

CF 7r1399

---

**By: Delegates Fry, Harkins, Bozman, Conway, Bonsack, Rudolph, and Leopold**

Introduced and read first time: January 31, 1997

Assigned to: Appropriations

---

A BILL ENTITLED

1 AN ACT concerning

2 **State Fire, Rescue, and Ambulance Fund**

3 FOR the purpose of altering a certain provision regarding distribution of certain State  
4 fire, rescue, and ambulance funds and repealing a termination date applicable to  
5 the provision; providing that instead of reverting to the general funds of the State  
6 certain State fire, rescue, and ambulance funds not distributed to a county due to  
7 the county's failure to satisfy certain requirements shall be distributed to those  
8 counties that satisfy certain requirements; providing for the application of this Act;  
9 and generally relating to the distribution of certain State fire, rescue, and  
10 ambulance funds.

11 BY repealing and reenacting, without amendments,  
12 Article 38A - Fires and Investigations  
13 Section 45C  
14 Annotated Code of Maryland  
15 (1993 Replacement Volume and 1996 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article 38A - Fires and Investigations  
18 Section 45D(a) and (c)  
19 Annotated Code of Maryland  
20 (1993 Replacement Volume and 1996 Supplement)

21 BY repealing  
22 Chapter 424 of the Acts of the General Assembly of 1996  
23 Section 3

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article 38A - Fires and Investigations**

27 45C.

28 (a) Subject to the provisions of subsection (b) of this section, each county shall  
29 receive an initial allocation of funds based on a percentage to be determined in the  
30 following manner:

1 (1) The Director of the Department of Assessments and Taxation shall  
2 certify to the secretary for each county its total percentage of agricultural,  
3 agricultural-residential, residential, condominium, apartment, commercial, industrial,  
4 and exempted property tax accounts, including vacant unimproved properties, relative to  
5 the statewide total of all such property tax accounts for the first completed fiscal year  
6 immediately preceding the fiscal year for which funds are to be allocated.

7 (2) The percentage determined in subsection (a)(1) of this section shall then  
8 be applied for each county to any amount included in the State budget for the purposes  
9 set forth in this subtitle. However, each county shall be entitled to receive an allocation of  
10 at least 2 percent of the total fund as appropriated in the State budget, in addition to the  
11 amount that is distributed to companies, departments, or stations located within qualified  
12 municipalities in accordance with subsection (b)(1) of this section.

13 (b) (1) Each county shall distribute the funds provided under this subtitle to  
14 those fire, rescue, and ambulance companies, departments, or stations within its  
15 jurisdiction, including companies, departments, or stations located within municipal  
16 corporations, on the basis of need as determined by the local government pursuant to  
17 procedures used by the local government in the adoption of its budget. However,  
18 distribution to companies, departments, or stations located within qualified municipalities  
19 within a county in the aggregate may not be less than 50 percent of the proportion which  
20 the expenditures of qualified municipalities bear to total aggregate expenditures for fire  
21 protection by local governments in that county. In determining need, the local  
22 government shall consider, among other relevant factors, failure to meet minimum  
23 standards, as established by the Maryland State Firemen's Association or local  
24 government, the existence or potential existence of an emergency situation, the age and  
25 condition of existing facilities, apparatus and equipment, lack of availability of mutual aid,  
26 service problems associated with demographic conditions, and in the case of a volunteer  
27 company, its inability to raise funds to pay for the item. Failure to meet minimum  
28 standards or the existence of an emergency situation, as described in § 46A(b) of this  
29 article shall be given highest funding priority by the local governing body.

30 (2) As a condition to receiving financial assistance under this subsection,  
31 each county shall participate in the Maryland Fire Incident Reporting System and  
32 Ambulance Information System, as appropriate.

33 45D.

34 (a) (1) The funds distributed under this subtitle shall be used as an addition to  
35 and shall not be substituted for moneys appropriated from sources other than this  
36 program by the counties for the purposes listed in § 45B(d)(1) of this subtitle. Each  
37 county shall expend for fire protection from sources other than provided under this  
38 subtitle, in Fiscal Year 1986 and each fiscal year thereafter, an amount of funds that is at  
39 least equal to the average amount of funds expended for fire protection during the 3  
40 preceding fiscal years. [Failure] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
41 SUBSECTION, FAILURE to satisfy the requirements of this subsection shall preclude  
42 disbursement of funds under this subtitle to the local government for that fiscal year.

43 (2) [Notwithstanding paragraph (1) of this subsection, in each of Fiscal  
44 Years 1995 and 1996, in Howard County and Prince George's County only, the County]  
45 FOR ANY FISCAL YEAR, A COUNTY THAT FAILS TO SATISFY THE REQUIREMENTS OF

3

1 PARAGRAPH (1) OF THIS SUBSECTION may receive disbursements under this subtitle  
2 subject to a penalty in an amount equal to the percentage by which the [County]  
3 COUNTY fails to meet the [County's] COUNTY'S maintenance of effort for [Fiscal Years  
4 1995 and 1996] THAT FISCAL YEAR.

5 (c) (1) Funds not distributed to a county because the requirements of  
6 subsections (a) and (b) of this section are not satisfied shall be [ reverted to the general  
7 funds of this State] DISTRIBUTED TO THOSE COUNTIES MEETING THE  
8 REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS SECTION AS PROVIDED IN  
9 THIS SUBSECTION.

10 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH  
11 COUNTY THAT MEETS THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) OF THIS  
12 SECTION SHALL RECEIVE AN ALLOCATION OF THE FUNDS DISTRIBUTED UNDER  
13 PARAGRAPH (1) OF THIS SUBSECTION BASED ON A PERCENTAGE TO BE  
14 DETERMINED AS PROVIDED IN § 45C(A) OF THIS SUBTITLE.

15 (II) FOR PURPOSES OF DETERMINING THE PERCENTAGE  
16 ALLOCATED UNDER THIS SUBSECTION TO EACH COUNTY, THE PROPERTY TAX  
17 ACCOUNTS OF EACH COUNTY THAT FAILS TO SATISFY THE REQUIREMENTS OF  
18 SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE EXCLUDED FROM THE  
19 STATEWIDE TOTAL.

20 (3) EACH COUNTY SHALL DISTRIBUTE FUNDS PROVIDED UNDER THIS  
21 SUBSECTION IN ACCORDANCE WITH § 45(B) OF THIS SUBTITLE.

22 **Chapter 424 of the Acts of 1996**

23 [SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall remain  
24 effective until the end of June 30, 1997 and, at the end of June 30, 1997 with no further  
25 action required by the General Assembly, this Act shall be abrogated and of no further  
26 force and effect.]

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 June 1, 1997 and shall be applicable to all fiscal years beginning on or after July 1, 1996.