

Opinion No. 47-5022

May 12, 1947

BY: C. C. McCULLOH, Attorney General

TO: R. F. Apodaca Superintendent of Insurance State Corporation Commission Santa Fe, New Mexico

{*45} This will acknowledge receipt of your letter of May 6, 1947, in which you request the opinion of this office as to whether or not it would be permissible for a municipality to purchase a four-story tower to be used in practice drill; the purchase to be made from the fire protection fund allocated to such municipality.

Section 60-402, Supplement to the New Mexico 1941 Compilation, provides in part as follows:

"The money so distributed to such cities, towns, villages or unincorporated communities **shall be expended only for the maintenance of such fire departments and purchase and repair of fire apparatus and equipment**, under the direction of the chief of the fire department in the city, town, village or unincorporated community where said fire department is a volunteer department serving without pay. * * *

Provided, that as to municipalities or unincorporated communities of less than five thousand (5,000) population the words 'maintenance of such fire department, and the purchase and repair of fire apparatus and equipment,' as used herein shall include new buildings or additions to the buildings housing such a fire department. * * *"

It seems to me that a tower to be used in practice drill is as necessary a part of fire department equipment as a vehicle. Proper training of firemen in order to increase {*46} efficiency is a part of the program of every fire department. I believe that a municipality may purchase a tower to be used in practice drill and pay for same from the fire protection fund allocated to such municipality, subject, of course, to the prior written approval of the Superintendent of Insurance.

By WM. R. FEDERICI,

Asst. Atty. General