



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## SNOW STORMS, DEADLINES, AND BILL INTRODUCTIONS

The year 2010 may long be remembered in a number of ways, but the record snowfall in the first ten days of February will be near the top of Maryland's list. State and federal government, schools, and businesses were forced to close for much of the time. Mail was suspended and flights cancelled at the region's major airports. The February 8 Monday night session of the General Assembly was cancelled, marking the first missed session since 2003, when another major snowfall blanketed the State. The General Assembly held floor sessions throughout the remainder of the week, but for several days afternoon committee meetings and hearings were cancelled. Reported snow levels at Baltimore-Washington International Thurgood Marshall Airport (BWI) for the first ten days of the month reached 49.2 inches, eclipsing the record of 40.5 inches set in 2003. The seasonal average for snow at BWI is 18.2 inches.

Because of the weather, both the Senate and the House extended their bill introduction deadlines. The Senate introduction deadline, originally February 5, was extended to February 10; the House deadline, originally February 12, was extended to February 18. After the extended deadlines, all bills and resolutions will go to the Rules committees, rather than directly to one of the principal standing committees. To date, the Senate bill total stands at 869. The House bill total is 1007.

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## COURTS AND CIVIL PROCEEDINGS

The House passed an amended [HB 65](#) to require an international marriage broker to disclose the marital history and criminal history record of a client to a recruited woman and provide her with basic human rights information prior to providing any services to either party, with the aim of protecting the recruit against entering into situations of violence. The broker must also obtain written consent from the recruit before disclosing recruit information to a client. The companion bill, [SB 129](#), has not seen Senate committee action after its hearing.

The Judicial Compensation Commission was created by the General Assembly in 1980 to review judicial salaries

and pensions and to make recommendations to the Governor and the General Assembly. As drafted, [SJ 4/HJ 4](#) present the Commission's salary recommendations, formulated in the fall of 2008. The recommendations increase fiscal 2011 judicial salaries by \$9,111 for each judge of the Court of Appeals, Court of Special Appeals, circuit court, and District Court, with similar increases each year through fiscal 2014. The legislature may amend the joint resolutions to reduce the recommendations but may not increase them. If neither joint resolution gains final passage within 50 days of introduction, the recommended salary increases go into effect. For the second straight year, however, the courts are not asking for a judicial pay increase. [SJ 4](#) was amended to reflect no salary increases and passed second reading in the Senate at the end of this week. [HJ 4](#) had a hearing earlier this week.

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## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

A House committee voted down two bills that address unauthorized cell phone use by inmates. [HB 78](#) (failed) would have elevated from a misdemeanor to a felony offenses pertaining to concealing or delivering contraband telecommunications devices in prisons, with a corresponding increase in maximum penalties. [HB 61](#) (failed) would have created the misdemeanor crimes of use or possession of a wireless communication device by a prisoner, with a minimum sentence of a year without suspension or parole, and providing an inmate with a wireless communication device, punishable by a maximum \$10,000 fine.

The Department of Juvenile Services (DJS) operates facilities to diagnose, care for, train, educate, and properly rehabilitate children who need services, and by law those facilities may serve no more than 48 children at one time. DJS is also authorized to contract with private providers to place children in other facilities that meet State licensing criteria, but no current regulatory provision establishes size requirements for these facilities. [SB 330/HB 173](#) establish the same 48 bed restriction for private providers that contract with DJS. [HB 173](#) had a hearing last week, and [SB 330](#) will be heard next week.

A Senate committee heard testimony this week on [SB 227](#), which requires the Division of Parole and Probation to forward certain information to the U.S. Immigration and Customs Enforcement Agency (ICE) if a presentence investigation report (PSI) indicates that the individual has an immigration status. If the immigration status of an inmate was not collected as part of a PSI report, the Division of Correction must include that information as part of the case record for an inmate and must forward the specified immigration information to ICE.

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## ECONOMIC AND BUSINESS ISSUES

### *Incinerator Permits*

Two bills establishing limits on the location of incinerators are on the legislative agenda. Heard this week, [SB 228](#) prohibits the Maryland Department of the Environment and local jurisdictions from issuing a permit to build an incinerator unless the area is zoned for heavy industry, complies with local zoning requirements, and is at least three miles from any residential dwelling, church, school, park, or hospital. Additionally, existing contracts are not affected, but existing incinerators may not be expanded. Potentially, this bill could affect plans to build incinerators in Frederick County and Baltimore City, as well as expansion of the four existing incinerators in Maryland. [SB 333](#) prohibits the Department of the Environment from issuing a permit to build an incinerator if it is to be built within one mile of a battlefield, wildlife, or recreational area in a national park system, excluding the Baltimore-Washington Parkway.

