Health and Mental Hygiene shall receive and evaluate the individual
28 certified for involuntary admission if:

1 (1) The individual's involuntary admission is not limited by § 10–617 of
2 this subtitle;

3 (2) An application for admission has been completed;

4 (3) A certifying physician or psychologist is unable to place the individual
5 in a facility not operated by the Department; and

6 (4) The Department is unable to provide for the placement of the person
7 other than in a facility operated by the Department.

8 DRAFTER'S NOTE:

9 Error: Stylistic error in § 10–619 of the Health – General Article.

10 Occurred: Ch. 525, Acts of 1982.

11 10–903.

12 (a) (1) The governing body of any county may apply for assistance to establish
13 a mental health program under [Part I of this subtitle] **THIS PART**.

14 (c) A community mental health services program is not eligible for assistance
15 under [Part I of this subtitle] **THIS PART** unless:

16 (1) Its plan and budget conform to the State plan for mental health services
17 and the priorities set under it; and

18 (2) The qualifications of its professional staff meet the standards that the
19 Secretary sets.

20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 10–903(a)(1) and (c) of the Health – General Article.

22 Occurred: Ch. 21, Acts of 1982.

23 10–904.

24 (b) The health officer for a county shall:

25 (1) With the advice of the regional mental health director, revise annually
26 the county plan for providing or contracting for services, including aftercare, and facilities
27 and for any other matters necessary or desirable to carry out [Part I of this subtitle] **THIS**
28 **PART**;

29 (2) Prepare annually a budget for carrying out the plan;

1 (3) Assure that the staff and professional services meet the standards that
2 the Secretary adopts;

3 (4) Submit to the mental health advisory committee and the governing
4 body for the county an annual report on the county program, including an account of
5 expenditures and an estimate of anticipated needs for the next year;

6 (5) Facilitate the work of the county or intercounty mental health advisory
7 committee; and

8 (6) Perform any other duty necessary to carry out [Part I of this subtitle]
9 **THIS PART.**

10 DRAFTER'S NOTE:

11 Error: Stylistic error in § 10–904(b) of the Health – General Article.

12 Occurred: Ch. 21, Acts of 1982.

13 10–920.

14 In [Part IV of this subtitle] **THIS PART**, “private therapeutic group home” means a
15 small private group home as defined in § 10–514(e) of this title that provides residential
16 child care, as well as access to a range of diagnostic and therapeutic mental health services,
17 to be identified under the requirements of § 10–924 of this subtitle, for children and
18 adolescents who are in need of such treatments.

19 DRAFTER'S NOTE:

20 Error: Stylistic error in § 10–920 of the Health – General Article.

21 Occurred: Ch. 477, Acts of 1984.

22 10–922.

23 The Secretary shall adopt rules and regulations that:

24 (1) Ensure that a private therapeutic group home provides mental health
25 care and treatment in accordance with [Part IV of this subtitle] **THIS PART**; and

26 DRAFTER'S NOTE:

27 Error: Stylistic error in § 10–922(1) of the Health – General Article.

28 Occurred: Ch. 477, Acts of 1984.

1 10–923.

2 (d) (1) Within 60 days after the Director receives an application for placement
3 of a child or adolescent in a private therapeutic group home, the Director or the county
4 health officer [shall:

5 (1) Determine] **SHALL DETERMINE** whether the child or adolescent meets
6 the requirements for placement under this [section; and] **SECTION.**

7 (2) If [so] **THE DIRECTOR OR COUNTY HEALTH OFFICER DETERMINES**
8 **THAT THE CHILD OR ADOLESCENT MEETS THE REQUIREMENTS UNDER THIS**
9 **SECTION, THE DIRECTOR OR COUNTY HEALTH OFFICER SHALL:**

10 (i) Approve the application for placement in a private therapeutic
11 group home; and

12 (ii) Determine the date of placement in a private therapeutic group
13 home in accordance with the plan submitted under § 10–925 of this subtitle.

14 DRAFTER'S NOTE:

15 Error: Stylistic error in § 10–923(d) of the Health – General Article.

16 Occurred: Ch. 477, Acts of 1984.

17 10–1101.

18 This title may be cited as the [“Maryland Mental Health Law”] **MARYLAND**
19 **MENTAL HEALTH LAW.**

20 DRAFTER'S NOTE:

21 Error: Extraneous quotation marks in § 10–1101 of the Health – General Article.

22 Occurred: Ch. 21, Acts of 1982.

23 13–3003.

24 (h) (2) Any investment earnings of the Fund shall **BE** paid into the Fund.

25 DRAFTER'S NOTE:

26 Error: Omitted word in § 13–3003(h)(2) of the Health – General Article.

1 Occurred: Chs. 498 and 499, Acts of 2011. Correction by the publisher of the
2 Annotated Code in the 2015 Replacement Volume of the Health – General Article is ratified
3 by this Act.

4 15–102.1.

5 (b) The Department shall, to the extent permitted, subject to the limitations of
6 the State budget:

7 (10) Encourage the Program and Maryland’s health care regulatory system
8 to work to cooperatively promote the development of an appropriate mix of health care
9 providers, limit cost increases for the delivery of health care to Program recipients, and
10 [insure] **ENSURE** the delivery of quality health care to Program recipients;

11 DRAFTER’S NOTE:

12 Error: Incorrect word usage in § 15–102.1(b)(10) of the Health – General Article.

13 Occurred: Ch. 614, Acts of 1989.

14 15–701.

15 (h) The Fund may be used only for expenses associated with:

16 (2) Expanding Medicaid eligibility and benefits for individuals:

17 (iii) Who are not enrolled in the federal Medicare program, as enacted
18 by Title XVIII of the Social Security Act; **AND**

19 [(3) Providing and administering health benefit plan premium subsidies
20 under Title 15, Subtitle 12A of the Insurance Article; and]

21 [(4)] **(3)** Supporting the provision of health care services in Prince
22 George’s County in accordance with subsection (i) of this section.

