



# SYNOPSIS

House Bills and Joint Resolutions  
2013 Maryland General Assembly Session

**January 17, 2013**  
**Schedule 5**

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**PLEASE NOTE:** January 22 – Bill request deadline.  
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.

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## **HOUSE BILLS INTRODUCED JANUARY 16, 2013**

### **HB 101 The Speaker (By Request – Administration)**

CREATION OF A STATE DEBT – MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2013, AND THE MARYLAND CONSOLIDATED CAPITAL BOND LOANS OF 2006, 2007, 2008, 2009, 2010, 2011, AND 2012

Authorizing the creation of a State Debt in the amount of \$1,103,006,000, the proceeds to be used for specified necessary building, construction, demolition, planning, renovation, conversion, replacement, and capital equipment purchases of the State, for acquiring specified real estate in connection therewith, and for grants to specified subdivisions and other organizations for specified development and improvement purposes; etc.

VARIOUS EFFECTIVE DATES

Various Chapters of Various Years - amended and repealed

Assigned to: Appropriations

### **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 102 The Speaker (By Request – Administration)****BUDGET RECONCILIATION AND FINANCING ACT OF 2013**

Altering the frequency with which specified payments from a special fund are required to be paid; requiring the reduction of specified grants and payments under specified circumstances; altering or repealing specified required appropriations; altering the distribution of specified revenue; providing for the transfer of specified funds for specified purposes; repealing specified requirements for a notice relating to abandoned property to be published in specified newspapers; etc.

**VARIOUS EFFECTIVE DATES**

BR, CL, ED, NR, TG, and TP, Various Sections - amended, added, and repealed

Assigned to: Appropriations

**HB 116 Delegate Mitchell, et al****COURTS AND JUDICIAL PROCEEDINGS – INTERCEPTION OF COMMUNICATIONS – ABUSE OR NEGLECT OF VULNERABLE ADULT AND MEDICAID FRAUD**

Adding abuse or neglect of a vulnerable adult and offenses relating to Medicaid fraud to those crimes for which specified evidence may be gathered by, and a judge may grant an order authorizing, interception of oral, wire, or electronic communications.

**EFFECTIVE OCTOBER 1, 2013**

CJ, §§ 10-402(c)(2) and 10-406(a) - amended

Assigned to: Judiciary

**HOUSE BILLS INTRODUCED JANUARY 17, 2013****HB 117 Delegate Branch, et al****CONSUMER PROTECTION – TELEVISION SERVICE PROVIDERS – MISSED APPOINTMENTS**

Requiring specified television service providers to notify a subscriber of the right to receive an installation or repair service within a 3-hour period if the subscriber's presence is required; requiring a television service provider and a subscriber to agree on the time at which the 3-hour period begins; establishing specified penalties if a television service provider does not begin an installation or repair service within the specified 3-hour period; applying the Act prospectively; etc.

EFFECTIVE OCTOBER 1, 2013

CL, § 14-1324 - added

Assigned to: Economic Matters

**HB 118 Delegate Clagett****MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2011 – FREDERICK COUNTY – CULTURAL ARTS CENTER**

Amending the Maryland Consolidated Capital Bond Loan of 2011 to extend to June 1, 2014, the deadline for the Board of Directors of the Frederick Arts Council, Inc. to present evidence of a matching fund; etc.

EFFECTIVE JUNE 1, 2013

Chapter 396 of the Acts of 2011, § 1(3) Item ZA02(AK) and Item ZA03(AF) - amended

Assigned to: Appropriations

**HB 119 Delegate Clagett****CREATION OF A STATE DEBT – FREDERICK COUNTY – MENTAL HEALTH ASSOCIATION BUILDING**

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 the Mental Health Association of Frederick County, Inc. for the renovation of the Mental Health Association Building, located in Frederick; 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, 2013

