

Chapter 433

(House Bill 733)

AN ACT concerning

Garrett County – Volunteer Fire Departments and Rescue Squads – Emergency Services Board

FOR the purpose of altering certain taxes on certain real property and personal property in Garrett County that are to be paid to certain volunteer fire departments; requiring the Board of County Commissioners of Garrett County to make certain payments to certain volunteer fire departments and rescue squads at certain times; providing that the amounts paid to volunteer fire departments in Garrett County shall be equivalent; requiring that certain funds received by certain volunteer fire departments and rescue squads in Garrett County be used for certain expenditures; requiring volunteer fire departments and rescue squads in Garrett County to file certain reports annually; authorizing the Board of County Commissioners of Garrett County to reserve the right to withhold certain funds from a fire department or rescue squad that fails to meet certain standards and policies under certain circumstances; providing that the Garrett County Emergency Services Board shall be the final step in the establishment of primary and secondary service areas for fire, rescue, and ambulance services in Garrett County and is responsible for final resolution of certain disputes; providing that the Emergency Services Board has certain jurisdiction regardless of whether a certain provider of fire, rescue, or ambulance service is a member of the Garrett County Volunteer Fire and Rescue Association, Inc.; establishing a Garrett County Emergency Services Board; providing for the membership and the chair of the Emergency Services Board; providing for the appointment of members and the terms of the members of the Emergency Services Board; stating the mission of the Emergency Services Board; requiring the Emergency Services Board to develop and recommend to the Board of County Commissioners certain policies and standard operating procedures; requiring certain policies and standard operating procedures to comply with certain State and federal agency established standards, policies, practices, and protocols; requiring the Emergency Services Board to consult with certain persons before adopting certain proposed policies and standard operating procedures; establishing certain duties of the Emergency Services Board; altering a certain definition; altering the amount of a certain tax on certain real property in Garrett County paid to rescue squads in Garrett County; and generally relating to fire and rescue services in Garrett County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Garrett County
Section 32.01(A)

Article 12 – Public Local Laws of Maryland
 (2005 Edition and November 2009 Supplement, as amended)
 (As enacted by Chapter 45 of the Acts of the General Assembly of 2007)

BY repealing and reenacting, with amendments,
 The Public Local Laws of Garrett County
 Section 32.01(B) and (C), 32.04, and 35.05
 Article 12 – Public Local Laws of Maryland
 (2005 Edition and November 2009 Supplement, as amended)

BY adding to
 The Public Local Laws of Garrett County
 Section 32.90
 Article 12 – Public Local Laws of Maryland
 (2005 Edition and November 2009 Supplement, as amended)

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

Article 12 – Garrett County

32.01.

(A) The Board of County Commissioners of Garrett County is authorized and directed to levy annually a tax of [at least two cents (\$0.02) and no more than] **UP TO** four cents (\$0.04) per one hundred dollars (\$100.) of assessed value of real property in Garrett County other than operating real property of a public utility and [at least five cents (\$0.05) and no more than] **UP TO** ten cents (\$0.10) per one hundred dollars (\$100.) of assessed value of personal property and operating real property of a public utility, and said levy is to be paid to the volunteer fire departments existing now or organized in the future. **THE BOARD SHALL MAKE THE PAYMENTS TWICE A YEAR IN DECEMBER AND JUNE.** The amounts paid to [any] **EACH** volunteer fire department shall be [determined jointly by one (1) representative of each of said volunteer fire departments and the County Commissioners] **EQUIVALENT.**

(B) [All sums] **ANY COUNTY FUNDS** received by any volunteer fire department **UNDER THIS SECTION** shall be expended only for [the]:

(1) **THE** purchase, maintenance and repair of fire–fighting apparatus and equipment [and the];

(2) **THE** construction, maintenance or repair of [buildings] **FACILITIES AND GROUNDS** necessary for:

A. [fire–fighting] **FIRE–FIGHTING** purposes;

B. HOSTING COMMUNITY EVENTS;

C. PROVIDING EMERGENCY SHELTER; OR

D. ENHANCING FUND-RAISING OR OPERATIONS CAPABILITY;

(3) THE PROMOTION, RETENTION, OR RECRUITMENT OF MEMBERSHIP; AND

(4) OTHER SPECIAL EXPENDITURES, INCLUDING HARDSHIPS OR OTHER EXTENUATING CIRCUMSTANCES THAT HAVE:

A. THE PRIOR APPROVAL OF THE GARRETT COUNTY EMERGENCY SERVICES BOARD; AND

B. CONSIDERATION OF RECOMMENDATIONS FROM THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION.

(C) [The County Commissioners shall pay over all sums required under this section not later than July 1 of each year.] Every volunteer fire department receiving any sum under this section shall file [an annual report] **ANNUALLY SIGNED COPIES OF FEDERAL FORM 990 AND FORM 990 SCHEDULE A** with the **BOARD OF** County Commissioners. **A VOLUNTEER FIRE DEPARTMENT MAY NOT FILE FEDERAL FORM 990 EZ WITH THE BOARD OF COUNTY COMMISSIONERS UNDER THIS SECTION. IF THE INTERNAL REVENUE SERVICE CHANGES, AMENDS, OR REPLACES FORM 990 AND FORM 990 SCHEDULE A WITH A REPORT THAT IS TO BE FILED ANNUALLY, A FULLY EXECUTED COPY OF THAT REPORT WITH ALL CORRESPONDING SCHEDULES SHALL BE FILED WITH THE BOARD OF COUNTY COMMISSIONERS.**

(D) THE BOARD OF COUNTY COMMISSIONERS MAY RESERVE THE RIGHT TO WITHHOLD ANY OR ALL OF THE FUNDS FROM A FIRE DEPARTMENT THAT FAILS TO MEET ALL STANDARDS AND POLICIES RECOMMENDED BY THE GARRETT COUNTY EMERGENCY SERVICES BOARD.

32.04.

(A) The Garrett County [Volunteer Fire and Rescue Association, Inc., is responsible for] **EMERGENCY SERVICES BOARD SHALL BE THE FINAL STEP IN** the establishment of primary and secondary service areas for fire, rescue and ambulance services in Garrett County and [for resolving any dispute] **SHALL BE RESPONSIBLE**

FOR FINAL RESOLUTION OF ANY DISPUTES concerning service areas, mutual aid agreements, or communications. **PARTIES THAT MAY HAVE A DISPUTE SHALL FIRST SEEK RESOLUTION BY:**

**(1) MUTUAL AGREEMENT BETWEEN INDIVIDUAL COMPANIES;
AND**

(2) A REVIEW AND HEARING AS ESTABLISHED BY THE GARRETT COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION, INC.

(B) The Garrett County [Volunteer Fire and Rescue Association, Inc.] **EMERGENCY SERVICES BOARD** has jurisdiction under division (A) of this section regardless of whether a provider of the fire, rescue or ambulance service is a member of the **GARRETT COUNTY VOLUNTEER FIRE AND RESCUE Association, INC.**

32.90.

(A) (1) THERE IS A GARRETT COUNTY EMERGENCY SERVICES BOARD ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY.

(2) THE EMERGENCY SERVICES BOARD CONSISTS OF THE FOLLOWING MEMBERS:

A. ONE REPRESENTATIVE FROM THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS;

B. ONE REPRESENTATIVE FROM THE GARRETT COUNTY CHIEF'S COMMITTEE, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS;

C. ONE MEMBER RECOMMENDED BY THE SOUTHERN GARRETT RESCUE SQUAD, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS;

D. ONE MEMBER RECOMMENDED BY THE NORTHERN GARRETT RESCUE SQUAD, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS;

E. THE DIRECTOR OF PUBLIC SAFETY AND EMERGENCY MANAGEMENT; AND

F. THREE MEMBERS OF THE GENERAL PUBLIC, APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS.

(3) A. THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT THE MEMBERS THAT REPRESENT THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION, THE GARRETT COUNTY CHIEF'S COMMITTEE, THE SOUTHERN GARRETT RESCUE SQUAD, AND THE NORTHERN GARRETT RESCUE SQUAD FROM A LIST OF AT LEAST THREE NOMINATIONS FOR EACH POSITION.

B. THE BOARD OF COUNTY COMMISSIONERS MAY REJECT ANY NOMINATION FOR MEMBERSHIP.

(4) THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT ONE OF THE MEMBERS FROM THE GENERAL PUBLIC AS CHAIR.

(5) A. THE TERM OF A MEMBER IS 2 YEARS.

B. THE BOARD OF COUNTY COMMISSIONERS MAY REAPPOINT A MEMBER TO ONE OR MORE ADDITIONAL TERMS.

(B) THE MISSION OF THE EMERGENCY SERVICES BOARD IS TO PROMOTE THE EFFECTIVE DELIVERY AND THE HIGHEST QUALITY OF EMERGENCY FIRE AND EMS SERVICES TO THE CITIZENS AND VISITORS OF GARRETT COUNTY.

(C) (1) THE EMERGENCY SERVICES BOARD SHALL DEVELOP AND RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS POLICIES AND STANDARD OPERATING PROCEDURES FOR VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS IN THE COUNTY, INCLUDING MONITORING OF STANDARDS RELATING TO TRAINING, EQUIPMENT SAFETY, TESTING, AND FIT-TESTING.

(2) THE POLICIES AND STANDARD OPERATING PROCEDURES RECOMMENDED BY THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION TO THE EMERGENCY SERVICES BOARD AND ADOPTED BY THE EMERGENCY SERVICES BOARD SHALL COMPLY WITH ALL RELEVANT STATE AND FEDERAL AGENCY ESTABLISHED STANDARDS, POLICIES, PRACTICES, AND PROTOCOLS.