23 DRAFTER’S NOTE:

24 Error: Obsolete language in § 15–701(h)(3) of the Health – General Article.

25 Occurred: As a result of Ch. 274, Acts of 2015, which repealed the Small Employer
26 Health Benefit Plan Premium Subsidy Program and Title 15, Subtitle 12A of the Insurance
27 Article.

28 15–901.

29 (b) “Independent home care provider” means an individual who:

1 (1) Provides home care services that are directly reimbursed by the State
 2 or a fiscal intermediary functioning on behalf of the State, and not by an agency or business
 3 that employs employees or refers independent contractors as home care providers, under:

4 (ii) The Medicaid Personal Care Program under the State Medical
 5 Assistance Program, or any successor program; **AND**

6 [(iii) The Living at Home Waiver Program under Subtitle 8 of this
 7 title, or any successor program; and]

8 [(iv)] **(III)** The In–Home Aide Service Program administered by the
 9 Department of Human Resources, or any successor program;

10 **DRAFTER’S NOTE:**

11 Error: Obsolete language in § 15–901(b)(1)(iii) of the Health – General Article.

12 Occurred: As a result of Ch. 413, Acts of 2014, which repealed the Living at Home
 13 Waiver Program.

14 15–904.

15 (e) (1) (iii) The representatives of the State may only agree to a service fee
 16 provision if the service fee provision would require nonmembers to pay service fees on a
 17 sliding scale in approximate proportion to the amount each nonmember receives in
 18 reimbursement through:

19 2. The Medicaid Personal Care Program under the State
 20 Medical Assistance Program, or any successor program; **AND**

21 [3. The Living at Home Waiver Program under Subtitle 8 of
 22 this title, or any successor program; and]

23 [4.] **3.** The In–Home Aide Service Program administered by the
 24 Department of Human Resources, or any successor program.

25 **DRAFTER’S NOTE:**

26 Error: Obsolete language in § 15–904(e)(1)(iii)3 of the Health – General Article.

27 Occurred: As a result of Ch. 413, Acts of 2014, which repealed the Living at Home
 28 Waiver Program.

29 18–218.

1 In [Part IV of this subtitle] **THIS PART**, “animal” means any nonhuman living
2 creature, whether native to Maryland or not, which is:

3 (1) Wild by nature; and

4 (2) [Is endowed] **ENDOWED** with sensation and power of voluntary
5 motion.

6 **DRAFTER’S NOTE:**

7 Error: Stylistic error and extraneous word in § 18–218 of the Health – General
8 Article.

9 Occurred: Ch. 805, Acts of 1986.

10 18–220.

11 Nothing in [Part IV of this subtitle] **THIS PART** prevents or prohibits any county,
12 municipal corporation, or Baltimore City from imposing stricter possession requirements
13 or banning possession of certain animals.

14 **DRAFTER’S NOTE:**

15 Error: Stylistic error in § 18–220 of the Health – General Article.

16 Occurred: Ch. 805, Acts of 1986.

17 19–1B–01.

18 (g) “Patient centered medical home” [has the meaning stated in § 19–1A–01 of
19 this title] **MEANS A PRIMARY CARE PRACTICE ORGANIZED TO PROVIDE A FIRST,
20 COORDINATED, ONGOING, AND COMPREHENSIVE SOURCE OF CARE TO PATIENTS TO:**

21 **(1) FOSTER A PARTNERSHIP WITH A QUALIFYING INDIVIDUAL;**

22 **(2) COORDINATE HEALTH CARE SERVICES FOR A QUALIFYING
23 INDIVIDUAL; AND**

24 **(3) EXCHANGE MEDICAL INFORMATION WITH CARRIERS, OTHER
25 PROVIDERS, AND QUALIFYING INDIVIDUALS.**

26 **DRAFTER’S NOTE:**

27 Error: Obsolete cross–reference in § 19–1B–01(g) of the Health – General Article.

1 Occurred: As a result of the termination of Chs. 5 and 6, Acts of 2010, which added
2 § 19–1A–01 of the Health – General Article.

3 19–361.

4 (a) In [Part VIII of this subtitle] **THIS PART** the following words have the
5 meanings indicated.

6 DRAFTER’S NOTE:

7 Error: Stylistic error in § 19–361(a) of the Health – General Article.

8 Occurred: Ch. 639, Acts of 1984.

9 21–259.

10 A person may not:

11 (1) Make a written report that falsely certifies the results of any inspection,
12 examination, or test that is made to determine if there is a violation of any provision of
13 [Part VI of this subtitle] **THIS PART**;

14 DRAFTER’S NOTE:

15 Error: Stylistic error in § 21–259(1) of the Health – General Article.

16 Occurred: Ch. 240, Acts of 1982.

17 21–260.

18 (a) Except as to an alleged violation that is enumerated under subsection (b)(2) of
19 this section, a person may not be convicted of any violation of [Part VI of this subtitle] **THIS**
20 **PART**, if, with respect to the alleged violation, the person establishes by a preponderance
21 of evidence that the person did not commit the alleged violation purposely, knowingly,
22 recklessly, or negligently.

23 DRAFTER’S NOTE:

24 Error: Stylistic error in § 21–260(a) of the Health – General Article.

25 Occurred: Ch. 240, Acts of 1982.

26 21–2A–06.

27 (d) (1) Before the Program discloses information under subsection (b)(3), [(4),
28 (5), (7), or (8)] **(5), (6), (8), OR (9)** of this section, the technical advisory committee shall:

1 (i) Review the requests for information;

2 (ii) Provide clinical guidance and interpretation of the information
3 requested to the Secretary to assist in the Secretary's decision on how to respond to a
4 judicial subpoena, administrative subpoena, or other request; and

5 (iii) Provide clinical guidance and interpretation of the information
6 requested to the authorized recipient of the information.

