

1 HOUSE BILL 565

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Nathan "Nate" Cote

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9  
10 AN ACT

11 RELATING TO PUBLIC SAFETY; AMENDING THE FIRE PROTECTION FUND  
12 LAW TO ALLOW A DISTRIBUTION TO THE EMERGENCY MEDICAL SERVICES  
13 FUND FROM FUNDS THAT WOULD OTHERWISE REVERT TO THE GENERAL  
14 FUND.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 24-10A-3 NMSA 1978 (being Laws 1978,  
18 Chapter 178, Section 3, as amended by Laws 2001, Chapter 258,  
19 Section 3 and by Laws 2001, Chapter 273, Section 3) is amended  
20 to read:

21 "24-10A-3. EMERGENCY MEDICAL SERVICES FUND CREATED--  
22 FUNDING.--

23 A. The "emergency medical services fund" is created  
24 in the state treasury. Money in the fund shall not revert at  
25 the end of any fiscal year. Money appropriated to the fund,

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1 transferred to the fund from the fire protection fund or  
2 accruing to ~~[it]~~ the fund through gifts, grants, fees or  
3 bequests shall be deposited in the fund. Interest earned on  
4 investment of the fund shall be credited to the general fund.  
5 Disbursements from the fund shall be made upon warrants drawn  
6 by the secretary of finance and administration pursuant to  
7 vouchers signed by the secretary or ~~[his]~~ the secretary's  
8 authorized representative.

9 B. The bureau shall administer the fund and provide  
10 for the distribution of the fund pursuant to the Emergency  
11 Medical Services Fund Act and rules adopted pursuant to the  
12 provisions of that act.

13 C. In any fiscal year, no less than seventy-five  
14 percent of the money in the fund shall be used for the local  
15 emergency medical services funding program to support the cost  
16 of supplies and equipment and operational costs other than  
17 salaries and benefits for emergency medical services personnel.  
18 This money shall be distributed to municipalities and counties  
19 on behalf of eligible local recipients, using a formula  
20 established pursuant to rules adopted by the department. The  
21 formula shall determine each municipality's and county's share  
22 of the fund based on the relative geographic size and  
23 population of each county. The formula shall also base the  
24 distribution of money for each municipality and county on the  
25 relative number of runs of each local recipient eligible to

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1 participate in the distribution.

2 D. In any fiscal year, no more than:

3 (1) twenty-two percent of the fund may be used  
4 for emergency medical services system improvement projects,  
5 including the purchase of emergency medical services vehicles,  
6 local and statewide emergency medical services system support  
7 projects, the statewide trauma care system program and the  
8 emergency medical dispatch agency support program; and

9 (2) three percent of the fund may be used by  
10 the bureau and emergency medical services regional offices for  
11 administrative costs, including monitoring and providing  
12 technical assistance.

13 E. In any fiscal year, money in the fund that is  
14 not distributed pursuant to the provisions of Subsection D of  
15 this section may be distributed pursuant to the provisions of  
16 Subsection C of this section."

17 SECTION 2. Section 59A-53-2 NMSA 1978 (being Laws 1984,  
18 Chapter 127, Section 973, as amended) is amended to read:

19 "59A-53-2. PURPOSE.--It is the purpose of the Fire  
20 Protection Fund Law to provide for distribution of funds from  
21 the fire protection fund referred to in Section 59A-6-5 NMSA  
22 1978 to:

23 A. municipalities and to county fire districts, in  
24 proportion to their respective needs, for use in operation,  
25 maintenance and betterment of local fire departments, to the

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1 end that the hazard of loss by fire and fire insurance rates  
2 may be reduced and the public safety thereby promoted; and

3 B. the emergency medical services fund referred to  
4 in Section 24-10A-3 NMSA 1978."

5 SECTION 3. Section 59A-53-5.2 NMSA 1978 (being Laws 2007,  
6 Chapter 152, Section 1, as amended) is amended to read:

7 "59A-53-5.2. APPROPRIATIONS AND TRANSFERS FROM THE FIRE  
8 PROTECTION FUND.--

9 A. For each fiscal year, the amount to be  
10 distributed by the marshal pursuant to [~~Sections 59A-53-4,~~  
11 ~~59A-53-5 and 59A-53-5.1 NMSA 1978~~] the Fire Protection Fund Law  
12 is appropriated from the fire protection fund to the commission  
13 for the purpose of making the distributions.

14 B. For the purposes of Subsections C [~~and~~], D and E  
15 of this section, the "remaining balance in the fire protection  
16 fund" shall be calculated on June 30 of each year and shall  
17 equal the balance of the fund on that date less the sum of:

18 (1) the total amount to be distributed during  
19 the succeeding fiscal year pursuant to Sections 59A-53-4,  
20 59A-53-5 and 59A-53-5.1 NMSA 1978; and

21 (2) the total amount of other appropriations  
22 from the fire protection fund for the succeeding fiscal year.

23 C. On the following dates, the following  
24 percentages of the remaining balance in the fire protection  
25 fund shall be transferred from the fire protection fund to the

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1 fire protection grant fund:

2 (1) on June 30, 2007, six and seven-tenths  
3 percent;

4 (2) on June 30, 2008, thirteen and four-tenths  
5 percent;

6 (3) on June 30, 2009, thirteen and four-tenths  
7 percent;

8 (4) on June 30, 2010, thirteen and four-tenths  
9 percent;

10 (5) on June 30, 2011, thirteen and four-tenths  
11 percent;

12 (6) on June 30, 2012, thirteen and four-tenths  
13 percent;

14 (7) on June 30, 2013, twenty and one-tenth  
15 percent;

16 (8) on June 30, 2014, twenty-six and eight-  
17 tenths percent;

18 (9) on June 30, 2015, thirty-three and five-  
19 tenths percent;

20 (10) on June 30, 2016, forty and two-tenths  
21 percent;

22 (11) on June 30, 2017, forty-six and nine-  
23 tenths percent;

24 (12) on June 30, 2018, fifty-three and six-  
25 tenths percent;

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1 (13) on June 30, 2019, sixty and three-tenths  
2 percent;

3 (14) on June 30, 2020, sixty-seven percent;

4 (15) on June 30, 2021, seventy-three and  
5 seven-tenths percent;

6 (16) on June 30, 2022, eighty and four-tenths  
7 percent;

8 (17) on June 30, 2023, eighty-seven and one-  
9 tenth percent;

10 (18) on June 30, 2024, ninety-three and eight-  
11 tenths percent; and

12 (19) on June 30, 2025, and on each subsequent  
13 June 30, one hundred percent.

14 D. On June 30 of each year, ten percent, not to  
15 exceed seven million dollars (\$7,000,000), of the remaining  
16 balance in the fire protection fund, less the amount to be  
17 transferred on that date pursuant to Subsection C of this  
18 section, shall be transferred to the emergency medical services  
19 fund.

20 [~~D.~~] E. On June 30 of each year, the remaining  
21 balance in the fire protection fund, less the amount to be  
22 transferred on that date pursuant to [~~Subsection~~] Subsections  
23 C and D of this section, shall be transferred to the general  
24 fund; provided that no transfer shall be made pursuant to  
25 this subsection after June 30, 2024."

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