

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 694

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “on a highway”; strike beginning with “establishing” in line 6 down through “time;” in line 10 and substitute “providing for the distribution of certain penalties; establishing the Homeland Security Fund to be financed by certain penalties; authorizing the money in the Fund to be used for certain purposes; prohibiting the use of a speed monitoring system in a local jurisdiction unless authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing; requiring a local jurisdiction to publish a certain notice before placing a certain speed monitoring system; requiring a local jurisdiction to provide certain signage before placing a certain speed monitoring system; prohibiting the placement of a speed monitoring system in certain locations; requiring a speed monitoring system operator to receive certain training and to keep a certain log; requiring a speed monitoring system to undergo a certain annual calibration check;”; and in line 19, after “Court;” insert “requiring an individual to notify the local jurisdiction if the individual requests a speed monitoring system operator to testify at trial;”.

On page 2, in line 3, after “Act;” insert “providing for the termination of certain provisions of this Act;”; and after line 6, insert:

“BY adding to

Article 41 - Governor - Executive and Administrative Departments
Section 4-501 to be under the new subtitle “Subtitle 5. Homeland Security Fund”
Annotated Code of Maryland
(1997 Replacement Volume and 2002 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 33, insert:

“Article 41 - Governor - Executive and Administrative Departments

(Over)

SUBTITLE 5. HOMELAND SECURITY FUND.

4-501.

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

(2) “DEPARTMENT” MEANS THE DEPARTMENT OF STATE POLICE.

(3) “FUND” MEANS THE HOMELAND SECURITY FUND.

(4) (I) “HOMELAND SECURITY PURPOSE” MEANS A PURPOSE RELATING TO:

1. THE DETECTION OF, PREPARATION FOR, PREVENTION OF, PROTECTION AGAINST, OR RESPONSE TO THE THREAT OF A TERRORIST ATTACK; OR

2. THE RECOVERY FROM A TERRORIST ATTACK.

(II) “HOMELAND SECURITY PURPOSE” INCLUDES, TO THE EXTENT RELATED TO A PURPOSE SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, ANY OF THE FOLLOWING:

1. EMERGENCY FIRE AND RESCUE SERVICES;

2. ENSURING COMMUNICATION SYSTEM INTEROPERABILITY;

3. SECURING PROTECTIVE CLOTHING FOR PUBLIC SAFETY AND HEALTH PROVIDERS;

4. PROVIDING ALTERNATIVES TO THE USE OF VOLATILE CHEMICALS FOR WATER AND WASTE WATER TREATMENT;

5. OVERTIME PAYMENT FOR PUBLIC SAFETY AND HEALTH PROVIDERS;

6. ENHANCING SECURITY AT PUBLIC BUILDINGS AND FACILITIES, SUCH AS WATER TREATMENT PLANTS;

7. TRAINING IN BIOTERRORISM RESPONSE AND HAZARDOUS MATERIAL HANDLING; AND

8. PUBLIC EDUCATION.

(B) THERE IS A HOMELAND SECURITY FUND.

(C) THE PURPOSE OF THE FUND IS TO SUPPORT THE HOMELAND SECURITY NEEDS OF COUNTIES, BALTIMORE CITY, AND MUNICIPAL CORPORATIONS.

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND FROM THE ENFORCEMENT OF SPEED LIMIT LAWS UNDER § 21-809 OF THE TRANSPORTATION ARTICLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) (1) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS

PARAGRAPH, EACH FISCAL YEAR THE DEPARTMENT SHALL DISTRIBUTE ALL OF THE MONEY IN THE FUND TO THE LOW INTEREST REVOLVING LOAN ACCOUNT OF THE VOLUNTEER COMPANY ASSISTANCE FUND ESTABLISHED UNDER TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

(II) THE DEPARTMENT MAY NOT DISTRIBUTE:

1. MORE THAN \$5,000,000 IN ANY FISCAL YEAR TO THE LOW INTEREST REVOLVING LOAN ACCOUNT UNDER THIS PARAGRAPH; OR

(III) UP TO \$5,000,000 OF THE FUNDS DISTRIBUTED TO THE LOW INTEREST REVOLVING LOAN ACCOUNT UNDER THIS PARAGRAPH MAY BE USED FOR LOANS TO PROFESSIONAL FIRE DEPARTMENTS THAT DEMONSTRATE NEEDS DIRECTLY RELATED TO HOMELAND SECURITY PURPOSES AS DEFINED UNDER ARTICLE 41, § 4-501 OF THE CODE.

