

HB0189/776286/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 189

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “and Hubbard” and substitute “Hubbard, Tarrant, Reznik, Pendergrass, Nathan-Pulliam, Pena-Melnyk, Montgomery, Kipke, and V. Turner”; strike beginning with “prohibiting” in line 3 down through “funds;” in line 29 and substitute “requiring the Department to receive certain funds that are awarded to the State or appropriated by the State for certain purposes; requiring the Department to establish and award diesel emissions control grants; requiring the Department to oversee the use of funds awarded through the grants; requiring the Department to work with certain entities to secure certain funding; requiring the diesel emissions control grants to be funded by certain funds, used to install certain devices on certain covered fleets, and consistent with certain requirements and conditions; requiring the Department to provide a reasonable opportunity for certain entities to be awarded certain grants; establishing a certain exception to a certain reporting requirement; making this Act an emergency measure; providing for the termination of this Act;”.

On page 2, strike in their entirety lines 1 through 5, inclusive; in line 6, strike “with” and substitute “without”; after line 10, insert:

“BY adding to

Article – Environment

Section 2-1201 through 2-1203 to be under the new subtitle “Subtitle 12. Diesel Emissions Control Devices”

Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)”;

and strike in their entirety lines 11 through 30, inclusive.

(Over)

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 33 on page 2 through line 4 on page 5, inclusive.

On page 5, in line 10, strike the brackets; strike beginning with “; AND” in line 13 down through “BUS” in line 16; and after line 29, insert:

“SUBTITLE 12. DIESEL EMISSIONS CONTROL DEVICES.

2-1201.

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

(B) “COVERED FLEET” MEANS ONE OR MORE HEAVY-DUTY DIESEL VEHICLES OWNED, OPERATED, CONTROLLED, OR LEASED BY THE SAME ELIGIBLE ENTITY.

(C) “ELIGIBLE ENTITY” MEANS:

(1) A GOVERNMENTAL UNIT;

(2) A POLITICAL SUBDIVISION;

(3) THE STATE; OR

(4) ANY OTHER ENTITY IDENTIFIED BY THE DEPARTMENT.

(D) “EPA” MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(E) "HEAVY DUTY DIESEL VEHICLE" MEANS:

(1) AN ON-ROAD VEHICLE IS A MOTOR VEHICLE THAT IS POWERED BY DIESEL FUEL AND HAS A GROSS VEHICLE WEIGHT GREATER THAN 14,000 POUNDS; OR

(2) A NONROAD VEHICLE THAT IS POWERED BY DIESEL FUEL AND HAS AN ENGINE WITH A RATING OF AT LEAST 75 HORSEPOWER.

(F) "MOTOR VEHICLE" MEANS A SELF-PROPELLED VEHICLE DESIGNED FOR TRANSPORTING AN INDIVIDUAL OR PERSONAL PROPERTY ON A STREET OR HIGHWAY.

(G) (1) "NONROAD VEHICLE" INCLUDES:

(I) A BACKHOE;

(II) A BULLDOZER;

(III) A COMPRESSOR;

(IV) A CRANE;

(V) AN EXCAVATOR; OR

(VI) A GENERATOR.

(2) "NONROAD VEHICLE" DOES NOT INCLUDE:

- (I) A MOTOR VEHICLE;
- (II) A VEHICLE USED SOLELY FOR COMPETITION;
- (III) A LOCOMOTIVE; OR
- (IV) A MARINE VESSEL.

(H) "VERIFIED DIESEL EMISSIONS CONTROL DEVICE" MEANS AN EMISSIONS CONTROL DEVICE OR STRATEGY THAT:

(1) HAS BEEN VERIFIED TO ACHIEVE A SPECIFIED DIESEL PARTICULATE MATTER REDUCTION BY THE EPA; OR

(2) (I) IS DESIGNED FOR A HEAVY-DUTY DIESEL VEHICLE FOR WHICH AN EPA-VERIFIED DEVICE OR STRATEGY IS UNAVAILABLE;

(II) IS INTENDED TO REDUCE THE DIESEL EMISSIONS OF A HEAVY-DUTY DIESEL VEHICLE; AND

(III) IS APPROVED BY THE DEPARTMENT.

2-1202.

THE DEPARTMENT SHALL:

(1) RECEIVE ANY FEDERAL FUNDS AWARDED TO THE STATE TO INSTALL DIESEL EMISSIONS CONTROL EQUIPMENT AND ANY STATE FUNDS THAT

ARE APPROPRIATED FOR THE PURPOSE OF INSTALLING DIESEL EMISSIONS CONTROL EQUIPMENT;

(2) ESTABLISH AND AWARD DIESEL EMISSIONS CONTROL GRANTS;

(3) OVERSEE THE USE OF FUNDS AWARDED TO AN ELIGIBLE ENTITY THROUGH A DIESEL EMISSIONS CONTROL GRANT; AND

(4) WORK WITH ELIGIBLE ENTITIES TO SECURE FEDERAL DIESEL EMISSIONS REDUCTION FUNDS.

2-1203.

(A) DIESEL EMISSIONS CONTROL GRANTS AWARDED BY THE DEPARTMENT SHALL BE:

(1) FUNDED BY FEDERAL DIESEL EMISSIONS FUNDS AWARDED TO THE STATE FOR THE REDUCTION OF DIESEL EMISSIONS FROM COVERED FLEETS AND ANY STATE FUNDS THAT ARE APPROPRIATED FOR DIESEL EMISSIONS REDUCTION;

(2) USED TO INSTALL VERIFIED DIESEL EMISSIONS CONTROL DEVICES ON COVERED FLEETS; AND

(3) CONSISTENT WITH ANY REQUIREMENTS OR CONDITIONS RELATED TO THE RECEIPT OF FEDERAL FUNDS BY THE DEPARTMENT UNDER § 2-1202 OF THIS SUBTITLE.

(Over)

(B) THE DEPARTMENT SHALL PROVIDE A REASONABLE OPPORTUNITY FOR ALL ELIGIBLE ENTITIES TO BE AWARDED A DIESEL EMISSIONS CONTROL GRANT.

On pages 5 through 11, strike in their entirety the lines beginning with line 30 on page 5 through line 20 on page 11, inclusive.

AMENDMENT NO. 3

On page 11, strike beginning with “shall” in line 21 down through “2009” in line 22 and substitute “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. It shall remain effective for a period of 10 years from the date it is enacted and, at the end of the 10-year period, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect”.