



SYNOPSIS

House Bills and Joint Resolutions
2016 Maryland General Assembly Session

January 28, 2016
Schedule 11

PLEASE NOTE: February 12 – Bill introduction deadline.

All bills must be given to the Chief Clerk by 5:00 P.M. on Thursday, February 11.

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 28, 2016

HB 365 Delegate Jackson, et al

PUBLIC SCHOOLS – BULLYING, HARASSMENT, AND INTIMIDATION POLICIES – UPDATE

Requiring the State Board of Education by September 1, 2016, to update its model policy prohibiting bullying, harassment, or intimidation to include provisions that relate to prohibiting an electronic communication of a photograph, an audio recording, or a video recording of specified acts; requiring specified county boards of education by January 1, 2017, to update specified policies based on the State Board's update of the model policy and to submit the updated policies to the State Superintendent of Schools; etc.

EFFECTIVE JULY 1, 2016

ED, § 7-424.1 - amended

Assigned to: Ways and Means

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 366 Delegate Malone, et al**ANNE ARUNDEL COUNTY – PROPERTY TAX CREDIT – BLIND INDIVIDUALS AND SURVIVING SPOUSES**

Authorizing Anne Arundel County and a municipal corporation in Anne Arundel County to grant, by law, a property tax credit against the county and municipal corporation property tax imposed on \$15,000 of the assessment value of a dwelling owned by a blind individual or a surviving spouse of blind individuals; requiring that a property tax credit authorized by the Act shall be granted in addition to any property tax exemption authorized by law, except under specified circumstances; etc.

EFFECTIVE JUNE 1, 2016

TP, § 9-303(b)(5) - added

Assigned to: Ways and Means

HB 367 Delegate Rey, et al**PUBLIC SAFETY – REGULATED FIREARMS – DISQUALIFYING CRIME**

Clarifying that the term “disqualifying crime” includes a violation classified as a misdemeanor in the State that carried a statutory penalty of incarceration of more than 2 years at the time of the commission of the crime.

EFFECTIVE OCTOBER 1, 2016

PS, § 5-101(g) - amended

Assigned to: Judiciary

HB 368 Delegate Korman, et al**BOARD OF PUBLIC WORKS TRANSPARENCY ACT OF 2016**

Requiring the Secretary of Budget and Management to provide specified notice at least 10 consecutive days before the Board of Public Works may approve a reduction of appropriations; and requiring the Secretary to provide written notice of the proposed reduction to include specified items to the Legislative Policy Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee.

EFFECTIVE JULY 1, 2016

SF, § 7-213 - amended

Assigned to: Appropriations

HB 369 Delegate Rey, et al**HANDGUN PERMITS – UNIVERSAL RECOGNITION**

Specifying that a permit to carry a handgun issued to an individual in Delaware, Pennsylvania, Virginia, Washington, D.C., or West Virginia is valid in Maryland.

EFFECTIVE JULY 1, 2016

PS, § 5-303.1 - added

Assigned to: Judiciary

HB 370 Delegate Barkley**ALCOHOLIC BEVERAGES – ON-PREMISES PROMOTIONS AND PRODUCT SAMPLING – HOLDERS OF MANUFACTURER’S LICENSES**

Altering a specified exception to allow a holder of any Maryland manufacturer’s license to bring specified products onto a retail licensed premises for on-premises promotions and product sampling under specified circumstances; and making an exception to a provision of law that prohibits an individual from consuming on the licensed premises of a license holder a specified alcoholic beverage.

EFFECTIVE JULY 1, 2016

AB, § 6-319 - amended

Assigned to: Economic Matters

HB 371 Delegate Luedtke, et al**INDEPENDENT LIVING TAX CREDIT ACT**

Allowing an individual or a corporation a credit against the State income tax equal to 50% of the renovation or construction costs incurred during the taxable year to provide specified accessibility and visibility features to or within a home; providing that the credit may not exceed \$5,000; requiring applicants to file a specified application before a specified date and to file an amended return; applying the Act to all taxable years beginning after December 31, 2016; etc.

