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HOUSE BILL 351

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Richard D. Vigil

AN ACT

RELATING TO FIRE PROTECTION; PROVIDING FOR AN ANNUAL  
DISTRIBUTION FROM THE FIRE PROTECTION FUND TO PROVIDE FOR  
VEHICLE AND APPARATUS PURCHASES; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Fire Protection Fund  
Law, Section 59A-53-6.2 NMSA 1978, is enacted to read:

"59A-53-6.2. [NEW MATERIAL] EQUIPMENT AND FACILITY--  
FUND--CREATION--DISTRIBUTION--REVERSION.--

A. The "equipment and facility fund" is created.  
The fund shall consist of transfers made to the fund pursuant  
to Subsection B of this section. Money in the fund is  
appropriated for use by the state fire marshal pursuant to  
the provisions of this section.

B. On or before July 1 of each year, a transfer  
shall be made from the fire protection fund to the equipment

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1 and facility fund in an amount equal to ten percent of the  
2 balance in the fire protection fund as of the preceding May  
3 1.

4 C. The equipment and facility fund shall be  
5 administered by the state fire marshal for distribution to  
6 counties and incorporated municipalities for the purpose of  
7 acquiring portable equipment, fire apparatus and special  
8 apparatus relating to fire department operations and facility  
9 construction. The following procedures govern distributions  
10 from the fund:

11 (1) the marshal shall appoint a "vehicle and  
12 apparatus acquisition advisory committee" to assist the  
13 marshal in developing a grant application process and  
14 approving grants for distributions from the fund;

15 (2) municipalities or counties interested in  
16 receiving a distribution from the fund shall make application  
17 to the marshal;

18 (3) no distribution shall be made unless the  
19 municipality or county agrees to match the distribution with  
20 at least twenty-five percent of the value of the equipment or  
21 facility. Each application shall include a detailed  
22 statement and plan for providing the match and the nature of  
23 the financial or in-kind match to be provided. The  
24 municipality or county may satisfy the match through a grant  
25 from the New Mexico finance authority; and

(4) the total distribution given to a county  
or municipality in one year shall not exceed two hundred

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1 thousand dollars (\$200,000).

2 D. Any unexpended or unencumbered balance  
3 remaining in the equipment and facility fund at the end of a  
4 fiscal year shall revert to the fire protection fund."

5 Section 2. Section 59A-53-15 NMSA 1978 (being Laws  
6 1984, Chapter 127, Section 986, as amended) is amended to  
7 read:

8 "59A-53-15. APPROPRIATION FROM STATE TREASURY.--All  
9 money which from time to time is deposited in the state  
10 treasury and credited to the fire protection fund is  
11 appropriated to the ~~[corporation]~~ commission for the use of  
12 the state fire marshal for the purposes set out in Chapter  
13 59A, Article 53 NMSA 1978 and shall be distributed by the  
14 state treasurer and expended as provided in that article.  
15 Hereafter, all sums in excess of one hundred thousand dollars  
16 (\$100,000) for pro rata distribution plus seventy-five  
17 percent of the approved state fire marshal budget for the  
18 succeeding fiscal year plus the amount certified to be  
19 distributed as provided in that article plus the amount to be  
20 transferred to the equipment and facility fund pursuant to  
21 Section 59A-53-6.2 NMSA 1978 shall be credited to the general  
22 fund on or before June 30 of each fiscal year."