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SENATE BILL 250

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

INTRODUCED BY

William F. Burt

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.

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

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

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1 has been killed in the line of duty and advise the state fire  
2 marshal of that determination. In addition to any other death  
3 benefits provided by law, the surviving spouse or children  
4 shall be paid [~~two hundred fifty thousand dollars (\$250,000)~~]  
5 one million dollars (\$1,000,000) as supplemental death benefits  
6 whenever a firefighter is killed in the line of duty. The  
7 benefits shall be paid from the fund.

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

14 SECTION 2. Section 59A-53-7 NMSA 1978 (being Laws 1984,  
15 Chapter 127, Section 978, as amended) is amended to read:

16 "59A-53-7. DISTRIBUTION OF FIRE PROTECTION FUND.--

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

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

9           C. In addition to the distributions made pursuant  
10 to Subsections A and B of this section, upon certification by  
11 the marshal that the balance of the firefighters' survivors  
12 fund is less than [~~two hundred fifty thousand dollars~~  
13 ~~(\$250,000)~~] one million dollars (\$1,000,000), the state  
14 treasurer shall distribute an amount from the fire protection  
15 fund to the firefighters' survivors fund so that the balance of  
16 the firefighters' survivors fund equals [~~two hundred fifty~~  
17 ~~thousand dollars (\$250,000)~~] one million dollars (\$1,000,000)."