



SYNOPSIS

House Bills and Joint Resolutions
2008 Maryland General Assembly Session

January 25, 2008
Schedule 10

PLEASE NOTE: February 8 – Bill introduction deadline.
All bills must be given to the Chief Clerk by 5:00 P.M. on Thursday, February 7.
As required by House Rule 32(b), bills introduced after this date will be referred to the House Rules and Executive Nominations Committee.

HOUSE BILLS INTRODUCED JANUARY 24, 2008

HB 320 Delegate Stukes, et al

TRANSIT VEHICLES AND FACILITIES – PROHIBITED ACTS – USE OF OBSCENE LANGUAGE

Prohibiting a person from using obscene language in specified transit vehicles and transit facilities; etc.

EFFECTIVE OCTOBER 1, 2008

TR, § 7-705 - amended

Assigned to: Environmental Matters

HB 321 Delegate Stukes, et al

TRANSPORTATION – TRANSIT VEHICLE OPERATORS – PROHIBITION ON USE OF WIRELESS COMMUNICATION DEVICES

Prohibiting a person from using a specified wireless communication device while operating a transit vehicle; etc.

EFFECTIVE OCTOBER 1, 2008

TR, § 7-705.1 - added

Assigned to: Environmental Matters

Department of Legislative Services

90 State Circle, Annapolis, Maryland 21401-1991

Baltimore Area: 410-946-5400 — Washington Area: 301-970-5400

Other Maryland Areas: 1-800-492-7122 — Maryland Relay Service: 1-800-735-2258

HB 322 Delegate Stukes, et al**CRIMINAL LAW – ASSAULT AGAINST A TRANSIT VEHICLE PASSENGER – PENALTIES**

Imposing a 15–year mandatory minimum term of imprisonment on a person who is convicted of first degree assault against a passenger on a specified transit vehicle; providing that the mandatory minimum term of imprisonment may not be suspended; establishing the crime of assault against a passenger on a specified transit vehicle as an assault in the second degree; etc.

EFFECTIVE OCTOBER 1, 2008

CR, § 3-201(e) - added and §§ 3-202 and 3-203 - amended

Assigned to: Judiciary

HB 323 Delegate Stukes, et al**CRIMINAL LAW – MALICIOUS DESTRUCTION OF PROPERTY – TRANSIT VEHICLES**

Imposing a specified mandatory minimum term of imprisonment on a person who is convicted of malicious destruction of property for damage done to a specified transit vehicle; providing that the mandatory minimum term of imprisonment may not be suspended; requiring that a person who is convicted of malicious destruction of property for damage done to a specified transit vehicle be ordered to pay restitution; etc.

EFFECTIVE OCTOBER 1, 2008

CR, § 6-301 - amended

Assigned to: Judiciary

HB 324 Delegate Stukes, et al**CRIMINAL LAW – ASSAULT AGAINST A TRANSIT VEHICLE OPERATOR – PENALTIES**

Imposing a 20–year mandatory minimum term of imprisonment on a person who is convicted of first degree assault against a person operating a specified transit vehicle; providing that the mandatory minimum term of imprisonment may not be suspended; establishing the crime of assault against a person operating a specified transit vehicle as an assault in the second degree; etc.

EFFECTIVE OCTOBER 1, 2008

CR, § 3-201(e) - added and §§ 3-202 and 3-203 - amended

Assigned to: Judiciary

HOUSE BILLS INTRODUCED JANUARY 25, 2008**HB 325 Delegate Elmore****SOMERSET COUNTY – COUNTY ROADS BOARD – AUTHORITY TO SELL COUNTY ROADS**

Authorizing the County Roads Board of Somerset County to sell any County road in Somerset County without public sale and when the property is no longer needed for public use; and providing that the County Roads Board may arrange the terms, conditions, and amount of consideration for and execute and acknowledge any deeds or instruments necessary to complete any sale made in accordance with the Act.

EFFECTIVE OCTOBER 1, 2008

PLL of Somerset Co., Art. 20, § 9-118 - added

Assigned to: Environmental Matters

HB 326 Delegate Haddaway, et al**SALES AND USE TAX – COMPUTER SERVICES**

Altering the definition of “taxable service” under the sales and use tax to repeal the tax on specified computer services; providing exemptions under the sales and use tax for customer computer software services under specified circumstances and for optional computer software maintenance contracts under specified circumstances; repealing the definition of “computer service” under the sales and use tax; etc.