(3) BEFORE ADOPTING ANY PROPOSED POLICIES AND STANDARD OPERATING PROCEDURES, THE EMERGENCY SERVICES BOARD SHALL CONSULT WITH THE GARRETT COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION, INC., AND THE EMERGENCY MEDICAL SERVICES COUNCIL.

(D) IN ADDITION TO DEVELOPING AND RECOMMENDING STANDARDS AND POLICIES, THE EMERGENCY SERVICES BOARD SHALL:

(1) OFFER ASSISTANCE IN OBTAINING GRANT FUNDING, GRANT PREPARATION, AND OTHERWISE PROVIDE DIRECTION AND SUPPORT FOR SOLUTIONS TO SPECIAL FUNDING NEEDS;

(2) EVALUATE STAFFING, DISPATCH, AND COMMUNICATIONS ISSUES AND RECOMMEND SOLUTIONS WITH INPUT REQUESTED BY THE GARRETT COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION, INC.;

(3) IN CONJUNCTION WITH THE GARRETT COUNTY DEPARTMENT OF FINANCIAL SERVICES, ENSURE THAT MEMBERS OF THE GARRETT COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION, INC., REMAIN IN COMPLIANCE WITH ALL NECESSARY FINANCIAL DISCLOSURES AND THE LENGTH OF SERVICE AWARD PROGRAM ELIGIBILITY; AND

(4) IN CONJUNCTION WITH THE MEDICAL ADVISOR FOR GARRETT COUNTY, PROVIDE OVERSIGHT OF THE QUALITY ASSURANCE AND IMPROVEMENT PROGRAMS AND ACTIVITIES OF THE GARRETT COUNTY MEDICAL REVIEW BOARD.

35.05.

(A) In this section, rescue squad means a voluntary, nonprofit [rescue squad located in Garrett County] **ENTITY THAT PROVIDES PRE-HOSPITAL EMERGENCY SERVICES AND PATIENT TRANSPORT.**

(B) (1) The Board of County Commissioners of Garrett County shall appropriate and pay to rescue squads in the county a total amount per year [equal to not less than] **OF UP TO \$0.008** per hundred dollars on the assessable real property in Garrett County other than operating real property of a public utility and **UP TO \$0.02** per hundred dollars on the assessable personal property and operating real property of a public utility.

(2) The Board of County Commissioners of Garrett County shall make the payments [semiannually] **TWICE A YEAR** in [January] **DECEMBER** and June.

(3) The payments to each rescue squad shall be equivalent.

(C) A rescue squad shall use the funds for:

(1) The purchase, maintenance and repair of rescue apparatus and equipment; [or]

(2) [The maintenance and repair of buildings necessary for rescue squad operations] **THE CONSTRUCTION, MAINTENANCE, OR REPAIR OF FACILITIES AND GROUNDS NECESSARY FOR:**

- A. EMERGENCY MEDICAL SERVICE PURPOSES;**
- B. HOSTING COMMUNITY EVENTS;**
- C. PROVIDING EMERGENCY SHELTER; OR**
- D. ENHANCING FUND-RAISING OR OPERATIONS CAPABILITY;**

(3) THE PROMOTION, RETENTION, OR RECRUITMENT OF MEMBERSHIP; OR

(4) OTHER SPECIAL EXPENDITURES, INCLUDING HARDSHIPS OR OTHER EXTENUATING CIRCUMSTANCES THAT HAVE:

A. THE PRIOR APPROVAL OF THE GARRETT COUNTY EMERGENCY SERVICES BOARD; AND

B. CONSIDERATION OF RECOMMENDATIONS FROM THE GARRETT COUNTY FIRE AND RESCUE ASSOCIATION.

(D) THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY MAY RESERVE THE RIGHT TO WITHHOLD ANY OR ALL OF THE FUNDS FROM A RESCUE SQUAD THAT FAILS TO MEET ALL STANDARDS AND POLICIES RECOMMENDED BY THE GARRETT COUNTY EMERGENCY SERVICES BOARD TO THE BOARD OF COUNTY COMMISSIONERS.

[(D)] (E) A rescue squad RECEIVING FUNDING UNDER THIS SECTION shall file annually [a report on the] SIGNED COPIES OF FEDERAL FORM 990 AND FORM 990 SCHEDULE A, INCLUDING receipt and disbursement of funds received under this chapter WITH THE BOARD OF COUNTY COMMISSIONERS. A RESCUE SQUAD MAY NOT FILE FEDERAL FORM 990 EZ WITH THE COUNTY COMMISSIONERS UNDER THIS SECTION. IF THE INTERNAL REVENUE SERVICE CHANGES, AMENDS, OR REPLACES FORM 990 AND FORM 990 SCHEDULE A WITH A REPORT THAT IS TO BE FILED ANNUALLY, A FULLY EXECUTED COPY OF THAT REPORT WITH ALL CORRESPONDING SCHEDULES SHALL BE FILED WITH THE COUNTY COMMISSIONERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.