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HOUSE BILL 395

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO FIRE PROTECTION; AMENDING AND ENACTING SECTIONS OF THE FIRE PROTECTION FUND LAW TO PROVIDE ELIGIBILITY FOR FIRE STATIONS REGARDLESS OF JURISDICTIONAL LINES; PROVIDING FOR FIRE PROTECTION SERVICE ACROSS JURISDICTIONAL LINES; MAKING AN APPROPRIATION.

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

SECTION 1. Section 59A-53-2 NMSA 1978 (being Laws 1984, Chapter 127, Section 973, as amended) is amended to read:

"59A-53-2. PURPOSE.--It is the purpose of the Fire Protection Fund Law to provide for distribution of funds from the fire protection fund referred to in Section 59A-6-5 NMSA 1978 to [~~incorporated cities, towns and villages~~] municipalities and to county fire districts, in proportion to their respective needs, for use in operation, maintenance and

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1 betterment of local fire departments, to the end that the  
2 hazard of loss by fire and fire insurance rates may be reduced  
3 and the public safety thereby promoted."

4 SECTION 2. A new section of the Fire Protection Fund Law  
5 is enacted to read:

6 "[NEW MATERIAL] DEFINITIONS.--As used in the Fire  
7 Protection Fund Law:

8 A. "marshal" means the state fire marshal as  
9 further identified in Chapter 59A, Article 52 NMSA 1978; and

10 B. "municipality" means an incorporated city, town  
11 or village."

12 SECTION 3. Section 59A-53-3 NMSA 1978 (being Laws 1984,  
13 Chapter 127, Section 974, as amended) is amended to read:

14 "59A-53-3. DETERMINATION AND CERTIFICATION OF NEEDS.--

15 A. Annually, on or before the last day of May, the  
16 marshal shall consider and determine, in [~~his~~] the marshal's  
17 reasonable discretion, the relative needs of [~~incorporated~~  
18 ~~cities, towns and villages~~] municipalities and county fire  
19 districts for money in the fire protection fund, based upon the  
20 information available to [~~him~~] the marshal, and shall certify  
21 to the state treasurer the names of the [~~incorporated cities,~~  
22 ~~towns, villages~~] municipalities and county fire districts that  
23 [~~he~~] the marshal determines need the assistance of a  
24 distribution from the money in the fire protection fund, and  
25 the amount required by each, in accordance with the provisions

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1 of Chapter 59A, Article 53 NMSA 1978. In making this  
2 determination and certification, the marshal ~~[will]~~ shall  
3 consider the intent and purpose of that article that no  
4 ~~[incorporated city, town or village]~~ municipality or county  
5 fire district shall receive money distributed from the fire  
6 protection fund merely for the purpose of accumulation when the  
7 money is not required to accomplish the purposes of that  
8 article.

9 B. In making a determination and certification of  
10 needs, the marshal shall consider and provide for any debt  
11 obligations of existing or previously existing fire departments  
12 or fire districts.

13 ~~[G. For the purposes of Chapter 59A, Article 53~~  
14 ~~NMSA 1978, "marshal" means the state fire marshal, as further~~  
15 ~~identified in Chapter 59A, Article 52 NMSA 1978.]"~~

16 SECTION 4. Section 59A-53-4 NMSA 1978 (being Laws 1984,  
17 Chapter 127, Section 975, as amended) is amended to read:

18 "59A-53-4. CRITERIA FOR DETERMINATION OF NEEDS--MUNICIPAL  
19 FIRE DEPARTMENT.--

20 A. In making the determination of needs pursuant to  
21 Section 59A-53-3 NMSA 1978, the marshal shall first determine  
22 that each ~~[incorporated]~~ municipality to be certified has  
23 maintained an official fire department created by and regulated  
24 in accordance with a duly enacted ordinance for a period of at  
25 least one year prior to the date of certification and possesses