EFFECTIVE JULY 1, 2008

TG, § 11-101(c-1) - repealed and TG, §§ 11-101(m) and 11-219 and Chapter 3 of the Acts of the 2007 Special Session, § 13 - amended

Assigned to: Ways and Means

HB 327 Delegate Harrison, et al**CREATION OF A STATE DEBT – BALTIMORE CITY – HISTORIC REDEVELOPMENT**

Authorizing the creation of a State Debt not to exceed \$150,000, the proceeds to be used as a grant to the Board of Directors of the Historic East Baltimore Community Action Coalition, Inc. for the renovation of a building, located in Baltimore City; providing for disbursement of the loan proceeds, under specified circumstances; requiring the grantee to grant and convey a specified easement to the Maryland Historical Trust; etc.

EFFECTIVE JUNE 1, 2008

Assigned to: Appropriations

HB 328 Delegate Ali**PROGRAM OPEN SPACE – USE OF FUNDS – ARTIFICIAL TURF SURFACES**

Prohibiting the use of specified funds under Program Open Space to replace specified existing natural grass athletic fields with specified artificial turf surfaces.

EFFECTIVE JULY 1, 2008

NR, §§ 5-903(g) and 5-905(a) - amended and § 5-903(h) - added

Assigned to: Environmental Matters

HB 329 St. Mary's County Delegation**CREATION OF A STATE DEBT – ST. MARY'S COUNTY – TUDOR HALL**

Authorizing the creation of a State Debt not to exceed \$75,000, the proceeds to be used as a grant to the Board of Directors of the St. Mary's County Historical Society, Inc. for the repair and renovation of Tudor Hall, located in Leonardtown; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a specified easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; etc.

EFFECTIVE JUNE 1, 2008

Assigned to: Appropriations

HB 330 St. Mary's County Delegation**ST. MARY'S COUNTY – ASSISTANT SHERIFF**

Replacing the rank of Captain with that of Assistant Sheriff in the Sheriff's Office of St. Mary's County.

EFFECTIVE OCTOBER 1, 2008

PLL of St. Mary's Co., Art. 19, § 120-2 A.(1) and B. - amended

Assigned to: Environmental Matters

HB 331 St. Mary's County Delegation**ST. MARY'S COUNTY – ALCOHOLIC BEVERAGES – MAXIMUM FINE FOR SALES VIOLATIONS**

Increasing to \$1,000 the maximum fine that the Alcohol Beverage Board of St. Mary's County may impose for a violation of the laws as to licensing the sale of alcoholic beverages.

EFFECTIVE JULY 1, 2008

Art. 2B, § 16-507(t) - amended

Assigned to: Economic Matters

HB 332 Delegate Barve, et al**CREATION OF A STATE DEBT – MONTGOMERY COUNTY – GAITHERSBURG UPCOUNTY SENIOR CENTER**

Authorizing the creation of a State Debt not to exceed \$1,000,000, the proceeds to be used as a grant to the Mayor and City Council of the City of Gaithersburg for the design and construction of the Gaithersburg Upcounty Senior Center, located in Gaithersburg; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; etc.

EFFECTIVE JUNE 1, 2008

Assigned to: Appropriations

HB 333 Delegate Kullen, et al**MARYLAND ESTATE TAX – EXCLUSION FOR QUALIFIED AGRICULTURAL PROPERTY**

Altering the determination of the Maryland estate tax under specified circumstances to exclude from the value of the gross estate the value of specified agricultural property; providing for the recapture of the Maryland estate tax under specified circumstances; requiring the Comptroller to adopt regulations; and applying the Act to decedents dying after December 31, 2007.

EFFECTIVE JULY 1, 2008

TG, § 7-309(b)(1) and (2) - amended and § 7-309(c) - added

Assigned to: Ways and Means

HB 334 Delegate Barkley, et al**CREATION OF A STATE DEBT – MONTGOMERY COUNTY – BIOSCIENCE EDUCATION CENTER**

Authorizing the creation of a State Debt not to exceed \$1,000,000, the proceeds to be used as a grant to the County Executive and County Council of Montgomery County for the planning and design of the Bioscience Education Center, located in Germantown; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

EFFECTIVE JUNE 1, 2008

Assigned to: Appropriations

HB 335 Cecil County Delegation**CECIL COUNTY – WASTE DISPOSAL – NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY**

Authorizing Cecil County to become a participating county in the Northeast Waste Disposal Authority by the Board of County Commissioners filing a resolution of participation with the Secretary of State and the Department of Legislative Services.

