

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 768

(Chairman, Judiciary Committee)

(By Request – Departmental – State Police)

Judiciary

Judicial Proceedings

Department of State Police - Explosives Advisory Council - Repeal

This departmental bill repeals the Explosives Advisory Council within the Department of State Police.

Fiscal Summary

State Effect: Expense reimbursements for council members and staffing assistance to the council have been minimal and the department has never received funds directly budgeted for these purposes. Accordingly, repeal of the council would not measurably impact the department's finances.

Local Effect: None.

Small Business Effect: The Department of State Police has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: There is an Explosives Advisory Council in the Department of State Police. The council is independent of the department, except for staff assistance and supplies that may be provided by the department.

The term "explosives" means chemical compounds, mixtures, or devices, the primary purpose of which is to function by explosion. The term includes:

- dynamite;
- other high explosives;
- black powder;
- pellet powder;
- initiating explosives;
- detonators;
- safety fuses;
- squibs;
- detonating cord;
- igniter cord; and
- igniters.

Background: The Explosives Advisory Council was created by Chapter 694 of 1984 within the Department of Public Safety and Correctional Services. Chapter 352 of 1997 transferred the council to the Department of State Police. The council recommends rules and regulations to the State Police for the storage, use, manufacture, and transport of explosive material. The council also reviews proposed rules, regulations, and laws that affect the manufacture, use, or distribution of explosives. It monitors federal regulations and developments in the explosives industry, such as safety precautions and blasting techniques.

Although the council has met regularly in recent years, the State Fire Marshal has taken a more active role in the submission and review of legislation affecting the use, storage, sale, and possession of explosives, including fireworks. Noting that the council has not produced any reports, the State Police believe that the council has outlived its usefulness.

The federal Safe Explosives Act (effective May 24, 2003) requires that any person who wishes to transport, ship, cause to be transported, or receive explosive materials in either interstate or intrastate commerce must first obtain a federal permit issued by the Bureau of Alcohol Tobacco and Firearms (ATF). Previously, a federal permit to purchase explosive materials was necessary if a person wished to transport, ship, or receive explosives in interstate commerce. A permit, however, was not necessary if a person acquired and used explosives within his or her state.

The Act also expanded (effective January 24, 2003) the categories of persons prohibited from possessing explosive materials to include: (1) aliens (with limited exceptions); (2) persons dishonorably discharged from the military; and (3) citizens of the United States

who have renounced their citizenship. The Act requires manufacturers and importers of explosive materials, including ammonium nitrate, to furnish samples of these materials to ATF, as well as information on their chemical composition or other information ATF may request.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2005
n/jr

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