

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: HB 1405

COMMITTEE: Appropriations

POSITION: Support with amendments

TITLE: Public Safety Employees Killed in the Performance of Duties
Department of the Environment Employees - Death Benefits

BILL ANALYSIS:

This bill expands Public Safety Article § 1-202 to allow Maryland Department of the Environment (MDE) Hazardous Material Response Team Employees to be eligible for the public safety death benefit and funeral expenses. The expansion of the public safety death benefit would be limited to MDE's six hazardous material emergency response officers and one division chief.

POSITION AND RATIONALE: Support with amendments

This legislation is necessary to provide MDE Hazardous Material Response Team Employees the same death benefit that other public safety rescue squads and law enforcement officers, with whom MDE employees serve side-by-side, qualify for, in the event of a death in the performance of their duties. These MDE employees respond to emergency situations involving hazardous material releases and/or oil discharges along with law enforcement, fire fighters, and rescue squad members. The members of MDE's Hazardous Material Response Team undertake the same risk and deserve the same benefits as those with whom they work alongside.

Fortunately, MDE's emergency response team has an outstanding safety record and no employee has ever died in the line of duty. Despite this statistic, the nature of the work routinely places the emergency response team in harm's way. These employees respond to roughly 700 incidents per year. Examples of incident responses include: drilling and off-loading an overturned gasoline tanker along the highway, securing a hazardous

material release from a derailed train, and operating at the scene of an explosion at a chemical plant.

The Department's revenues would not be affected by this legislation. The bill would require a set aside by the Department of \$125,000 for the death benefit, along with an additional \$10,000 for reasonable funeral expenses. The funds would be set aside from two of MDE's special funds: the Oil Disaster Containment, Clean-Up and Contingency Fund and the Hazardous Substance Control Fund. There will be no further affect on the Department's finances unless there is a line of duty death of one of the seven MDE employees covered by this legislation.

MDE is proposing clarifying amendments to this legislation. MDE's proposed amendments:

- Add a definition for "Hazardous Material Response Team Employee";
- Reference the definition of "Hazardous Material" in §7-101(c) of the Environment Article;
- Add "Hazardous Material Response Team Employee" as MDE's covered employee classification under this legislation and eliminate all other MDE employee classifications previously referenced in this legislation;
- Add language to include "response to a discharge of oil" into the definition of "performance of duties" and eliminate the duties of the other classifications of MDE employees eliminated from the legislation; and
- Provide corresponding numbering changes.

These changes ensure that the scope of the bill is limited to MDE's seven members of the Hazardous Material Response Team.

FOR MORE INFORMATION,
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BY: The Maryland Department of the Environment
(To be offered in the Appropriations Committee)

AMENDMENTS TO HOUSE BILL 1405
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 9 insert “(5) “HAZARDOUS MATERIAL RESPONSE TEAM EMPLOYEE” MEANS AN EMPLOYEE OF THE DEPARTMENT OF THE ENVIRONMENT WHO IS ON CALL 24 HOURS A DAY TO PROVIDE EMERGENCY RESPONSE TO A DISCHARGE OF OIL OR A RELEASE OF HAZARDOUS MATERIAL, OR OTHER EMERGENCY RESPONSE ACTIVITY.”

(6) “HAZARDOUS MATERIAL” HAS THE MEANING STATED IN §7-101(c) OF THE ENVIRONMENT ARTICLE.”

AMENDMENT NO. 2

On page 2, in line 9 strike “5” and insert “7”, in line 11 after “HAZARDOUS” strike beginning with “MATERIALS” through “STATE” in line 14 and insert “MATERIAL RESPONSE TEAM EMPLOYEE”.

On page 2, in line 27 after “EMERGENCY” strike beginning with “ASSISTANCE” through “INVESTIGATION” in line 32 and insert “RESPONSE TO A DISCHARGE OF OIL OR A REALEASE OF HAZARDOUS MATERIAL”.

AMENDMENT NO. 3

On page 3, in line 1 strike “6” and insert “8”.

On page 3, in line 3 strike “7” and insert “9”.

AMENDMENT NO. 4

On page 3, in line 24 after “;” insert “**OR**”.

On page 3, in line 25 after “**HAZARDOUS**” strike beginning with “**MATERIALS**” through “**MEMBER**” in line 30 and insert “**MATERIAL RESPONSE TEAM EMPLOYEE**”.

AMENDMENT NO. 5

On page 4, in line 11 strike “**THROUGH (IX)**”.

On page 4, in line 16 after “rescue,” insert “**RESPONSE TO A DISCHARGE OF OIL OR A RELEASE OF**”.

On page 4, in line 17 after “material” strike beginning with “response” through “**INVESTIGATION**”.

AMENDMENT NO. 6

On page 5, in line 11 after “**HAZARDOUS**” strike beginning with “**MATERIALS**” though “**MEMBER**” in line 16 and insert “**MATERIAL RESPONSE TEAM EMPLOYEE**”.

On page 5, in line 17 strike “**VIII**” and insert “**VI**”.

AMENDMENT NO. 7

On page 6, after line 23, insert “**SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the Environment shall place in reserve the amount needed to pay for one death benefit each fiscal year from a combination of the State Hazardous Substance Control Fund and the Oil Disaster Containment, Cleanup & Contingency Fund for the purposes of covering the death benefit, and in the event of any death of a hazardous material response team employee that qualifies for payment of this death benefit, shall pay to the Department of Budget and Management the funds required to pay the benefit.**”

On page 6, in line 24 strike “2” and insert “3”