Assigned to: Appropriations

**HB 120 Delegate Clagett****CREATION OF A STATE DEBT – FREDERICK COUNTY – THE JANE HANSON NATIONAL MEMORIAL**

Authorizing the creation of a State Debt not to exceed \$35,000, the proceeds to be used as a grant to the Board of Directors of The John Hanson Memorial Association, Inc. for the design and construction of the Jane Hanson National Memorial, located in Frederick; 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, 2013

Assigned to: Appropriations

**HB 121 Delegate Clagett****CREATION OF A STATE DEBT – FREDERICK COUNTY – CULLER LAKE STORMWATER MANAGEMENT**

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 the Friends of Baker Park, Inc. for the construction and renovation of stormwater management projects at Culler Lake, located in Frederick; 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, 2013

Assigned to: Appropriations

**HB 122 Delegate Davis****COMMERCIAL LAW – AUTOMOTIVE REPAIR FACILITIES – TIRE REPAIRS**

Prohibiting an automotive repair facility from repairing a tire unless the facility demounts and removes the tire from the wheel and rim, performs a visual and tactile inspection of the tire's interior and exterior surfaces, and repairs specified damage to the tire in a specified manner; prohibiting an automotive repair facility from repairing a tire under specified circumstances; establishing a \$500 fine for a violation of the Act; etc.

EFFECTIVE OCTOBER 1, 2013

CL, § 14-1324 - added

Assigned to: Economic Matters

**HB 123 Delegate Serafini****INCOME TAX – SUBTRACTION MODIFICATION – CREDIT CARD DEBT FORGIVENESS**

Allowing an individual a subtraction modification under the Maryland income tax for income from the cancellation of consumer credit card debt unless the individual's federal adjusted gross income exceeds \$50,000 for an individual or \$80,000 for a married couple filing a joint return; providing that the amount of the subtraction modification may not exceed \$5,000 for an individual or \$8,000 for a married couple filing a joint return; and applying the Act to tax years after 2012.

EFFECTIVE JULY 1, 2013

TG, § 10-207(aa) - added

Assigned to: Ways and Means

**HB 124 Delegate Davis****PUBLIC UTILITIES – TELEPHONE SERVICE – CHARGES FOR DIRECTORY ASSISTANCE**

Providing that specified residential customers are entitled to only a specified number of directory assistance calls each month without charge; requiring the Public Service Commission to approve other charges for directory assistance, subject to an exception; and repealing a provision that authorizes the Commission to establish additional exemptions from directory assistance charges.

EFFECTIVE OCTOBER 1, 2013

PU, § 8-202 - amended

Assigned to: Economic Matters

**HB 125 Delegate Stukes****TAX SALES – REIMBURSEMENT FOR ATTORNEY'S FEES**

Providing that a plaintiff or holder of a certificate of sale in a foreclosure action may be reimbursed for reasonable attorney's fees up to \$1,200 for specified participation in a bankruptcy proceeding or for opening an estate for specified purposes; and providing that a plaintiff or holder of a certificate of sale in a foreclosure action may be reimbursed up to \$1,200 for expenses incurred for opening an estate for specified purposes.

EFFECTIVE JULY 1, 2013

TP, § 14-843(a)(4) - amended

Assigned to: Ways and Means

**HB 126 Delegate Davis****CONSUMER PROTECTION – MARYLAND CONSUMER PROTECTION ACT – SCOPE AND PENALTIES**

Expanding the definition of “consumer” under the Maryland Consumer Protection Act to include a specified organization that purchases, rents, or leases goods or services for the benefit of the members of the organization; establishing that an unfair or deceptive trade practice includes an act or omission relating to the purchase, rental, or lease by a specified organization of specified goods or services; and altering criminal penalties for a violation of the Maryland Consumer Protection Act.

EFFECTIVE OCTOBER 1, 2013

CL, §§ 13-101(c), 13-301(14)(xxix) and (15), and 13-411 - amended and § 13-301(16) - added

Assigned to: Economic Matters

**HB 127 Delegate Davis****LABOR AND EMPLOYMENT – PAYMENT OF OVERTIME WAGES**

Limiting the applicability of an overtime wage provision of law to exclude, under specified circumstances, a specified employer that is subject to Title II of the federal Railway Labor Act.

