

SB1030/503028/2

BY: Senator Stone

AMENDMENTS TO SENATE BILL 1030
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in line 2, strike “– Local Jurisdictions” and substitute “and Construction of a Facility”; in line 7, after “Act;” insert “prohibiting a certain facility from being located or constructed on certain lands in certain counties; defining certain terms; making this Act an emergency measure;”; in the same line, strike “applications for variances in”; and after line 13, insert:

“BY adding to

Article – Natural Resources

Section 8–1808.10

Annotated Code of Maryland

(2000 Replacement Volume and 2006 Supplement)

Preamble

WHEREAS, The General Assembly finds that certain facilities pose inherent and heightened environmental and public safety risks when located in proximity to densely populated areas; and

WHEREAS, The General Assembly further finds that the substantial population and intense industrial and port-related development activity concentrated in the coastal areas of the Baltimore metropolitan region necessitate the increased scrutiny of certain facilities to ensure that environmental impacts are minimized in these areas for the protection of the general population and the integrity of the Chesapeake Bay; now, therefore,.”.

(Over)

AMENDMENT NO. 2

On page 3, after line 13, insert:

“8-1808.10.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CONSTRUCTION” INCLUDES ACTIVITIES SUCH AS CLEARING, GRADING, EXCAVATING, BUILDING, DREDGING, OR ANY OTHER ACTION THAT WOULD AFFECT THE NATURAL ENVIRONMENT OF THE CRITICAL AREA.

(3) “FACILITY” HAS THE MEANING STATED IN § 14-501(E) OF THE ENVIRONMENT ARTICLE.

(B) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY, BALTIMORE CITY, AND BALTIMORE COUNTY.

(C) A FACILITY MAY NOT BE CONSTRUCTED OR LOCATED ON ANY LAND WITHIN A CRITICAL AREA DESIGNATED IN ACCORDANCE WITH § 8-1807 OF THIS SUBTITLE, UNLESS THE FACILITY IS CONSTRUCTED OR LOCATED IN ACCORDANCE WITH THE STATE’S FEDERALLY APPROVED COASTAL ZONE MANAGEMENT PROGRAM.

(D) A UNIT OF STATE GOVERNMENT MAY NOT ISSUE A PERMIT FOR A FACILITY UNLESS THERE IS A FINDING BY THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT OF NATURAL RESOURCES THAT THE PROPOSED FACILITY IS NOT INCONSISTENT WITH THE GENERAL ASSEMBLY’S DECLARATION OF PUBLIC POLICY UNDER § 8-1801 OF THIS SUBTITLE.

(E) THIS SECTION DOES NOT APPLY TO A FACILITY THAT EXISTED AND WAS IN OPERATION ON JANUARY 1, 2007, INCLUDING ANY EXPANSION OR MODIFICATION OF THE FACILITY.

AMENDMENT NO. 3

On page 3, after line 17, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”;

and strike in their entirety lines 18 and 19.