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SENATE BILL 636

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Fernando R. Macias

AN ACT

RELATING TO FIRE PROTECTION; INCREASING THE DISTRIBUTION TO
THE FIRE PROTECTION FUND; PROVIDING FOR INCREASED DISTRIBUTION
TO FIRE DISTRICTS.

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

Section 1. Section 59A-6-5 NMSA 1978 (being Laws 1984,
Chapter 127, Section 105, as amended) is amended to read:

"59A-6-5. DISTRIBUTION OF INSURANCE DEPARTMENT
COLLECTIONS. --

A. All money received by the insurance department
~~[or insurance board]~~ for fees, licenses, penalties and taxes
shall be paid daily by the superintendent to the state
treasurer and by him credited to the "insurance department
suspense fund" ~~[heretofore created and now existing]~~ except as
provided by:

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

- 1 (1) the Law Enforcement Protection Fund Act;
- 2 [~~and~~]
- 3 (2) Section 59A-6-1.1 NMSA 1978; and
- 4 (3) the distribution to Carrie Tingley
- 5 crippled children's hospital pursuant to Section 59A-44-37
- 6 NMSA 1978.

7 B. The superintendent, with approval of the
8 [~~corporation~~] public regulation commission [~~or insurance~~
9 ~~board, as the case may be related to the money involved~~], may
10 authorize refund of money erroneously paid as fees, licenses,
11 penalties or taxes from the insurance department suspense fund
12 under request for refund made within three years after the
13 erroneous payment.

14 C. At the end of every month, the treasurer shall
15 transfer to the "fire protection fund" fifty percent of the
16 balance remaining in the insurance department suspense fund,
17 after applicable refunds, [~~made therefrom under Subsection B~~
18 ~~of this section, and~~] that is derived from property and
19 vehicle insurance business, and transfer to the general fund
20 the balance remaining in the insurance department suspense
21 fund derived from property and vehicle and all other kinds of
22 insurance business. "

23 Section 2. Section 59A-53-15 NMSA 1978 (being Laws 1984,
24 Chapter 127, Section 986, as amended) is amended to read:

25 "59A-53-15. APPROPRIATION FROM STATE TREASURY. -- All

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[bracketed material] = delete

1 money ~~[which]~~ that from time to time is deposited in the state
2 treasury and credited to the fire protection fund is
3 appropriated to the ~~[corporation commission for the use of the~~
4 ~~marshal for the purposes set out in Chapter 59A, Article 53~~
5 ~~NMSA 1978 and shall be distributed by the state treasurer and~~
6 ~~expended as provided in that article. Hereafter, all sums in~~
7 ~~excess of one hundred thousand dollars (\$100,000) for pro rata~~
8 ~~distribution plus seventy five percent of the approved state~~
9 ~~fire marshal budget for the succeeding fiscal year plus the~~
10 ~~amount certified to be distributed as provided in that article~~
11 ~~shall be credited to the general fund on or before June 30 of~~
12 ~~each fiscal year]~~ state fire marshal to carry out the
13 provisions of the Fire Protection Fund Law. "

14 Section 3. A new section of the Fire Protection Fund Law
15 is enacted to read:

16 "[NEW MATERIAL] SUPPLEMENTAL DISTRIBUTION. --

17 A. The state fire marshal shall adopt and
18 promulgate rules to govern the distribution of money in the
19 fire protection fund in excess of:

20 (1) the annual amount pursuant to Sections
21 59A-53-4 and 59A-53-5 NMSA 1978;

22 (2) the amount required for administration of
23 the state fire marshal bureau and the firefighter training
24 academy; and

25 (3) the amount required for volunteer

underscored material = new
[bracketed material] = delete

1 firefighter retirement.

2 B. The supplemental distribution provided for in
3 Subsection A of this section may be used:

- 4 (1) to improve fire department and fire
5 district insurance ratings;
- 6 (2) to foster long-range planning goals;
- 7 (3) to augment the annual distribution; or
- 8 (4) for any other purpose allowed by the Fire
9 Protection Fund Law.

10 C. The state fire marshal may amend the rules
11 annually to change the purpose of the year's supplemental
12 distribution.

13 D. The supplemental distribution provided for in
14 this section shall be distributed with the annual distribution
15 provided for in Sections 59A-53-4 and 59A-53-5 NMSA 1978. "

16 Section 4. EFFECTIVE DATE. --The effective date of the
17 provisions of this act is July 1, 1999.