
By: **The President (By Request - Administration)**

Introduced and read first time: January 21, 2005

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police - Transfer of the Senator William H. Amoss Fire,**
3 **Rescue, and Ambulance Fund to the Maryland Emergency Management**
4 **Agency**

5 FOR the purpose of transferring the administration of the Senator William H. Amoss
6 Fire, Rescue, and Ambulance Fund from the Department of State Police to the
7 Maryland Emergency Management Agency; authorizing the Director of the
8 Maryland Emergency Management Agency to administer a certain fund;
9 authorizing the Director to adopt certain procedures; requiring the Director to
10 provide a certain authorization to the State Treasurer for disbursing certain
11 funds; authorizing the Director to receive and review certain reports associated
12 with a certain fund; defining certain terms; and generally relating to the
13 Maryland Emergency Management Agency and the administration of the
14 Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

15 BY repealing and reenacting, with amendments,
16 Article - Public Safety
17 Section 8-101 through 8-106
18 Annotated Code of Maryland
19 (2003 Volume and 2004 Supplement)

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

22 **Article - Public Safety**

23 8-101.

24 (a) In this subtitle the following words have the meanings indicated.

25 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE MARYLAND EMERGENCY
26 MANAGEMENT AGENCY.

27 [(b)] (C) (1) "Expenditures for fire protection" means:

1 (i) revenues appropriated or to be appropriated by a county for fire
2 protection, rescue, and ambulance services; and

3 (ii) the proceeds of any county bonds used to finance facilities that
4 house equipment for fire protection, rescue, and ambulance services.

5 (2) "Expenditures for fire protection" includes the costs of training
6 personnel.

7 (3) "Expenditures for fire protection" does not include:

8 (i) salaries, workers' compensation, fringe benefits, or other
9 personnel costs;

10 (ii) administrative costs; or

11 (iii) in Carroll County, appropriations for loans to a volunteer fire,
12 rescue, or ambulance company, secured by mortgages, notes, or other evidence of
13 indebtedness of the volunteer fire, rescue, or ambulance company, if the
14 appropriations derive from the proceeds of bonds used to finance facilities that house
15 equipment for fire protection, rescue, and ambulance services.

16 [(c)] (D) "Fund" means the Senator William H. Amoss Fire, Rescue, and
17 Ambulance Fund.

18 [(d)] (E) (1) "Qualified municipal corporation" means a municipal
19 corporation in the State whose expenditures for fire protection from municipal
20 sources exceed \$25,000.

21 (2) "Qualified municipal corporation" does not include Baltimore City.

22 [(e)] "Secretary" means the Secretary of State Police.]

23 8-102.

24 (a) There is a Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

25 (b) The purposes of the Fund are to promote:

26 (1) the delivery of effective and high quality fire protection, rescue, and
27 ambulance services in the State;

28 (2) increased financial support for fire, rescue, and ambulance
29 companies by counties; and

30 (3) the continued financial viability of volunteer fire, rescue, and
31 ambulance companies given the greatly increased costs of equipment.

32 (c) (1) The [Secretary] DIRECTOR shall administer the Fund.

1 (2) Subject to paragraph (3) of this subsection, the [Secretary]
2 DIRECTOR may adopt procedures to carry out this subtitle, including additional
3 auditing and reporting requirements.

4 (3) The [Secretary] DIRECTOR may not:

5 (i) impose training or operational requirements as a precondition
6 to receipt of money, except as otherwise expressly provided in this subtitle; or

7 (ii) require that capital equipment purchased with State money
8 have a useful life expectancy of greater than 1 year.

9 (d) The Fund consists of money appropriated in the State budget to the Fund.

10 (e) (1) As authorized by the [Secretary] DIRECTOR, the Treasurer shall
11 make payments out of the Fund to each county on warrant of the Comptroller.

12 (2) The Treasurer shall make the payments required under this
13 subsection to the appropriate county in approximately equal amounts on or about
14 August 15, November 15, February 15, and May 15.

15 (f) (1) State money provided under this section may only be used to:

16 (i) acquire or rehabilitate fire or rescue equipment, including
17 ambulances;

18 (ii) acquire or rehabilitate capital equipment used in connection
19 with fire or rescue equipment; and

20 (iii) rehabilitate facilities used primarily to house fire fighting
21 equipment, ambulances, and rescue vehicles.

