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SENATE BILL 576

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

INTRODUCED BY

PHIL A. GRIEGO

AN ACT

RELATING TO FIRE PROTECTION; PROVIDING THAT AT LEAST SIXTY PERCENT OF THE FIRE PROTECTION FUND BE DISTRIBUTED ANNUALLY TO VOLUNTEER FIRE DEPARTMENTS; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 59A-53-3 NMSA 1978 (being Laws 1984, Chapter 127, Section 974, as amended) is amended to read:

"59A-53-3. DETERMINATION AND CERTIFICATION OF NEEDS. --

A. Annually, on or before the last day of May, the marshal shall consider and determine, in his reasonable discretion, the relative needs of incorporated cities, towns and villages and county fire districts for money in the fire protection fund, based upon the information available to him, and shall certify to the state treasurer the names of the incorporated cities, towns, villages and county fire districts

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1 that he determines need the assistance of a distribution from
2 the money in the fire protection fund, and the amount required
3 by each, in accordance with the provisions of Chapter 59A,
4 Article 53 NMSA 1978. In making this determination and
5 certification, the marshal ~~[will]~~ shall consider the intent and
6 purpose of that article that no incorporated city, town or
7 village or county fire district shall receive money distributed
8 from the fire protection fund merely for the purpose of
9 accumulation when the money is not required to accomplish the
10 purposes of that article.

11 B. In making a determination and certification of
12 needs, the marshal shall consider and provide for any debt
13 obligations of existing or previously existing fire departments
14 or fire districts.

15 C. Annually, the amount certified by the marshal for
16 distribution to volunteer fire departments in incorporated
17 cities, towns, villages and county fire districts shall not be
18 less than sixty percent of the money credited to the fire
19 protection fund.

20 ~~[C-]~~ D. For the purposes of Chapter 59A, Article 53
21 NMSA 1978, "marshal" means the state fire marshal, as further
22 identified in Chapter 59A, Article 52 NMSA 1978. "

23 Section 2. Section 59A-53-4 NMSA 1978 (being Laws 1984,
24 Chapter 127, Section 975, as amended) is amended to read:

25 "59A-53-4. CRITERIA FOR DETERMINATION OF NEEDS. -- In making

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1 the determination of needs pursuant to Section 59A-53-3 NMSA
2 1978, the marshal shall first determine that each incorporated
3 municipality to be certified has maintained an official fire
4 department created by and regulated in accordance with a duly
5 enacted ordinance for a period of at least one year prior to the
6 date of certification and possesses fire equipment and apparatus
7 in serviceable condition to respond to a fire incident. The
8 marshal shall also determine the number of fire stations and
9 substations located in each municipality to be certified and
10 shall certify to the state treasurer for each municipality for
11 maintaining a single fire station and substations, if any, which
12 meet the requirements of the marshal and the requirements of
13 this section, and in accordance with the class insurance rating
14 it maintains, [~~amounts not to exceed the following~~] at least the
15 following amounts:

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
number 9	25, 550	10, 091

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1 number 10 22, 860 none. "

2 Section 3. 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 maintaining a single fire station and substations,
12 if any, which meet the requirements of the marshal and the
13 requirements of this section, and in accordance with the class
14 insurance rating it maintains, [~~amounts not to exceed the~~
15 ~~following~~] at least the following amounts:

16 class	main station	substation
17 number 1	\$54, 435	\$20, 172
18 number 2	50, 427	18, 827
19 number 3	46, 393	17, 481
20 number 4	42, 358	16, 136
21 number 5	40, 340	14, 792
22 number 6	38, 324	13, 447
23 number 7	36, 307	12, 776
24 number 8	34, 291	12, 103
25 number 9	25, 550	10, 091

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1 number 10 22, 860 none,
2 upon establishing, to the satisfaction of the marshal, the
3 following:

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

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

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

22 B. The county commissioners of any county may permit
23 a county fire district located in the county to service an area
24 adjacent and contiguous to the district but within another
25 county; provided that the county commissioners of the other

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

10 Section 4. Section 59A-53-15 NMSA 1978 (being Laws 1984,
11 Chapter 127, Section 986, as amended) is amended to read:

12 "59A-53-15. APPROPRIATION FROM STATE TREASURY.--All money
13 which from time to time is deposited in the state treasury and
14 credited to the fire protection fund is appropriated to the
15 corporation commission for the use of the marshal for the
16 purposes set out in Chapter 59A, Article 53 NMSA 1978 and shall
17 be distributed by the state treasurer and expended as provided
18 in that article. Annually, not less than sixty percent of the
19 money deposited in the state treasury and credited to the fire
20 protection fund shall be distributed to volunteer fire
21 departments in incorporated cities, towns, villages and county
22 fire districts. Hereafter, all sums in excess of one hundred
23 thousand dollars (\$100,000) for pro rata distribution plus
24 seventy-five percent of the approved state fire marshal budget
25 for the succeeding fiscal year plus the amount certified to be

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1 distributed as provided in that article shall be credited to the
2 general fund on or before June 30 of each fiscal year. "

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FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

SB 576/a

February 13, 1997

Mr. President:

Your CORPORATION & TRANSPORTATION COMMITTEE, to
whom has been referred

SENATE BILL 576

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

1. On page 2, line 16, strike "volunteer".
2. On page 6, line 20, strike "volunteer".,

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

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

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Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Fidel, Kidd, McKibben, Robinson

Absent: None

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