

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1215

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Maryland Port Commission” and substitute “Marine Facilities”; in the same line, strike “Program” and substitute “Programs”; in lines 2 and 3 strike “- Port Facilities”; in line 4, strike “a Maryland Port Commission” and substitute “marine facility”; in lines 5, 8, 11, and 13, in each instance, strike “Program” and substitute “programs”; in line 6, strike “port” and substitute “marine”; in line 10, strike “requiring the Commission to adopt certain regulations;”; and in line 12, strike “Maryland Port Commission” and substitute “marine facility”.

AMENDMENT NO. 2

On page 1, in lines 27 and 29, in each instance, strike “port” and substitute “marine”. On page 2, in line 1, strike “an”; in line 2, strike “Program” and substitute “programs”; and in lines 2, 3, and 5, in each instance, strike “port” and substitute “marine”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 9 through 12, inclusive; in lines 13 and 19, strike “(3)” and “(4)”, respectively, and substitute “(2)” and “(3)”, respectively; in lines 18 and 21, in each instance, strike “PORT” and substitute “MARINE”; after line 21, insert:

“(4) “MARINE FACILITY” MEANS A TERMINAL OR STORAGE STRUCTURE OR FACILITY USED FOR THE PURPOSE OF HANDLING, STORING, LOADING, OR UNLOADING FREIGHT IN THE PORT OF BALTIMORE.”;

in line 22, strike “THE MARYLAND PORT COMMISSION” and substitute “AN”; in line 23, after “PROGRAM” insert “FOR A MARINE FACILITY”; and after line 24, insert:

“(6) (I) “SAFETY-SENSITIVE EMPLOYEE” MEANS AN EMPLOYEE WHO OPERATES HEAVY MACHINERY.”

(Over)

(II) "SAFETY-SENSITIVE EMPLOYEE" INCLUDES, BUT IS NOT LIMITED TO:

AND

1. AN OPERATOR OF A CRANE, WINCH, OR TOPLOADER;

2. A DRIVER OF A HUSTLER OR FORKLIFT."

AMENDMENT NO. 4

On page 3, strike in their entirety lines 25 through 29, inclusive, and substitute:

"(B) THIS SECTION DOES NOT APPLY TO:

(1) EMPLOYEES, CONTRACTORS, INDEPENDENT CONTRACTORS, OR AGENTS OF THE MARYLAND PORT ADMINISTRATION;

(2) VESSEL EMPLOYEES WHO DO NOT HANDLE CARGO; OR

(3) INDIVIDUALS OR EMPLOYEES REQUIRED BY FEDERAL OR STATE LAW TO COMPLY WITH 49 CFR PARTS 40 AND 382 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS."

AMENDMENT NO. 5

On page 3, in line 30, after "(C)" insert "PERSONS THAT LEASE SPACE AT A MARINE FACILITY FROM"; in the same line, strike "PROGRAM" and substitute "MARYLAND PORT ADMINISTRATION"; in the same line, after "SHALL" insert "IMPLEMENT A PROGRAM THAT"; in line 31, strike "PROHIBIT" and substitute "PROHIBITS"; in line 33, strike "PROVIDE FOR" and substitute "PROVIDES A PLAN THAT INCLUDES"; in line 35, strike "PRE-EMPLOYMENT,"; in line 37, after "TESTING" insert "OF SAFETY-SENSITIVE EMPLOYEES, AND PRE-EMPLOYMENT TEST FOR THE PRESENCE OF DRUGS, OF EMPLOYEES"; and in line 38, strike "PROVIDE" and substitute "PROVIDES".

On page 4, in lines 1 and 3, in each instance, strike "PROVIDE" and substitute "PROVIDES"; in line 5, strike "ESTABLISH" and substitute "ESTABLISHES"; in line 11, strike "PORT" and substitute "MARINE"; and strike in their entirety lines 16 and 17.

AMENDMENT NO. 6

On page 4, in line 19, strike “the Maryland Port Commission” and substitute “a marine facility”; in line 20, strike “Program” and substitute “program established in accordance with this Act”.