EFFECTIVE JULY 1, 2016

TG, § 10-737 - added

Assigned to: Ways and Means

HB 372 Charles County Delegation**CRIMINAL LAW – SYNTHETIC DRUGS – PENALTIES**

Prohibiting a person from purchasing, using, or possessing specified synthetic drugs; prohibiting a person from distributing specified synthetic drugs under specified circumstances; providing factors to be considered when determining whether a product is being distributed as a synthetic drug; establishing penalties for a violation of the Act; providing that a person who violates the Act shall be ordered to pay specified administrative fees and costs; etc.

EFFECTIVE OCTOBER 1, 2016

CR, § 5-711 - added

Assigned to: Judiciary

HB 373 Delegate Stein, et al**MOTOR VEHICLES – PASSENGER SEAT BELT REQUIREMENT – PRIMARY OFFENSE**

Making the failure to wear a seat belt in a rear passenger seat of a motor vehicle a primary offense rather than a secondary offense; and requiring a specified motor vehicle passenger in a front seat position that is not adjacent to a door of a motor vehicle to be restrained by a seat belt.

EFFECTIVE OCTOBER 1, 2016

TR, § 22-412.3(a) and (c) - amended

Assigned to: Environment and Transportation

HB 374 Delegate Anderson (By Request – Baltimore City Administration)**CRIMINAL LAW – PRETRIAL RELEASE – PRIOR CRIME OF VIOLENCE**

Prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with a specified crime if the defendant has previously been convicted of a crime of violence.

EFFECTIVE OCTOBER 1, 2016

CP, § 5-202(f) - amended

Assigned to: Judiciary

HB 375 Delegate Reilly, et al**PUBLIC SAFETY – PERMIT TO CARRY, WEAR, OR TRANSPORT A HANDGUN – QUALIFICATIONS**

Clarifying that personal protection can qualify as a good and substantial reason to wear, carry, or transport a handgun for purposes of the issuance by the Secretary of State Police of a permit to carry, wear, or transport a handgun.

EFFECTIVE OCTOBER 1, 2016

PS, § 5-306(a) - amended

Assigned to: Judiciary

HB 376 Delegate Anderson (By Request – Baltimore City Administration), et al**PROGRAM OPEN SPACE – BALTIMORE CITY GRANTS – INCREASE**

Increasing, from \$1,500,000 to \$6,000,000, a specified statutory minimum grant to Baltimore City, payable from the State's share of the proceeds of Program Open Space, for specified purposes related to Program Open Space. This bill requires a mandated appropriation in the annual budget bill.

EFFECTIVE JUNE 1, 2016

NR, § 5-903(a) - amended

Assigned to: Appropriations

HB 377 Delegate Morhaim, et al**MARYLAND NO-FAULT BIRTH INJURY FUND**

Establishing a system for adjudication of a claim involving a birth-related neurological injury; providing equitable compensation, on a no-fault basis, for a limited class of catastrophic injuries that result in unusually high costs for custodial care and rehabilitation; establishing the Maryland No-Fault Birth Injury Fund to provide compensation and benefits to eligible claimants; providing for specified premiums and insurance surcharges to be used to finance and administer the Fund; applying the Act prospectively; etc.

EFFECTIVE JULY 1, 2016

CJ, §§ 3-2D-01 through 3-2D-08, HG, §§ 20-1701 and 20-1702, and IN, §§ 32-101 through 32-304 - added

Assigned to: Health and Government Operations and Judiciary

HB 378 Delegate Tarlau, et al**HOMEOWNERS' PROPERTY TAX CREDIT PROGRAM – ELIGIBILITY AWARENESS CAMPAIGN**

Requiring, on or before May 1 of each year, the State Department of Assessments and Taxation to provide the Comptroller information identifying specified residential property owners who failed to claim the homeowners' property tax credit; requiring the Comptroller to review specified information and identify individuals who may be eligible for but failed to claim the credit; requiring the Comptroller to provide the Department the contact information of those individuals who may be eligible for the credit; etc.