EFFECTIVE OCTOBER 1, 2013

LE, § 3-415 - amended

Assigned to: Economic Matters

**HB 128 Delegate M. Washington, et al****HOMESTEAD TAX CREDIT – ELIGIBILITY VERIFICATION AND APPLICATION – EXTENSION**

Altering the date by which the homestead property tax credit may not be authorized or granted unless an application is filed with the State Department of Assessments and Taxation; and making the Act an emergency measure.

EMERGENCY BILL

TP, § 9-105(d)(6) - amended

Assigned to: Ways and Means

**HB 129 Chair, Judiciary Committee (By Request – Maryland Judicial Conference)**

**TASK FORCE TO STUDY IMPLEMENTING A CIVIL RIGHT TO COUNSEL IN MARYLAND**

Establishing the Task Force to Study Implementing a Civil Right to Counsel in Maryland; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving specified compensation, but authorizing the reimbursement of specified expenses; requiring the Task Force to study and make recommendations regarding specified matters; requiring the Task Force to report its findings and recommendations to specified public officials on or before October 1, 2014; etc.

EFFECTIVE OCTOBER 1, 2013

Assigned to: Judiciary

**HB 130 Chair, Judiciary Committee (By Request – Chief Judge, Court of Appeals)**

**CIVIL ACTIONS – AWARD OF ATTORNEY’S FEES AND EXPENSES**

Authorizing a court to award a prevailing party reasonable attorney’s fees and expenses in specified civil actions; requiring a court to consider specified factors in determining whether to make an award to a prevailing plaintiff; authorizing a court to award attorney’s fees to a prevailing defendant only on a finding that the action was frivolous; establishing the method of calculating an award of attorney’s fees under the Act or any other State statute authorizing an award of reasonable attorney’s fees; etc.

EFFECTIVE OCTOBER 1, 2013

CJ, §§ 3-1901 and 3-1902 - added and §§ 5-302(b)(2)(i) and 5-303(a) -amended and SG, §§ 12-104(a)(2) and 12-109 - amended

Assigned to: Judiciary

**HB 131 Delegate Lafferty**

**CRIMINAL LAW – ACCESS TO FIREARMS – PENALTIES**

Prohibiting a person from storing or leaving a loaded or unloaded firearm in a location where specified individuals could gain access to the firearm; and altering the penalty for a violation of the Act.

EFFECTIVE OCTOBER 1, 2013

CR, § 4-104 - amended

Assigned to: Judiciary

**HB 132 Delegate Barnes, et al****CREATION OF A STATE DEBT – PRINCE GEORGE’S COUNTY – LAUREL BOYS AND GIRLS CLUB RENOVATION**

Authorizing the creation of a State Debt not to exceed \$200,000, the proceeds to be used as a grant to the Board of Directors of the Laurel Boys and Girls Club, Inc. for the planning, design, construction, repair, renovation, and capital equipping of the Laurel Boys and Girls Club, located in Laurel; 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, 2013

Assigned to: Appropriations

**HB 133 Dorchester County Delegation****DORCHESTER COUNTY – ALCOHOLIC BEVERAGES – REFILLABLE CONTAINERS**

Creating in Dorchester County a refillable container license; authorizing the Board of License Commissioners to issue the license to holders of specified alcoholic beverages licenses; specifying that a holder of the refillable container license may sell draft beer for consumption off the licensed premises in a specified refillable container; prohibiting a holder of a refillable container license to display or provide shelving for beer for off-premises consumption; etc.

EFFECTIVE JUNE 1, 2013

Art. 2B, § 8-210 - added

Assigned to: Economic Matters

**HB 134 Delegate McHale, et al****ALCOHOLIC BEVERAGES – BALTIMORE CITY – 46TH DISTRICT – CLASS B LOCATION RESTRICTIONS – LIMITED EXEMPTION**

Authorizing the transfer within a specified area in the 46th Legislative District in Baltimore City of specified Class B alcoholic beverages licenses subject to specified restrictions under specified circumstances; and making stylistic changes.