22 (2) State money provided under this section may not be used:

23 (i) for administrative costs;

24 (ii) for compensation or fringe benefits to employees or members of
25 county governments, or fire, rescue, or ambulance companies;

26 (iii) for travel or meal expenses;

27 (iv) for fuel, utility, or routine maintenance costs of facilities or
28 equipment;

29 (v) to acquire new or replacement fire hydrants, water mains, or
30 emergency alarm systems not installed at a fire, rescue, or ambulance facility;

31 (vi) for insurance;

32 (vii) for fund-raising activities;

- 1 (viii) to refinance debt or another obligation incurred before July 1,
2 1985;
- 3 (ix) to replace or repair eligible items to the extent that insurance
4 proceeds are available;
- 5 (x) for costs associated with the "9-1-1" emergency telephone
6 system; or
- 7 (xi) for land or interests in land.
- 8 8-103.

9 (a) Subject to subsection (b) of this section, each county shall receive an initial
10 allocation of money based on a percentage to be determined in the following manner:

11 (1) the Director of Assessments and Taxation shall certify to the
12 [Secretary] DIRECTOR each county's total percentage of land use property tax
13 accounts, including vacant unimproved properties, relative to the statewide total of
14 all land use property tax accounts for the first completed fiscal year immediately
15 preceding the fiscal year for which money is to be allocated;

16 (2) except as provided in item (3) of this subsection, the percentage
17 determined in item (1) of this subsection shall then be applied for each county to any
18 amount included in the State budget for the purposes of this subtitle; and

19 (3) each county shall receive an allocation of at least 2% of the total Fund
20 as appropriated in the State budget, in addition to the amount that is distributed to
21 fire, rescue, and ambulance companies, departments, or stations located in qualified
22 municipal corporations in accordance with subsection (b) of this section.

23 (b) (1) Subject to paragraph (6) of this subsection, each county shall
24 distribute the money provided under this subtitle on the basis of need to fire, rescue,
25 and ambulance companies, departments, or stations in the county, including
26 companies, departments, or stations located in municipal corporations.

27 (2) Each county shall determine need in accordance with procedures that
28 the county uses to adopt its budget.

29 (3) In determining need under this subsection, the county shall consider:

30 (i) the failure to meet minimum standards established by the
31 county or the Maryland State Firemen's Association;

32 (ii) the existence or potential existence of an emergency situation as
33 described in § 8-204 of this title;

34 (iii) the age and condition of existing facilities and equipment;

35 (iv) the lack of availability of mutual aid;

1 (v) any service problems associated with demographic conditions;
2 and

3 (vi) any other relevant factors.

4 (4) In addition to consideration of the factors in paragraph (3) of this
5 subsection, for a volunteer company the county shall consider the company's inability
6 to raise money to pay for the item.

7 (5) Notwithstanding paragraphs (3) and (4) of this subsection, each
8 county shall give the highest funding priority to the failure to meet minimum
9 standards or the existence of an emergency situation as described in § 8-204 of this
10 title.

11 (6) Distribution of money to fire, rescue, and ambulance companies,
12 departments, or stations located in qualified municipal corporations in a county in the
13 aggregate may not be less than 50% of the proportion that the expenditures of the
14 qualified municipal corporation bear to total aggregate expenditures for fire
15 protection in that county.

16 (7) To receive money under this subsection, each county shall participate
17 in the Maryland Fire Incident Reporting System and Ambulance Information System.
18 8-104.

19 (a) (1) (i) The money distributed under this subtitle shall be used by each
20 county for the purposes listed in § 8-102(f)(1) of this subtitle as an addition to and
21 may not be substituted for any money appropriated from sources other than the
22 Fund.

23 (ii) In each fiscal year, each county shall make expenditures for fire
24 protection from sources other than the Fund in an amount that is at least equal to the
25 average amount of the expenditures for fire protection during the 3 preceding fiscal
26 years.

27 (iii) Except as provided in paragraph (2) of this subsection, a county
28 that fails to satisfy the requirements of this subsection may not receive money under
29 this subtitle for that fiscal year.

30 (2) For each fiscal year, each county that fails to satisfy the requirements
31 of paragraph (1) of this subsection may receive money under this subtitle subject to a
32 penalty equal to the percentage by which the county fails to meet the county's
33 maintenance of effort for that fiscal year.

