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AN ACT

RELATING TO VOLUNTEER FIREFIGHTERS; ALLOWING FIRE PROTECTION GRANTS TO BE USED FOR STIPENDS FOR VOLUNTEER FIREFIGHTERS IN UNDERSERVED AREAS; PROVIDING FOR EVALUATION CRITERIA AND LIMITATIONS.

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

Section 1. Section 59A-53-19 NMSA 1978 (being Laws 2006, Chapter 103, Section 8, as amended) is amended to read:

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

A. The "fire protection grant council" is created. Subject to the requirements of Subsection B of this section, the council shall consist of:

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

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

(3) two members appointed by the public regulation commission who shall serve at the pleasure of the commission;

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

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

1 and vice chair from its membership.

2 B. No appointee to the council shall be a member
3 of the public regulation commission, the superintendent of
4 insurance or any other employee of the commission.

5 C. The public members are entitled to receive per
6 diem and mileage as provided in the Per Diem and Mileage Act
7 and shall receive no other compensation, perquisite or
8 allowance.

9 D. The council shall develop criteria for
10 assessing the critical needs of municipal and county fire
11 districts for:

- 12 (1) fire apparatus and equipment;
- 13 (2) communications equipment;
- 14 (3) equipment for wildfires;
- 15 (4) fire station construction or expansion;
- 16 (5) equipment for hazardous material
17 response; and
- 18 (6) stipends for volunteer firefighters in
19 underserved areas.

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

1 that money in the fund is available, the council shall award
2 grant assistance for those prioritized applications.

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

6 G. When considering applications for grant
7 assistance to pay stipends to volunteer firefighters in
8 underserved areas, the council shall:

9 (1) define "underserved area";

10 (2) ensure the proposed stipends will comply
11 with the federal Fair Labor Standards Act of 1938 and United
12 States department of labor requirements for maintaining
13 volunteer status;

14 (3) require a basic level of training before
15 a volunteer may receive a stipend;

16 (4) consider whether the fire district
17 requires a service commitment from its volunteer firefighters
18 in exchange for stipends; and

19 (5) weight the applications against other
20 criteria or requirements determined by the council."