EFFECTIVE OCTOBER 1, 2016

TP, § 9-104(w) - added

Assigned to: Ways and Means

HB 379 Delegate B. Barnes (Chair, Joint Committee on Pensions)**EMPLOYEES' AND TEACHERS' PENSION SYSTEMS – REFORMED CONTRIBUTORY PENSION BENEFIT – ELIGIBILITY SERVICE CLARIFICATIONS**

Clarifying that a member of the Employees' Pension System or the Teachers' Pension System is eligible to receive specified prorated eligibility service credit if the member is subject to the Reformed Contributory Pension Benefit and works less than 500 hours in a fiscal year; clarifying that specified eligibility service rules relating to a member's break in service do not apply to a member who is subject to the Reformed Contributory Pension Benefit; etc.

EFFECTIVE JULY 1, 2016

SP, §§ 23-302(d), 23-303(b), and 23-304 - amended

Assigned to: Appropriations

HB 380 Delegate B. Barnes (Chair, Joint Committee on Pensions)**STATE RETIREMENT AND PENSION SYSTEM – LOCAL FIRE AND POLICE SYSTEM – COMMINGLING OF ASSETS**

Repealing obsolete language authorizing the commingling of Local Fire and Police System assets with other State Retirement and Pension System assets; etc.

EFFECTIVE JULY 1, 2016

SP, § 21-123(e) - amended

Assigned to: Appropriations

HB 381 Delegate B. Barnes (Chair, Joint Committee on Pensions)

STATE RETIREMENT AND PENSION SYSTEM – BOARD OF TRUSTEES – DESIGNEE APPOINTMENTS AND FIDUCIARY DUTIES

Authorizing the Secretary of Budget and Management, the State Comptroller, and the State Treasurer to appoint specified individuals to serve as designees on the Board of Trustees for the State Retirement and Pension System; and altering a specified defined term to provide for specified fiduciary duties of members of specified committees established by the Board.

EFFECTIVE JULY 1, 2016

SP, §§ 21-104(a) and 21-201(b) - amended

Assigned to: Appropriations

HB 382 Delegate B. Barnes (Chair, Joint Committee on Pensions)

STATE RETIREMENT AND PENSION SYSTEM – OPTIONAL RETIREMENT ALLOWANCES – DESIGNATED BENEFICIARIES

Repealing as redundant specified provisions relating to members of the Judges' Retirement System designating multiple beneficiaries under a specified optional retirement allowance in the State Retirement and Pension System; clarifying that specified members of the State Retirement and Pension System may designate multiple beneficiaries under specified optional retirement allowances.

EFFECTIVE JULY 1, 2016

SP, § 21-403(a) and (d) - amended

Assigned to: Appropriations

HB 383 Delegates Busch and McMillan

MARYLAND EMERGENCY MANAGEMENT ASSISTANCE COMPACT – CITY OF ANNAPOLIS

Authorizing the City of Annapolis to participate in the Maryland Emergency Management Assistance Compact, the purpose of which is to provide for mutual assistance between the jurisdictions in managing an emergency.

EFFECTIVE OCTOBER 1, 2016

PS, § 14-801(e) - amended

Assigned to: Environment and Transportation

HB 384 Delegate Anderson, et al**BALTIMORE CITY – POLICE COMMISSIONER – LENGTH OF TERM**

Repealing a provision requiring that the Police Commissioner of Baltimore City be appointed for a term of 6 years; and providing that the Police Commissioner shall serve at the pleasure of the Mayor of Baltimore City.

EFFECTIVE OCTOBER 1, 2016

PLL of Baltimore City, Art. 4, § 16-5(a) - amended

Assigned to: Environment and Transportation

HB 385 Delegate Anderson (By Request – Baltimore City Administration)**BALTIMORE CITY – ABANDONED PROPERTY – TAX SALES – GROUND RENT**

Repealing a limitation on selling the whole fee simple interest in abandoned property in Baltimore City consisting of either a vacant lot or improved property cited as vacant and unfit for habitation when the property is subject to a ground rent or specified lease.