EFFECTIVE OCTOBER 1, 2008

NR, § 3-903(a) - amended

Assigned to: Environmental Matters

HB 336 Delegate Barkley, et al**CREATION OF A STATE DEBT – MONTGOMERY COUNTY – PLUM GAR NEIGHBORHOOD RECREATION CENTER**

Authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the County Executive and County Council of Montgomery County for planning, design, renovation, and construction of the Plum Gar Neighborhood Recreation Center, located in Plum Gar; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

EFFECTIVE JUNE 1, 2008

Assigned to: Appropriations

HB 337 Delegate Pena–Melnyk, et al**TAX – PROPERTY – PROPERTY VALUE ASSESSMENTS –
DISCLOSURE OF IMPROVEMENTS**

Requiring a seller of real property to disclose the existence of a substantial improvement not already reflected in the worksheet of the State Department of Assessments and Taxation; requiring the seller and purchaser to sign a disclosure form; requiring delivery of the disclosure form to the Department; requiring the Department to revalue real property on the disclosure of a substantial improvement; altering the circumstances under which the Director of the Department may order a revaluation; etc.

EFFECTIVE OCTOBER 1, 2008

TP, §§ 2-203, 2-204, 2-210, and 8-104 - amended and RP, § 10-706 - added

Assigned to: Ways and Means

HB 338 Delegate Cardin, et al**ENERGY EFFICIENCY TAX CREDIT AND SURCHARGE ACT**

Requiring the Department of the Environment to establish a program for energy–efficient replacement tires; allowing specified credits against the sales and use tax imposed on the purchase of specified energy–efficient products; imposing specified surcharges on the purchase of specified products; allowing a specified credit against the motor vehicle excise tax for specified fuel–efficient vehicles; imposing a specified surcharge for specified fuel–inefficient vehicles; etc.

EFFECTIVE JULY 1, 2008

Various Sections of Various Articles - repealed, amended, and added

Assigned to: Ways and Means

HB 339 Delegate Pena–Melnyk, et al**ALCOHOLIC BEVERAGES – BEER KEG SALES – REGISTRATION
FORM**

Requiring a person who sells beer in kegs at retail to write the identifying number of the driver’s license, passport, or military identification card of the purchaser on the registration form that the purchaser must complete and sign before the keg is sold or otherwise transferred.

EFFECTIVE JULY 1, 2008

Art. 2B, § 21-106(b) - amended

Assigned to: Economic Matters

HB 340 Delegate Pena–Melnyk, et al

PUBLIC UTILITY COMPANIES – BUS SERVICE PROVIDED BY INSTITUTIONS OF HIGHER EDUCATION – EXEMPTION FROM MOTOR CARRIER PERMIT REQUIREMENT

Providing that a motor carrier permit is not required for a shuttle bus service operated by an institution of higher education for its students that also is used to provide, in exchange for payment by the municipal corporation in which the institution is located, transportation service to the residents of the municipal corporation.

EFFECTIVE OCTOBER 1, 2008

PUC, § 9-201 - amended

Assigned to: Economic Matters

HB 341 Delegate Pena–Melnyk, et al

MARYLAND CONSOLIDATED CAPITAL BOND LOANS OF 2006 AND 2007 – PRINCE GEORGE’S COUNTY – HISTORIC LAUREL MILL RUINS

Amending the Maryland Consolidated Capital Bond Loans of 2006 and 2007 to remove the Patuxent River Commission as a grantee from the grants for the Historic Laurel Mill Ruins; etc.

EFFECTIVE JUNE 1, 2008

Chapter 46 of the Acts of 2006, § 1(3) Item ZA01 (BW) and Chapter 488 of the Acts of 2007, § 1(3) Item ZA02 (BO) - amended

Assigned to: Appropriations

HB 342 Delegate Pena–Melnyk

PAWNBROKERS – REQUIRED RECORDS – PHOTOGRAPHS OF INDIVIDUALS

Requiring pawnbrokers to take a photograph of individuals who pawn items of personal property worth more than \$100; requiring the records of pawnbrokers to include the photographs; and requiring pawnbrokers to keep the photographs and bills of sale for 1 year.

