

AN ACT

RELATING TO VOLUNTEER FIREFIGHTERS; ALLOWING STIPENDS TO BE PAID TO VOLUNTEER FIREFIGHTERS IN CERTAIN SITUATIONS.

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

**SECTION 1. VOLUNTEER FIREFIGHTERS--STIPEND.--**To the extent consistent with the federal Fair Labor Standards Act of 1938 in order to maintain volunteer status, a volunteer firefighter may be paid a stipend by a public agency to perform the services for which the firefighter volunteered if:

A. the stipend represents only actual expenses, reasonable benefits or a nominal fee; and

B. the services are not the same type of services that the volunteer is employed to perform for the same public agency paying the stipend.