

AN ACT
AMENDING THE FIRE PROTECTION FUND LAW; CHANGING THE FIRE
PROTECTION FUND DISTRIBUTION FORMULA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 59A-53-4 NMSA 1978 (being Laws 1984, Chapter 127, Section 975, as amended) is amended to read:

"59A-53-4. CRITERIA FOR DETERMINATION OF NEEDS. -- In making the determination of needs pursuant to Section 59A-53-3 NMSA 1978, the marshal shall first determine that each incorporated municipality to be certified has maintained an official fire department created by and regulated in accordance with a duly enacted ordinance for a period of at least one year prior to the date of certification and possesses fire equipment and apparatus in serviceable condition to respond to a fire incident. The marshal shall also determine the number of fire stations and substations located in each municipality to be certified and shall certify to the state treasurer for each municipality for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section, and in accordance with the class insurance rating it maintains, amounts for fiscal year 1999 not to exceed the following:

class	main station	substation
number 1	\$ 58,245	\$ 21,584
number 2	53,957	20,145
number 3	49,641	18,705
number 4	45,323	17,266
number 5	43,164	15,827
number 6	41,007	14,388
number 7	38,848	13,670
number 8	36,691	12,950
number 9	27,339	10,797
number 10	24,460	none."

Section 2. Section 59A-53-5 NMSA 1978 (being Laws 1989, Chapter 312, Section 5, as amended) is amended to read:

"59A-53-5. ESTABLISHMENT OF COUNTY FIRE DISTRICTS. --

A. The county commissioners of any county may establish one or more county fire districts within the county but outside the corporate limits of any municipality. The marshal shall determine the number of fire stations and substations located in each county fire district to be certified and shall certify to the state treasurer for each county fire district for the purpose of maintaining each fire station and each substation, if any, that meets the requirements of the marshal and the requirements of this section, and in accordance with the class insurance rating it maintains, for fiscal year 1999, amounts not to exceed the

following:

class	main station	substation
number 1	\$ 58,245	\$ 21,584
number 2	53,957	20,145
number 3	49,641	18,705
number 4	45,323	17,266
number 5	43,164	15,827
number 6	41,007	14,388
number 7	38,848	13,670
number 8	36,691	12,950
number 9	27,339	10,797
number 10	24,460	none.

B. Additionally, prior to the disbursement of any funds, the following must be established to the satisfaction of the marshal:

(1) the county fire district has maintained an official fire department for a period of at least one year, established and governed by appropriate resolution of the board of county commissioners of the county in which the county fire district is located, and possesses fire apparatus and equipment in serviceable condition to respond to a fire incident;

(2) the geographic limits and boundaries of the county fire district have been clearly defined and established by the board of county commissioners of the

county in which the county fire district is located, and a plat showing the geographic limits and boundaries has been accepted by the board of county commissioners and filed as part of the official record of proceedings of the board and a certified copy thereof filed with the marshal; and

(3) there is available within the geographic limits and boundaries of the county fire district an adequate water supply to be used in connection with the fire-fighting facilities of the county fire district.

C. The county commissioners of any county may permit a county fire district located in the county to service an area adjacent and contiguous to the district but within another county; provided that the county commissioners of the other county shall consent by resolution duly adopted to the service and to the boundaries of the other area serviced. Before commencement of service, a plat showing the geographic limits and boundaries of the county fire district and of the additional area to be serviced shall be filed with and approved by the marshal. The county commissioners of either the county in which the county fire district is located or of the county in which the area being serviced is located may terminate the service but only with the approval of the marshal."

"59A-53-5.1. MAXIMUM AMOUNTS TO BE CERTIFIED. --

A. For fiscal year 2000 and each fiscal year

thereafter, the marshal shall certify a total amount pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 not to exceed the greater of the total distribution pursuant to those sections for the previous fiscal year or an amount to be determined by adding:

(1) one-half of the total increase in the fire protection fund receipts in the previous fiscal year minus one-half of the appropriations, from all sources, to the volunteer firefighters retirement fund in the current fiscal year; and

(2) the total distribution pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 for the previous fiscal year.

B. The marshal shall adjust the distributions for each class in proportion to the increase in the total distribution. "
