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HOUSE BILL 1057

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

SAMUEL F. VIGIL

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 also determine the number

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1 of fire stations and substations located in each municipality to
2 be certified and shall certify to the state treasurer for each
3 municipality for the purpose of maintaining ~~[a single]~~ each fire
4 station and ~~[substations]~~ substation, if any, ~~[which meet]~~ that
5 meets the requirements of the marshal and the requirements of
6 this section, and in accordance with the class insurance rating
7 it maintains, amounts for fiscal year 1998 not to exceed the
8 following:

9	class	main station	substation
10	number 1	\$ [54,435] <u>57,157</u>	\$ [20,172] <u>21,181</u>
11	number 2	[50,427] <u>52,948</u>	[18,827] <u>19,768</u>
12	number 3	[46,393] <u>48,713</u>	[17,481] <u>18,355</u>
13	number 4	[42,358] <u>44,476</u>	[16,136] <u>16,943</u>
14	number 5	[40,340] <u>42,357</u>	[14,792] <u>15,532</u>
15	number 6	[38,324] <u>40,240</u>	[13,447] <u>14,119</u>
16	number 7	[36,307] <u>38,122</u>	[12,776] <u>13,415</u>
17	number 8	[34,291] <u>36,006</u>	[12,103] <u>12,708</u>
18	number 9	[25,550] <u>26,827</u>	[10,091] <u>10,596</u>
19	number 10	[22,860] <u>24,003</u>	none.

20 B. In addition to the foregoing, the amounts for
21 class 9 shall be increased as follows:

22	<u>Main station</u>	<u>\$32,274</u>
23	<u>Substation</u>	<u>\$11,431.</u>

24 C. For fiscal year 1999 and each fiscal year
25 thereafter, the marshal shall certify to the state treasurer

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1 amounts not to exceed the greater of the previous fiscal year
2 distributions for each class or an amount to be determined by
3 multiplying the previous year distribution by a factor of one
4 plus one-half of the percentage increase in the fire protection
5 fund occurring in the previous fiscal year."

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

8 "59A-53-5. ESTABLISHMENT OF COUNTY FIRE DISTRICTS. --

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

class	main station	substation
number 1	\$[54,435] <u>57,157</u>	\$[20,172] <u>21,181</u>
number 2	[50,427] <u>52,948</u>	[18,827] <u>19,768</u>
number 3	[46,393] <u>48,713</u>	[17,481] <u>18,355</u>
number 4	[42,358] <u>44,476</u>	[16,136] <u>16,943</u>
number 5	[40,340] <u>42,357</u>	[14,792] <u>15,532</u>

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1 number 6 ~~[38,324]~~ 40,240 ~~[13,447]~~ 14,119
2 number 7 ~~[36,307]~~ 38,122 ~~[12,776]~~ 13,415
3 number 8 ~~[34,291]~~ 36,006 ~~[12,103]~~ 12,708
4 number 9 ~~[25,550]~~ 26,826 ~~[10,091]~~ 10,596
5 number 10 ~~[22,860]~~ 24,003 none.

6 ~~[upon establishing, to the satisfaction of the marshal, the~~
7 ~~following]~~

8 B. In addition to the foregoing, the amounts for
9 class 9 shall be increased as follows:

10 main station \$32,274
11 substation \$11,431.

12 C. For fiscal year 1999 and each fiscal year
13 thereafter, the marshal shall certify to the state treasurer
14 amounts not to exceed the greater of the previous fiscal year
15 distributions for each class or an amount to be determined by
16 multiplying the previous year distribution by a factor of one
17 plus one-half of the percentage increase in the fire protection
18 fund occurring in the previous fiscal year.

19 D. Additionally, prior to the disbursement of any
20 funds, the following must be established to the satisfaction of
21 the marshal:

22 (1) the county fire district has maintained an
23 official fire department for a period of at least one year,
24 established and governed by appropriate resolution of the board
25 of county commissioners of the county in which the county fire

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1 district is located, and possesses fire apparatus and equipment
2 in serviceable condition to respond to a fire incident;

3 (2) the geographic limits and boundaries of the
4 county fire district have been clearly defined and established
5 by the board of county commissioners of the county in which the
6 county fire district is located, and a plat showing the
7 geographic limits and boundaries has been accepted by the board
8 of county commissioners and filed as part of the official record
9 of proceedings of the board and a certified copy thereof filed
10 with the marshal; and

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

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

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1 which the area being serviced is located may terminate the
2 service but only with the approval of the marshal."

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

HOUSE BILL 1057

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Fred Luna, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBIC/HB 1057

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, Hobbs, Lutz, J. G. Taylor, Varela

Absent: Getty

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