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1 fire equipment and apparatus in serviceable condition to  
2 respond to a fire incident. The marshal shall also determine  
3 the number of fire stations and substations [~~located in each~~  
4 ~~municipality~~] to be certified and shall certify to the state  
5 treasurer the amount to be distributed to each municipality for  
6 the purpose of maintaining each fire station and each  
7 substation, if any, that meets the requirements of the marshal  
8 and the requirements of this section. Unless adjusted pursuant  
9 to Section 59A-53-5.1 NMSA 1978, the amounts distributed in a  
10 fiscal year for a class insurance rating shall equal the  
11 following:

| class     | main station | substation |
|-----------|--------------|------------|
| number 1  | \$ 82,592    | \$ 30,606  |
| number 2  | 77,086       | 28,780     |
| number 3  | 70,919       | 26,724     |
| number 4  | 64,751       | 24,667     |
| number 5  | 61,667       | 22,612     |
| number 6  | 58,584       | 20,555     |
| number 7  | 55,501       | 19,530     |
| number 8  | 52,418       | 18,502     |
| number 9  | 39,058       | 15,425     |
| number 10 | 34,944       | none.      |

23 B. Any municipality may permit its fire department  
24 to service an area adjacent and contiguous to its corporate  
25 limits but within the corporate limits of another municipality

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1 or a county; provided that the other municipality or county by  
2 resolution or law duly adopted or enacted consents to the  
3 service and to the boundaries of the other area serviced.  
4 Before commencement of service, a plat showing the geographic  
5 limits and boundaries of the additional area to be serviced  
6 shall be filed with and approved by the marshal. A  
7 municipality may apply for fire protection fund eligibility for  
8 any fire station located within the additional area to be  
9 serviced.

10 C. Any municipality may apply for fire protection  
11 fund eligibility for a fire station located at a municipally  
12 owned airport, whether located outside or within its corporate  
13 limits."

14 SECTION 5. Section 59A-53-5 NMSA 1978 (being Laws 1989,  
15 Chapter 312, Section 5, as amended) is amended to read:

16 "59A-53-5. ESTABLISHMENT OF [COUNTY] FIRE DISTRICTS.--

17 A. The county commissioners of any county may  
18 establish one or more [county] fire districts [~~within the~~  
19 ~~county but outside the corporate limits of any municipality~~].  
20 The marshal shall determine the number of fire stations and  
21 substations [~~located in each county fire district~~] to be  
22 certified and shall certify to the state treasurer the amount  
23 to be distributed to each [county] fire district for the  
24 purpose of maintaining each fire station and each substation,  
25 if any, that meets the requirements of the marshal and the

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1 requirements of this section. Unless adjusted pursuant to  
2 Section 59A-53-5.1 NMSA 1978, the amounts distributed in a  
3 fiscal year for a class insurance rating shall equal the  
4 following:

| 5  | class     | main station | substation |
|----|-----------|--------------|------------|
| 6  | number 1  | \$ 82,592    | \$ 30,606  |
| 7  | number 2  | 77,086       | 28,780     |
| 8  | number 3  | 70,919       | 26,724     |
| 9  | number 4  | 64,751       | 24,667     |
| 10 | number 5  | 61,667       | 22,612     |
| 11 | number 6  | 58,584       | 20,555     |
| 12 | number 7  | 55,501       | 19,530     |
| 13 | number 8  | 52,418       | 18,502     |
| 14 | number 9  | 39,058       | 15,425     |
| 15 | number 10 | 34,944       | none.      |

16 B. Additionally, prior to the disbursement of any  
17 funds, the following must be established to the satisfaction of  
18 the marshal:

19 (1) the ~~[county]~~ fire district has maintained  
20 an official fire department for a period of at least one year,  
21 established and governed by appropriate resolution of the board  
22 of county commissioners ~~[of the county in which the county fire~~  
23 ~~district is located]~~ and possesses fire apparatus and equipment  
24 in serviceable condition to respond to a fire incident;

25 (2) the geographic limits and boundaries of

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1 the [county] fire district have been clearly defined and  
2 established [~~by the board of county commissioners of the county~~  
3 ~~in which the county fire district is located, and~~] in a plat  
4 showing the geographic limits and boundaries [~~has been~~]  
5 accepted [~~by the board of county commissioners~~] and filed as  
6 part of the official record of proceedings of the board of  
7 county commissioners and a certified copy thereof filed with  
8 the marshal; and

9 (3) there is available within the geographic  
10 limits and boundaries of the [county] fire district an adequate  
11 water supply to be used in connection with the firefighting  
12 facilities of the [county] fire district.