7 (2) Notwithstanding paragraph (1) of this subsection, the Program may
8 disclose information to the authorized administrator of another state's prescription drug
9 monitoring program for disclosure to the persons listed in subsection (b)(1), (2), and [(6)]
10 (7) of this section without the review, clinical guidance, and interpretation of the technical
11 advisory committee.

12 DRAFTER'S NOTE:

13 Error: Erroneous internal references in § 21-2A-06(d) of the Health – General
14 Article.

15 Occurred: As a result of Ch. 381, Acts of 2015, which renumbered the items in §
16 21-2A-06(b) of the Health – General Article.

17 21-2A-07.

18 (b) The purpose of the technical advisory committee is to:

19 (1) Review requests for information from the Program under [§
20 21-2A-06(b)(3), (4), (5), (7), and (8)] § 21-2A-06(B)(3), (5), (6), (8), AND (9) of this
21 subtitle; and

22 DRAFTER'S NOTE:

23 Error: Erroneous cross-references in § 21-2A-07(b)(1) of the Health – General
24 Article.

25 Occurred: As a result of Ch. 381, Acts of 2015, which renumbered the items in §
26 21-2A-06(b) of the Health – General Article. Correction by the publisher of the Annotated
27 Code in the 2015 Replacement Volume of the Health – General Article is ratified by this
28 Act.

29 **Article – Health Occupations**

30 8-6C-02.

31 (b) The practice of direct-entry midwifery also includes:

1 (12) Participating in peer review as required under **[§ 8-6C-18(e)(1)(ii)] §**
2 **8-6C-18(E)(2)** of this subtitle;

3 DRAFTER'S NOTE:

4 Error: Erroneous cross-reference in § 8-6C-02(b)(12) of the Health Occupations
5 Article.

6 Occurred: Ch. 393, Acts of 2015. Correction by the publisher of the Annotated Code
7 in the 2015 Supplement of the Health Occupations Article is ratified by this Act. Correction
8 suggested by the Attorney General in the Bill Review Letter for H.B. 9 (Ch. 393) of 2015,
9 dated May 5, 2015.

10 8-6C-10.

11 (b) The Board shall send a written notice of noncompliance to each licensee who
12 fails to meet the reporting requirements under subsection (a) **OF** this section.

13 (c) A licensed direct-entry midwife who fails to comply with the reporting
14 requirements under this section shall be prohibited from license renewal until the
15 information required under subsection (a) **OF** this section is reported.

16 (d) The Committee shall maintain the confidentiality of any report submitted
17 under subsection (a) **OF** this section.

18 **[(g)] (F)** A licensed direct-entry midwife attending an out-of-hospital delivery
19 shall:

20 (1) For any live birth, complete and submit a birth certificate in accordance
21 with § 4-208 of the Health – General Article; and

22 (2) For any death, make all medical records available and communicate
23 relevant circumstances of the death to the individual responsible for completing the
24 certificate of death under § 4-212 or § 4-213 of the Health – General Article.

25 DRAFTER'S NOTE:

26 Error: Omitted words in § 8-6C-10(b), (c), and (d) and stylistic error in § 8-6C-10(f)
27 of the Health Occupations Article.

28 Occurred: Ch. 393, Acts of 2015. Correction by the publisher of the Annotated Code
29 in the 2015 Supplement of the Health Occupations Article is ratified by this Act.

30 8-6C-11.

1 (e) The consumer member of the Committee:

2 (3) May not have a household member who is:

3 (i) A licensed direct-entry midwife, a licensed nurse who is certified
4 as a nurse-midwife, **OR** a health care practitioner who is directly involved with pregnancy
5 or labor; or

6 Error: Omitted conjunction in § 8-6C-11(e)(3)(i) of the Health Occupations Article.

7 Occurred: Ch. 393, Acts of 2015. Correction by the publisher of the Annotated Code
8 in the 2015 Supplement of the Health – Occupations Article is ratified by this Act.

9 12-403.

10 (c) Except as otherwise provided in this section, a pharmacy for which a
11 pharmacy permit has been issued under this title:

12 (22) (i) [Subject to § 12-4A-02 of this title, may] **MAY** provide to an
13 ophthalmologist for office use, without a patient-specific prescription:

14 1. Compound antibiotics for the emergency treatment of
15 bacterial endophthalmitis or viral retinitis; and

16 2. Compound antivascular endothelial growth factor agents
17 for the emergency treatment of neovascular glaucoma, wet macular degeneration, or
18 macular edema; and

19 **DRAFTER'S NOTE:**

20 Error: Obsolete cross-reference in § 12-403(c)(22)(i) of the Health Occupations
21 Article.

22 Occurred: As a result of Ch. 5, § 2, Acts of 2015, which repealed § 12-4A-02 of the
23 Health Occupations Article.

24 **Article – Housing and Community Development**

25 4-1207.

26 (a) Except as provided in subsection (c) of this section, the Department may
27 approve an application for a proposed partnership project only if:

28 (2) the political subdivision or housing authority:

29 (i) contributes from [nonstate] **NON-STATE** sources the land for the
30 partnership rental housing;

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 4–1207(a)(2)(i) of the Housing and Community
3 Development Article.

4 Occurred: Ch. 26, Acts of 2005.

5 6–305.

6 (b) An applicant may qualify for financial assistance for a project in a sustainable
7 community or food desert if the application demonstrates that:

8 (1) except for a microenterprise project, the project has significant
9 commitments for financing from other private and [nonstate] **NON-STATE** public sources
10 that are sufficient to complete the project with the money from the Fund;

11 DRAFTER'S NOTE:

12 Error: Stylistic error in § 6–305(b)(1) of the Housing and Community Development
13 Article.

14 Occurred: Ch. 26, Acts of 2005.

15 6–308.

16 (a) The Department shall:

17 (3) establish, for each category of financing described in § 6–306(c) of this
18 subtitle, minimum percentages or amounts of private and [nonstate] **NON-STATE** public
19 financing that an applicant for the Business Development Program must secure; and

20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 6–308(a)(3) of the Housing and Community Development
22 Article.

