

BY: Finance Committee

AMENDMENTS TO HOUSE BILL NO. 224

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Jurisdiction" insert "- Assessment of Railroad Companies"; in line 6, after "carrier";", insert "transferring to the Division of Labor and Industry the authority to impose an assessment on certain railroad companies to recover the cost of the State's Railroad Safety and Health Program; authorizing the Division to adopt certain regulations; providing that failure to pay a certain assessment is subject to a certain civil penalty; requiring the Public Service Commission to collect certain expenses from railroad companies for Fiscal Year 1999 in a certain manner";"; and in line 7, after "Commission" insert "and the assessment of railroad companies".

AMENDMENT NO. 2

On page 11, after line 4, insert:

"(B) (1) UNLESS THE BOARD OF PUBLIC WORKS EXERCISES THE OPTION UNDER SUBSECTION (C) OF THIS SECTION, THE DIVISION OF LABOR AND INDUSTRY SHALL ASSESS, FAIRLY AND AS EQUITABLY AS POSSIBLE, EACH RAILROAD COMPANY OPERATING IN THE STATE THE COST OF THE STATE'S SHARE OF ACTIVITIES UNDER THIS TITLE.

(2) THE DIVISION OF LABOR AND INDUSTRY SHALL IMPOSE AN ASSESSMENT UNDER THIS TITLE FOR EACH STATE FISCAL YEAR BEFORE THE END OF THE STATE FISCAL YEAR.

(3) IN ACCORDANCE WITH PARAGRAPH (6) OF THIS SUBSECTION, THE DIVISION OF LABOR AND INDUSTRY SHALL:

(I) DETERMINE THE AMOUNT OF THE ASSESSMENT TO BE PAID BY EACH RAILROAD COMPANY OPERATING IN THE STATE;

(Over)

(II) SEND A BILL TO EACH RAILROAD COMPANY INDICATING THE AMOUNT DUE; AND

(III) NOTIFY EACH RAILROAD COMPANY WHEN THE ASSESSMENT SHALL BE PAID.

(4) A RAILROAD COMPANY MAY APPEAL THE AMOUNT OF AN ASSESSMENT OR PENALTY AS PROVIDED FOR BY REGULATION.

(5) IF AN ASSESSMENT OR PENALTY ASSESSED UNDER THIS TITLE IS NOT PAID IN FULL WITHIN 30 DAYS AFTER THE ASSESSMENT OR PENALTY BECOMES FINAL, THE DIVISION OF LABOR AND INDUSTRY OR THE CENTRAL COLLECTION UNIT MAY PROCEED TO ENFORCE PAYMENT.

(6) THE DIVISION OF LABOR AND INDUSTRY MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

(7) A RAILROAD COMPANY THAT FAILS TO PAY AN ASSESSMENT IMPOSED UNDER THIS SECTION OR REGULATIONS ADOPTED TO IMPLEMENT THIS SECTION IS SUBJECT TO A CIVIL PENALTY UNDER § 5.5-123 OF THIS TITLE.”;

and in line 5, strike “(b)” and substitute “(C)”.

AMENDMENT NO. 3

On page 13, after line 7, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 1 of this Act, the Public Service Commission shall collect expenses from railroad companies operating in the State under § 2-110 of the Public Utility Companies Article, for State Fiscal Year 1999; shall reimburse the General Fund for the cost of the State’s share of activities in administering Title 5.5 of the Labor and Employment Article during Fiscal Year 1999 from money the Commission receives under § 2-110 of the Public Utility Companies Article; and may enforce the collection of expenses for Fiscal Year 1999 under this section in accordance with the provisions of the Public Utility Companies Article. The Division of Labor and Industry shall begin assessing railroad companies under § 5.5-106 of the Labor and Employment Article, as enacted by Section 1 of this Act for Fiscal Year 2000.”;

and in line 8, strike “2.” and substitute “3.”.