13 C. The county commissioners of any county may  
14 permit a county fire district [~~located in the county~~] to  
15 service an area adjacent and contiguous to the district but  
16 within another county or municipality; provided that the county  
17 commissioners of the other county [~~shall~~] or the municipality  
18 consent by resolution or law duly adopted or enacted to the  
19 service and to the boundaries of the other area serviced.  
20 Before commencement of service, a plat showing the geographic  
21 limits and boundaries of the county fire district and of the  
22 additional area to be serviced shall be filed with and approved  
23 by the marshal. [~~The county commissioners of either the county~~  
24 ~~in which the county fire district is located or of the county~~  
25 ~~in which the area being serviced is located may terminate the~~

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1 ~~service but only with the approval of the marshal.]~~ Any county  
2 may apply for fire protection fund eligibility for any fire  
3 station located within the additional area to be serviced."

4 SECTION 6. A new section of the Fire Protection Fund Law  
5 is enacted to read:

6 "[NEW MATERIAL] FIRE STATION AND FIRE PROTECTION SERVICES  
7 ACROSS JURISDICTIONAL LINES.--

8 A. Nothing in the Fire Protection Fund Law shall be  
9 construed to prohibit fire protection fund eligibility to a  
10 municipal or county fire station or substation that otherwise  
11 meets the requirements of the marshal and the requirements of  
12 the Fire Protection Fund Law but is not located within the  
13 municipality or county.

14 B. Nothing in the Fire Protection Fund Law shall be  
15 construed to prohibit mutual aid agreements between  
16 municipalities or counties to provide fire protection services  
17 across jurisdictional lines."

18 SECTION 7. Section 59A-53-6 NMSA 1978 (being Laws 1984,  
19 Chapter 127, Section 977, as amended) is amended to read:

20 "59A-53-6. APPEAL AND REVIEW OF DETERMINATION.--The  
21 marshal shall promptly notify each [~~incorporated city, town,~~  
22 ~~village~~] municipality and county fire district affected of  
23 [~~his~~] the marshal's determination of needs, and [~~an~~  
24 ~~incorporated city, town, village~~] a municipality or county fire  
25 district may appeal from the determination of the marshal to

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1 the commission, within ten days after the determination of  
2 needs. The commission shall review the determination of the  
3 marshal in such informal and summary proceedings as it deems  
4 proper and shall certify to the state treasurer annually, on or  
5 before the last day of June, the results of all appeals from  
6 the determinations of the marshal. The certification by the  
7 commission, or by the marshal if no appeal is taken, shall be  
8 final and binding on all concerned and not subject to any  
9 further review."

10 SECTION 8. Section 59A-53-7 NMSA 1978 (being Laws 1984,  
11 Chapter 127, Section 978, as amended) is amended to read:

12 "59A-53-7. DISTRIBUTION OF FIRE PROTECTION FUND.--

13 A. Annually on or before the last day of July, the  
14 state treasurer shall distribute from the money in the fire  
15 protection fund, to each [~~incorporated~~] municipality and [~~to~~  
16 ~~each~~] county fire district, the amount the marshal or the  
17 commission, as the case may be, has certified to the state  
18 treasurer. Payment shall be made to the treasurer of any  
19 [~~incorporated~~] municipality and to the county treasurer of the  
20 county in which any county fire district is located for credit  
21 to the county fire district.

22 B. The state treasurer is authorized to redirect a  
23 distribution to the New Mexico finance authority in the amount  
24 the marshal or the commission, as the case may be, has  
25 certified to the state treasurer pursuant to an ordinance or a

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1 resolution passed by the municipality or county and a written  
2 agreement of the municipality or county in which any county  
3 fire district is located and the New Mexico finance authority.

