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**By: Senator Amoss**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 13, 1996

Rules 32(a) and 32(b) suspended

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 28, 1996

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## CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Fire Protection - Funding - Local Expenditure Level**

3 FOR the purpose of altering certain local fire protection funding requirements for certain  
4 fiscal years; providing for the retroactive effect of this Act; making this Act an  
5 emergency measure; and generally relating to State and local funding for fire  
6 protection.

7 BY repealing and reenacting, with amendments,  
8 Article 38A - Fires and Investigations  
9 Section 45D(a) ~~and (b)~~  
10 Annotated Code of Maryland  
11 (1993 Replacement Volume and 1995 Supplement)

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

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

15 45D.

16 (a) (1) The funds distributed under this subtitle shall be used as an addition to  
17 and shall not be substituted for moneys appropriated from sources other than this  
18 program by the counties for the purposes listed in § 45B(d)(1) of this subtitle. Each  
19 county shall expend for fire protection from sources other than provided under this  
20 subtitle, in fiscal year 1986 and each fiscal year thereafter, an amount of funds that is at  
21 least equal to the average amount of funds expended for fire protection during the 3

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1 preceding fiscal years. Failure to satisfy the requirements of this subsection shall preclude  
2 disbursement of funds under this subtitle to the local government for that fiscal year.

3 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IN EACH  
4 OF FISCAL YEARS ~~1996 AND 1997~~ 1995 AND 1996, EACH COUNTY IS ONLY REQUIRED TO  
5 EXPEND FOR FIRE PROTECTION FROM SOURCES OTHER THAN PROVIDED UNDER  
6 THIS SUBTITLE, AN AMOUNT OF FUNDS THAT IS AT LEAST EQUAL TO 90 PERCENT OF  
7 THE AVERAGE OF FUNDS EXPENDED FOR FIRE PROTECTION DURING THE THREE  
8 PRECEDING FISCAL YEARS.

9 ~~(b) (1) Each county must expend funds for fire protection from its own sources~~  
10 ~~that are at least equal to the amount of State funds to be received. A local government~~  
11 ~~may receive less than the amount initially allocated. In determining the amount expended~~  
12 ~~by a county, prior to certification, the Secretary shall review the financial information of~~  
13 ~~the local government for the first completed fiscal year prior to the fiscal year for which~~  
14 ~~State funds are appropriated. Funds received from the Emergency Assistance Trust Fund~~  
15 ~~under § 46A of this article or other State funds may not be used as matching funds.~~

16 ~~(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IN~~  
17 ~~FISCAL YEARS 1996 AND 1997, EACH COUNTY IS ONLY REQUIRED TO EXPEND FUNDS~~  
18 ~~FOR FIRE PROTECTION FROM ITS OWN SOURCES THAT ARE AT LEAST EQUAL TO 90~~  
19 ~~PERCENT OF THE AMOUNT OF STATE FUNDS TO BE RECEIVED.~~

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be applied  
21 retroactively to July 1, 1995.

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

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency  
27 measure, is necessary for the immediate preservation of the public health and safety, has  
28 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
29 each of the two Houses of the General Assembly, and shall take effect from the date it is  
30 enacted.