EFFECTIVE OCTOBER 1, 2008

BR, §§ 12-301 through 12-303 - amended

Assigned to: Economic Matters

HB 343 Delegate Kipke, et al**PHARMACY BENEFITS MANAGERS – PRESCRIPTION DRUG SUBSTITUTION**

Prohibiting a pharmacy benefits manager from substituting one prescription drug for the drug originally prescribed unless specified conditions are met; requiring a pharmacy benefits manager to disclose information to a purchaser if a drug substitution is made; requiring a pharmacy benefits manager to obtain authorization to make a drug substitution and to make disclosures to a prescriber; requiring a pharmacy benefits manager to maintain a toll-free telephone number; providing specified penalties; etc.

EFFECTIVE OCTOBER 1, 2008

IN, § 15-1601 - added

Assigned to: Health and Government Operations

HB 344 Delegate Kipke, et al**CRIMES – ON-LINE HARASSMENT**

Expanding the scope of the existing prohibition against using electronic mail with the intent to harass to include making an Internet transmission or posting; etc.

EFFECTIVE OCTOBER 1, 2008

CR, § 3-805 - amended

Assigned to: Judiciary

HB 345 Delegate Shewell, et al**SALES AND USE TAX – TAX-FREE PERIOD FOR BACK-TO-SCHOOL SHOPPING**

Providing that the tax-free period during which the purchase of specified clothing and footwear not exceeding \$100 in taxable price are exempt from the sales and use tax commence in calendar year 2008.

EFFECTIVE JULY 1, 2008

TG, § 11-228 - amended

Assigned to: Ways and Means

HB 346 Delegate Shewell, et al**FAMILY LAW – CHILD CUSTODY AND VISITATION – MILITARY DEPLOYMENT**

Requiring that, in a child custody or visitation proceeding involving a parent who is on specified active military duty, any order issued by the court during the active military duty of the parent be a temporary order and specifically reference the active military duty of the parent; etc.

EFFECTIVE OCTOBER 1, 2008

FL, § 9-107 - added

Assigned to: Judiciary

HB 347 Delegate Ali, et al**SPECIAL SESSION LEGISLATIVE CAMPAIGN FINANCE REFORM ACT**

Prohibiting specified elected officials from engaging in specified campaign fund-raising activities during a special session of the General Assembly; requiring a specified campaign finance entity to file a campaign finance report on a specified date, under specified circumstances, in the event of a special session of the General Assembly; etc.

EFFECTIVE JULY 1, 2008

EL, §§ 13-235(b) and 13-309 - amended

Assigned to: Ways and Means

HB 348 Delegates Waldstreicher and Feldman**CRIMINAL LAW – CRIMES AGAINST A LAW ENFORCEMENT OFFICER – DEFINITION OF LAW ENFORCEMENT OFFICER**

Altering the definition of a law enforcement officer for specified crimes against law enforcement officers.

EFFECTIVE OCTOBER 1, 2008

CR, § 3-201 - amended

Assigned to: Judiciary

HB 349 Delegate Bobo

STATE GOVERNMENT – OPEN MEETINGS – VOTES OF A PUBLIC BODY

Requiring specified votes of a public body to be taken in open session; and prohibiting a specified provision of law from being construed to allow voting by a public body in a closed session.

EFFECTIVE JUNE 1, 2008

SG, § 10-508 - amended

Assigned to: Health and Government Operations

HB 350 Chair, Appropriations Committee (By Request – Departmental – Budget and Management)

STATE EMPLOYEES' HEALTH INSURANCE ADVISORY COUNCIL – REPEAL

Repealing the State Employees' Health Advisory Council and its functions and duties.

EFFECTIVE JULY 1, 2008

SP, §§ 2-505 and 2-506 - repealed

Assigned to: Appropriations

HB 351 Delegate Barnes, et al

RELIGIOUS FREEDOM AND CIVIL MARRIAGE PROTECTION ACT

Repealing a provision specifying that only a marriage between a man and a woman is valid in this State; and establishing that only a marriage between two people not otherwise prohibited from marrying is valid in this State.

EFFECTIVE OCTOBER 1, 2008

FL, § 2-201 - amended

Assigned to: Judiciary

HB 352 Delegate Barnes, et al**CREATION OF A STATE DEBT – PRINCE GEORGE’S COUNTY – LAUREL BOYS AND GIRLS CLUB**

Authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of Laurel Boys and Girls Club, Inc. for the design, construction, repair, renovation, reconstruction, and capital equipping of the Laurel Boys and Girls Club; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a specified easement to the Maryland Historical Trust; etc.