EFFECTIVE JULY 1, 2016

TP, § 14-816(b) - amended

Assigned to: Ways and Means

HB 386 Delegate Reznik, et al**INCOME TAX CREDIT – ENERGY STORAGE SYSTEMS**

Allowing a credit against the State income tax for the total installed costs of specified energy storage systems installed on or after January 1, 2016, but before January 1, 2021; providing that the credit may not exceed a specified amount; providing that the credit may not be carried forward to another taxable year; requiring a taxpayer claiming the credit to attach proof of the total installed costs to the taxpayer's return; applying the Act to taxable years beginning after December 31, 2015; etc.

EFFECTIVE JULY 1, 2016

TG, § 10-719 - added

Assigned to: Ways and Means

HB 387 Delegate Barkley**CLEAN ENERGY LOAN PROGRAM – RESIDENTIAL PROPERTY – REPAYMENT OF LOANS THROUGH SURCHARGE**

Authorizing a county or municipality to collect specified loan payments for a loan to specified owners of residential property under the Clean Energy Loan Program, and specified costs, through a surcharge on the property owner's property tax bill; authorizing a private lender to provide capital for a loan provided to a residential property owner under the program; requiring that specified provisions relating to liens apply to the liens created under the Act; etc.

EFFECTIVE OCTOBER 1, 2016

LG, §§ 1-1101, 1-1103, and 1-1105 - amended

Assigned to: Economic Matters

HB 388 Delegate Hill, et al**CIRCUIT COURT JUDGES – ELECTION, QUALIFICATIONS, AND TERM OF OFFICE**

Proposing an amendment to the Maryland Constitution relating to the selection and tenure of circuit court judges; requiring an appointment of a circuit court judge to be subject to Senate confirmation; providing for a retention election following an appointment to fill a vacancy in the office of a judge of a circuit court; altering the term of office of circuit court judges from 15 years to 10 years; submitting the amendment to the qualified voters of the State for their adoption or rejection; etc.

CONSTITUTIONAL AMENDMENT – CONTINGENT

Maryland Constitution, Art. IV, §§ 2, 3, 5A, 11, and 21(a) - amended and §§ 5, 18B, and 21A - repealed and Art. XVIII, § 6 - added

Assigned to: Judiciary and Ways and Means

HB 389 Delegate O'Donnell, et al**CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA PROTECTION PROGRAM – INTRAFAMILY TRANSFERS**

Altering the definition of "immediate family" as it relates to intrafamily transfers of specified property authorized in a local jurisdiction's Chesapeake and Atlantic Coastal Bays Critical Area protection program.

EMERGENCY BILL

NR, § 8-1808.2 - amended

Assigned to: Environment and Transportation

HB 390 Delegate Reilly, et al**MARYLAND INCOME TAX REFUNDS – WARRANT INTERCEPT PROGRAM – STATEWIDE**

Authorizing specified counties to participate in a specified income tax refund withholding program related to individuals with outstanding warrants if the sheriff of the county notifies the Comptroller of the county's intention to participate on or before December 31 of the first taxable year for which the county intends to participate; etc.

VARIOUS EFFECTIVE DATES

TG, § 13-936, Chapter 451 of the Acts of 2012, § 3, as amended, and Chapter 213 of the Acts of 2013, § 3 - amended

Assigned to: Ways and Means

HB 391 Delegate Reilly, et al**STATE GOVERNMENT – DISPLAY OF THE POW/MIA FLAG ON STATE BUILDING GROUNDS**

Requiring the Secretary of General Services and the Secretary of Transportation to cause the POW/MIA flag to be flown on the grounds of State buildings under their control whenever the flag of the United States is flown; defining "POW/MIA flag" as the POW/MIA flag of the National League of Families of American Prisoners and Missing in Southeast Asia; etc.

EFFECTIVE OCTOBER 1, 2016

SF, § 4-210 - added

Assigned to: Health and Government Operations

HB 392 Delegate Fraser–Hidalgo, et al**VEHICLE LAWS – SPECIAL REGISTRATION PLATES – RETIRED LAW ENFORCEMENT OFFICERS**

Requiring the Motor Vehicle Administration to develop and make available for specified vehicles a special registration plate honoring retired law enforcement officers; specifying who may apply for and the classes of vehicles eligible for the special registration plate; specifying that to be eligible for a special registration plate an applicant must provide documentation from a specified law enforcement agency certifying that the applicant retired from the law enforcement agency in good standing; etc.

