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SENATE BILL 1116

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

INTRODUCED BY

BEN D. ALTAMIRANO

AN ACT

RELATING TO THE FIRE PROTECTION FUND; PROVIDING FOR
DISTRIBUTIONS; PROVIDING A LIMITATION; AMENDING CERTAIN 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. --

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

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

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

20 B. Beginning in fiscal year 1999 and for each fiscal
21 year thereafter, the distribution from the fire protection fund
22 for each class of main station and substation pursuant to
23 Subsection A of this section shall be one hundred five percent
24 of the prior year's distribution for that class of station and
25 substation, plus an additional amount calculated by multiplying

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1 the prior year's distribution by the cost-of-living adjustment
2 determined pursuant to this subsection. The cost-of-living
3 adjustment is the percentage, if any, by which the average of
4 the monthly consumer price indices for the twelve months ending
5 on December 31 of the prior fiscal year exceeds the average
6 monthly consumer price indices for the twelve months ending on
7 December 31 of the fiscal year preceding the prior fiscal year.

8 C. In the first fiscal year that the total amount of
9 annual distributions pursuant to this section and Section
10 59A-53-5 NMSA 1978 equals seventy percent or more of the amount
11 transferred into the fire protection fund in that fiscal year
12 pursuant to Subsection C of Section 59A-6-5 NMSA 1978, the
13 marshal shall distribute for that fiscal year and each fiscal
14 year thereafter a total amount of annual distributions pursuant
15 to this section and Section 59A-53-5 NMSA 1978 that does not
16 exceed eighty percent of the total amount transferred to the
17 fire protection fund for the fiscal year pursuant to Subsection
18 C of Section 59A-6-5 NMSA 1978. The marshal shall adjust
19 distributions by the same percentage as necessary to meet this
20 requirement and shall publish annually the amount of the
21 anticipated distributions from the fund for each class of main
22 station and substation. As used in this subsection, "consumer
23 price index" means the consumer price index for all-urban
24 consumers published by the United States department of labor."

25 Section 2. Section 59A-53-5 NMSA 1978 (being Laws 1989,

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1 Chapter 312, Section 5, as amended) is amended to read:

2 "59A-53-5. ESTABLISHMENT OF COUNTY FIRE DISTRICTS. --

3 A. The county commissioners of any county may
4 establish one or more county fire districts within the county
5 but outside the corporate limits of any municipality. The
6 marshal shall determine the number of fire stations and
7 substations located in each county fire district to be certified
8 and shall certify to the state treasurer for each county fire
9 district for maintaining a single fire station and substations,
10 if any, which meet the requirements of the marshal and the
11 requirements of this section, and in accordance with the class
12 insurance rating it maintains, amounts [~~not to exceed~~] based in
13 fiscal year 1999 on the 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
number 9	25,550	10,091
number 10	22,860	none,

24 upon establishing, to the satisfaction of the marshal, the

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1 following:

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

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

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

20 B. Beginning in fiscal year 1999 and for each fiscal
21 year thereafter, the distribution from the fire protection fund
22 for each class of main station and substation pursuant to
23 Subsection A of this section shall be one hundred five percent
24 of the prior year's distribution for that class of station and
25 substation, plus an additional amount calculated by multiplying

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1 the prior year's distribution by the cost-of-living adjustment
2 determined pursuant to this subsection. The cost-of-living
3 adjustment is the percentage, if any, by which the average of
4 the monthly consumer price indices for the twelve months ending
5 on December 31 of the prior fiscal year exceeds the average
6 monthly consumer price indices for the twelve months ending on
7 December 31 of the fiscal year preceding the prior fiscal year.

8 C. In the first fiscal year that the total amount of
9 annual distributions pursuant to this section and Section
10 59A-53-4 NMSA 1978 equals seventy percent or more of the amount
11 transferred into the fire protection fund in that fiscal year
12 pursuant to Subsection C of Section 59A-6-5 NMSA 1978, the
13 marshal shall distribute for that fiscal year and each fiscal
14 year thereafter a total amount of annual distributions pursuant
15 to this section and Section 59A-53-4 NMSA 1978 that does not
16 exceed eighty percent of the total amount transferred to the
17 fire protection fund for the fiscal year pursuant to Subsection
18 C of Section 59A-6-5 NMSA 1978. The marshal shall adjust
19 distributions by the same percentage as necessary to meet this
20 requirement and shall publish annually the amount of the
21 anticipated distributions from the fund for each class of main
22 station and substation. As used in this subsection, "consumer
23 price index" means the consumer price index for all-urban
24 consumers published by the United States department of labor.

25 [B-] D. The county commissioners of any county may

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

13 Section 3. Section 59A-53-7 NMSA 1978 (being Laws 1984,
14 Chapter 127, Section 978, as amended) is amended to read:

15 "59A-53-7. DISTRIBUTION OF FIRE PROTECTION FUND. --

16 A. Annually on or before the last day of July, the
17 state treasurer shall distribute from the money in the fire
18 protection fund, subject to the provisions of Sections 59A-53-4
19 and 59A-53-5 NMSA 1978, to each incorporated municipality and to
20 each county fire district, the amount [as] the marshal or the
21 state fire board, as the case may be, [~~shall have~~] has
22 certified to him. Payment shall be made to the treasurer of any
23 incorporated municipality and to the county treasurer of the
24 county in which any county fire district is located for credit
25 to the county fire district.

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B. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority in the amount [as] the marshal or the state fire board, as the case may be, [shall have] has certified to him pursuant to an ordinance or a resolution passed by the municipality or county and a written agreement of the municipality or county in which any county fire district is located and the New Mexico finance authority."

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 10, 1997
6

7 Mr. President:
8

9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
10 referred

11
12 SENATE BILL 1116
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 FINANCE COMMITTEE.

17
18 Respectfully submitted,
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22 _____
23 Shannon Robinson, Chairman
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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Adair, Boitano, Vernon, Smith

Absent: None

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