

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 96

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

PHIL A. GRIEGO

AN ACT

RELATING TO THE FIRE PROTECTION FUND; CHANGING THE
DISTRIBUTION FORMULA FOR THE FIRE PROTECTION FUND; AMENDING
SECTIONS OF THE NMSA 1978.

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. - -

A. In making the 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

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

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

class	main station	substation
number 1	[\$54,435] <u>\$58,245</u>	[\$20,172] <u>\$21,584</u>
number 2	[50,427] <u>53,957</u>	[18,827] <u>20,145</u>
number 3	[46,393] <u>49,641</u>	[17,481] <u>18,705</u>
number 4	[42,358] <u>45,323</u>	[16,136] <u>17,266</u>
number 5	[40,340] <u>43,164</u>	[14,792] <u>15,827</u>
number 6	[38,324] <u>41,007</u>	[13,447] <u>14,388</u>
number 7	[36,307] <u>38,848</u>	[12,776] <u>13,670</u>
number 8	[34,291] <u>36,691</u>	[12,103] <u>12,950</u>
number 9	[25,550] <u>27,339</u>	[10,091] <u>10,797</u>
number 10	[22,860] <u>24,460</u>	none.

21 B. For fiscal year 2000 and each ensuing fiscal
22 year, the marshal shall certify to the state treasurer amounts
23 not to exceed the greater of the previous year's distribution
24 for each class or an amount to be determined by multiplying
25 the previous year's distribution by a factor of one and

1 one-half of the percentage increase in the fire protection
2 fund that occurred in the previous fiscal year. "

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

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

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

class	main station	substation
18 number 1	[\$54,435] <u>\$58,245</u>	[\$20,172] <u>\$21,584</u>
19 number 2	[50,427] <u>53,957</u>	[18,827] <u>20,145</u>
20 number 3	[46,393] <u>49,641</u>	[17,481] <u>18,705</u>
21 number 4	[42,358] <u>45,323</u>	[16,136] <u>17,266</u>
22 number 5	[40,340] <u>43,164</u>	[14,792] <u>15,827</u>
23 number 6	[38,324] <u>41,007</u>	[13,447] <u>14,388</u>
24 number 7	[36,307] <u>38,848</u>	[12,776] <u>13,670</u>

25 . 120608. 2

Underscored material = new
[bracketed material] = delete

1	number 8	[34,291]	<u>36,691</u>	[12,103]	<u>12,950</u>
2	number 9	[25,550]	<u>27,339</u>	[10,091]	<u>10,797</u>
3	number 10	[22,860]	<u>24,460</u>	none.	

4 [upon establishing, to the satisfaction of the marshal, the
5 following]

6 B. For fiscal year 2000 and each ensuing fiscal
7 year, the marshal shall certify to the state treasurer amounts
8 not to exceed the greater of the previous year's distribution
9 for each class or an amount to be determined by multiplying
10 the previous year's distribution by a factor of one and
11 one-half of the percentage increase in the fire protection
12 fund that occurred in the previous fiscal year.

13 C. Prior to the disbursement of any money from the
14 fire protection fund, the following must be established to the
15 satisfaction of the marshal:

16 (1) the county fire district has maintained
17 an official fire department for a period of at least one year,
18 established and governed by appropriate resolution of the
19 board of county commissioners of the county in which the
20 county fire district is located, and possesses fire apparatus
21 and equipment in serviceable condition to respond to a fire
22 incident;

23 (2) the geographic limits and boundaries of
24 the county fire district have been clearly defined and
25 established by the board of county commissioners of the county

Underscored material = new
[bracketed material] = delete

1 in which the county fire district is located, and a plat
2 showing the geographic limits and boundaries has been accepted
3 by the board of county commissioners and filed as part of the
4 official record of proceedings of the board and a certified
5 copy thereof filed with the marshal; and

6 (3) there is available within the geographic
7 limits and boundaries of the county fire district an adequate
8 water supply to be used in connection with the fire-fighting
9 facilities of the county fire district.