EFFECTIVE OCTOBER 1, 2016

TR, § 13-619.4 - added

Assigned to: Environment and Transportation

HB 393 Delegate Carter, et al**AWARD OF ATTORNEY'S FEES AND EXPENSES – VIOLATION OF MARYLAND CONSTITUTIONAL RIGHT**

Authorizing a court to award to a prevailing plaintiff reasonable attorney's fees and expenses in specified actions seeking to remedy a violation of a Maryland constitutional right; authorizing a court to award reasonable attorney's fees and expenses to a prevailing defendant under specified circumstances; providing for the prospective application of the Act; etc.

EFFECTIVE OCTOBER 1, 2016

CJ, §§ 3-2101 and 3-2102 - added and SG, § 12-109 - amended

Assigned to: Judiciary

HB 394 Delegate Morhaim, et al**PUBLIC HEALTH – HYDRAULIC FRACTURING CHEMICALS – INFORMATION AND FUND**

Requiring an applicant for a specified permit for the hydraulic fracturing of a well for the exploration or production of natural gas to submit specified information to the Department of Health and Mental Hygiene in a specified manner; establishing the Hydraulic Fracturing Chemical Education and Impact Fund to address the potential health risks associated with chemicals used in hydraulic fracturing; establishing a maximum civil penalty of \$100,000 for each specified violation of the Act; etc.

EFFECTIVE OCTOBER 1, 2016

HG, §§ 22-701 through 22-707 and SF, § 6-226(a)(2)(ii)86. - added and SF, § 6-226(a)(2)(ii)84. and 85. - amended

Assigned to: Environment and Transportation

HB 395 Delegate Lafferty, et al**JOINT INSURANCE ASSOCIATION – INSURERS – NOTICE**

Requiring insurers that deny, cancel, or nonrenew specified coverage for essential property insurance or homeowner's insurance to provide notice to specified applicants or insureds of the possible availability of insurance coverage through the Joint Insurance Association under a specified provision of law or another plan; providing for the content and manner of providing the notice; and applying the Act.

EFFECTIVE OCTOBER 1, 2016

IN, § 19-117 - added

Assigned to: Economic Matters

HB 396 Delegate Stein, et al**LEAD RISK REDUCTION STANDARDS – MAINTENANCE OF EXEMPTIONS**

Requiring an owner of specified residential rental property to submit certifications and affidavits to the Department of the Environment in order to maintain an exemption from lead-based paint risk reduction standards; providing that an exemption for a multifamily rental dwelling expires on October 1, 2020, unless an inspection was conducted in accordance with regulations adopted by the Department; requiring an owner of a specified residential rental property to maintain a specified copy of each affidavit; etc.

EFFECTIVE OCTOBER 1, 2016

EN, § 6-804 - amended

Assigned to: Environment and Transportation

HB 397 Delegates M. Washington and Ebersole**EDUCATION – ASSESSMENTS – BEST PRACTICES IN THE ADMINISTRATION OF ASSESSMENTS**

Requiring the State Department of Education to develop a specified set of best practices that the Department and specified local school systems must consider when deciding whether to administer an assessment or a test to students; requiring the Department and specified local school systems to conduct a specified audit of specified assessments; and encouraging the Department and specified local school systems to apply for specified federal funds to conduct specified audits; etc.

EFFECTIVE JULY 1, 2016

ED, § 7-208 - added

Assigned to: Ways and Means

HB 398 Delegate Rey, et al**PUBLIC SAFETY – HONORABLY DISCHARGED VETERANS – HANDGUN LICENSE**

Providing that an honorably discharged member of the armed forces of the United States or the National Guard is not required to possess a specified handgun qualification license in order to purchase, rent, or receive a specified handgun under specified circumstances.