34 (b) (1) Each county shall make expenditures for fire protection from its own
35 sources that are at least equal to the amount of State money to be received.

36 (2) A county may receive less than the amount initially allocated.

1 (3) In determining the amount of expenditures for fire protection made
2 by a county, before certification, the [Secretary] DIRECTOR shall review the financial
3 information of the county for the first completed fiscal year before the fiscal year for
4 which State money is appropriated.

5 (4) Money received from the Emergency Assistance Trust Fund under §
6 8-204 of this title or other State money may not be used as the match required under
7 this subsection.

8 (c) (1) Money not distributed to a county because the requirements of
9 subsections (a) and (b) of this section are not satisfied shall be distributed to the
10 counties that meet the requirements of subsections (a) and (b) of this section in
11 accordance with this subsection.

12 (2) (i) Subject to subparagraph (ii) of this paragraph, each county that
13 meets the requirements of subsections (a) and (b) of this section shall receive an
14 allocation of the money distributed under paragraph (1) of this subsection based on a
15 percentage to be determined in accordance with § 8-103(a) of this subtitle.

16 (ii) For purposes of determining the percentage allocated to each
17 county under this subsection, the property tax accounts of each county that fails to
18 satisfy the requirements of subsection (a) or (b) of this section shall be excluded from
19 the statewide total.

20 (3) Each county shall distribute money provided under this subsection in
21 accordance with § 8-103(b) of this subtitle.

22 (d) (1) The money distributed under this subtitle and allocated to a county
23 shall be accounted for and audited in accordance with the procedures for accounting
24 and auditing of other governmental revenues.

25 (2) Money not expended by the county by the end of a fiscal year shall be
26 placed in a special fund for expenditure in the next succeeding fiscal year.

27 (3) (i) Money distributed under this subtitle that remains
28 unencumbered or unexpended by the county after the second fiscal year shall be
29 repaid to the [Secretary] DIRECTOR for deposit in the General Fund.

30 (ii) The Comptroller may set off any shared revenues due to a
31 county instead of repayment under this subsection.

32 (4) (i) Money distributed under this subtitle to be expended by a
33 volunteer or municipal fire, rescue, or ambulance company shall be maintained in a
34 separate account and shall be audited in the same manner as other money of the
35 volunteer or municipal company is audited.

36 (ii) Copies of the audit of the separate account shall be submitted to
37 the respective county government and to the [Department of State Police]
38 MARYLAND EMERGENCY MANAGEMENT AGENCY.

1 8-105.

2 (a) (1) On or before December 31 of each year, each county shall submit to
3 the [Secretary] DIRECTOR a report for the preceding fiscal year that states:

4 (i) the amount of money distributed to each recipient and the
5 purpose of expenditure of this money categorized as provided in § 8-102(f)(1) of this
6 subtitle;

7 (ii) the amount and disposition of any unencumbered or
8 unexpended money; and

9 (iii) the amount of expenditures for fire protection by the county.

10 (2) Each county shall provide a copy of the report required under
11 paragraph (1) of this subsection, subject to § 2-1246 of the State Government Article,
12 to the Department of Legislative Services.

13 (b) Each year the [Secretary] DIRECTOR shall report to the Governor and,
14 subject to § 2-1246 of the State Government Article, to the General Assembly on the
15 information provided by the counties on the distribution of money provided under this
16 subtitle, including an assessment of the extent to which the purposes of this subtitle
17 are being achieved.

18 8-106.

19 (a) (1) The [Secretary] DIRECTOR may withhold money allocated for the
20 next fiscal year under this subtitle from a county if the county does not comply with
21 this subtitle.

22 (2) After notice and an opportunity for a hearing, failure of a county to
23 comply with this subtitle may result in the forfeiture of the allocated money, in whole
24 or in part.

25 (b) Money withheld under this section reverts to the General Fund.

26 SECTION 2. AND BE IT FURTHER ENACTED, That, on October 1, 2005, all
27 the functions, powers, duties, assets, and liabilities of the Senator William H. Amoss
28 Fire, Rescue, and Ambulance Fund within the Department of State Police shall be
29 transferred to the Maryland Emergency Management Agency.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect October 1, 2005.