(2) AFTER THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION ARE MET, THE REMAINING MONEY IN THE FUND SHALL BE DISTRIBUTED QUARTERLY TO BE USED ONLY FOR HOMELAND SECURITY PURPOSES AS FOLLOWS:

(I) 10% SHALL BE DISTRIBUTED TO THE DEPARTMENT; AND

(II) 1. SUBJECT TO SUB-SUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE REMAINDER SHALL BE DISTRIBUTED TO COUNTIES, BALTIMORE CITY, AND MUNICIPAL CORPORATIONS IN THE SAME PROPORTION AS GRANTS ARE DISTRIBUTED UNDER THE FORMULA FOR THE STATE AID FOR POLICE PROTECTION FUND UNDER ARTICLE 88B, § 66 OF THE CODE IN THE PRECEDING FISCAL YEAR, ADJUSTED TO INCLUDE BALTIMORE CITY AS A SUBDIVISION FOR THE PURPOSE OF CALCULATING THE STATE AID FOR POLICE PROTECTION.

2. BALTIMORE CITY MAY NOT RECEIVE A DISTRIBUTION UNDER THIS SUBPARAGRAPH IN AN AMOUNT GREATER THAN THAT

DISTRIBUTED TO PRINCE GEORGE’S COUNTY UNDER THIS SUBPARAGRAPH.

(3) THE DISTRIBUTIONS TO COUNTIES, BALTIMORE CITY, AND MUNICIPAL CORPORATIONS MAY BE USED TO SUPPLEMENT AND MAY NOT SUPPLANT EXISTING LOCAL EXPENDITURES FOR THE SAME PURPOSE.

(H) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THIS SECTION.

(J) THE DEPARTMENT SHALL ADOPT REGULATIONS TO:

(1) ADMINISTER THE FUND; AND

(2) IMPLEMENT THIS SECTION.

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

AMENDMENT NO. 3

On page 6, in line 1, after “IDENTIFYING” insert “;

1.”;

and in line 2, after “VEHICLE” insert “; AND

2. A STATIONARY OBJECT NEAR THE MOTOR VEHICLE”.

AMENDMENT NO. 4

On page 6, in line 7, after “(1)” insert “A SPEED MONITORING SYSTEM MAY NOT BE USED IN A LOCAL JURISDICTION UNDER THIS SECTION UNLESS ITS USE IS AUTHORIZED BY THE GOVERNING BODY OF THE LOCAL JURISDICTION BY ORDINANCE OR RESOLUTION ADOPTED AFTER REASONABLE NOTICE AND A PUBLIC HEARING.”

(2)”;

in line 8, strike “WHICH” and substitute “THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION AND”; strike beginning with “CALIBRATED” in line 8 down through “AND” in line 9; and in line 9, after “PLACED” insert “, IN ACCORDANCE WITH AN ORDINANCE ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION”.

AMENDMENT NO. 5

On page 6, in line 12, after the semicolon insert “OR”; and strike beginning with the semicolon in line 14 down through “DENIAL” in line 28.

AMENDMENT NO. 6

On page 6, after line 28, insert:

“(3) BEFORE PLACING AN UNMANNED STATIONARY SPEED MONITORING SYSTEM, THE LOCAL JURISDICTION SHALL:

(I) PUBLISH NOTICE OF THE LOCATION OF THE SPEED MONITORING SYSTEM IN A NEWSPAPER IN GENERAL CIRCULATION IN THE JURISDICTION; AND

(II) ENSURE THAT EACH SIGN THAT DESIGNATES A SCHOOL ZONE INDICATES THAT SPEED MONITORING SYSTEMS ARE IN USE IN SCHOOL ZONES.

(4) WHEN DETERMINING AN APPROPRIATE LOCATION FOR THE

PLACEMENT OF A SPEED MONITORING SYSTEM IN A RESIDENTIAL DISTRICT, AN AGENCY MAY NOT PLACE A CAMERA WITHIN 100 FEET FROM:

- (I) THE BOTTOM OF A HILL OR STEEP DECLINE; OR
- (II) A SIGN INDICATING A CHANGE IN THE POSTED SPEED LIMIT.

AMENDMENT NO. 7

On page 6, after line 6, insert:

“(6) “SPEED MONITORING SYSTEM OPERATOR” MEANS AN INDIVIDUAL WHO OPERATES A SPEED MONITORING SYSTEM.”

On page 6, before line 29, insert:

“(5) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL RECEIVE TRAINING TO SET UP AND OPERATE THE SPEED MONITORING SYSTEM BY A MANUFACTURER OF SPEED MONITORING SYSTEMS.

(II) THE MANUFACTURER SHALL ISSUE A SIGNED CERTIFICATE TO THE SPEED MONITORING SYSTEM OPERATOR UPON COMPLETION OF THE TRAINING.

(III) THE CERTIFICATE OF TRAINING IS ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.