23 Occurred: Ch. 26, Acts of 2005.

24 Article – Human Services

25 5–304.

26 (a) (4) “Foster youth” means an individual who:

27 (i) is an adult in out-of-home care under the responsibility of the
28 State; or

1 (ii) 1. is an adult under the age of 25 years; and

2 [(iii)] 2. was in out-of-home care under the responsibility of the
3 State on the individual's 18th birthday.

4 DRAFTER'S NOTE:

5 Error: Tabulation error in § 5-304(a)(4) of the Human Services Article.

6 Occurred: Ch. 385, Acts of 2009.

7 **Article – Insurance**

8 3-302.

9 (a) This subtitle does not apply to:

10 (9) insurance:

11 (ii) on cargo of the aircraft described in [subitem] ITEM (i) of this
12 item; or

13 (iii) against liability arising out of the ownership, maintenance, or
14 use of the aircraft described in [subitem] ITEM (i) of this item, other than workers'
15 compensation or employer's liability; or

16 DRAFTER'S NOTE:

17 Error: Stylistic errors in § 3-302(a)(9)(ii) and (iii) of the Insurance Article.

18 Occurred: Ch. 36, Acts of 1995.

19 5-306.

20 (e) (1) (ii) "Plan Type A" means a plan type under which:

21 1. at any time the policyholder may withdraw funds only:

22 B. without the adjustment required by [subitem] ITEM A of
23 this item but in installments over 5 years or more; or

24 (iii) "Plan Type B" means a plan type under which:

25 1. before the expiration of the interest rate guarantee:

1 B. the policyholder may withdraw funds without the
2 adjustment required by [subitem] ITEM A of this item but in installments over 5 years or
3 more; or

4 DRAFTER'S NOTE:

5 Error: Stylistic errors in § 5–306(e)(1)(ii)1B and (iii)1B of the Insurance Article.

6 Occurred: Ch. 36, Acts of 1995.

7 15–1408.

8 A carrier shall renew group health benefit plans at the option of the policyholder or
9 plan sponsor, except in any of the following cases:

10 (4) where the policyholder or plan sponsor has failed to comply with a
11 material plan provision relating TO the employer contributions or group participation rules;

12 DRAFTER'S NOTE:

13 Error: Omitted word in § 15–1408(4) of the Insurance Article.

14 Occurred: Ch. 294, Acts of 1997.

15 20–201.

16 (d) (3) The Fund is subject to:

17 (i) [Title 10, Subtitle 6, Part III of the State Government Article]
18 **TITLE 4 OF THE GENERAL PROVISIONS ARTICLE;**

19 DRAFTER'S NOTE:

20 Error: Erroneous cross–reference in § 20–201(d)(3)(i) of the Insurance Article.

21 Occurred: As a result of Ch. 94, Acts of 2014, which revised, restated, and recodified
22 former Title 10, Subtitle 6, Part III of the State Government Article and certain other
23 provisions of law to establish the new General Provisions Article.

24 31–101.

25 [(c–1)] **(B–1)** “Captive producer” means an insurance producer who:

26 (1) is licensed in the State and authorized by the Commissioner to sell,
27 solicit, or negotiate health insurance;

1 (2) receives an authorization and meets the other requirements set forth in
2 § 31-113(n)(2) of this title;

3 (3) has a current and exclusive appointment with a single carrier; and

4 (4) receives compensation as a captive producer only from that carrier.

5 [(c-2)] (C-1) “Consolidated Services Center” or “CSC” means the consumer
6 assistance call center established in accordance with the requirement to operate a toll-free
7 hotline under § 1311(d)(4) of the Affordable Care Act and § 31-108(b)(5) of this title.

8 DRAFTER’S NOTE:

9 Error: Stylistic error (failure to codify definitions in alphabetical order) in §
10 31-101(c-1) and (c-2) of the Insurance Article.

11 Occurred: Ch. 159, Acts of 2013.

12 **Article – Labor and Employment**

13 3-415.

14 (b) This section does not apply to an employer that is:

15 (2) a [not for profit] **NOT-FOR-PROFIT** concert promoter, legitimate
16 theater, music festival, music pavilion, or theatrical show; or

17 DRAFTER’S NOTE:

18 Error: Omitted hyphens in § 3-415(b)(2) of the Labor and Employment Article.

19 Occurred: Ch. 8, Acts of 1991.

20 11-405.

21 (a) Subject to subsection (d) of this section, the duties of the Council, consistent
22 with the approval of the Division of Labor and Industry, shall be to:

23 (2) encourage the establishment of local apprenticeship committees where
24 [such] **THE** committees are needed and approve their programs;

25 (5) register standards of apprenticeship of [such] **THE** groups or employers
26 [as] **THAT** elect to conform with the provisions of this subtitle;

27 (10) perform [such] other functions as the Governor or the Secretary may
28 direct or as may come within the scope of the Council.

1 DRAFTER'S NOTE:

2 Error: Stylistic errors in § 11–405(a)(2), (5), and (10) of the Labor and Employment
3 Article.

4 Occurred: Ch. 64, Acts of 1984.

5 **Article – Land Use**

6 5–301.

7 (a) (1) Except as otherwise provided in §§ 9–603, 9–806, 9–1004, 9–1605, AND
8 9–1606[, and 9–1607] of this article, an owner or agent of an owner of land located within
9 a subdivision may not transfer, sell, or agree to sell land by reference to, exhibition of, or
10 other use of a plat of a subdivision before the plat has been:

11 (i) approved by the planning commission; and

12 (ii) recorded or filed in the office of the appropriate county clerk.

13 DRAFTER'S NOTE:

14 Error: Obsolete cross–reference in § 5–301(a)(1) of the Land Use Article.

15 Occurred: As a result of Ch. 439, Acts of 2015, which repealed § 9–1607 of the Land
16 Use Article.

17 25–212.