4 C. In addition to the distributions made pursuant  
5 to Subsections A and B of this section, upon certification by  
6 the marshal that the balance of the firefighters' survivors  
7 fund is less than fifty thousand dollars (\$50,000), the state  
8 treasurer shall distribute an amount from the fire protection  
9 fund to the firefighters' survivors fund so that the balance of  
10 the firefighters' survivors fund equals fifty thousand dollars  
11 (\$50,000)."

12 SECTION 9. Section 59A-53-8 NMSA 1978 (being Laws 1984,  
13 Chapter 127, Section 979, as amended) is amended to read:

14 "59A-53-8. EXPENDITURE OF FIRE PROTECTION FUND MONEY.--  
15 Any amount [~~so~~] distributed from the fire protection fund to  
16 [~~any incorporated~~] a municipality or to [~~any~~] a county fire  
17 district shall be expended only for the maintenance of its fire  
18 department, the purchase, construction, maintenance, repair and  
19 operation of its fire stations, including substations, fire  
20 apparatus and equipment, and the financing or refinancing  
21 thereof, the payment of insurance premiums on fire stations,  
22 substations, fire apparatus and equipment and insurance  
23 premiums for injuries or deaths of firefighters as otherwise  
24 provided by law. Provided, however, that no money shall be  
25 expended from the fund for any purpose relating to the water

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1 supply systems of [~~any incorporated~~] a municipality or county  
2 fire district [~~nor~~] or for the improvement or construction of  
3 the systems [~~nor~~] or for purchase, rental, installation or  
4 maintenance of fire hydrants [~~nor~~] or for any other  
5 appurtenances relating to the distribution or use of the water  
6 supply system. Funds [~~so~~] distributed from the fire protection  
7 fund to [~~any~~] an incorporated municipality or [~~any~~] a county  
8 fire district may also be expended for the expense of [~~any~~]  
9 firefighters for attending [~~any~~] fire schools and conventions  
10 approved by the marshal."

11 SECTION 10. Section 59A-53-9 NMSA 1978 (being Laws 1984,  
12 Chapter 127, Section 980, as amended) is amended to read:

13 "59A-53-9. LIMITATIONS ON EXPENDITURES.--No amount so  
14 distributed from the fire protection fund to [~~any incorporated~~  
15 ~~city, town or village~~] a municipality or to any county fire  
16 district shall be expended in connection with the construction,  
17 purchase or equipment of any fire station or substation in  
18 addition to those existing upon the date of distribution by the  
19 state treasurer, during the year following such distribution,  
20 without the prior written approval of the marshal."

21 SECTION 11. Section 59A-53-10 NMSA 1978 (being Laws 1984,  
22 Chapter 127, Section 981, as amended) is amended to read:

23 "59A-53-10. PURCHASE OF LAND OR BUILDINGS.--No amount so  
24 distributed from the fire protection fund to [~~any incorporated~~  
25 ~~city, town or village~~] a municipality or to any county fire

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1 district shall be expended or obligated for the purchase of  
2 land or the construction of buildings for fire stations or  
3 substations unless all obligations previously incurred for  
4 those purposes and to be paid from money distributed from the  
5 fire protection fund by the ~~[city, town, village]~~ municipality  
6 or county fire district ~~[shall]~~ have been fully paid and  
7 satisfied; and no amount shall be expended or obligated for the  
8 construction of buildings for fire stations or substations  
9 unless the ~~[city, town, village]~~ municipality or county fire  
10 district proposing to expend or obligate for that purpose money  
11 distributed from the fire protection fund holds fee simple  
12 title, not encumbered by any lien, to the land on which it  
13 proposes to construct any such building; provided, however,  
14 that this provision shall not prohibit construction or location  
15 of a fire station or substation on land donated in whole or in  
16 part to the ~~[city, town, village]~~ municipality or county fire  
17 district for the purpose, and use of fire protection fund money  
18 for the construction or location, where the donor has reserved  
19 right of reversion of the land under stated conditions, if the  
20 use of money is approved by the marshal in advance and after  
21 full investigation and determination that the use would be  
22 appropriate and reasonable."