(6) (I) A SPEED MONITORING SYSTEM OPERATOR SHALL FILL OUT AND SIGN AT SETUP AND BREAKDOWN A LOG:

1. FOR A STATIONARY UNIT, DAILY; AND

2. FOR A MOBILE UNIT, EACH TIME THE SPEED MONITORING SYSTEM IS RELOCATED.

(II) THE LOG REQUIRED UNDER THIS PARAGRAPH SHALL:

1. INCLUDE A STATEMENT THAT THE SPEED MONITORING SYSTEM OPERATOR SUCCESSFULLY PERFORMED THE MANUFACTURER'S SPECIFIED SELF-TEST INCLUDING A CALIBRATION CHECK;

2. BE KEPT ON FILE; AND

3. BE ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.

(7) (I) A SPEED MONITORING SYSTEM SHALL UNDERGO AN ANNUAL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY.

(II) THE INDEPENDENT CALIBRATION LABORATORY SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION AFTER THE ANNUAL CALIBRATION CHECK THAT:

1. SHALL BE KEPT ON FILE; AND

2. IS ADMISSIBLE AS EVIDENCE IN ANY COURT PROCEEDING TO CONTEST LIABILITY ALLEGED IN A CITATION UNDER THIS SECTION.

(8) A RECORDED IMAGE CAPTURED BY A SPEED MONITORING SYSTEM UNDER THIS SECTION MAY BE USED ONLY TO IDENTIFY VEHICLES VIOLATING THIS SUBTITLE.”.

On page 8, after line 11, insert:

“(6) A POLITICAL SUBDIVISION:

(I) MAY RETAIN A PORTION OF THE CIVIL PENALTIES COLLECTED UNDER THIS SECTION TO COVER THE DOCUMENTED COSTS OF IMPLEMENTING AND MAINTAINING SPEED MONITORING SYSTEMS;

(II) MAY RETAIN 33% OF THE CIVIL PENALTIES COLLECTED UNDER THIS SECTION TO BE USED ONLY FOR HOMELAND SECURITY PURPOSES; AND

(III) SHALL REMIT THE REMAINDER TO THE HOMELAND SECURITY FUND ESTABLISHED UNDER ARTICLE 41, § 4-501 OF THE CODE.”.

On page 8, in line 13, after “OCCURRED” insert “AND THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION HAVE BEEN SATISFIED”; in line 17, after “SECTION” insert “WITHOUT THE PRESENCE OR TESTIMONY OF A SPEED MONITORING SYSTEM OPERATOR WHO PERFORMED THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION”; and in line 18, after “(2)” insert:

“(I) A CITATION ISSUED TO AN INDIVIDUAL UNDER THIS SECTION SHALL CONTAIN NOTICE OF THE RIGHT TO HAVE A SPEED MONITORING SYSTEM OPERATOR PRESENT TO TESTIFY AT TRIAL.

(II) IF AN INDIVIDUAL REQUESTS A SPEED MONITORING SYSTEM OPERATOR TO BE PRESENT TO TESTIFY AT TRIAL, THE INDIVIDUAL SHALL NOTIFY THE LOCAL JURISDICTION IN WRITING NO LATER THAN 20 DAYS BEFORE THE TRIAL.

(3)”.

AMENDMENT NO. 8

On page 6, in line 35, strike “MAY NOT EXCEED \$100” and substitute “:

(I) MAY NOT EXCEED \$100; AND

(II) SHALL BE THE LOWER OF THE FINE SET BY THE DISTRICT COURT IN THE PENALTY DEPOSIT SCHEDULE OR BY THE LOCAL JURISDICTION UNDER THIS SECTION".

AMENDMENT NO. 9

On page 7, in line 17, strike "THE" and substitute "AT LEAST TWO SUCCESSIVE"; and in the same line, strike "IMAGE" and substitute "IMAGES OF THE VEHICLE WITH A DATA BAR IMPRINTED ON EACH IMAGE THAT INCLUDES INFORMATION SUCH AS THE RATE OF SPEED OF THE VEHICLE AND THE DATE AND TIME THE IMAGE WAS RECORDED".

AMENDMENT NO. 10

On page 7 in line 20, and on page 8 in line 13, in each instance, strike "DULY AUTHORIZED AGENT OF" and substitute "POLICE OFFICER EMPLOYED BY".

On page 7 in line 21, and on page 8 in line 14, in each instance, after "AGENCY" insert "OR A DESIGNATED MUNICIPAL OFFICIAL".

AMENDMENT NO. 11

On page 9, strike beginning with "(II)" in line 5 down through "VIOLATION;" in line 7; and in line 8, strike "(III)" and substitute "(II)".

AMENDMENT NO. 12

On page 10, in line 33, strike "2." and substitute "3.".

On page 11, in lines 6, 10, and 13, strike "3.", "4.", and "5.", respectively, and substitute "4.", "5.", and "6.", respectively; and in line 14, after "2003." insert "Sections 1 and 3 of this Act shall remain effective for a period of 7 years and, at the end of October 1, 2010, with no further action required by the General Assembly, Sections 1 and 3 of this Act shall be abrogated and of no further force and effect.".