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

### *Aquaculture*

[SB 3](#) has moved to the House. The bill exempts aquaculture activities, including oyster farming, from fees for applications to the Maryland Department of the Environment (MDE) for wetlands and waterway permits or to the Board of Public Works for a wetlands license. As amended, the bill requires the Aquaculture Advisory Council to report to MDE and the General Assembly by October 1, 2013, on the status of commercial aquaculture in the State and the fiscal impact of the fee exemptions.

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## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

### *"Payday Loans"*

Heard on January 21, [HB 79](#) amends the Maryland Credit Services Businesses Act to limit fees that can be collected with an extension of credit transaction, sometimes known as a "payday loan" when they are small, short-term loans. The bill, and its crossfile, [SB 678](#), prohibit credit services businesses from charging fees that, combined with an interest charge, can exceed an annual interest rate of 33%. Maryland law sets a cap of a 33% annual interest rate on loans up to \$6,000. Currently, credit services businesses may add brokers to an extension of credit transaction, and brokers may charge their own fees, creating a total cost to the consumer of above 33% of the loan.

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## HEALTH CARE AND HEALTH INSURANCE

### *Breast Cancer Screening*

A bill was heard last week concerning American Cancer Society (ACS) guidelines for breast cancer screening as the guidelines relate to health insurance coverage in Maryland. [HB 182](#), heard by a House committee, alters the health insurance mandate regarding coverage of mammograms by requiring insurers, nonprofit health service plans, and HMOs to cover breast cancer screening according to ACS guidelines that existed on January 1, 2010. Among the guidelines in effect as of January 1, 2010 for early breast cancer detection include: yearly mammograms for women starting at age 40; clinical breast exams as part of a periodic health exam (every three years for women in their 20s and 30s and every year for women 40 and older); and MRI screenings and yearly mammograms for those identified as having a greater risk of developing breast cancer. These recommendations have not changed since January 1, 2010. However, in November 2009, the United States Preventive Services Task Force revised its guidelines relating to breast cancer screening, recommending regular biennial screening starting at age 50, rather than at age 40.

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## STATE GOVERNMENT

### *Compensation for State Officials*

As directed by the Maryland Constitution, resolutions ([SJ 2/HJ 3](#)) from the Governor's Salary Commission establish the salaries for the Governor and Lieutenant Governor for the next four-year term beginning in January 2011. Both resolutions are moving forward in

the legislative process with amendments that reject any increase in these salaries. The amendments maintain the 2006 level. [HJ 3](#) has passed the House and is now in the Senate. [SJ 2](#) has passed second reading in the Senate.

Through [SB 143/HB 184](#) (both failed), the Governor's Salary Commission also made salary recommendations for the Attorney General, Comptroller, Secretary of State, and Treasurer for the next four-year term of office. The defeat of these measures leaves the salaries of these officers at the 2006 level.

The compensation for legislators is also assessed every four years by a General Assembly Compensation Commission. [SJ 5](#), pending on the Senate floor, and [HJ 5](#), approved by the House, both reject the Commission's recommended salary increases for years three and four of the next term, keeping these salaries at the 2006 level.

#### *Constitutional Convention*

After winning approval in the Senate, [SB 26](#) has moved to the House. The bill implements a requirement of the Maryland Constitution that every 20 years a question be submitted to the voters asking whether a convention should be called to alter the Maryland Constitution or frame a new constitution. The question will be placed on the ballot at the November 2010 general election upon passage of the bill.

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## **TRANSPORTATION**

### *Rules of the Road*

[SB 51](#), which passed third reading in the Senate with amendments and is crossfiled with [HB 461](#), requires drivers to give some extra space to cyclists. Drivers must exercise care and give clearance of at least 3 feet when overtaking a bicycle or a motor scooter if the cycles are being ridden steadily on the right side of the road. The bill also requires drivers to yield to a cyclist before crossing a bike lane or shoulder. In addition to cycles, the bills apply to two-wheeled pedestrian devices such as Segways, referred to in the law as electronic personal assistive mobility devices or EPAMDs, being ridden on the right-hand side of the road. Similar bills have failed in previous legislative sessions. [SB 324/HB 499](#), dealing with vehicles approaching emergency vehicles and personnel, and [SB 344/HB 480](#), dealing with restrictions on medium speed vehicles, are to be heard in committees in the coming weeks.

### *License Plates*

[HB 164](#) (failed), which would have required anyone convicted of three or more drunk or drugged driving offenses to have a distinctive yellow and red "DUI" license plate, was voted down in committee.