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

24 Section 3. EFFECTIVE DATE. --The effective date of the
25 provisions of this act is July 1, 1998.

. 120608. 2

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3
4
5

6 January 26, 1998
7

8 Mr. President:
9

10 Your COMMITTEES' COMMITTEE, to whom has been referred
11

12 SENATE BILL 96
13

14 has had it under consideration and finds same to be GERMANE, in
15 accordance with constitutional provisions, and thence referred to the
16 CORPORATIONS & TRANSPORTATION COMMITTEE.
17

18
19 Respectfully submitted,
20
21
22
23
24

25 _____
Manny M. Aragon, Chairman

Underscored material = new
~~[bracketed material]~~ = delete

Adopted _____ Not Adopted _____

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

(Chief Clerk)

(Chief Clerk)

Date _____

S0096CC1

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5 February 3, 1998

6
7 Mr. President:

8
9 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom
10 has been referred

11
12 SENATE BILL 96

13
14 has had it under consideration and reports same with recommendation
15 that it DO PASS, and thence referred to the FINANCE COMMITTEE.

16
17 Respectfully submitted,

18
19
20
21
22 _____
23 Roman M. Maes, III, Chairman
24
25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Kidd, Leavell, McKibben, Robinson

Absent: None

S0096CT1

Underscored material = new
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3
4

5 February 3, 1998
6

7 Mr. President:
8

9 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom
10 has been referred
11

12 SENATE BILL 96
13

14 has had it under consideration and reports same with recommendation
15 that it DO PASS, and thence referred to the FINANCE COMMITTEE.
16

17 Respectfully submitted,
18

19
20
21
22 _____
23 Roman M. Maes, III, Chairman
24
25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Kidd, Leavell, McKibben, Robinson

Absent: None

S0096CT1

Underscored material = new
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5
6 February 14, 1998

7
8 Mr. President:

9
10 Your FINANCE COMMITTEE, to whom has been referred

11
12 SENATE BILL 96

13
14 has had it under consideration and reports same with recommendation
15 that it DO PASS, amended as follows:

- 16
17
- 18 1. On page 1, line 19, strike the subsection designation "A."
 - 19
20 2. On page 2, line 9, after "amounts" insert "for fiscal year
21 1999".
 - 22
23 3. On page 2, lines 21 through 25, and on page 3, lines 1 and 2,
24 strike Subsection B in its entirety, and insert a closing quotation
25 mark.

. 120608. 2

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

SFC/SB 96

Page 13

4. On page 3, line 16, after "maintains," insert "for fiscal year 1999,".

5. On page 4, lines 6 through 12, strike Subsection B in its entirety.

6. On page 4, line 13, strike the subsection designation "C." and insert "B.", strike the remainder of the line and line 14 through the comma and insert in lieu thereof "Additionally, prior to the disbursement of any funds,".

7. Reletter the succeeding the subsection accordingly.

8. On page 5, between lines 23 and 24, insert the following new section:

"Section 3. A new Section 59A-53-5.1 NMSA 1978 is enacted to read:

"59A-53-5.1. [NEW MATERIAL] MAXIMUM AMOUNTS TO BE CERTIFIED. --

A. For fiscal year 2000 and each fiscal year thereafter,

. 120608. 2

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

SFC/SB 96

Page 14

the marshal shall certify a total amount pursuant to Sections 59A-53-4 and 59A-53-5 NMSA 1978 not to exceed the greater of the total distribution pursuant to those sections for the previous fiscal year or an amount to be determined by adding:

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

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

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

8. On page 5, lines 24 and 25, strike Section 3 in its entirety.

Respectfully submitted,

. 120608. 2

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

SFC/SB 96

Page 15

Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Aragon, Campos, Carraro, Lyons

Absent: None

. 120608. 2

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SFC/SB 96

S096FC1

Page 16

. 123289. 1/a

Underscored material = new
~~[bracketed material]~~ = delete

. 120608. 2