23 SECTION 12. Section 59A-53-11 NMSA 1978 (being Laws 1984,  
24 Chapter 127, Section 982, as amended) is amended to read:

25 "59A-53-11. VOUCHERS.--

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1           A. Amounts so distributed from the fire protection  
2 fund to [~~any incorporated city, town or village~~] a municipality  
3 or to any county fire district shall be expended under the  
4 direction of the chief of the fire department of the [~~city,~~  
5 ~~town, village~~] municipality or county fire district, upon duly  
6 executed vouchers approved as required by law. [~~and~~]

7           B. In no event is any amount to be expended for any  
8 purpose [~~which~~] that does not relate directly to the permitted  
9 purposes specifically stated in Sections 59A-53-8 and 59A-53-9  
10 NMSA 1978."

11           **SECTION 13.** Section 59A-53-12 NMSA 1978 (being Laws 1984,  
12 Chapter 127, Section 983, as amended) is amended to read:

13           "59A-53-12. PROMULGATION OF RULES [~~AND REGULATIONS~~].--The  
14 marshal has authority to promulgate, modify, amend and revoke  
15 from time to time rules [~~and regulations~~], including those for  
16 mutual aid among and between fire departments; provided that no  
17 such rules [~~and regulations~~] shall allow any fire department to  
18 extend its service in any manner that would jeopardize the fire  
19 insurance rates within its [~~city, town, village and~~]  
20 municipality or county fire district, as [~~he~~] the marshal may  
21 determine, in [~~his~~] the marshal's discretion, to be necessary,  
22 advisable or proper to accomplish the objectives of the Fire  
23 Protection Fund Law. Among other things, these rules [~~and~~  
24 ~~regulations~~] shall include, but not be limited to, a list of  
25 firefighting equipment, apparatus and other items [~~which~~] that

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1 may properly be purchased by ~~[any incorporated city, town or~~  
2 ~~village]~~ a municipality or by any county fire district from  
3 funds distributed from the fire protection fund, and standards  
4 of quality, construction and performance to be met by major  
5 firefighting appliances, training requirements, firefighting  
6 protective clothing and equipment standards, and by fire  
7 stations and substations, proposed to be purchased or  
8 constructed by ~~[any city, town, village]~~ a municipality or  
9 district from money distributed from the fire protection fund.  
10 All rules ~~[and regulations]~~ shall be filed and published as  
11 required by law. ~~[Regulations]~~ Rules of this nature heretofore  
12 promulgated by the superintendent and now in effect shall  
13 continue in effect until hereafter revoked or modified.  
14 Nothing in this section shall be construed to grant regulatory  
15 authority over the Volunteer Firefighters Retirement Act to the  
16 marshal."

17 **SECTION 14.** Section 59A-53-13 NMSA 1978 (being Laws 1984,  
18 Chapter 127, Section 984, as amended) is amended to read:

19 "59A-53-13. LIABILITY FOR UNAUTHORIZED EXPENDITURE.--Any  
20 person who shall expend, or direct or permit the expenditure  
21 of, any money distributed from the fire protection fund for  
22 purposes not expressly authorized by Chapter 59A, Article 53  
23 NMSA 1978 or by rules ~~[and regulations]~~ duly promulgated by the  
24 marshal pursuant to that article shall be personally liable to  
25 the state of New Mexico for the full amount of the money

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1 wrongfully expended, together with interest thereon and costs.  
2 An action to recover the amount of any wrongful expenditure may  
3 be commenced by the attorney general or the district attorney  
4 in the county in which the wrongful expenditure was made, upon  
5 the filing with the officer of a verified statement describing  
6 the wrongful expenditure."

