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SENATE BILL 21

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Nancy E. Rodriguez

FOR THE NEW MEXICO FINANCE AUTHORITY OVERSIGHT COMMITTEE

AN ACT

RELATING TO INSURANCE; INCREASING DISTRIBUTIONS TO COUNTIES AND MUNICIPALITIES FROM THE FIRE PROTECTION FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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 state fire 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

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1 possesses fire equipment and apparatus in serviceable  
2 condition to respond to a fire incident. The state fire  
3 marshal shall also determine the number of fire stations and  
4 substations located in each municipality to be certified and  
5 shall certify to the state treasurer for each municipality for  
6 the purpose of maintaining each fire station and each  
7 substation, if any, that meets the requirements of the state  
8 fire marshal and the requirements of this section, and in  
9 accordance with the class insurance rating it maintains,  
10 amounts for fiscal year [~~1999~~] 2001 not to exceed the  
11 following:

class	main station	substation
number 1	\$ [ <del>58,245</del> ] <u>69,894</u>	\$ [ <del>21,584</del> ] <u>25,901</u>
number 2	[ <del>53,957</del> ] <u>64,748</u>	[ <del>20,145</del> ] <u>24,174</u>
number 3	[ <del>49,641</del> ] <u>59,569</u>	[ <del>18,705</del> ] <u>22,446</u>
number 4	[ <del>45,323</del> ] <u>54,388</u>	[ <del>17,266</del> ] <u>20,719</u>
number 5	[ <del>43,164</del> ] <u>51,797</u>	[ <del>15,827</del> ] <u>18,992</u>
number 6	[ <del>41,007</del> ] <u>49,208</u>	[ <del>14,388</del> ] <u>17,266</u>
number 7	[ <del>38,848</del> ] <u>46,618</u>	[ <del>13,670</del> ] <u>16,404</u>
number 8	[ <del>36,691</del> ] <u>44,029</u>	[ <del>12,950</del> ] <u>15,540</u>
number 9	[ <del>27,339</del> ] <u>32,807</u>	[ <del>10,797</del> ] <u>12,956</u>
number 10	[ <del>24,460</del> ] <u>29,352</u>	none. "

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

25 "59A-53-5. ESTABLISHMENT OF COUNTY FIRE DISTRICTS. --

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1           A. The county commissioners of any county may  
2 establish one or more county fire districts within the county  
3 but outside the corporate limits of any municipality. The  
4 state fire marshal shall determine the number of fire stations  
5 and substations located in each county fire district to be  
6 certified and shall certify to the state treasurer for each  
7 county fire district for the purpose of maintaining each fire  
8 station and each substation, if any, that meets the  
9 requirements of the state fire marshal and the requirements of  
10 this section, and in accordance with the class insurance  
11 rating it maintains, for fiscal year [~~1999~~] 2001, amounts not  
12 to exceed the following:

class	main station	substation
number 1	\$ [ <del>58,245</del> ] <u>69,894</u>	\$ [ <del>21,584</del> ] <u>25,901</u>
number 2	[ <del>53,957</del> ] <u>64,748</u>	[ <del>20,145</del> ] <u>24,174</u>
number 3	[ <del>49,641</del> ] <u>59,569</u>	[ <del>18,705</del> ] <u>22,446</u>
number 4	[ <del>45,323</del> ] <u>54,388</u>	[ <del>17,266</del> ] <u>20,719</u>
number 5	[ <del>43,164</del> ] <u>51,797</u>	[ <del>15,827</del> ] <u>18,992</u>
number 6	[ <del>41,007</del> ] <u>49,208</u>	[ <del>14,388</del> ] <u>17,266</u>
number 7	[ <del>38,848</del> ] <u>46,618</u>	[ <del>13,670</del> ] <u>16,404</u>
number 8	[ <del>36,691</del> ] <u>44,029</u>	[ <del>12,950</del> ] <u>15,540</u>
number 9	[ <del>27,339</del> ] <u>32,807</u>	[ <del>10,797</del> ] <u>12,956</u>
number 10	[ <del>24,460</del> ] <u>29,352</u>	none.

24           B. Additionally, prior to the disbursement of any  
25 funds, the following must be established to the satisfaction

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1 of the state fire marshal:

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

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

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

21 C. The county commissioners of any county may  
22 permit a county fire district located in the county to service  
23 an area adjacent and contiguous to the district but within  
24 another county; provided that the county commissioners of the  
25 other county shall consent by resolution duly adopted to the

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

10 Section 3. Section 59A-53-5.1 NMSA 1978 (being Laws  
11 1998, Chapter 76, Section 3) is amended to read:

12 "59A-53-5.1. MAXIMUM AMOUNTS TO BE CERTIFIED. --

13 A. For fiscal year [~~2000~~] 2002 and each fiscal year  
14 thereafter, the state fire marshal shall certify a total amount  
15 pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 not to  
16 exceed the greater of the total distribution pursuant to those  
17 sections for the previous fiscal year or an amount to be  
18 determined by adding:

19 (1) one-half of the total increase in the  
20 fire protection fund receipts in the previous fiscal year minus  
21 one-half of the appropriations, from all sources, to the  
22 volunteer firefighters retirement fund in the current fiscal  
23 year; and

24 (2) the total distribution pursuant to  
25 Sections 59A-53-4 and 59A-53-5 NMSA 1978 for the previous

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fiscal year.

B. The state fire marshal shall adjust the distributions for each class in proportion to the increase in the total distribution. "

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.