

1 HOUSE BILL 124

2 54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

3 INTRODUCED BY

4 Candie G. Sweetser and Gail Armstrong

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6
7 ENDORSED BY THE NEW MEXICO FINANCE AUTHORITY

8 OVERSIGHT COMMITTEE

9
10 AN ACT

11 RELATING TO FIRE PROTECTION; CLARIFYING THAT MONEY FROM THE
12 FIRE PROTECTION FUND MAY BE USED TO PURCHASE LAND FOR FIRE
13 STATIONS AND SUBSTATIONS; ALLOWING FIRE PROTECTION FUND AWARDS
14 TO ENTITIES HAVING OUTSTANDING OBLIGATIONS ASSOCIATED WITH
15 PRIOR FIRE PROTECTION FUND AWARDS.

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

18 SECTION 1. Section 59A-53-8 NMSA 1978 (being Laws 1984,
19 Chapter 127, Section 979, as amended) is amended to read:

20 "59A-53-8. EXPENDITURE OF FIRE PROTECTION FUND MONEY.--
21 [~~Any amount~~] Money distributed from the fire protection fund to
22 a municipality or to a county fire district [~~shall~~]:

23 A. may be expended only for the:

24 (1) maintenance of its fire department; [the]

25 (2) purchase or refinance of land for its fire

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underscored material = new
[bracketed material] = delete

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1 stations and substations;

2 (3) purchase, refinance, construction,
3 maintenance, repair and operation of its fire stations
4 [~~including~~] and substations;

5 (4) purchase or refinance of fire apparatus
6 and equipment [~~and the financing or refinancing thereof the~~];

7 (5) payment of insurance premiums on fire
8 stations, substations, fire apparatus and equipment and
9 insurance premiums for injuries or deaths of firefighters as
10 otherwise provided by law; [~~and~~]

11 (6) payment of fire department emergency
12 medical services, except salaries [~~provided, however, that no~~
13 ~~money shall be expended from the fund for any purpose relating~~
14 ~~to the water supply systems of a municipality or county fire~~
15 ~~district or for the improvement or construction of the systems~~
16 ~~or for purchase, rental, installation or maintenance of fire~~
17 ~~hydrants or for any other appurtenances relating to the~~
18 ~~distribution or use of the water supply system. Funds~~
19 ~~distributed from the fire protection fund to an incorporated~~
20 ~~municipality or a county fire district may also be expended for~~
21 ~~the expense of firefighters for attending~~]; and

22 (7) payment of firefighters' attendance at
23 fire schools and conventions approved by the marshal; and

24 B. shall not be expended for any purpose related
25 to:

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[bracketed material] = delete

- 1 (1) its water supply systems or the
2 improvement or construction of those systems;
3 (2) the purchase, rental, installation or
4 maintenance of fire hydrants; or
5 (3) any other appurtenance related to the
6 distribution or use of water from its water supply system."

7 SECTION 2. Section 59A-53-10 NMSA 1978 (being Laws 1984,
8 Chapter 127, Section 981, as amended) is amended to read:

9 "59A-53-10. [~~PURCHASE OF~~] INTEREST IN LAND [~~OR BUILDINGS~~]
10 FOR FIRE STATIONS OR SUBSTATIONS.-- [~~No amount so~~] Money
11 distributed from the fire protection fund to a municipality or
12 to [~~any~~] a county fire district [~~shall be expended or obligated~~
13 ~~for the purchase of land or the construction of buildings for~~
14 ~~fire stations or substations unless all obligations previously~~
15 ~~incurred for those purposes and to be paid from money~~
16 ~~distributed from the fire protection fund by the municipality~~
17 ~~or county fire district have been fully paid and satisfied; and~~
18 ~~no amount shall~~] may be expended or obligated for the
19 construction of buildings for fire stations or substations
20 [~~unless~~] only if:

21 A. the municipality or county fire district
22 proposing to expend or obligate for that purpose [~~money~~
23 ~~distributed from the fire protection fund~~] holds fee simple
24 title, not encumbered by any lien, to the land on which it
25 proposes to construct [~~any such~~] the building [~~provided,~~

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1 ~~however, that this provision shall not prohibit construction or~~
2 ~~location of a fire station or substation on]; or~~

3 B. the land is donated in whole or in part to the
4 municipality or county fire district for the purpose, and use
5 of fire protection fund money for the construction or location,
6 where the donor has reserved right of reversion of the land
7 under stated conditions, if the use of money is approved by the
8 marshal in advance and after full investigation and
9 determination that the use would be appropriate and
10 reasonable."