

SENATE BILL 250

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

William F. Burt

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO FIREFIGHTERS' SURVIVORS SUPPLEMENTAL BENEFITS;  
INCREASING THE AMOUNT OF DEATH BENEFITS TO THE SURVIVING SPOUSE  
OR CHILDREN OF A FIREFIGHTER KILLED IN THE LINE OF DUTY Hf11→;  
**MAKING APPLICATION OF SUPPLEMENTAL DEATH BENEFITS FOR SURVIVORS  
OF FIREFIGHTERS APPLICABLE TO THE DEATHS OF FIREFIGHTERS KILLED  
IN THE LINE OF DUTY ON OR AFTER FEBRUARY 25, 2022←Hf11 .**

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

.224121.1GLGAIC March 20, 2023 (9:35am)

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SECTION 1. Section 10-11B-5 NMSA 1978 (being Laws 2007, Chapter 149, Section 5, as amended) is amended to read:

"10-11B-5. FIREFIGHTERS' SURVIVORS SUPPLEMENTAL BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

A. There is created the "firefighters' survivors supplemental death benefits review committee". The committee shall consist of the attorney general or the attorney general's designee and the fire services council.

B. The firefighters' survivors supplemental death benefits review committee shall determine whether a firefighter has been killed in the line of duty ~~Hf11~~→for a death occurring on or after February 25, 2022←~~Hf11~~ and advise the state fire marshal of that determination. In addition to any other death benefits provided by law, the surviving spouse or children shall be paid [~~two hundred fifty thousand dollars (\$250,000)~~] one million dollars (\$1,000,000) as supplemental death benefits whenever a firefighter is killed in the line of duty. The benefits shall be paid from the fund.

C. The benefits shall be paid entirely to the surviving spouse. If there is no surviving spouse, the benefits shall be distributed in pro rata shares to all surviving children. If there are no surviving children or spouse, benefits shall be distributed to the surviving parents of the firefighter."

SECTION 2. Section 59A-53-7 NMSA 1978 (being Laws 1984,

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Chapter 127, Section 978, as amended) is amended to read:

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

A. Based on periodic allotments approved by the marshal, the state treasurer shall distribute from the money in the fire protection fund, to each municipality and county fire district, the amount that the marshal or the secretary of homeland security and emergency management has certified to the state treasurer. Payment shall be made to the treasurer of any municipality and to the county treasurer of the county in which any county fire district is located for credit to the county fire district.

B. The state treasurer is authorized to redirect a distribution to the New Mexico finance authority in the amount that the marshal or the secretary of homeland security and emergency management, as the case may be, has certified to the state treasurer pursuant to an ordinance or a resolution passed by the municipality or county and a written agreement of the municipality or county in which any county fire district is located and the New Mexico finance authority.

C. In addition to the distributions made pursuant to Subsections A and B of this section, upon certification by the marshal that the balance of the firefighters' survivors fund is less than [~~two hundred fifty thousand dollars~~ ~~(\$250,000)~~] one million dollars (\$1,000,000), the state treasurer shall distribute an amount from the fire protection

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fund to the firefighters' survivors fund so that the balance of the firefighters' survivors fund equals [~~two hundred fifty thousand dollars (\$250,000)~~] one million dollars (\$1,000,000)."

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