EFFECTIVE OCTOBER 1, 2013

Art. 2B, §§ 9-204.1(f) and 9-204.3 - amended

Assigned to: Economic Matters



**HB 135 Delegates A. Miller and S. Robinson****ENVIRONMENT – MOTOR VEHICLE BATTERIES – RECYCLING**

Requiring any person selling motor vehicle batteries for retail sale in the State to accept all used motor vehicle batteries offered by customers for recycling and to post a sign in accordance with specified requirements; requiring a person accepting used motor vehicle batteries to provide for the recycling of each battery within 90 days and in accordance with specified regulations; establishing penalties for a violation of the Act; requiring the Department of the Environment to adopt regulations; etc.

EFFECTIVE OCTOBER 1, 2013

EN, §§ 9-1701(i) and 9-1712 - added and § 9-1701(i) through (s) - amended

Assigned to: Environmental Matters

**HB 136 Delegate A. Miller****STATE PERSONNEL – TELEWORKING – ELIGIBILITY**

Requiring that at least 20% of eligible State employees participate in a telework program; providing that the Act applies to all employees in the Executive Branch of State government; authorizing supervisors of specified State employees to approve requests to telework unless the supervisor makes a specified determination; requiring a supervisor who denies a State employee's request to telework to provide to the employee a written description of the factors contributing to the denial; etc.

EFFECTIVE OCTOBER 1, 2013

SP, § 2-308 - added

Assigned to: Appropriations

**HB 137 Delegate Kipke, et al****ELECTION LAW – POLLING PLACES – PROOF OF IDENTITY**

Requiring an election judge to establish a voter's identity by requiring the voter to present specified proof of identity; requiring a voter to vote a provisional ballot if the voter is unable to provide specified proof of identity; prohibiting a person from knowingly and willfully voting or attempting to vote under a false form of identification; and making conforming and clarifying changes.

Preliminary analysis: local government mandate

EFFECTIVE JUNE 1, 2013

EL, §§ 10-310 and 16-201 - amended

Assigned to: Ways and Means

**HB 138** Delegate Kipke (By Request – Anne Arundel County Administration), et al

VIDEO LOTTERY PROCEEDS – EDUCATION TRUST FUND – SECURITY AND MENTAL HEALTH SERVICES AT PUBLIC SCHOOLS

Authorizing the use of video lottery proceeds credited to the Education Trust Fund to provide funds for security personnel and equipment at public elementary and secondary schools and for mental health services to students at public elementary and secondary schools.

EFFECTIVE OCTOBER 1, 2013

SG, § 9-1A-30 - amended

Assigned to: Ways and Means

**HB 139** Delegate O'Donnell

TRAINING FOR PUBLIC OPEN MEETINGS ACT

Requiring the State Open Meetings Law Compliance Board to develop and offer an online training program on the requirements of the open meetings law to employees, officers, or members of a public body; requiring a public body to designate employees, officers, or members of the public body to receive the online training; requiring the designated individuals to complete the training within 30 days of being designated; etc.

Preliminary analysis: local government mandate

EFFECTIVE OCTOBER 1, 2013

SG, § 10-502.4(d) - amended and § 10-502.7 - added

Assigned to: Health and Government Operations

**HB 140** Delegate O'Donnell

STATE GOVERNMENT – OPEN MEETINGS ACT – PENALTY

Altering a provision of law governing the penalty for a violation of the Open Meetings Act; requiring the Open Meetings Compliance Board to include any suggestions the Board has concerning the penalties for violations of the Open Meetings Act in its annual report to the Governor and the General Assembly; requiring the Attorney General, in collaboration with the Board, to adopt regulations to establish additional penalties for specified violations of the Open Meetings Act; etc.

EFFECTIVE OCTOBER 1, 2013

SG, §§ 10-502.4(e) and 10-511 - amended

Assigned to: Health and Government Operations

**HB 141 Delegate O'Donnell****ETHICS LAW – SOLICITING THE EMPLOYMENT OF LOBBYIST**

Prohibiting a State official or public official from directly or indirectly initiating a solicitation for a person to retain the services of a particular regulated lobbyist or lobbying firm.

