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HOUSE BILL 570

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY  
VINCENT GALLEGOS

AN ACT

INCREASING DISTRIBUTIONS TO MUNICIPAL AND COUNTY FIRE DEPARTMENTS FROM THE FIRE PROTECTION FUND; 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 ~~[foregoing]~~ 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 to a fire

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1 incident. The marshal shall also determine the number of fire  
2 stations and substations located in each municipality to be  
3 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 the  
8 following:

| 9  | class           | mainstation                             | substation                              |
|----|-----------------|---|---|
| 10 | number 1        | [ <del>\$51,843</del> ] <u>\$72,580</u> | [ <del>\$19,211</del> ] <u>\$26,895</u> |
| 11 | number 2        | [ <del>48,026</del> ] <u>67,236</u>     | [ <del>17,930</del> ] <u>25,102</u>     |
| 12 | number 3        | [ <del>44,184</del> ] <u>61,858</u>     | [ <del>16,649</del> ] <u>23,309</u>     |
| 13 | number 4        | [ <del>40,341</del> ] <u>56,477</u>     | [ <del>15,368</del> ] <u>21,515</u>     |
| 14 | number 5        | [ <del>38,419</del> ] <u>53,787</u>     | [ <del>14,088</del> ] <u>19,723</u>     |
| 15 | number 6        | [ <del>36,499</del> ] <u>51,099</u>     | [ <del>12,807</del> ] <u>17,930</u>     |
| 16 | number 7        | [ <del>34,578</del> ] <u>48,409</u>     | [ <del>12,168</del> ] <u>17,035</u>     |
| 17 | <u>number 8</u> | [ <del>32,658</del> ] <u>45,721</u>     | [ <del>11,527</del> ] <u>16,138</u>     |
| 18 | number 9        | [ <del>24,333</del> ] <u>34,066</u>     | [ <del>9,610</del> ] <u>13,454</u>      |
| 19 | number 10       | [ <del>21,771</del> ] <u>30,479</u>     | none. "                                 |

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

22 "59A-53-5. ESTABLISHMENT OF COUNTY FIRE DISTRICTS. --

23 A. The county commissioners of any county may  
24 establish one or more county fire districts within the county  
25 but outside the corporate limits of any municipality. The

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1 marshal shall determine the number of fire stations and  
2 substations located in each county to be certified and shall  
3 certify to the state treasurer for each county for maintaining a  
4 single fire station and substations, if any, which meet the  
5 requirements of the marshal and the requirements of this  
6 section, and in accordance with the class insurance rating it  
7 maintains, amounts not to exceed the following:

| 8  | class     | mainstation                           | substation                            |
|----|-----------|---------------------------------------|---------------------------------------|
| 9  | number 1  | <del>[\$51,843]</del> <u>\$72,580</u> | <del>[\$19,211]</del> <u>\$26,895</u> |
| 10 | number 2  | <del>[48,026]</del> <u>67,236</u>     | <del>[17,930]</del> <u>25,102</u>     |
| 11 | number 3  | <del>[44,184]</del> <u>61,858</u>     | <del>[16,649]</del> <u>23,309</u>     |
| 12 | number 4  | <del>[40,341]</del> <u>56,477</u>     | <del>[15,368]</del> <u>21,515</u>     |
| 13 | number 5  | <del>[38,419]</del> <u>53,787</u>     | <del>[14,088]</del> <u>19,723</u>     |
| 14 | number 6  | <del>[36,499]</del> <u>51,099</u>     | <del>[12,807]</del> <u>17,930</u>     |
| 15 | number 7  | <del>[34,578]</del> <u>48,409</u>     | <del>[12,168]</del> <u>17,035</u>     |
| 16 | number 8  | <del>[32,658]</del> <u>45,721</u>     | <del>[11,527]</del> <u>16,138</u>     |
| 17 | number 9  | <del>[24,333]</del> <u>34,066</u>     | <del>[9,610]</del> <u>13,454</u>      |
| 18 | number 10 | <del>[21,771]</del> <u>30,479</u>     | none,                                 |

19 upon establishing, to the satisfaction of the marshal, the  
20 following:

- 21 (1) the county fire district has maintained an  
22 official fire department for a period of at least one year,  
23 established and governed by appropriate resolution of the board  
24 of county commissioners of the county in which the county fire  
25 district is located, and possesses fire apparatus and equipment

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1 in serviceable condition to respond to a fire incident;

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

10 (3) there is available within the geographic  
11 limits and boundaries of the county fire district an adequate  
12 water supply to be used in connection with the fire-fighting  
13 facilities of the county fire district.

14 B. The county commissioners of any county may permit  
15 a county fire district located in the county to service an area  
16 adjacent and contiguous to the district but within another  
17 county; provided that the county commissioners of the other  
18 county shall consent by resolution duly adopted to the service  
19 and to the boundaries of the other area serviced. Before  
20 commencement of service, a plat showing the geographic limits  
21 and boundaries of the county district and of the additional area  
22 to be serviced shall be filed with and approved by the marshal.  
23 The county commissioners of either the county in which the  
24 county district is located or of the county in which the area  
25 being serviced is located may terminate the service but only

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1 with the approval of the marshal."

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

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