

FIFTIETH LEGISLATURE  
FIRST SESSION

March 4, 2011

HOUSE FLOOR AMENDMENT number   1   to HOUSE BILL 395, as amended

Amendment sponsored by Representative Rick Miera

1. Strike House Health and Government Affairs Committee Amendments 14, 17 and 24.
2. On page 3, line 24, strike "ordinance" and insert in lieu thereof "policy".
3. On page 4, line 5, after "municipality", insert ", federally recognized Indian nation, tribe or pueblo or county".
4. On page 5, lines 11 and 12, strike "a municipally owned airport" and insert in lieu thereof "an airport owned by a municipality, federally recognized Indian nation, tribe or pueblo or county".
5. On page 6, line 22, after "commissioners", insert "or by tribal law of a federally recognized Indian nation, tribe or pueblo or county".
6. On page 7, line 7, after "commissioners", insert "or by the tribe".
7. On page 7, line 17, strike "municipality" and insert in lieu thereof "members of the governing body of the municipality or the federally recognized Indian nation, tribe or pueblo".
8. On page 8, line 3, strike the ending quotation mark.
9. On page 8, between lines 3 and 4, insert a new subsection to read as follows:

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"D. If a federally recognized Indian nation, tribe or pueblo applies for fire protection fund eligibility for a tribal fire district that the tribe permits to service an area adjacent and contiguous to the district but outside the exterior boundaries of the federally recognized Indian nation, tribe or pueblo, prior to the disbursement of any funds, the following must be established to the satisfaction of the marshal:

(1) that the county commissioners of the county, or the municipality or federally recognized Indian nation, tribe or pueblo, has consented, by resolution or law duly adopted or enacted, to the service and to the boundaries of the other area to be serviced; and

(2) that a plat showing the geographic limits and boundaries of the tribal fire district and of the additional area to be serviced has been filed and approved by the marshal."".

10. On page 9, line 19, after "municipality", insert "to the person responsible for the administration of the assets and liability of the tribe".

11. On page 9, line 25, after "ordinance", insert ", a law".

12. On page 13, between lines 6 and 7, insert the following new subsection to read as follows:

"B. Amounts so distributed from the fire protection fund to a tribal fire district shall be expended under the direction of the chief executive of the tribe in which the tribal fire district is located or the chief executive's designee.".

13. Reletter the succeeding subsection accordingly.

14. On page 14, line 19, before "Any", insert the subsection designation "A.".

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15. On page 15, line 6, strike the ending quotation mark.

16. On page 15, between lines 6 and 7, insert a new subsection to read as follows:

"B. A tribe seeking money distributed from the fire protection fund shall enter into a joint powers agreement pursuant to the Joint Powers Agreements Act with the marshal. The joint powers agreement shall state the proper procedure to recover any money distributed to that federally recognized Indian nation, tribe or pueblo from the fire protection fund and expended for purposes not expressly authorized by the Fire Protection Fund Law or by rules duly promulgated by the marshal pursuant to that law."".

\_\_\_\_\_  
Rick Miera

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_