EFFECTIVE OCTOBER 1, 2013

SG, § 15-506 - amended

Assigned to: Environmental Matters

**HB 142 Delegate O'Donnell****GENERAL ASSEMBLY – ADVOCATING FOR OR DIRECTING AN ENTITY TO HIRE A MEMBER'S RELATIVE – PROHIBITED**

Prohibiting a member of the General Assembly from advocating for or directing that an entity hire the member's relative or the relative of another member from the same legislative district under specified circumstances; and defining terms.

EFFECTIVE OCTOBER 1, 2013

SG, § 15-511.1 - added

Assigned to: Environmental Matters

**HB 143 Delegate O'Donnell****FORMER MEMBERS OF THE GENERAL ASSEMBLY AND FORMER LEGISLATIVE BRANCH OFFICIALS – EMPLOYMENT RESTRICTIONS**

Altering provisions of the ethics law governing the period of time when specified former members of the General Assembly, and specified former State officials or public officials of the Legislative Branch who had duties substantially related to legislative matters and the General Assembly, are prohibited from representing or assisting parties for compensation, as specified; and making an exception concerning representation by a former member of the General Assembly applicable to specified officials of the Legislative Branch.

EFFECTIVE OCTOBER 1, 2013

SG, § 15-504 - amended

Assigned to: Environmental Matters

**HB 144** Delegate O'Donnell

## ETHICS – EXECUTIVE BRANCH – LOBBYING BY FORMER OFFICIALS

Prohibiting former State officials or public officials of the Executive Branch who had duties related to State legislative matters and the General Assembly or to procurement, as specified, for 1 year after leaving State employment, from assisting or representing another party for compensation in a matter that is the subject of legislative action or that is related to that procurement; providing exceptions to allow the former officials to represent a municipal corporation, county, or State governmental entity; etc.

EFFECTIVE OCTOBER 1, 2013

SG, § 15-504(d) - amended

Assigned to: Environmental Matters

**HB 145** Delegate George

## CITY OF ANNAPOLIS – ALCOHOLIC BEVERAGES – REFILLABLE CONTAINER LICENSE

Creating in the City of Annapolis a refillable container license; authorizing the Alcoholic Beverage Control Board to issue the license to a holder of specified classes of alcoholic beverages licenses; specifying that a holder of the license may sell draft beer for consumption off the licensed premises in a specified refillable container; requiring a refillable container to meet specified requirements; requiring an applicant for the license to complete a form and pay a fee; etc.

EFFECTIVE JULY 1, 2013

Art. 2B, § 8-202.2 - added

Assigned to: Economic Matters

**HB 146** Delegate Kipke (By Request – Anne Arundel County Administration), et al

EDUCATION – PUBLIC CHARTER SCHOOLS – CAPITAL IMPROVEMENT REQUESTS

Making public charter schools eligible to receive State funds for school construction subject to specified requirements; requiring the public charter school to submit a specified request for a capital improvement project to the county board of education; requiring the county board to establish a deadline for request submission; requiring the county board to make a specified evaluation of the request; etc.

EFFECTIVE JUNE 1, 2013

ED, § 9-113 - added

Assigned to: Appropriations

**HB 147** Delegate McDermott, et al

CONTRABAND TOBACCO PRODUCTS – DISPOSITION OF SEIZED CONTRABAND

Authorizing the Comptroller to authorize a political subdivision to destroy contraband tobacco products seized and forfeited under specified circumstances.

EFFECTIVE OCTOBER 1, 2013

TG, § 13-841 - amended

Assigned to: Ways and Means

**HB 148** Delegate McConkey, et al

STATE GOVERNMENT – REFUND OF FEES – POLICY

Stating the policy of the State regarding the refund of fees paid to a unit; and defining the term “unit”.

EFFECTIVE OCTOBER 1, 2013

SG, § 1-102 - added

Assigned to: Health and Government Operations