

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1454

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 2 and substitute "Low Interest Revolving Loan Account - Funding - Tire Surcharge"; strike beginning with "establishing" in line 3 down through "purposes;" in line 5; in line 6, strike "for" and substitute "of"; in the same line, after "fee" insert "for a certain period"; in line 7, strike "to a certain fund" and substitute "from the fee to the Low Interest Revolving Loan Account for a certain period; limiting the amount of loans that a volunteer fire company may have outstanding from the account"; in line 8, after "provision;" insert "requiring the Maryland State Firemen's Association to prepare and submit annually certain reports; providing for the effective dates and termination of portions of this Act;"; after line 9, insert:

"BY repealing and reenacting, with amendments,

Article 38A - Fires and Investigations

Section 46E

Annotated Code of Maryland

(1997 Replacement Volume and 2001 Supplement)";

and strike in their entirety lines 15 through 19, inclusive, and substitute:

"BY repealing and reenacting, with amendments,

Article - Environment

Section 9-228(g)

Annotated Code of Maryland

(1996 Replacement Volume and 2001 Supplement)

(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,

Article 38A - Fires and Investigations

(Over)

Section 46E
Annotated Code of Maryland
(1997 Replacement Volume and 2001 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article - Environment
Section 9-228(g)
Annotated Code of Maryland
(1996 Replacement Volume and 2001 Supplement)
(As enacted by Sections 1 and 2 of this Act)”.

AMENDMENT NO. 2

On page 1, after line 24, insert:

“Article 38A - Fires and Investigations

46E.

- (a) In this section, “Account” means the Low Interest Revolving Loan Account.
- (b) There is a Low Interest Revolving Loan Account.
- (c) The Account shall consist of [any]:
 - (1) ANY funds appropriated in the State budget; AND
 - (2) FUNDS DISTRIBUTED FROM THE TIRE RECYCLING AND EMERGENCY RESPONSE FEE UNDER § 9-228 OF THE ENVIRONMENT ARTICLE.
- (d) (1) The Board may award a loan from the Account to provide a loan to a volunteer company to assist with up to 75% of the cost of:
 - [(1)] (I) Purchasing or refurbishing apparatus; and
 - [(2)] (II) Upgrading or replacing facilities needed to store equipment.

(2) A VOLUNTEER COMPANY MAY NOT HAVE MORE THAN \$500,000 IN OUTSTANDING LOANS FROM THE ACCOUNT AT ANY ONE TIME.

(e) A local government may not reduce the amount of money that the volunteer company would otherwise be entitled to receive from the local government because of State financial assistance provided under this Account.”.

AMENDMENT NO. 3

On page 3, strike beginning with “MARYLAND” in line 1 down through “ARTICLE” in line 2 and substitute “LOW INTEREST REVOLVING LOAN ACCOUNT UNDER THE VOLUNTEER COMPANY ASSISTANCE FUND IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 38A, §§ 46E THROUGH 46H OF THE CODE”; after line 11, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Environment

9-228.

(g) (1) (i) Beginning on February 1, 1992, a tire recycling and emergency response fee shall be imposed on the first sale of a new tire in the State by a tire dealer, including new tires sold as part of a new or used vehicle, trailer, farm implement, or other similar machinery.

(ii) A county, municipal corporation, or any agency of a county or municipal corporation may not impose any tax, fee, or other charge on the first sale of a new tire by a tire dealer.

(2) The tire recycling and emergency response fee shall be [\$1.00] \$1.60 per tire.

(3) For a sale made by a tire dealer to a person who resells tires, the tire dealer shall separately state its recycling fees paid by the tire dealer on the invoice or other document of sale.

(Over)

(4) Each tire dealer shall:

(i) Pay the tire recycling and emergency response fee; and

(ii) Complete and submit, under oath, a return and remit the fees to the Comptroller of the Treasury on or before the 21st day of the month that follows the month in which the sale was made, and for other periods and on other dates that the Comptroller specifies by regulation, including periods for which no fees were due.

(5) A tire dealer who timely files a tire recycling and emergency response fee return and pays the tire recycling and emergency response fees due is allowed, for the expense of administering and paying the fee, a credit equal to 1.2% of the gross amount of tire recycling and emergency response fees that the tire dealer is to pay to the Comptroller.

(6) If the amount of the tire recycling and emergency response fee is separately stated in a retail sale, the tire recycling fee is not subject to any tax under Title 11 of the Tax - General Article or Title 13 of the Transportation Article.

