

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 455

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “limits;” insert “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;”; in line 14, after “system;” insert “requiring a local jurisdiction to provide certain signage before placing a certain speed monitoring system;”; and in line 27, strike “the court and”.

On page 2, in line 16, after “Act;” insert “providing for the termination of certain provisions of this Act;”; and after line 19, 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 3, after line 6, insert:

“Article 41 - Governor - Executive and Administrative Departments

SUBTITLE 5. HOMELAND SECURITY FUND.

4-501.

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

(Over)

(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

2. MORE THAN A CUMULATIVE TOTAL OF \$20,000,000 TO THE LOW INTEREST REVOLVING LOAN ACCOUNT UNDER THIS PARAGRAPH.

(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 7, in line 12, after “SHALL” insert “:

(I)”;

in the same line, after “LOCATION” insert “OF THE SPEED MONITORING SYSTEM”; and in line 13, after “JURISDICTION” insert “; AND

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

AMENDMENT NO. 4

On page 8, after line 12, insert:

(Over)

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

AMENDMENT NO. 5

On page 10, after line 4, 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.”.

AMENDMENT NO. 6

On page 10, in line 20, strike “THE COURT AND”.

On page 12, in line 35, strike “2.” and substitute “3.”.

On page 13, in lines 8, 12, and 15, strike “3.”, “4.”, and “5.”, respectively, and substitute “4.”, “5.”, and “6.”, respectively; and in line 16, after “2003.” insert “Section 1 and § 21-809(D)(6) of the Transportation Article, as enacted by Section 2 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, Section 1 and § 21-809(D)(6) of the Transportation Article, as enacted by Section 2 of this Act shall be abrogated and of no further force and effect.”.