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SENATE BILL 383

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

INTRODUCED BY

Phillip A. Griego

AN ACT

RELATING TO HAZARDOUS MATERIALS; PROVIDING FOR AN ANNUAL
DISTRIBUTION FROM THE FIRE PROTECTION FUND TO CREATE AND
TRAIN REGIONAL HAZARDOUS MATERIALS TASK FORCES; MAKING AN
APPROPRIATION; DECLARING AN EMERGENCY.

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-53-6.1 NMSA 1978, is enacted to read:

"59A-53-6.1. [NEW MATERIAL] HAZARDOUS MATERIALS TASK
FORCE FUND--CREATION--DISTRIBUTION--REVERSION.--

A. The "hazardous materials task force 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

.131748.1

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1 shall be made from the fire protection fund to the hazardous
2 materials task force fund in an amount equal to one and one-
3 fourth percent of the balance in the fire protection fund as
4 of the preceding May 1.

5 C. The hazardous materials task force fund shall
6 be administered by the state fire marshal for distribution to
7 counties and incorporated municipalities for the purpose of
8 equipping and training local first responders to emergencies
9 involving the transportation of hazardous materials and for
10 the purpose of equipping and training regional hazardous
11 materials task forces capable of responding outside the
12 jurisdiction of municipalities. The following procedures
13 govern distributions from the fund:

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

17 (2) distributions shall be made only after a
18 complete inspection by the marshal in order to ensure that
19 all equipment, training and staffing meet the requirements
20 established by the emergency management task force for a
21 technician level team;

22 (3) distributions shall be made to a
23 municipality or county only if the recipient agrees to
24 provide regional hazardous materials first response to areas
25 outside the recipient's boundaries;

(4) distributions shall be made to a
municipality or county only after receiving input from the

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1 emergency management task force; and

2 (5) no distribution to a single county or
3 municipality shall exceed thirty-five thousand dollars
4 (\$35,000) in any fiscal year.

5 D. In addition to distributions made to
6 municipalities and counties pursuant to Subsection C of this
7 section, the state fire marshal may expend up to seventy-five
8 thousand dollars (\$75,000) annually from the hazardous
9 materials task force fund for the training and equipping of
10 small community fire departments without hazardous materials
11 first response capabilities.

12 E. Any unexpended or unencumbered balance
13 remaining in the hazardous materials task force fund at the
14 end of a fiscal year shall revert to the fire protection
15 fund."

16 Section 2. Section 59A-53-15 NMSA 1978 (being Laws
17 1984, Chapter 127, Section 986, as amended) is amended to
18 read:

19 "59A-53-15. APPROPRIATION FROM STATE TREASURY.--All
20 money ~~[which]~~ that from time to time is deposited in the
21 state treasury and credited to the fire protection fund is
22 appropriated to the ~~[corporation]~~ commission for the use of
23 the state fire marshal for the purposes set out in Chapter
24 59A, Article 53 NMSA 1978 and shall be distributed by the
25 state treasurer and expended as provided in that article.
Hereafter, all sums in excess of one hundred thousand dollars
(\$100,000) for pro rata distribution plus seventy-five

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1 percent of the approved state fire marshal budget for the
2 succeeding fiscal year plus the amount certified to be
3 distributed as provided in that article plus the amount to be
4 transferred to the hazardous materials task force fund
5 pursuant to Section 59A-53-6.1 NMSA 1978 shall be credited to
6 the general fund on or before June 30 of each fiscal year."

7 Section 3. EMERGENCY.--It is necessary for the public
8 peace, health and safety that this act take effect
9 immediately.