(7) At the end of each quarter after deducting the costs of administration, the Comptroller shall forward all tire recycling and emergency response fees as follows:

(i) [40%] \$1.00 OF EACH FEE to the Used Tire Cleanup and Recycling Fund; and

(ii) [60%] 60 CENTS OF EACH FEE to the Low Interest Revolving Loan Account under the Volunteer Company Assistance Fund in accordance with the provisions of Article 38A, §§ 46E through 46H of the Code.

(8) Except to the extent they are inconsistent with this subsection, the provisions of Title 13 of the Tax - General Article applicable to the sales and use tax shall govern the administration, collection, and enforcement of the tire recycling fee under this subsection.

(9) The Comptroller:

(i) Shall administer the tire recycling and emergency response fee; and

(ii) May adopt any regulations that are necessary or appropriate to administer, collect, and enforce the tire recycling and emergency response fee.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 38A - Fires and Investigations

46E.

(a) In this section, "Account" means the Low Interest Revolving Loan Account.

(b) There is a Low Interest Revolving Loan Account.

(c) The Account shall consist of[:

(1) Any] ANY funds appropriated in the State budget[; and

(2) Funds distributed from the tire recycling and emergency response fee under § 9-228 of the Environment Article].

(d) (1) The Board may award a loan from the Account to provide a loan to a volunteer company to assist with up to 75% of the cost of:

(i) Purchasing or refurbishing apparatus; and

(ii) Upgrading or replacing facilities needed to store equipment.

(2) A volunteer company may not have more than \$500,000 in outstanding loans from the account at any one time.

(Over)

(e) A local government may not reduce the amount of money that the volunteer company would otherwise be entitled to receive from the local government because of State financial assistance provided under this Account.

Article - Environment

9-228.

(g) (1) (i) Beginning on February 1, 1992, a tire recycling [and emergency response] fee shall be imposed on the first sale of a new tire in the State by a tire dealer, including new tires sold as part of a new or used vehicle, trailer, farm implement, or other similar machinery.

(ii) A county, municipal corporation, or any agency of a county or municipal corporation may not impose any tax, fee, or other charge on the first sale of a new tire by a tire dealer.

(2) The tire recycling [and emergency response] fee shall be [~~\$1.60~~] \$1.00 per tire.

(3) For a sale made by a tire dealer to a person who resells tires, the tire dealer shall separately state its recycling fees paid by the tire dealer on the invoice or other document of sale.

(4) Each tire dealer shall:

(i) Pay the tire recycling [and emergency response] fee; and

(ii) Complete and submit, under oath, a return and remit the fees to the Comptroller of the Treasury on or before the 21st day of the month that follows the month in which the sale was made, and for other periods and on other dates that the Comptroller specifies by regulation, including periods for which no fees were due.

(5) A tire dealer who timely files a tire recycling [and emergency response] fee return and pays the tire recycling and emergency response fees due is allowed, for the expense of

administering and paying the fee, a credit equal to 1.2% of the gross amount of tire recycling [and emergency response] fees that the tire dealer is to pay to the Comptroller.

(6) If the amount of the tire recycling [and emergency response] fee is separately stated in a retail sale, the tire recycling fee is not subject to any tax under Title 11 of the Tax - General Article or Title 13 of the Transportation Article.

(7) At the end of each quarter after deducting the costs of administration, the Comptroller shall forward all tire recycling [and emergency response] fees [as follows:

(i) \$1.00 of each fee] to the Used Tire Cleanup and Recycling Fund]; and

(ii) 60 cents of each fee to the Low Interest Revolving Loan Account under the Volunteer Company Assistance Fund in accordance with the provisions of Article 38A, §§ 46E through 46H of the Code].

(8) Except to the extent they are inconsistent with this subsection, the provisions of Title 13 of the Tax - General Article applicable to the sales and use tax shall govern the administration, collection, and enforcement of the tire recycling fee under this subsection.

(9) The Comptroller:

(i) Shall administer the tire recycling [and emergency response] fee; and

(ii) May adopt any regulations that are necessary or appropriate to administer, collect, and enforce the tire recycling [and emergency response] fee.”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 12 on page 3 through line 23 on page 4, inclusive.

AMENDMENT NO. 5

On page 4, after line 28, insert:

(Over)

“SECTION 4. AND BE IT FURTHER ENACTED, That, beginning in 2003, on or before September 1 of each year, the Maryland State Firemen’s Association shall prepare and submit a report detailing for the previous fiscal year the number of loans issued from the Account, the amount of each loan, and to whom each loan was issued. The report shall be provided to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the Budget and Taxation Committee and the House Commerce and Government Matters Committee and the Appropriations Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2004.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2007.”;

in line 29, strike “2.” and substitute “7.”; in the same line, after “That” insert “, except as provided in Sections 5 and 6 of this Act,”; and in line 30, strike “October” and substitute “July”.