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HOUSE BILL 638

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

INTRODUCED BY

RAYMOND G. SANCHEZ

AN ACT

RELATING TO INSURANCE; INCREASING DISTRIBUTIONS TO MUNICIPAL AND COUNTY FIRE DEPARTMENTS 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 ~~[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

Underscored material = new  
[bracketed material] = delete

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	<del>[main station]</del> <u>main station</u>	substation
10	number 1	<del>[\$51,843]</del> <u>\$54,953</u>	<del>[\$19,211]</del> <u>\$20,364</u>
11	number 2	<del>[48,026]</del> <u>50,908</u>	<del>[17,930]</del> <u>19,006</u>
12	number 3	<del>[44,184]</del> <u>46,835</u>	<del>[16,649]</del> <u>17,648</u>
13	number 4	<del>[40,341]</del> <u>42,761</u>	<del>[15,368]</del> <u>16,290</u>
14	number 5	<del>[38,419]</del> <u>40,724</u>	<del>[14,088]</del> <u>14,933</u>
15	number 6	<del>[36,499]</del> <u>38,689</u>	<del>[12,807]</del> <u>13,575</u>
16	number 7	<del>[34,578]</del> <u>36,653</u>	<del>[12,168]</del> <u>12,898</u>
17	number 8	<del>[32,658]</del> <u>34,618</u>	<del>[11,527]</del> <u>12,219</u>
18	number 9	<del>[24,333]</del> <u>25,793</u>	<del>[9,610]</del> <u>10,187</u>
19	number 10	<del>[21,771]</del> <u>23,077</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 fire district to be certified  
3 and shall certify to the state treasurer for each county fire  
4 district for maintaining a single fire station and substations,  
5 if any, which meet the requirements of the marshal and the  
6 requirements of this section, and in accordance with the class  
7 insurance rating it maintains, amounts not to exceed the  
8 following:

9 class	<del>main station</del>	<u>main station</u>	substation	
10 number 1	<del>[\$51,843]</del>	<u>\$54,953</u>	<del>[\$19,211]</del>	<u>\$20,364</u>
11 number 2	<del>[48,026]</del>	<u>50,908</u>	<del>[17,930]</del>	<u>19,006</u>
12 number 3	<del>[44,184]</del>	<u>46,835</u>	<del>[16,649]</del>	<u>17,648</u>
13 number 4	<del>[40,341]</del>	<u>42,761</u>	<del>[15,368]</del>	<u>16,290</u>
14 number 5	<del>[38,419]</del>	<u>40,724</u>	<del>[14,088]</del>	<u>14,933</u>
15 number 6	<del>[36,499]</del>	<u>38,689</u>	<del>[12,807]</del>	<u>13,575</u>
16 number 7	<del>[34,578]</del>	<u>36,653</u>	<del>[12,168]</del>	<u>12,898</u>
17 number 8	<del>[32,658]</del>	<u>34,618</u>	<del>[11,527]</del>	<u>12,219</u>
18 number 9	<del>[24,333]</del>	<u>25,793</u>	<del>[9,610]</del>	<u>10,187</u>
19 number 10	<del>[21,771]</del>	<u>23,077</u>	none,	

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

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

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1 district is located, and possesses fire apparatus and equipment  
2 in serviceable condition to respond to a fire incident;

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

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

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

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1 the area being serviced is located may terminate the service but  
2 only with the approval of the marshal. "

3 Section 3. EFFECTIVE DATE. --The effective date of the  
4 provisions of this act is April 30, 1996.

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

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**State of New Mexico**  
**House of Representatives**

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 8, 1996

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 638

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 2, lines 10 through 19, strike the underscored numbers in the main station and substation columns and insert in lieu thereof:

“\$54, 435	\$20, 172
50, 427	18, 827
46, 393	17, 481

. 110073. 2

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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42, 358	16, 136
40, 340	14, 792
38, 324	13, 447
36, 307	12, 776
34, 291	12, 103
25, 550	
	10, 091".
22, 860	

2. On page 3, lines 10 through 19, strike the underscored numbers in the main station and substation columns and insert in lieu thereof:

"54, 435	\$20, 172
50, 427	18, 827
46, 393	17, 481
42, 358	16, 136
40, 340	14, 792
38, 324	13, 447
36, 307	12, 776
34, 291	12, 103
25, 550	10, 091".
22, 860	

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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Respectfully submitted,

\_\_\_\_\_  
Max Coll, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 15 For 0 Against

Yes: 15

Excused: Buffett, Varela, Watchman

Absent: none

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Underscored material = new  
[bracketed material] = delete

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SECOND SESSION, 1996

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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February 13, 1996

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10 Mr. President:

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Your FINANCE COMMITTEE, to whom has been referred

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13

HOUSE BILL 638, as amended

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15

has had it under consideration and reports same with

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recommendation that it DO PASS.

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18

Respectfully submitted,

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\_\_\_\_\_  
Ben D. Altamirano, Chairman

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Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

1 **HB 638**

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Date \_\_\_\_\_

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: 0

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Excused: Aragon, Doni sthorpe, Ingle, Kysar, Maci as, Nava

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Absent: None

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**H0638FC1**

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[bracketed material] = delete