18 In Prince George's County, a person may make a request to the district council for
19 the review of a decision of the zoning hearing examiner or the COUNTY planning board only
20 if:

21 (1) the person is an aggrieved person that appeared at the hearing before
22 the zoning hearing examiner or COUNTY planning board in person, by an attorney, or in
23 writing; and

24 (2) the review is expressly authorized under this division.

25 DRAFTER'S NOTE:

26 Error: Omitted words in § 25–212 of the Land Use Article.

27 Occurred: Ch. 365, Acts of 2015.

28 **Article – Natural Resources**

1 4-713.

2 (i) (2) (iii) The Department, by regulation:

3 1. Shall establish procedures for the prior notification
4 required under subparagraph [(2)(i) of this subsection] **(I) OF THIS PARAGRAPH**; and

5 2. May prohibit fishing for carp and catfish in certain areas
6 as provided in subparagraph [(2)(ii) of this subsection] **(II) OF THIS PARAGRAPH**.

7 DRAFTER'S NOTE:

8 Error: Stylistic errors in § 4-713(i)(2)(iii) of the Natural Resources Article.

9 Occurred: Ch. 472, Acts of 1987.

10 4-715.

11 (e) (2) (ii) The Department, by regulation:

12 1. Shall establish procedures for the prior notification
13 required under subparagraph [(2)(i) of this subsection] **(I) OF THIS PARAGRAPH**; and

14 2. May prohibit fishing for carp and catfish in certain areas
15 as provided in subparagraph [(2)(i) of this subsection] **(I) OF THIS PARAGRAPH**.

16 DRAFTER'S NOTE:

17 Error: Stylistic errors in § 4-715(e)(2)(ii) of the Natural Resources Article.

18 Occurred: Ch. 472, Acts of 1987.

19 4-11A-07.

20 (e) (1) The Department may establish submerged land areas in the Atlantic
21 Coastal Bays that:

22 (i) Are preapproved for leasing;

23 (ii) May not be leased; **OR**

24 (iii) May be approved for leasing only on specific application and
25 review by the Department.

26 DRAFTER'S NOTE:

1 Error: Omitted conjunction in § 4–11A–07(e)(1) of the Natural Resources Article.

2 Occurred: Ch. 174, Acts of 2009.

3 5–212.1.

4 (g) (2) (ii) For fiscal year 2015 only, the payments under subparagraph (i)
5 of this [subsection] **PARAGRAPH** may not be made.

6 DRAFTER’S NOTE:

7 Error: Stylistic error in § 5–212.1(g)(2)(ii) of the Natural Resources Article.

8 Occurred: Ch. 397, Acts of 2011.

9 5–421.

10 (a) (1) The Department may permanently revoke or temporarily suspend the
11 license of any licensed tree expert who:

12 (i) Is found guilty of any fraud or deceit in obtaining the license, or
13 guilty of negligence [of] **OR** wrongful conduct in the practice of tree culture or care; or

14 DRAFTER’S NOTE:

15 Error: Incorrect word usage in § 5–421(a)(1)(i) of the Natural Resources Article.

16 Occurred: Ch. 119, Acts of 2008, which misrepresented the source law.

17 8–2103.

18 (b) The Department [of Natural Resources] shall ascertain on a per–acre basis
19 the statewide extent of infestation of phragmites, when necessary data is available, and
20 shall study and analyze the progress made in the management and control of the spread of
21 phragmites on:

22 (1) Lands that the Department [of Natural Resources] owns or controls;
23 and

24 (2) Any real property on which the Department [of Natural Resources]
25 assists landowners with the control of phragmites.

26 DRAFTER’S NOTE:

27 Error: Extraneous language in § 8–2103(b) of the Natural Resources Article.

28 Occurred: Ch. 557, Acts of 1994.

1 10-412.

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

3 (2) ["Baiting" means the placing, exposing, depositing, distributing, or
4 scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed
5 so as to constitute for birds a lure, attraction, or enticement to, on, or over any areas where
6 persons are attempting to hunt them.

7 (3) "Baited area" means any area where shelled, shucked, or unshucked
8 corn, wheat or other grain, salt, or other feed capable of luring, attracting, or enticing birds
9 is directly or indirectly placed, exposed, deposited, distributed, or scattered, and this area
10 remains a baited area for 10 days following complete removal of all corn, wheat or other
11 grain, salt, or other feed.

12 **(3) "BAITING" MEANS THE PLACING, EXPOSING, DEPOSITING,**
13 **DISTRIBUTING, OR SCATTERING OF SHELLED, SHUCKED, OR UNSHUCKED CORN,**
14 **WHEAT OR OTHER GRAIN, SALT, OR OTHER FEED SO AS TO CONSTITUTE FOR BIRDS**
15 **A LURE, ATTRACTION, OR ENTICEMENT TO, ON, OR OVER ANY AREAS WHERE**
16 **PERSONS ARE ATTEMPTING TO HUNT THEM.**

17 DRAFTER'S NOTE:

18 Error: Stylistic error (failure to codify definitions in alphabetic order) in § 10-412(a)
19 of the Natural Resources Article.

20 Occurred: Ch. 145, Acts of 1990.

21 **Article – Public Safety**

22 3-201.

23 (d) (2) "Law enforcement agency" does not include members of the Maryland
24 National Guard who:

25 (ii) are assigned to the military property designated as the [Glenn
26 L.] Martin State Airport; and

27 (iii) are charged with exercising police powers in and for the [Glenn
28 L.] Martin State Airport.

29 (e) (3) "Police officer" does not include:

30 (iii) a member of the Maryland National Guard who:

1 2. is assigned to the military property designated as the
2 [Glenn L.] Martin State Airport; and

3 3. is charged with exercising police powers in and for the
4 [Glenn L.] Martin State Airport.

5 DRAFTER'S NOTE:

6 Error: Misnomer in § 3–201(d)(2)(ii) and (iii) and (e)(3)(iii)2 and 3 of the Public Safety
7 Article.

8 Occurred: As a result of the name change made under Executive Order
9 01.01.1985.04, February 19, 1985.

10 **Article – Public Utilities**

11 10–406.

