

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 467
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 4 down through “penalties;” in line 6; in line 7, strike “as the commitment” and substitute “that applies for commission”; in line 12, strike “(o)” and substitute “9-401(k)”; and strike line 17 in its entirety and substitute “Section 5-911, 9-343, 9-413, and 16-501”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 34 on page 4.

On pages 6 and 7, strike in their entirety the lines beginning with line 1 on page 6 through line 10 on page 7.

AMENDMENT NO. 3

On page 5, strike in their entirety lines 25 through 33, inclusive; and in line 34, strike “(G)” and substitute “(F)”.

On page 7, strike in their entirety lines 27 through 35, inclusive.

On page 8, strike lines 1 through 3, inclusive; strike in their entirety lines 18 through 26, inclusive; in line 27, strike “(D)” and substitute “(C)”; and in lines 30, 35, and 39, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively.

AMENDMENT NO. 4

On page 5 in line 17 and on page 7 in line 18, in each instance, strike “LESS THAN \$5,000 AND NOT”.

(Over)

On page 8, in line 6, strike “OF NOT LESS THAN \$5,000 AND”.

AMENDMENT NO. 5

On page 7, after line 10, insert:

“9-343.

(a) (1) A person who violates any provision of or fails to perform any duty imposed by this subtitle, or who violates any provision of or fails to perform any duty imposed by a rule, regulation, order, or permit adopted or issued under this subtitle, is guilty of a [misdemeanor] FELONY and on conviction is subject to:

(i) For a first offense, a fine not exceeding [\$25,000] \$50,000 or imprisonment not exceeding [1 year] 3 YEARS or both; or

(ii) If the conviction is for a violation committed after a first conviction of the person under this subsection, a fine not exceeding [\$50,000] \$100,000 for each day of violation or imprisonment not exceeding [2] 6 years or both.

(2) In addition to any criminal penalties imposed on a person convicted under this subsection, the person may be enjoined from continuing the violation.

(3) Each day on which a violation occurs is a separate violation under this subsection.

(b) A person is guilty of a [misdemeanor] FELONY and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding [6 months] 2 YEARS or both FOR A FIRST OFFENSE AND A FINE OF NOT MORE THAN \$20,000 OR IMPRISONMENT NOT EXCEEDING 4 YEARS OR BOTH FOR A VIOLATION COMMITTED AFTER THE FIRST CONVICTION, if the person:

(1) Knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this subtitle or any rule, regulation, order, or permit adopted or issued under this subtitle; or

(2) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device

or method required to be maintained under this subtitle or any rule, regulation, order, or permit adopted or issued under this subtitle.

(C) FOR PURPOSES OF THIS SECTION, A SINGLE OPERATIONAL UPSET THAT LEADS TO SIMULTANEOUS VIOLATIONS OF MORE THAN ONE POLLUTANT PARAMETER SHALL BE TREATED AS A SINGLE VIOLATION.

(D) A PERSON WHO ATTEMPTS TO COMMIT THE CONDUCT THAT CONSTITUTES AN OFFENSE UNDER THIS SECTION SHALL BE SUBJECT TO THE SAME PENALTIES AS THOSE PRESCRIBED FOR THE OFFENSE.”.

AMENDMENT NO. 6

On page 7, before line 11, insert:

“9-401.

(K) “TAMPER” MEANS TO:

(1) INTRODUCE A CONTAMINANT INTO A PUBLIC WATER SYSTEM WITH THE INTENTION OF HARMING A PERSON; OR

(2) OTHERWISE INTERFERE WITH THE OPERATION OF A PUBLIC WATER SYSTEM WITH THE INTENTION OF HARMING A PERSON.”.