

Chapter 67

(Senate Bill 380)

AN ACT concerning

Annual Curative Bill

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

BY repealing and reenacting, without amendments,
Article – Agriculture
Section 6–222(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 4–203(b)(9)
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 5–909
Annotated Code of Maryland

(2011 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 16–205(b)(4)
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 4–803(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–133(c)
Annotated Code of Maryland
(2011 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 24–301(a) and the subtitle designation “Subtitle 3. Mobile Seafood and
Produce Vendors” to immediately precede Section 24–301
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,
Chapter 488 of the Acts of the General Assembly of 2007, as amended by
Chapter 219 of the Acts of the General Assembly of 2008 and Chapter 396
of the Acts of the General Assembly of 2011
Section 1(3) Item ZA00(B)

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

Article – Agriculture

6–222.

(b) (1) On or before April 1, 2011, a manufacturer of lawn fertilizer whose products are sold in the State shall reduce by 50% from 2006 levels the amount of available phosphate (P_2O_5) resulting from the application of its lawn care products within the State.

(2) The amount of available phosphate (P_2O_5) resulting from the application within the State of lawn care products sold or distributed by a manufacturer may not exceed an average of 1.5% available phosphate (P_2O_5) if, prior to April 1, 2010, the manufacturer did not sell or distribute fertilizer in the State intended for use on established lawns or grass.

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

DRAFTER'S NOTE:

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

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

Article – Environment

4–203.

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

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

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

DRAFTER'S NOTE:

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

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

Article – Financial Institutions

5–909.

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

(1) Adopt regulations; and

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

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

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

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

DRAFTER'S NOTE:

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

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

Article – Health Occupations

16–205.

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

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

DRAFTER'S NOTE:

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

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

Article – Natural Resources

4–803.

(b) The Department may not adopt regulations to:

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

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

DRAFTER'S NOTE:

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

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

Article – Public Safety

5–133.

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

(i) a crime of violence; or

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

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

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

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

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

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

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

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

DRAFTER'S NOTE:

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

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

Article – Transportation

Subtitle 3. Mobile Seafood and Produce Vendors.

24–301.

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

DRAFTER'S NOTE:

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

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

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

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

(3) ZA00 MISCELLANEOUS GRANT PROGRAMS

(B) Comprehensive Housing Assistance, Inc. Provide a grant to THE ASSOCIATED: Jewish Community Federation of Baltimore for the acquisition, design, construction, renovation, and capital equipping of a community development building and other buildings in the 5700 and

5800 block of the Park Heights Avenue neighborhood near their existing campus, subject to the requirement that the grantee provide and expend a matching fund of \$1,500,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Baltimore City)

2,500,000

DRAFTER'S NOTE:

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

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

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

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

Approved by the Governor, April 10, 2012.