12 (a) (1) In this section the following words have the [meaning] **MEANINGS**
13 indicated.

14 DRAFTER'S NOTE:

15 Error: Grammatical error in § 10–406(a)(1) of the Public Utilities Article.

16 Occurred: Ch. 204, Acts of 2015.

17 **Article – Real Property**

18 7–106.

19 (e) If the holder of a lien on real property or his agent fails to provide the release
20 within 30 days, the person responsible for the disbursement of funds in connection with the
21 grant of title to the property, after having made demand therefor, may bring an action to
22 enforce the provisions of this section in the circuit court for the county in which the property
23 is located. In the action the lienholder, or his agent, or both, shall be liable for the delivery
24 of the release and for all costs and expenses in connection with the bringing of the action,
25 including reasonable [attorney] **ATTORNEY'S** fees.

26 DRAFTER'S NOTE:

27 Error: Incorrect word usage in § 7–106(e) of the Real Property Article.

28 Occurred: Ch. 497, Acts of 1984.

29 8–402.

1 (b) (3) (i) The provisions of this subsection shall apply to all cases of
 2 tenancies at the expiration of a stated term, tenancies from year to year, **AND** tenancies of
 3 the month and by the week. In case of tenancies from year to year (including tobacco farm
 4 tenancies), notice in writing shall be given three months before the expiration of the current
 5 year of the tenancy, except that in case of all other farm tenancies, the notice shall be given
 6 six months before the expiration of the current year of the tenancy; and in monthly or
 7 weekly tenancies, a notice in writing of one month or one week, as the case may be, shall
 8 be so given.

9 DRAFTER’S NOTE:

10 Error: Omitted conjunction in § 8–402(b)(3)(i) of the Real Property Article.

11 Occurred: Ch. 700, Acts of 2001.

12 10–506.

13 (b) (4) If a custom home builder is unable to execute the certification under
 14 paragraph [(2)] **(3)** of this subsection truthfully, then another certification shall be
 15 substituted, which shall state:

16 “CERTIFICATION BY BUILDER

17 I (name of builder) hereby certify that, to the best of my knowledge, the information
 18 provided below includes all instances in which I or any business entity in which I had an
 19 ownership interest in excess of 51 percent have:

20 (1) Within the past 3 years been adjudged by a court of competent jurisdiction in
 21 Maryland to have failed to comply with any provision of the Custom Home Protection Act
 22 or the Consumer Protection Act as it applies to the construction of a new [home.] **HOME;**
 23 **AND**

24 (2) Been adjudged liable for a currently unsatisfied final judgment in connection
 25 with a custom home contract.

26 Adverse adjudication(s):

27 ().

28 Unsatisfied judgment(s):

29 ().”

30 DRAFTER’S NOTE:

31 Error: Erroneous internal reference, incorrect punctuation, and omitted conjunction
 32 in § 10–506(b)(4) of the Real Property Article.

1 Occurred: Ch. 853, Acts of 1986.

2 10–507.

3 (a) In addition to any other penalty provided elsewhere in the Annotated Code,
4 any conduct that fails to comply with this subtitle, or any breach of any trust created by
5 this subtitle, is:

6 (2) [Is subject] **SUBJECT** to all of the provisions of that title except §
7 13–411 of the Commercial Law Article.

8 DRAFTER'S NOTE:

9 Error: Extraneous word in § 10–507(a)(2) of the Real Property Article.

10 Occurred: Ch. 853, Acts of 1986.

11 11–122.

12 (a) The provisions of all laws, ordinances, and regulations concerning building
13 codes or zoning shall have full force and effect to the extent that they apply to property
14 which is subjected to a condominium regime and shall be construed and applied with
15 reference to the overall nature and use of the property without regard to the form of
16 ownership. A law, ordinance, or regulation concerning building codes or zoning may not
17 establish any requirement or standard governing the use, location, [placement]
18 **PLACEMENT**, or construction of any land and improvements which are submitted to the
19 provisions of this title, unless the requirement or standard is uniformly applicable to all
20 land and improvements of the same kind or character not submitted to the provisions of
21 this title.

22 (b) Except as otherwise provided in this title, a county, city, or other jurisdiction
23 may not enact any law, ordinance, or regulation which would impose a burden or restriction
24 on a condominium that is not imposed on all other property of similar character not
25 subjected to a condominium regime. Any such law, ordinance, or [regulation,]
26 **REGULATION** is void. Except as otherwise expressly provided in §§ 11–130, 11–138,
27 11–139, and 11–140 of this title, the provisions of this title are statewide in their effect.
28 Any law, ordinance, or regulation enacted by a county, city, or other jurisdiction is
29 preempted by the subject and material of this title.

30 DRAFTER'S NOTE:

31 Error: Omitted punctuation in § 11–122(a) and extraneous punctuation in §
32 11–122(b) of the Real Property Article.

33 Occurred: Ch. 641, Acts of 1974.

1 11–135.

2 (g) (1) A notice given as required by subsection (a) of this section shall be
3 sufficient for the purposes of this section if it is in substantially the following form:

4 “NOTICE

5 The seller is required by law to furnish to you not later than 15 days prior to closing
6 certain information concerning the condominium which is described in § 11–135 of the
7 Maryland Condominium Act. This information must include at least the following:

8 (i) A copy of the declaration (other than the plats);

9 (ii) A copy of the bylaws;

10 (iii) A copy of the rules and regulations of the condominium;

11 (iv) A certificate containing:

12 1. A statement disclosing the effect on the proposed
13 conveyance of any right of first refusal or other restraint on the free alienability of the unit,
14 other than any restraint created by the unit owner;

15 2. A statement of the amount of the monthly common
16 expense assessment and any unpaid common expense or special assessment currently due
17 and payable from the selling unit owner;

18 3. A statement of any other fees payable by the unit owners
19 to the council of unit owners;

20 4. A statement of any capital expenditures approved by the
21 council of unit owners or its authorized designee planned at the time of the conveyance
22 which are not reflected in the current operating budget included in the certificate;

23 5. The most recently prepared balance sheet and income and
24 expense statement, if any, of the condominium;

25 6. The current operating budget of the condominium,
26 including details concerning the amount of the reserve fund for repair and replacement and
27 its intended use, or a statement that there is no reserve fund;

28 7. A statement of any judgments against the condominium
29 and the existence of any pending suits to which the council of unit owners is a party;

30 8. A statement generally describing any insurance policies
31 provided for the benefit of the unit owners, a notice that the policies are available for

1 (2) A copy of the bylaws;

2 (3) A copy of the rules and regulations of the condominium; and

3 (4) A statement by the seller of his expenses relating to the common
4 elements during the preceding 12 months.

