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HOUSE BILL 279

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

RAYMOND G. SANCHEZ

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. --

A. 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

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1 also determine the number of fire stations and substations
2 located in each municipality to be certified and shall certify
3 to the state treasurer for each municipality for the purpose
4 of maintaining [~~a single~~] each fire station and [~~substations~~]
5 each substation, if any, [~~which meet~~] that meets the
6 requirements of the marshal and the requirements of this
7 section, and in accordance with the class insurance rating it
8 maintains, amounts for fiscal year 1999 not to exceed the
9 following:

class	main station	substation
number 1	\$[54,435] <u>58,245</u>	\$[20,172] <u>21,584</u>
number 2	[50,427] <u>53,957</u>	[18,827] <u>20,145</u>
number 3	[46,393] <u>49,641</u>	[17,481] <u>18,705</u>
number 4	[42,358] <u>45,323</u>	[16,136] <u>17,266</u>
number 5	[40,340] <u>43,164</u>	[14,792] <u>15,827</u>
number 6	[38,324] <u>41,007</u>	[13,447] <u>14,388</u>
number 7	[36,307] <u>38,848</u>	[12,776] <u>13,670</u>
number 8	[34,291] <u>36,691</u>	[12,103] <u>12,950</u>
number 9	[25,550] <u>27,339</u>	[10,091] <u>10,797</u>
number 10	[22,860] <u>24,460</u>	none.

21 B. For fiscal year 2000 and each fiscal year
22 thereafter, the marshal shall certify to the state treasurer
23 amounts not to exceed the greater of the previous year
24 distributions for each class or an amount to be determined by
25 multiplying the previous year distributions by a factor of one

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1 plus one-half of the percentage increase in the fire
2 protection fund occurring in the previous fiscal year. "

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

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

6 A. The county commissioners of any county may
7 establish one or more county fire districts within the county
8 but outside the corporate limits of any municipality. The
9 marshal shall determine the number of fire stations and
10 substations located in each county fire district to be
11 certified and shall certify to the state treasurer for each
12 county fire district for the purpose of maintaining [~~a single~~]
13 each fire station and [~~substations~~] each substation, if any,
14 [~~which meet~~] that meets the requirements of the marshal and
15 the requirements of this section, and in accordance with the
16 class insurance rating it maintains, amounts not to exceed the
17 following:

	class	main station	substation
18	number 1	\$[54,435] <u>58,245</u>	\$[20,172] <u>21,584</u>
19	number 2	[50,427] <u>53,957</u>	[18,827] <u>20,145</u>
20	number 3	[46,393] <u>49,641</u>	[17,481] <u>18,705</u>
21	number 4	[42,358] <u>45,323</u>	[16,136] <u>17,266</u>
22	number 5	[40,340] <u>43,164</u>	[14,792] <u>15,827</u>
23	number 6	[38,324] <u>41,007</u>	[13,447] <u>14,388</u>
24	number 7	[36,307] <u>38,848</u>	[12,776] <u>13,670</u>

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1 number 8 [~~34,291~~] 36,691 [~~12,103~~] 12,950
2 number 9 [~~25,550~~] 27,339 [~~10,091~~] 10,797
3 number 10 [~~22,860~~] 24,460 none.

4 [~~upon establishing, to the satisfaction of the marshal, the~~
5 following]

6 B. For fiscal year 2000 and each fiscal year
7 thereafter, the marshal shall certify to the state treasurer
8 amounts not to exceed the greater of the previous fiscal year
9 distributions for each class or an amount to be determined by
10 multiplying the previous year distributions by a factor of one
11 plus one-half of the percentage increase in the fire
12 protection fund occurring in the previous fiscal year.

13 C. Additionally, prior to the disbursement of any
14 funds, the following must be established to the satisfaction
15 of the marshal:

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

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

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

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

10 ~~[B-]~~ D. The county commissioners of any county may
11 permit a county fire district located in the county to service
12 an area adjacent and contiguous to the district but within
13 another county; provided that the county commissioners of the
14 other county shall consent by resolution duly adopted to the
15 service and to the boundaries of the other area serviced.
16 Before commencement of service, a plat showing the geographic
17 limits and boundaries of the county fire district and of the
18 additional area to be serviced shall be filed with and
19 approved by the marshal. The county commissioners of either
20 the county in which the county fire district is located or of
21 the county in which the area being serviced is located may
22 terminate the service but only with the approval of the
23 marshal. "

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 11, 1998

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8 Mr. Speaker:

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10 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
11 whom has been referred

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13 HOUSE BILL 279

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

- 17 1. On page 1, line 18, strike the subsection designation
18 "A. ".
19
20 2. On page 2, lines 21 through 25, and on page 3, lines 1 and
21 2, strike Subsection B in its entirety and insert a closing
22 quotation mark.
23
24 3. On page 3, line 16, after "maintains," insert "for fiscal
25 year 1999, ".

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

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4 4. On page 4, lines 6 through 12, strike Subsection B in its
5 entirety.

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7 5. Reletter the succeeding subsections accordingly.

8
9 6. On page 5, between lines 23 and 24, insert the following
10 new section:

11 "Section 3. A new Section 59A-53-5.1 NMSA 1978 is enacted to
12 read:

13
14 "59A-53-5.1. [NEW MATERIAL] MAXIMUM AMOUNTS TO BE
15 CERTIFIED. --

16
17 A. For fiscal year 2000 and each fiscal year thereafter,
18 the marshal shall certify a total amount pursuant to Sections 59A-
19 53-4 and 59A-53-5 NMSA 1978 not to exceed the greater of the total
20 distribution pursuant to those sections for the previous fiscal
21 year or an amount to be determined by adding:

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

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

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

13 Respectfully submitted,

17 _____
18 Max Coll, Chairman

20 Adopted _____ Not Adopted _____
21 (Chief Clerk) (Chief Clerk)

23 Date _____

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4 The roll call vote was 14 For 1 Against

5 Yes: 14

6 No: Buffett

7 Excused: Bird, Salazar, Vigil

8 Absent: None

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SECOND SESSION, 1998

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February 15, 1998

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Mr. President:

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Your FINANCE COMMITTEE, to whom has been referred

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12

HOUSE BILL 279, as amended

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has had it under consideration and reports same with recommendation
that it DO PASS.

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Respectfully submitted,

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Ben D. Altamirano, Chairman

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FORTY-THIRD LEGISLATURE
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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: None

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Excused: Aragon, Campos, Carraro, McKibben

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Absent: None

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