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HOUSE BILL 1324

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

INTRODUCED BY

MAX COLL

AN ACT

RELATING TO THE FIRE PROTECTION FUND; ESTABLISHING A FORMULA FOR DISTRIBUTIONS FROM THE FIRE PROTECTION FUND TO COUNTY FIRE DISTRICTS AND MUNICIPAL FIRE DEPARTMENTS; AMENDING SECTIONS OF THE NMSA 1978.

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

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

11 class	main station	substation
12 number 1	\$54, 435	\$20, 172
13 number 2	50, 427	18, 827
14 number 3	46, 393	17, 481
15 number 4	42, 358	16, 136
16 number 5	40, 340	14, 792
17 number 6	38, 324	13, 447
18 number 7	36, 307	12, 776
19 number 8	34, 291	12, 103
20 number 9	25, 550	10, 091
21 number 10	22, 860	none

22 and for fiscal year 1999 and each fiscal year thereafter, amount  
23 for each municipality determined in accordance with the formula  
24 in this section, using a base amount set annually by the  
25 legislature in the general appropriation act. The base amount

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1 shall not be less than fifty thousand dollars (\$50,000) and the  
2 substation base amount shall be thirty-six percent of the base  
3 amount. The distribution formula is as follows:

4 (1) the base amount is the distribution for a  
5 main station with a class 1 rating. The distribution for a main  
6 station with a rating from 2 to 8 shall be calculated by  
7 multiplying the base amount times the percentage derived from  
8 multiplying five percent by the number that is one less than the  
9 class rating and then subtracting the product from that amount.  
10 The distribution for a main station with a class 9 rating shall  
11 be fifty percent of the base amount, and the distribution for a  
12 class 10 main station shall be forty-five percent of the base  
13 amount. Notwithstanding this calculation, the amount  
14 distributed to any main station shall not be less than the  
15 distribution for that class rating in fiscal year 1998; and

16 (2) the substation base amount is the  
17 distribution for a substation with a class 1 rating. The  
18 distribution for a substation with a rating from 2 to 8 shall be  
19 calculated in the same way as the fire station distribution in  
20 Paragraph (1) of this subsection, using the substation base  
21 amount. The distribution for a class 9 substation shall be  
22 fifty-six percent of the substation base amount. Not  
23 withstanding the distribution calculated pursuant to this  
24 paragraph, the amount distributed for any substation shall not  
25 be less than the distribution for that class rating in fiscal

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1 year 1998."

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

4 "59A-53-5. ESTABLISHMENT OF COUNTY FIRE DISTRICTS. --

5 A. The county commissioners of any county may  
6 establish one or more county fire districts within the county  
7 but outside the corporate limits of any municipality. The  
8 marshal shall determine the number of fire stations and  
9 substations located in each county fire district to be certified  
10 and shall certify to the state treasurer for each county fire  
11 district for the purpose of maintaining [a single] each fire  
12 station and [substations] substation, if any, [which meet] that  
13 meets the requirements of the marshal and the requirements of  
14 this section, and in accordance with the class insurance rating  
15 it maintains, amounts for fiscal year 1998 not to exceed the  
16 following:

class	main station	substation
number 1	\$54, 435	\$20, 172
number 2	50, 427	18, 827
number 3	46, 393	17, 481
number 4	42, 358	16, 136
number 5	40, 340	14, 792
number 6	38, 324	13, 447
number 7	36, 307	12, 776
number 8	34, 291	12, 103

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1	number 9	25, 550	10, 091
2	number 10	22, 860	none

3 and for fiscal 1999 and each fiscal year thereafter, an amount  
4 determined in accordance with Subsection C of this section  
5 upon establishing, to the satisfaction of the marshal, the  
6 following:

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

13 (2) the geographic limits and boundaries of the  
14 county fire district have been clearly defined and established  
15 by the board of county commissioners of the county in which the  
16 county fire district is located and a plat showing the  
17 geographic limits and boundaries has been accepted by the board  
18 of county commissioners and filed as part of the official record  
19 of proceedings of the board and a certified copy thereof filed  
20 with the marshal; and

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

25 B. The county commissioners of any county may permit

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1 a county fire district located in the county to service an area  
2 adjacent and contiguous to the district but within another  
3 county; provided that the county commissioners of the other  
4 county shall consent by resolution duly adopted to the service  
5 and to the boundaries of the other area serviced. Before  
6 commencement of service, a plat showing the geographic limits  
7 and boundaries of the county fire district and of the additional  
8 area to be serviced shall be filed with and approved by the  
9 marshal. The county commissioners of either the county in which  
10 the county fire district is located or of the county in which  
11 the area being serviced is located may terminate the service but  
12 only with the approval of the marshal.

13 C. The amount for each county fire district to be  
14 certified to the state treasurer pursuant to Subsection A of  
15 this section shall be determined in accordance with the formula  
16 in this subsection, using a base amount set annually by the  
17 legislature in the general appropriation act. The base amount  
18 shall not be less than fifty thousand dollars (\$50,000) and the  
19 substation base amount shall be thirty-six percent of the base  
20 amount. The distribution formula is as follows:

21 (1) the base amount is the distribution for a  
22 main station with a class 1 rating. The distribution for a main  
23 station with a rating from 2 to 8 shall be calculated by  
24 multiplying the base amount times the percentage derived from  
25 multiplying five percent by the number that is one less than the

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1 class rating and then subtracting the product from that amount.  
2 The distribution for a main station with a class 9 rating shall  
3 be fifty percent of the base amount, and the distribution for a  
4 class 10 main station shall be forty-five percent of the base  
5 amount. Notwithstanding this calculation, the amount  
6 distributed to any fire station shall not be less than the  
7 distribution for that class rating in fiscal year 1998; and  
8 (2) the substation base amount is the  
9 distribution for a substation with a class 1 rating. The  
10 distribution for a substation with rating from 2 to 8 shall be  
11 calculated in the same way as the fire station distribution in  
12 Paragraph (1) of this subsection, using the substation base  
13 amount. The distribution for a class 9 substation shall be  
14 fifty-six percent of the substation base amount. Notwithstanding  
15 the distribution calculated pursuant to this paragraph, the  
16 amount distributed for any substation shall not be less than the  
17 distribution for that class rating in fiscal year 1998."

**State of New Mexico**  
**House of Representatives**

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**FORTY-THIRD LEGISLATURE**  
**FIRST SESSION, 1997**

**March 10, 1997**

**Mr. Speaker:**

**Your JUDICIARY COMMITTEE, to whom has been referred**

**HOUSE BILL 1324**

**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,**

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**Thomas P. Foy, Chairman**

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 2 Against

Yes: 7

No: King, Pederson

Excused: Carpenter, Mallory, Rios, Sanchez

Absent: None

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