5 You will have the right to cancel this contract without penalty, at any time within 7
6 days following delivery to you of all of this information. However, once the sale is closed,
7 your right to cancel the contract is [terminated.”] **TERMINATED.”**.

8 DRAFTER’S NOTE:

9 Error: Omitted punctuation in § 11–135(g)(1) and (2) of the Real Property Article.

10 Occurred: Ch. 836, Acts of 1982.

11 12–105.

12 (a) In this section, the phrase “the effective date of legislative authority for the
13 acquisition of the [property,”] **PROPERTY”** means, with respect to a condemnor vested with
14 continuing power of condemnation, the date of specific administrative determination to
15 acquire the property.

16 DRAFTER’S NOTE:

17 Error: Extraneous punctuation in § 12–105(a) of the Real Property Article.

18 Occurred: Ch. 12, Acts of 1974.

19 14–127.

20 (a) (4) “Residential real estate transaction” means a transaction involving a
21 federally related mortgage loan as defined in 12 U.S.C. § 2602 and [24 C.F.R. 3500.2] **12**
22 **C.F.R. § 1024.2**.

23 (c) (2) A person may not be considered to be in violation of paragraph (1) of
24 this subsection solely because that person is a participant in an affiliated business
25 arrangement, as defined in 12 U.S.C. § 2602, and receives consideration as a result of that
26 participation as long as that person complies with 12 U.S.C. § 2607(c)(4), [24 C.F.R.
27 3500.15] **12 C.F.R. § 1024.15**, and Appendix D to [24 C.F.R. Part 3500] **12 C.F.R. PART**
28 **1024**.

29 (d) A person who offers settlement services in connection with residential real
30 estate transactions involving land in the State shall comply with 12 U.S.C. § 2607(c)(4), [24
31 C.F.R. 3500.15] **12 C.F.R. § 1024.15**, and Appendix D to [24 C.F.R. Part 3500] **12 C.F.R.**

1 **PART 1024**, as applicable, regarding disclosures of affiliated business arrangements, as
2 defined in 12 U.S.C. § 2602.

3 DRAFTER'S NOTE:

4 Error: Erroneous citations in § 14–127(a)(4), (c)(2), and (d) of the Real Property
5 Article.

6 Occurred: As a result of the transfer of authority to administer, enforce, and
7 implement the Real Estate Settlement Procedures Act of 1974 from the U.S. Department
8 of Housing and Urban Development to the Bureau of Consumer Financial Protection by the
9 Dodd–Frank Wall Street Reform and Consumer Protection Act (P.L. 111–203).

10 **Article – State Finance and Procurement**

11 3A–506.

12 (c) (3) The surcharge to be collected under this section [only] applies **ONLY** to
13 a communications service for which charges are billed by, or on behalf of, a communications
14 company to a subscriber of the communications service.

15 DRAFTER'S NOTE:

16 Error: Stylistic error in § 3A–506(c)(3) of the State Finance and Procurement Article.

17 Occurred: Chs. 571 and 572, Acts of 2012.

18 5A–330.

19 (h) (2) The Secretary may [only] award a grant under the Program **ONLY** for
20 an African American Heritage Preservation Project.

21 DRAFTER'S NOTE:

22 Error: Stylistic error in § 5A–330(h)(2) of the State Finance and Procurement Article.

23 Occurred: Ch. 371, Acts of 2015.

24 11–203.

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

27 (1) procurement by:

28 (vi) the Maryland Public Broadcasting Commission:

1 3. for procurement contracts needed to implement the
2 repacking requirements of the [federal Spectrum Act] **FEDERAL SPECTRUM INCENTIVE**
3 **ACT**;

4 DRAFTER'S NOTE:

5 Error: Misnomer in § 11–203(a)(1)(vi)3 of the State Finance and Procurement
6 Article.

7 Occurred: Ch. 296, Acts of 2015.

8 14–103.

9 (a) A State or State aided or controlled entity shall buy supplies and services
10 from:

11 (1) Maryland Correctional Enterprises, as provided in Title 3, Subtitle 5 of
12 the Correctional Services Article, if [State Use Industries] **MARYLAND CORRECTIONAL**
13 **ENTERPRISES** provides the supplies or services;

14 DRAFTER'S NOTE:

15 Error: Misnomer in § 14–103(a)(1) of the State Finance and Procurement Article.

16 Occurred: As a result of Ch. 124, Acts of 2005.

17 14–302.

18 (a) (4) Units may not use quotas or any project goal–setting process that:

19 (ii) fails to incorporate the analysis outlined in paragraph [(2)(ii)]
20 **(3)(II)** of this subsection.

21 DRAFTER'S NOTE:

22 Error: Incorrect internal reference in § 14–302(a)(4)(ii) of the State Finance and
23 Procurement Article.

24 Occurred: As a result of Ch. 201, Acts of 2013.

25 14–603.

26 (a) For procurements conducted by competitive sealed bidding, a unit shall award
27 the contract to the responsible bidder that submits the responsive bid that:

28 (1) **(I)** has the lowest bid price;

1 Error: Grammatical error in § 11–113(a) of the State Personnel and Pensions Article.

2 Occurred: Ch. 347, § 1, Acts of 1996.

3 12–201.

