

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 238

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

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

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underscored material = new
[bracketed material] = delete

1 distributed by the marshal pursuant to Sections 59A-53-4,
2 59A-53-5 and 59A-53-5.1 NMSA 1978 is appropriated from the fire
3 protection fund to the ~~[superintendent]~~ state fire marshal for
4 the purpose of making the following distributions:

5 (1) the total amount to be distributed during
6 the fiscal year pursuant to Sections 59A-53-4, 59A-53-5 and
7 59A-53-5.1 NMSA 1978;

8 (2) the total amount of other appropriations
9 from the fire protection fund for the fiscal year;

10 (3) on June 30, 2017, no distribution shall be
11 made to the fire protection grant fund; ~~[and]~~

12 (4) ~~[beginning]~~ in fiscal ~~[year]~~ years 2019
13 through 2021, periodic allotments not to exceed forty and two-
14 tenths percent of the projected remaining balance in the fire
15 protection fund shall be distributed to the fire protection
16 grant fund; and

17 (5) beginning in fiscal year 2022, periodic
18 allotments equaling the total projected remaining balance in
19 the fire protection fund shall be distributed to the fire
20 protection grant fund.

21 B. ~~[On]~~ As of June 30 of each year, the remaining
22 unexpended balance in the fire protection fund shall be
23 transferred to the general fund."

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

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1 "59A-53-18. FIRE PROTECTION GRANT FUND--CREATED--
2 USES.--The "fire protection grant fund" is created in the state
3 treasury. The fund shall consist of transfers, distributions,
4 appropriations, gifts, grants, donations and bequests made to
5 the fund. Income from the fund shall be credited to the fund,
6 and money in the fund shall not revert or be transferred to
7 [the general] any other fund at the end of a fiscal year.
8 Money in the fund is appropriated to the fire protection grant
9 council for the purposes of making distributions approved by
10 the council for the critical needs of municipal fire
11 departments and county fire districts. Expenditures from the
12 fund shall be made on warrant of the secretary of finance and
13 administration pursuant to vouchers signed by the marshal."

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

16 "59A-53-19. FIRE PROTECTION GRANT COUNCIL--DUTIES.--

17 A. The "fire protection grant council" is created.
18 The council consists of:

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

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

23 (3) two members appointed by the fire services
24 council, who shall serve at the pleasure of the council;

25 (4) three members, one from each congressional

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1 district, appointed by the governor who shall serve at the
2 pleasure of the governor; and

3 (5) the marshal, who shall serve as a
4 nonvoting advisory member. The council shall elect a chair and
5 vice chair from its membership.

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

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

- 13 (1) fire apparatus and equipment;
- 14 (2) communications equipment;
- 15 (3) equipment for wildfires;
- 16 (4) fire station construction or expansion;
- 17 (5) equipment for hazardous material response;

18 [~~and~~]

19 (6) stipends for volunteer firefighters [~~in~~
20 ~~underserved areas~~]; and

21 (7) recruiting and retention programs for
22 volunteer firefighters.

23 D. Applications for grant assistance from the fire
24 protection grant fund shall be made by fire districts to the
25 council in accordance with the requirements of the council.

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1 Using criteria developed by the council, the council shall
 2 evaluate applications and prioritize those applications most in
 3 need of grant assistance from the fund. To the extent that
 4 money in the fund is available, the council shall award grant
 5 assistance for those prioritized applications.

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

9 F. When considering applications for grant
 10 assistance to pay stipends to volunteer firefighters [~~in~~
 11 ~~underserved areas~~], the council shall:

12 [~~(1)~~] ~~define "underserved area";~~

13 ~~(2)~~] (1) ensure the proposed stipends will
 14 comply with the federal Fair Labor Standards Act of 1938 and
 15 United States department of labor requirements for maintaining
 16 volunteer status;

17 [~~(3)~~] (2) require a basic level of training
 18 before a volunteer may receive a stipend;

19 [~~(4)~~] (3) consider whether the fire district
 20 requires a service commitment from its volunteer firefighters
 21 in exchange for stipends; and

22 [~~(5)~~] (4) weight the applications against
 23 other criteria or requirements determined by the council."

24 SECTION 4. EFFECTIVE DATE.--The effective date of the
 25 provisions of this act is July 1, 2021.

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