EFFECTIVE OCTOBER 1, 2016

PS, § 5-117.1(c) - amended

Assigned to: Judiciary

HB 399 Delegates Afzali and K. Young**LYME DISEASE – LABORATORY TEST – REQUIRED NOTICE**

Requiring specified health care providers to provide a specified notice to a patient for whom the health care provider orders a laboratory test for the presence of Lyme disease; and providing immunity from liability, under specified circumstances, for specified health care providers for providing the notice.

EFFECTIVE OCTOBER 1, 2016

HG, § 20-1701 - added

Assigned to: Health and Government Operations

HB 400 Delegate M. Washington**HIGHER EDUCATION – TUITION WAIVERS FOR FOSTER CARE RECIPIENTS AND UNACCOMPANIED HOMELESS YOUTH – MODIFICATIONS**

Altering the definition of “foster care recipient” for the purpose of a specified tuition waiver; altering a specified requirement that specified foster care recipients and specified unaccompanied homeless youth apply for specified financial aid by a specified time; and requiring specified public institutions of higher education and the Maryland Higher Education Commission to make specified annual reports to the General Assembly on or before September 1 of each year.

EFFECTIVE JULY 1, 2016

ED, § 15-106.1 - amended

Assigned to: Ways and Means

HB 401 Delegate K. Young, et al**LABOR AND EMPLOYMENT – EQUAL PAY FOR EQUAL WORK – REVISIONS**

Establishing the Equal Pay Commission to study and promote research on wage disparities and recommend ways to remediate wage disparities in the public and private sectors, between men and women and between minorities and nonminorities; requiring an employer to include specified information in a job advertisement to recruit an employee or individual contractor to fill a position within the employer’s organization; prohibiting an employer from seeking salary history information by specified methods; etc.

EFFECTIVE OCTOBER 1, 2016

LE, §§ 3-303, 3-307, and 3-308 - amended and §§ 3-303.1, 3-304.1, and 3-307.1 - added

Assigned to: Economic Matters

HB 402 Delegate Barron, et al**PUBLIC INFORMATION ACT – PERSONNEL AND INVESTIGATORY RECORDS – FORMAL COMPLAINTS AGAINST PUBLIC EMPLOYEES**

Establishing that a person who has made a formal complaint against a governmental unit or an employee of a governmental unit is a person in interest under the Public Information Act; establishing that records related to a formal complaint of job-related misconduct against a public employee are not personnel records under the Public Information Act; and authorizing a custodian to deny inspection of specified records connected with a complaint of job-related misconduct.

EFFECTIVE OCTOBER 1, 2016

GP, §§ 4-101(g), 4-311, and 4-351 - amended

Assigned to: Health and Government Operations

HOUSE BILLS REASSIGNED JANUARY 27, 2016**HB 223 Delegates West and Barron****CIRCUIT COURT JUDGES – ELECTION**

Proposing amendments to the Maryland Constitution relating to the selection and tenure of circuit court judges; requiring Senate confirmation of individuals appointed by the Governor to the office of judge of a circuit court; providing for contested elections following an appointment to fill a vacancy in the office of judge of a circuit court under specified circumstances; submitting the amendment to the qualified voters of the State for their adoption or rejection; etc.

CONSTITUTIONAL AMENDMENT – CONTINGENT

Maryland Constitution, Art. IV, §§ 3 and 5 - repealed and added and Art. XVIII, § 6 - added

Reassigned to: Judiciary and Ways and Means

HB 224 Delegates Kramer and Hill**CIRCUIT COURT JUDGES – ELECTION**

Proposing an amendment to the Maryland Constitution relating to the selection and tenure of circuit court judges; altering the method of filling vacancies in the office of a judge of a circuit court; providing for retention elections following an appointment to fill a vacancy in the office of a judge of a circuit court; providing for a transitional period under which the terms of specified amendments are to become effective; submitting the amendment to the qualified voters of the State for their adoption or rejection; etc.

CONSTITUTIONAL AMENDMENT – CONTINGENT

Maryland Constitution, Art. IV, §§ 3, 5, 5A, and 11 - amended and Art. XVIII, § 6 - added

Reassigned to: Judiciary and Ways and Means