EFFECTIVE JUNE 1, 2008

Assigned to: Appropriations

HB 353 Delegate Rosenberg, et al**CRIMINAL LAW – RESTITUTION – DESTRUCTION OF FUNERARY OBJECTS AND LIMIT ON JUDGMENT FOR ACTS OF CHILD**

Requiring a person who violates the prohibition against destroying funerary objects to restore or pay the full value of any damaged or defaced real or personal property to the owner of the property or the owner of the cemetery; and increasing the absolute limit of a judgment of restitution for a child’s acts arising out of a single incident from \$10,000 to \$15,000.

EFFECTIVE OCTOBER 1, 2008

CR, § 10-404 and CP, § 11-604 - amended

Assigned to: Judiciary

HB 354 Delegate Tarrant, et al**MARYLAND CONSOLIDATED CAPITAL BOND LOANS OF 2005 AND 2006 – BALTIMORE CITY – WAXTER CENTER FOR SENIOR CITIZENS**

Amending the Maryland Consolidated Capital Bond Loans of 2005 and 2006 to expand the authorized uses of a specified grant to the Mayor and City Council of the City of Baltimore.

EFFECTIVE JUNE 1, 2008

Chapter 445 of the Acts of 2005, § 1(3) Item ZA02(Y) and Chapter 46 of the Acts of 2006, § 1(3) Item ZA01(K) - amended

Assigned to: Appropriations

HB 355 Delegate Haddaway, et al**MARYLAND HERITAGE STRUCTURE REHABILITATION TAX CREDITS – EXPENDITURES EXEMPT FROM PREAPPROVAL**

Exempting expenditures related to repairs to a certified heritage structure that has been damaged as a result of fire, flood, storm, or similar disaster from a requirement that the expenditure be preapproved by the Director of the Maryland Historical Trust; etc.

EFFECTIVE OCTOBER 1, 2008

SF, § 5A-303(a) - amended

Assigned to: Ways and Means

HB 356 Delegate Shewell, et al**CARROLL COUNTY – UNSOLICITED PRINT PUBLICATIONS – PROHIBITION ON DELIVERY**

Prohibiting a publisher from delivering, or causing to be delivered, an unsolicited print publication to a residential address in Carroll County unless the publication contains a specified notice; prohibiting a publisher from delivering, or causing to be delivered, an unsolicited print publication after receiving notice from a resident to stop delivery; authorizing a resident who receives an unsolicited print publication in violation of the Act to bring action against the publisher, etc.

EFFECTIVE OCTOBER 1, 2008

Assigned to: Economic Matters

HB 357 Delegate Shewell, et al**CONSUMER PROTECTION – UNSOLICITED PRINT PUBLICATIONS – PROHIBITION ON DELIVERY**

Prohibiting a publisher from delivering, or causing to be delivered, an unsolicited print publication to a residential address in the State unless the publication contains a specified notice; prohibiting a publisher from delivering, or causing to be delivered an unsolicited print publication after receiving notice from a resident to stop delivery; providing that a violation of the Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act; etc.

EFFECTIVE OCTOBER 1, 2008

CL, § 14-1322 - added

Assigned to: Economic Matters

HB 358 Delegate Miller, et al**MARYLAND FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2008**

Requiring the Department of Budget and Management to develop and operate a searchable website that includes specified information for State financial assistance and expenditures over \$25,000; specifying parameters of the website; authorizing the Secretary of Budget and Management to designate agencies to participate in the development, operation, or support of the website; etc.

EFFECTIVE OCTOBER 1, 2008

SF, § 3-207 - added

Assigned to: Health and Government Operations

HB 359 Delegate Conway, et al**LOCAL CORRECTIONAL FACILITIES – INMATE HEALTH CARE EXPENSES – PAYMENT RATES TO HEALTH CARE PROVIDERS**

Providing that a local correctional facility that is responsible for payment for specified health care expenses of inmates is only responsible for payment at the lower of specified rates; and providing that a county may enter into an agreement with a health care provider for the provision of health care services at amounts that are higher or lower than a specified rate.

EFFECTIVE JULY 1, 2008

CS, § 11-203 - amended and § 11-205 - added

Assigned to: Health and Government Operations