7 SECTION 15. Section 59A-53-14 NMSA 1978 (being Laws 1984,  
8 Chapter 127, Section 985, as amended) is amended to read:

9 "59A-53-14. CLOSURE OF FIRE DEPARTMENT.--

10 A. If any fire department operated by [~~any~~  
11 ~~incorporated city, town or village~~] a municipality or [~~by any~~]  
12 county fire district should go out of existence or for any  
13 reason cease to operate and function for a period of ninety  
14 days, title to all firefighting equipment and apparatus paid  
15 for in whole with distributions from the fire protection fund  
16 and held by or for the benefit of the fire department shall  
17 vest in the marshal and all money distributed from the fire  
18 protection fund and held by or for the fire department shall  
19 revert to the fire protection fund. Any person having custody  
20 or control of any such firefighting equipment and apparatus  
21 shall forthwith deliver it as directed by the marshal, and any  
22 person having custody or control of the money shall forthwith  
23 remit it to the state treasurer, who shall again deposit the  
24 money in the state treasury to the credit of the fire  
25 protection fund. An action to recover the possession and

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1 control of such firefighting equipment and apparatus, or the  
2 money, may be commenced by the attorney general or the district  
3 attorney in the county in which the equipment and apparatus or  
4 money are situate upon the filing with the officer of a  
5 verified statement of the circumstances.

6 B. Notwithstanding the provisions of Subsection A  
7 of this section, money distributed from the fire protection  
8 fund needed to pay debt service on bonds or other obligations  
9 issued by or on behalf of a fire department or fire district  
10 may be used to pay such debt service, and the marshal and the  
11 state treasurer shall continue to make distributions from the  
12 fire protection fund for and on behalf of the fire department  
13 or fire district until the bonds or other obligations are paid  
14 in full."

15 SECTION 16. Section 59A-53-16 NMSA 1978 (being Laws 1984,  
16 Chapter 127, Section 987, as amended) is amended to read:

17 "59A-53-16. NEW FIRE DEPARTMENTS.--Whenever the marshal,  
18 after the last day of May in any year, determines that [~~any~~  
19 ~~incorporated city, town or village~~] a municipality or county  
20 fire district, operating a new fire department, has met the  
21 requirements of Chapter 59A, Article 53 NMSA 1978 for the first  
22 time, [~~he~~] the marshal may certify to the state treasurer the  
23 name of the [~~city, town, village~~] municipality or county fire  
24 district and the amount required, on the same basis as provided  
25 in that article, but not to exceed an amount commensurate with



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1 the period of time for which such pro rata distribution is  
2 made; and distribution of the amount certified shall be made as  
3 otherwise provided in that article."

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

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

19 SECTION 18. Section 59A-53-19 NMSA 1978 (being Laws 2006,  
20 Chapter 103, Section 8, as amended) is amended to read:

21 "59A-53-19. FIRE PROTECTION GRANT COUNCIL--DUTIES.--

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

25 (1) a representative of the New Mexico

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1 municipal league;

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

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

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

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

13 B. No appointee to the council shall be a member of  
14 the public regulation commission, the superintendent of  
15 insurance or any other employee of the commission.

16 C. The public members are entitled to receive per  
17 diem and mileage as provided in the Per Diem and Mileage Act  
18 and shall receive no other compensation, perquisite or  
19 allowance.

20 D. The council shall develop criteria for assessing  
21 the critical needs of municipal fire departments and county  
22 fire districts for:

- 23 (1) fire apparatus and equipment;
- 24 (2) communications equipment;
- 25 (3) equipment for wildfires;

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- 1 (4) fire station construction or expansion;  
2 (5) equipment for hazardous material response;  
3 and  
4 (6) stipends for volunteer firefighters in  
5 underserved areas.

6 E. Applications for grant assistance from the fire  
7 protection grant fund shall be made by fire districts to the  
8 council in accordance with the requirements of the council.  
9 Using criteria developed by the council, the council shall  
10 evaluate applications and prioritize those applications most in  
11 need of grant assistance from the fund. To the extent that  
12 money in the fund is available, the council shall award grant  
13 assistance for those prioritized applications.

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

17 G. When considering applications for grant  
18 assistance to pay stipends to volunteer firefighters in  
19 underserved areas, the council shall:

- 20 (1) define "underserved area";  
21 (2) ensure the proposed stipends will comply  
22 with the federal Fair Labor Standards Act of 1938 and United  
23 States department of labor requirements for maintaining  
24 volunteer status;  
25 (3) require a basic level of training before a

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1 volunteer may receive a stipend;

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

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

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