

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 796

(First Reading File Bill, Second Printing)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 8 down through “approve;” in line 9 and substitute “requiring the Department to approve a certain code or set of standards;”; in line 9, after “establishing” insert “certain”; in line 10, strike “and sanctions for certain” and substitute “for”; in line 13, after “units;” insert “authorizing local jurisdictions to adopt more stringent standards than certain standards required by this Act; establishing a Task Force on the Security of Hazardous Materials; providing for the membership of the Task Force; requiring the Governor to appoint a chairman of the Task Force; requiring the Department of State Police to provide staff for the Task Force; providing that a member of the Task Force may not receive compensation, but is entitled to a certain reimbursement; establishing the duties of the Task Force; requiring the Task Force to report to the Governor and the General Assembly on or before a certain date; establishing that this Act is not intended to affect certain abilities of police employees to take certain actions; providing a certain exception for certain local jurisdictions;”; and in line 18, strike “2-809” and substitute “2-808”.

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 3 down through “(1)” in line 4; strike beginning with the semicolon in line 5 down through “REGULATION” in line 7; in line 12, before “THIS” insert “(A)”; and after line 13, insert:

“(B) THIS SUBTITLE DOES NOT APPLY IN A LOCAL JURISDICTION THAT:

(1) ADOPTS STANDARDS THAT ARE AT LEAST AS STRINGENT AS THAN THE STANDARDS REQUIRED UNDER THIS SUBTITLE; AND

(2) WORKS IN CONSULTATION WITH THE DEPARTMENT IN REGARD TO SECURITY MEASURES REQUIRED UNDER THIS SUBTITLE.”.

(Over)

AMENDMENT NO. 3

On page 3, in line 4, strike “AND”; in line 6, after “ACCESS” insert “; AND”

(3) SAFEGUARD THE PROPERTY WITH PROTECTIVE MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE”;

and in line 8, strike “MAY” and substitute “SHALL”.

On page 4, in line 2, strike “IN ACCORDANCE WITH § 2-803(B) OF THIS SUBTITLE; AND” and substitute a semicolon; in line 5, after “SUBTITLE” insert “; AND”

(4) THE PERSON MEETS THE REQUIREMENTS UNDER § 2-804 OF THIS SUBTITLE”;

strike beginning with “KNOWINGLY” in line 7 down through “CONVICTION” in line 9 and substitute “VIOLATES THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE”; in lines 11 and 12, in each instance, strike “FINE” and substitute “CIVIL PENALTY”; in line 11, strike “\$10,000” and substitute “\$5,000”; in line 12, strike “\$25,000” and substitute “\$10,000”; strike in their entirety lines 15 through 20, inclusive; and in line 23, strike “2-809” and substitute “2-808”.

On pages 4 and 5, strike in their entirety the lines beginning with line 26 on page 4 through line 2 on page 5, inclusive.

On page 5, in line 3, strike “(C)” and substitute “(B)”; in line 4, after “MEMA” insert “, THE SECRETARY OF THE ENVIRONMENT, THE PRESIDENT OF THE MARYLAND STATE FIREMEN’S ASSOCIATION,”; in the same line, strike the second “WITH”; after line 6, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force on the Security of Hazardous Materials.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

- (3) the Secretary of State Police, or the Secretary's designee;
- (4) the Mayor of Baltimore City, or the Mayor's designee;
- (5) the Police Commissioner of Baltimore City, or the Commissioner's designee;
- (6) the President of the Maryland State Firemen's Association, or the President's designee;
- (7) the Executive Director of the Maryland Port Administration, or the Executive Director's designee;
- (8) the Director of the Maryland Emergency Management Agency, or the Director's designee; and
- (9) the following members appointed by the Governor:
 - (i) a designee to represent homeland security interests in the State;
 - (ii) two representatives of industries operating railroads or other common carriers in the State;
 - (iii) one representative of volunteer firefighters;
 - (iv) two representatives from local emergency management;
 - (v) one representative from the Association of Maryland Hospitals and Health Systems;
 - (vi) one representative from an environmental group;
 - (vii) one representative of the chemical industry; and

(viii) three members of the general public.

(c) The Governor shall designate the chairman of the Task Force.

(d) The Department of State Police shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall make recommendations regarding hazardous materials security at rail lines, rail yards, and other storage facilities and transportation routes.

(g) The Task Force shall report its recommendations to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on or before December 15, 2003.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is not intended to affect the ability of police employees to take any necessary actions to protect the citizens of the State from a situation involving hazardous materials.”;

and in lines 7 and 13, strike “2.” and “3.”, respectively, and substitute “4.” and “5.”, respectively.