

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 590  
Finance

(Senators Pipkin and Della)

Economic Matters

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Business Regulation - State Amusement Ride Safety Advisory Board -  
Membership

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This bill requires that the composition of the State Amusement Ride Safety Advisory Board reflect the racial and gender composition of the population of the State. The bill prohibits a member of the board from serving more than two consecutive terms, unless the member was initially appointed by the Governor before October 1, 2009. The bill also specifies that the board must have three consumer members – instead of four – and establishes that one member of the nine-member board be a representative of the amusement rental industry.

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Fiscal Summary

**State Effect:** The bill does not directly affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** The board consists of nine members appointed by the Governor with the advice and consent of the Senate. One member must be a mechanical engineer, one must represent owners of carnivals, one must represent the State fair and county fairs, two must represent owners of amusement parks, and four must be consumers. In choosing the members of the board, the Governor must make every effort to ensure that each region of the State is represented. A chairman is designated by the Governor from among the consumer members of the board and members serve staggered, four-year terms. At the end of a term, a member continues to serve until a successor is appointed and qualifies.

An “amusement ride” is defined as a device intended to give amusement, excitement, pleasure, or thrills to passengers whom the device carries along or around a fixed or restricted course or within a defined area.

The State Amusement Ride Safety Advisory Board is responsible for advising and consulting with the Commissioner of Labor and Industry on amusement ride safety regulations. The board may hold hearings to receive information from the public on which to base recommendations to the commissioner.

**Background:** According to the U.S. Census Bureau and as of 2006, the State’s population is 63.6% white, 29.5% African American, and 51.6% female. These statistics indicate that, under the bill, the board should have six white members, two African American members, and one Asian or Native American member. Additionally, five of the board’s nine members must be female.

The Department of Labor, Licensing, and Regulation (DLLR) – in which the board is housed – advises that the agency strongly supports and promotes equal representation in government. However, DLLR also advises that the mandate imposed by these provisions may be problematic because historically it has been difficult to find qualified candidates, of any race or gender, willing to fully participate in the board’s activities. According to DLLR, the bill may disrupt the ability of the board to fulfill its mission of providing safe amusement attractions in the State.

The Governor’s Workforce Investment Board and the State Board of Professional Counselors and Therapists are subject to requirements that their composition reflect the race and gender of the population of the State.

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### **Additional Information**

**Prior Introductions:** A similar bill, SB 1095 of 2006 as introduced, passed the Senate, but received an unfavorable report from the House Economic Matters Committee.

**Cross File:** None.

**Information Source(s):** Department of Labor, Licensing, and Regulation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2009  
mam/mcr Revised - Senate Third Reader - April 2, 2009

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