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By: **Chairman, Judiciary Committee (By Request - Departmental - State Police)**

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of State Police - Explosives Advisory Council - Repeal**

3 FOR the purpose of repealing the Explosives Advisory Council within the Department  
4 of State Police; and generally relating to the Explosives Advisory Council.

5 BY repealing

6 Article - Public Safety

7 Section 11-201 through 11-206, inclusive, and the subtitle "Subtitle 2.

8 Explosives Advisory Council"

9 Annotated Code of Maryland

10 (2003 Volume and 2004 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Public Safety**

14 [Subtitle 2. Explosives Advisory Council.]

15 [11-201.

16 (a) In this subtitle the following words have the meanings indicated.

17 (b) "Council" means the Explosives Advisory Council.

18 (c) "Department" means the Department of State Police.

1 (d) (1) "Explosives" means chemical compounds, mixtures, or devices, the  
2 primary purpose of which is to function by explosion.

3 (2) "Explosives" includes:

- 4 (i) dynamite;
- 5 (ii) other high explosives;
- 6 (iii) black powder;
- 7 (iv) pellet powder;
- 8 (v) initiating explosives;
- 9 (vi) detonators;
- 10 (vii) safety fuses;
- 11 (viii) squibs;
- 12 (ix) detonating cord;
- 13 (x) igniter cord; and
- 14 (xi) igniters.]

15 [11-202.

16 (a) There is an Explosives Advisory Council in the Department.

17 (b) The Council is independent of the Department, except for staff assistance  
18 and supplies that may be provided by the Department to the Council.]

19 [11-203.

20 (a) (1) The Council consists of 19 members appointed by the Governor.

21 (2) Of the 19 members:

22 (i) five members shall be appointed from explosives user  
23 industries, with one member appointed from each of the following industries:

- 24 1. coal mining;
- 25 2. utility construction;
- 26 3. explosives distribution;
- 27 4. quarry or aggregate mining; and
- 28 5. home or commercial construction;

1 (ii) five members shall be appointed from explosives regulatory  
2 units, with one member appointed from each of the following units:

- 3 1. Division of Labor and Industry of the Department of  
4 Labor, Licensing, and Regulation;
- 5 2. State Fire Marshal;
- 6 3. State Fire Prevention Commission;
- 7 4. Bureau of Mines of the Department of the Environment;  
8 and
- 9 5. Department of Natural Resources;

10 (iii) five members shall be appointed from the public, with one  
11 member appointed from each of the following geographic regions of the State:

- 12 1. western;
- 13 2. central;
- 14 3. metropolitan, including Baltimore and Washington, D.C.;
- 15 4. southern; and
- 16 5. eastern shore;

17 (iv) two members shall be appointed from the scientific community,  
18 with one member appointed from each of the following areas of scientific  
19 specialization:

- 20 1. vibration technology; and
- 21 2. pyrotechnics; and

22 (v) two members shall be ex officio members, whom the Governor  
23 may choose from administrative units of the State.

24 (b) (1) The term of a member is 5 years.

25 (2) The terms of members are staggered as required by the terms  
26 provided for members of the Council on October 1, 2003.

27 (3) At the end of a term, a member continues to serve until a successor is  
28 appointed and qualifies.

29 (4) A member who is appointed after a term has begun serves only for  
30 the rest of the term and until a successor is appointed and qualifies.

1 (5) If a vacancy occurs, the Council shall recommend a replacement to  
2 the Governor.]

3 [11-204.

4 The Governor shall appoint a chairman and a vice chairman from among the  
5 Council members.]

6 [11-205.

7 (a) The Council shall meet 6 times a year, or as needed, at the times and  
8 places determined by the chairman.

9 (b) A member of the Council:

10 (1) may not receive compensation as a member of the Council; but

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

13 (c) The chairman may divide the members into subgroups or committees as  
14 needed.]

15 [11-206.

16 The Council shall:

17 (1) advise, assist, and recommend to the Department regulations for the  
18 storage, use, manufacture, and transportation of designated explosives materials;

19 (2) continually review new developments in the explosives industry  
20 including:

21 (i) safety precautions for manufacturers, users, and distributors;

22 (ii) techniques for blasting; and

23 (iii) federal regulation of explosives;

24 (3) review any proposed regulation of the Department that affects the  
25 manufacture, use, or distribution of explosives;

26 (4) recommend to the Department revisions or additions to State law  
27 that regulates any aspect of the manufacture, use, or distribution of explosives;

28 (5) conduct forums to disseminate information and educate the public  
29 about the manufacture, use, or distribution of explosives;

30 (6) submit an annual report to the Governor, Secretary of State Police,  
31 and State Fire Marshal; and

1                   (7)       periodically assess the performance and sufficiency of the Council as  
2 now constituted and recommend changes as necessary.]

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect October 1, 2005.