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AN ACT

RELATING TO PUBLIC FINANCE; INCREASING TRANSFERS FROM THE
FIRE PROTECTION FUND TO THE FIRE PROTECTION GRANT FUND;
PROVIDING THAT THE FIRE PROTECTION GRANT FUND SHALL NOT
REVERT AT THE END OF A FISCAL YEAR; REMOVING THE REQUIREMENT
THAT STIPENDS FOR VOLUNTEER FIREFIGHTERS BE PROVIDED ONLY IN
UNDERSERVED AREAS; REQUIRING THAT THE FIRE PROTECTION GRANT
COUNCIL ASSESS THE NEED FOR RECRUITING AND RETENTION PROGRAMS
FOR VOLUNTEER FIREFIGHTERS.

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

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

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

A. For each fiscal year, the amount to be
distributed by the marshal pursuant to Sections 59A-53-4,
59A-53-5 and 59A-53-5.1 NMSA 1978 is appropriated from the
fire protection fund to the state fire marshal for the
purpose of making the following distributions:

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

(2) the total amount of other appropriations

1 from the fire protection fund for the fiscal year;

2 (3) on June 30, 2017, no distribution shall
3 be made to the fire protection grant fund;

4 (4) in fiscal years 2019 through 2021,
5 periodic allotments not to exceed forty and two-tenths
6 percent of the projected remaining balance in the fire
7 protection fund shall be distributed to the fire protection
8 grant fund; and

9 (5) beginning in fiscal year 2022, periodic
10 allotments equaling the total projected remaining balance in
11 the fire protection fund shall be distributed to the fire
12 protection grant fund.

13 B. As of June 30 of each year, the remaining
14 unexpended balance in the fire protection fund shall be
15 transferred to the general fund."

16 SECTION 2. Section 59A-53-18 NMSA 1978 (being
17 Laws 2006, Chapter 103, Section 7, as amended) is amended to
18 read:

19 "59A-53-18. FIRE PROTECTION GRANT FUND--CREATED--
20 USES.--The "fire protection grant fund" is created in the
21 state treasury. The fund shall consist of transfers,
22 distributions, appropriations, gifts, grants, donations and
23 bequests made to the fund. Income from the fund shall be
24 credited to the fund, and money in the fund shall not revert
25 or be transferred to any other fund at the end of a fiscal

1 year. Money in the fund is appropriated to the fire
2 protection grant council for the purposes of making
3 distributions approved by the council for the critical needs
4 of municipal fire departments and county fire districts.
5 Expenditures from the fund shall be made on warrant of the
6 secretary of finance and administration pursuant to vouchers
7 signed by the marshal."

8 SECTION 3. Section 59A-53-19 NMSA 1978 (being
9 Laws 2006, Chapter 103, Section 8, as amended) is amended to
10 read:

11 "59A-53-19. FIRE PROTECTION GRANT COUNCIL--DUTIES.--

12 A. The "fire protection grant council" is created.
13 The council consists of:

14 (1) a representative of the New Mexico
15 municipal league;

16 (2) a representative of the New Mexico
17 association of counties;

18 (3) two members appointed by the fire
19 services council, who shall serve at the pleasure of the
20 council;

21 (4) three members, one from each
22 congressional district, appointed by the governor who shall
23 serve at the pleasure of the governor; and

24 (5) the marshal, who shall serve as a
25 nonvoting advisory member. The council shall elect a chair

1 and vice chair from its membership.

2 B. The public members are entitled to receive per
3 diem and mileage as provided in the Per Diem and Mileage Act
4 and shall receive no other compensation, perquisite or
5 allowance.

6 C. The council shall develop criteria for
7 assessing the critical needs of municipal fire departments
8 and county fire districts for:

- 9 (1) fire apparatus and equipment;
- 10 (2) communications equipment;
- 11 (3) equipment for wildfires;
- 12 (4) fire station construction or expansion;
- 13 (5) equipment for hazardous material
14 response;
- 15 (6) stipends for volunteer firefighters; and
- 16 (7) recruiting and retention programs for
17 volunteer firefighters.

18 D. Applications for grant assistance from the fire
19 protection grant fund shall be made by fire districts to the
20 council in accordance with the requirements of the council.
21 Using criteria developed by the council, the council shall
22 evaluate applications and prioritize those applications most
23 in need of grant assistance from the fund. To the extent
24 that money in the fund is available, the council shall award
25 grant assistance for those prioritized applications.

1 E. In awarding grant assistance, the council may
2 require conditions and procedures necessary to ensure that
3 the money is expended in the most prudent manner.

4 F. When considering applications for grant
5 assistance to pay stipends to volunteer firefighters, the
6 council shall:

7 (1) ensure the proposed stipends will comply
8 with the federal Fair Labor Standards Act of 1938 and United
9 States department of labor requirements for maintaining
10 volunteer status;

11 (2) require a basic level of training before
12 a volunteer may receive a stipend;

13 (3) consider whether the fire district
14 requires a service commitment from its volunteer firefighters
15 in exchange for stipends; and

16 (4) weight the applications against other
17 criteria or requirements determined by the council."

18 SECTION 4. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2021. _____

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