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HOUSE BILL 377

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO FIREFIGHTERS; ENACTING THE FIREFIGHTERS' SURVIVORS  
SUPPLEMENTAL BENEFITS ACT; CREATING THE FIREFIGHTERS' SURVIVORS  
FUND; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the  
"Firefighters' Survivors Supplemental Benefits Act".

Section 2. FINDINGS--PURPOSE.--The legislature finds that  
firefighters throughout the state risk their lives daily to  
protect the residents of New Mexico. The legislature further  
finds that when firefighters are killed in the line of duty,  
their immediate families can suffer grievously, both  
emotionally and economically. To recognize the substantial  
public safety benefits conferred by firefighters, and in  
consideration of the sacrifices undertaken by these individuals

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1 and their families for the residents of New Mexico, it is the  
2 purpose of the Firefighters' Survivors Supplemental Benefits  
3 Act to ensure that certain supplemental death benefits accrue  
4 to the spouses and surviving children, or parents if there are  
5 no surviving children or spouse, of firefighters killed in the  
6 line of duty.

7 Section 3. DEFINITIONS.--As used in the Firefighters'  
8 Survivors Supplemental Benefits Act:

9 A. "firefighter" means any full- or part-time  
10 member or a volunteer member of a fire department that is part  
11 of or administered by the state or any political subdivision of  
12 the state and any red-carded firefighter trained in wildland  
13 firefighting skills and hired by the state of New Mexico; and

14 B. "fund" means the firefighters' survivors fund.

15 Section 4. FIREFIGHTERS' SURVIVORS FUND CREATED.--The  
16 "firefighters' survivors fund" is created in the state treasury  
17 and shall be administered by the state fire marshal. The fund  
18 shall consist of all gifts, donations and bequests of money to  
19 the fund as well as any appropriations and distributions made  
20 to the fund. Earnings from investment of the fund shall be  
21 credited to the fund. Money in the fund is appropriated to the  
22 state fire marshal for the purpose of paying death benefits  
23 pursuant to the Firefighters' Survivors Supplemental Benefits  
24 Act and shall be paid out only upon warrants issued by the  
25 secretary of finance and administration pursuant to vouchers

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1 signed by the state fire marshal. Any unexpended or  
2 unencumbered balance remaining in the fund at the end of any  
3 fiscal year shall not revert.

4 Section 5. FIREFIGHTERS' SURVIVORS SUPPLEMENTAL  
5 BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

6 A. There is created the "firefighters' survivors  
7 supplemental death benefits review committee". The committee  
8 shall consist of the attorney general, the president of the New  
9 Mexico fire chiefs association, the state president of the New  
10 Mexico professional firefighters association and the president  
11 of the New Mexico state fire fighters association or their  
12 designees.

13 B. The firefighters' survivors supplemental death  
14 benefits review committee shall determine whether a firefighter  
15 has been killed in the line of duty and advise the state fire  
16 marshal of that determination. In addition to any other death  
17 benefits provided by law, the surviving spouse or children  
18 shall be paid fifty thousand dollars (\$50,000) as supplemental  
19 death benefits whenever a firefighter is killed in the line of  
20 duty. The benefits shall be paid from the fund.

21 C. The benefits shall be paid entirely to the  
22 surviving spouse. If there is no surviving spouse, the  
23 benefits shall be distributed in pro rata shares to all  
24 surviving children. If there are no surviving children or  
25 spouse, benefits shall be distributed to the surviving parents

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of the firefighter.