4 (a) (2) If a grievance is based on a performance rating of satisfactory or better:

5 (i) the grievant [only] may appeal the grievance **ONLY** at Steps One
6 and Two of the grievance procedure; and

7 DRAFTER’S NOTE:

8 Error: Grammatical error in § 12–201(a)(2)(i) of the State Personnel and Pensions
9 Article.

10 Occurred: Ch. 347, § 1, Acts of 1996.

11 21–309.

12 (b) Each year, the Board of Trustees shall certify to the chief fiscal officer of each
13 participating governmental unit:

14 (2) any amount payable by the participating governmental unit for a
15 magistrate under [§ 21–307(b)(2)] **§ 21–307(B)** of this subtitle.

16 DRAFTER’S NOTE:

17 Error: Erroneous cross–reference in § 21–309(b)(2) of the State Personnel and
18 Pensions Article.

19 Occurred: As a result of Ch. 484, § 3, Acts of 2010.

20 Article – Tax – General

21 10–207.

22 (q) (1) **(II) “MILITARY RETIREMENT INCOME” MEANS RETIREMENT**
23 **INCOME RECEIVED AS A RESULT OF MILITARY SERVICE.**

24 [(ii)] **(III)** “Military service” means:

25 1. induction into the armed forces of the United States for
26 training and service under the Selective Training and Service Act of 1940 or a subsequent
27 act of a similar nature;

- 1 membership in a reserve component of the armed forces of
 2 the United States;
- 3 membership in an active component of the armed forces of
 4 the United States;
- 5 membership in the Maryland National Guard; or
- 6 active duty with the commissioned corps of the Public
 7 Health Service, the National Oceanic and Atmospheric Administration, or the Coast and
 8 Geodetic Survey.

9 [(iii) "Military retirement income" means retirement income received
 10 as a result of military service.]

11 DRAFTER'S NOTE:

12 Error: Stylistic error (failure to codify definitions in alphabetical order) in §
 13 10–207(q)(1)(ii) and (iii) of the Tax – General Article.

14 Occurred: Ch. 226, Acts of 2006.

15 10–702.

16 (a) [(3) (i) "Enterprise zone" has the meaning stated in § 5–701 of the
 17 Economic Development Article.

18 (ii) "Enterprise zone" includes a Regional Institution Strategic
 19 Enterprise zone established under Title 5, Subtitle 14 of the Economic Development
 20 Article.]

21 [(4) (3) "Economically disadvantaged individual" means an individual
 22 who is certified by provisions that the Department of Labor, Licensing, and Regulation
 23 adopts as an individual who, before becoming employed by a business entity in an
 24 enterprise zone:

25 (i) was both unemployed for at least 30 consecutive days and
 26 qualified to participate in training activities for the economically disadvantaged under the
 27 federal Workforce Investment Act or its successor; or

28 (ii) in the absence of an applicable federal act, met the criteria for an
 29 economically disadvantaged individual that the Secretary of Labor, Licensing, and
 30 Regulation sets.

1 Error: Tabulation error in § 7–211.3(a)(2) of the Tax – Property Article.

2 Occurred: Ch. 338, Acts of 2008.

3 9–304.

4 (f) (7) An ordinance of the Mayor and City Council **OF BALTIMORE CITY**
5 authorizing tax credits in accordance with this subsection shall require:

6 (i) the development of a method, to be approved by the Board of
7 Estimates, for analysis of the public costs and benefits of the tax credits; and

8 (ii) an annual report to the Board of Estimates and to the Mayor and
9 City Council **OF BALTIMORE CITY** of the results and findings of that analysis.

10 DRAFTER’S NOTE:

11 Error: Omitted words in § 9–304(f)(7) of the Tax – Property Article.

12 Occurred: Ch. 543, Acts of 1995.

13 14–833.

14 (a) (1) Except as provided in paragraph (2) of this subsection and subsections
15 [(a–1) and (e)] **(A–1), (E), (F), AND (G)** of this section, at any time after 6 months from the
16 date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of
17 redemption of the property to which the certificate relates.

18 DRAFTER’S NOTE:

19 Error: Omitted cross–references in § 14–833(a)(1) of the Tax – Property Article.

20 Occurred: Ch. 114, Acts of 2015. Correction suggested by the Attorney General in the
21 Bill Review Letter for H.B. 1035 (Ch. 114) of 2015 (footnote 9), dated April 13, 2015.

22 Article – Transportation

23 16–122.

24 (d) Each identification card, moped operator’s permit, and license to drive issued
25 or renewed in accordance with this section shall:

26 (2) Have a unique design or color indicator that clearly distinguishes it
27 from the design or color of an identification card under § 12–301 of this article, a moped
28 operator’s permit under [§ 16–115] **§ 16–104.2** of this subtitle, or any license to drive under
29 any other section of this subtitle; and

1 DRAFTER'S NOTE:

2 Error: Erroneous cross-reference in § 16-122(d)(2) of the Transportation Article.

3 Occurred: Ch. 390, Acts of 2009.

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

6 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act are
7 intended solely to correct technical errors in the law and there is no intent to revive or
8 otherwise affect law that is the subject of other acts, whether those acts were signed by the
9 Governor prior to or after the signing of this Act.

10 SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the
11 Annotated Code of Maryland, subject to the approval of the Department of Legislative
12 Services, shall make any changes in the text of the Annotated Code necessary to effectuate
13 any termination provision that was enacted by the General Assembly and has taken effect
14 or will take effect prior to October 1, 2016. Any enactment of the 2016 Session of the General
15 Assembly that negates or extends the effect of a previously enacted termination provision
16 shall prevail over the provisions of this section.

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

24 SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency
25 measure, is necessary for the immediate preservation of the public health or safety, has
26 been passed by a ye and nay vote supported by three-fifths of all the members elected to
27 each of the two Houses of the General Assembly, and shall take effect from the date it is
28 enacted.