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By: Senators Amoss, Miller, Hoffman, Lawlah, Munson, Hogan, Currie, Boozer, Middleton, Van Hollen, and Kasemeyer

Introduced and read first time: January 17, 1997

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 5, 1997

CHAPTER ____

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

2

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

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

4 45C.

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

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

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

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

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

40 45D.

41 (a) (1) The funds distributed under this subtitle shall be used as an addition to
42 and shall not be substituted for moneys appropriated from sources other than this
43 program by the counties for the purposes listed in § 45B(d)(1) of this subtitle. Each

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1 county shall expend for fire protection from sources other than provided under this
2 subtitle, in Fiscal Year 1986 and each fiscal year thereafter, an amount of funds that is at
3 least equal to the average amount of funds expended for fire protection during the 3
4 preceding fiscal years. [Failure] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
5 SUBSECTION, FAILURE to satisfy the requirements of this subsection shall preclude
6 disbursement of funds under this subtitle to the local government for that fiscal year.

7 (2) [Notwithstanding paragraph (1) of this subsection, in each of Fiscal
8 Years 1995 and 1996, in Howard County and Prince George's County only, the County]
9 FOR ANY FISCAL YEAR, A COUNTY THAT FAILS TO SATISFY THE REQUIREMENTS OF
10 PARAGRAPH (1) OF THIS SUBSECTION may receive disbursements under this subtitle
11 subject to a penalty in an amount equal to the percentage by which the [County]
12 COUNTY fails to meet the [County's] COUNTY'S maintenance of effort for [Fiscal Years
13 1995 and 1996] THAT FISCAL YEAR.

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

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

24 (II) FOR PURPOSES OF DETERMINING THE PERCENTAGE
25 ALLOCATED UNDER THIS SUBSECTION TO EACH COUNTY, THE PROPERTY TAX
26 ACCOUNTS OF EACH COUNTY THAT FAILS TO SATISFY THE REQUIREMENTS OF
27 SUBSECTION (A) OR (B) OF THIS SECTION SHALL BE EXCLUDED FROM THE
28 STATEWIDE TOTAL.

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

31 **Chapter 424 of the Acts of 1996**

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

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

