

1 HOUSE BILL 238

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Gail Armstrong and Nathan P. Small

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10 AN ACT

11 RELATING TO PUBLIC FINANCE; INCREASING TRANSFERS FROM THE FIRE
12 PROTECTION FUND TO THE FIRE PROTECTION GRANT FUND; PROVIDING
13 THAT THE FIRE PROTECTION GRANT FUND SHALL NOT REVERT AT THE END
14 OF A FISCAL YEAR; REMOVING THE REQUIREMENT THAT STIPENDS FOR
15 VOLUNTEER FIREFIGHTERS BE PROVIDED ONLY IN UNDERSERVED AREAS.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "59A-53-5.2. APPROPRIATIONS AND TRANSFERS FROM THE FIRE
21 PROTECTION FUND.--

22 A. For each fiscal year, the amount to be
23 distributed by the marshal pursuant to Sections 59A-53-4,
24 59A-53-5 and 59A-53-5.1 NMSA 1978 is appropriated from the fire
25 protection fund to the superintendent for the purpose of making

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1 the following distributions:

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

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

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

9 (4) beginning in fiscal year [~~2019~~] 2022,
10 periodic allotments [~~not to exceed forty and two-tenths percent~~
11 ~~of~~] equaling the total projected remaining balance in the fire
12 protection fund shall be distributed to the fire protection
13 grant fund.

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

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

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

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

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

9 "59A-53-19. FIRE PROTECTION GRANT COUNCIL--DUTIES.--

10 A. The "fire protection grant council" is created.

11 The council consists of:

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

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

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

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

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

24 B. The public members are entitled to receive per
25 diem and mileage as provided in the Per Diem and Mileage Act

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1 and shall receive no other compensation, perquisite or
2 allowance.

3 C. The council shall develop criteria for assessing
4 the critical needs of municipal fire departments and county
5 fire districts for:

- 6 (1) fire apparatus and equipment;
- 7 (2) communications equipment;
- 8 (3) equipment for wildfires;
- 9 (4) fire station construction or expansion;
- 10 (5) equipment for hazardous material response;

11 and

12 (6) stipends for volunteer firefighters [~~in~~
13 ~~underserved areas~~].

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

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

25 F. When considering applications for grant

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1 assistance to pay stipends to volunteer firefighters [~~in~~
2 ~~underserved areas~~], the council shall:
3 [~~(1)~~ define "~~underserved area~~";
4 ~~(2)~~] (1) ensure the proposed stipends will
5 comply with the federal Fair Labor Standards Act of 1938 and
6 United States department of labor requirements for maintaining
7 volunteer status;
8 [~~(3)~~] (2) require a basic level of training
9 before a volunteer may receive a stipend;
10 [~~(4)~~] (3) consider whether the fire district
11 requires a service commitment from its volunteer firefighters
12 in exchange for stipends; and
13 [~~(5)~~] (4) weight the applications against
14 other criteria or requirements determined by the council."

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