
By: **Senator Jimeno**
Introduced and read first time: February 5, 1999
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Emergency Assistance Trust Fund - Annual Funding - Matching Funds**

3 FOR the purpose of authorizing the Governor to appropriate to the Emergency
4 Assistance Trust Fund an amount not exceeding a certain amount each year in
5 the State budget; removing the requirement that in order for certain fire
6 companies or rescue squads to receive certain funds they must provide certain
7 matching funds; and generally relating to the Emergency Assistance Trust Fund
8 and volunteer fire companies and rescue squads.

9 BY repealing and reenacting, with amendments,
10 Article 38A - Fires and Investigations
11 Section 46A
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1998 Supplement)

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

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

17 46A.

18 (a) (1) There is an Emergency Assistance Trust Fund to assure adequate
19 fire protection and rescue services for the people of this State. After consultation with
20 the Maryland State Firemen's Association, the Governor is authorized to include an
21 amount NOT EXCEEDING \$5,000,000 in the State budget each year for the purposes set
22 forth in this section. Any portion of appropriated funds that are not obligated at the
23 end of the fiscal year shall not revert to the General Fund and shall be carried over for
24 use in the next fiscal year. Amounts received as repayments on loans from the
25 Emergency Assistance Trust Fund shall be placed in the Trust Fund and made
26 available to fund requests for financial assistance.

27 (2) The Board of Public Works may authorize use of the trust funds upon
28 recommendation by the Department of Budget and Management in accordance with
29 this section.

1 (3) (i) A volunteer fire company or rescue squad shall submit all
2 requests for financial assistance under this section to the Maryland State Firemen's
3 Association for approval by a board of review in accordance with the Association's
4 bylaws.

5 (ii) All requests for financial assistance shall include financial
6 statements for the 2 fiscal years immediately prior to the fiscal year in which the
7 application is made. Each request shall also include the audit of the financial
8 statements if an audit was conducted. The volunteer company shall certify that it has
9 applied for financial assistance from its local government or governments and been
10 denied, either in part or in full, funding for its request.

11 (iii) If the Maryland State Firemen's Association disapproves a
12 request or does not take action within 45 days of the request, then the volunteer fire
13 company or rescue squad requesting assistance may appeal to a panel comprised of
14 the president of the Maryland State Firemen's Association, the State Fire Marshal,
15 and the chairman of the Fire and Rescue Education and Training Commission. The
16 decision of the appeals panel shall be final and not subject to further review.

17 (4) Upon approval of a request for the use of trust funds, the Maryland
18 State Firemen's Association or the appeals panel, as the case may be, shall transmit
19 its recommendation to the Department of Budget and Management along with the
20 request for financial assistance and any other supporting information required by the
21 Department.

22 (5) The Department of Budget and Management shall forward each
23 request for financial assistance to the Department of Legislative Services for review.
24 The Department of Legislative Services, upon review of the financial statements, may
25 advise the Department of Budget and Management if the request for financial
26 assistance appears justified.

27 (6) The Department of Budget and Management, with the approval of
28 the Board of Public Works, shall adopt regulations in accordance with Title 10,
29 Subtitle 1 of the State Government Article necessary to administer the Emergency
30 Assistance Trust Fund program.

31 (7) Upon warrant of the Comptroller, the State Treasurer shall disburse
32 trust funds to a volunteer fire company or rescue squad for the purposes of this
33 section as authorized by the Board of Public Works.

34 (b) The Board of Public Works may award either a grant or a loan or a
35 combination of both from the Emergency Assistance Trust Fund after a favorable
36 recommendation from the Department of Budget and Management if:

37 (1) An act of God or other unforeseen event has substantially impaired
38 the ability of a volunteer fire company or rescue squad to provide adequate and safe
39 service; or

40 (2) The volunteer fire company or rescue squad is unable to maintain the
41 minimum level of performance for adequate and safe service established by standards

1 of the Maryland State Firemen's Association because of a demonstrated lack of
2 financial resources; and

3 (3) The Department of Budget and Management and the volunteer fire
4 company or rescue squad receiving assistance have executed an agreement which
5 provides that trust funds will be used as represented in the request for approval to
6 the Board of Public Works and which grants to the State such security in the
7 equipment or facilities acquired with trust funds and in the proceeds of that
8 equipment or those facilities as is determined by the Board to be appropriate and
9 adequate.

10 (c) A grant or loan awarded under this section shall be used only for:

11 (1) Apparatus equipment, including elevated equipment, pumpers,
12 tankers, ladder trucks, ambulances, rescue vehicles, or other large equipment used
13 for fire fighting and emergency services;

14 (2) Communications equipment;

15 (3) Protective equipment, including helmets, turnout coats and pants,
16 boots, eyeshields, gloves, and self-contained respiratory protection units;

17 (4) Any other equipment necessary to carry out the ordinary functions of
18 supporting fire fighting and rescue activities; or

19 (5) Facilities used to house fire fighting equipment, ambulances, and
20 rescue vehicles.

21 (d) (1) A grant or loan awarded under this section may not:

22 (i) Be used to refinance any debt or other obligation of a volunteer
23 fire company or rescue squad incurred before July 1, 1982; or

24 (ii) Be expended for replacement or repair of eligible items to the
25 extent that insurance proceeds are available for those purposes.

26 [(2) A volunteer fire company or rescue squad receiving trust funds under
27 this section shall provide at least a 30 percent matching dollar amount for grants or
28 loans, as the case may be. If a volunteer fire company or rescue squad cannot
29 reasonably provide the required dollar match prior to disbursement of trust funds, the
30 Board of Public Works may waive that requirement or provide for repayment of the
31 matching dollar amount within a reasonable period of time not to exceed 18 months
32 from the date of purchase of the equipment or facilities.

33 (3)] (2) Funds to provide the required matching dollar amount may
34 include contributions from local government. However, a local government may not
35 reduce the amount of money that the volunteer fire company or rescue squad would
36 otherwise be entitled to receive from the local government because of State financial
37 assistance provided under this section.

1 [(4)] (3) Financial assistance from the Trust Fund may not be approved
2 if a volunteer company has not made a good faith effort to obtain funds from its local
3 government.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1999.