

1 AN ACT  
2 RELATING TO FIREFIGHTERS; ENACTING THE FIREFIGHTERS'  
3 SURVIVORS SUPPLEMENTAL BENEFITS ACT; CREATING THE  
4 FIREFIGHTERS' SURVIVORS FUND; PROVIDING FOR A DISTRIBUTION TO  
5 THE FUND; MAKING AN APPROPRIATION.

6  
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. SHORT TITLE.--Sections 1 through 5 of this  
9 act may be cited as the "Firefighters' Survivors Supplemental  
10 Benefits Act".

11 Section 2. FINDINGS--PURPOSE.--The legislature finds  
12 that firefighters throughout the state risk their lives daily  
13 to protect the residents of New Mexico. The legislature  
14 further finds that when firefighters are killed in the line  
15 of duty, their immediate families can suffer grievously, both  
16 emotionally and economically. To recognize the substantial  
17 public safety benefits conferred by firefighters, and in  
18 consideration of the sacrifices undertaken by these  
19 individuals and their families for the residents of New  
20 Mexico, it is the purpose of the Firefighters' Survivors  
21 Supplemental Benefits Act to ensure that certain supplemental  
22 death benefits accrue to the spouses and surviving children,  
23 or parents if there are no surviving children or spouse, of  
24 firefighters killed in the line of duty.

25 Section 3. DEFINITIONS.--As used in the Firefighters'

1 Survivors Supplemental Benefits Act:

2 A. "firefighter" means any full- or part-time  
3 member or a volunteer member of a fire department that is  
4 part of or administered by the state or any political  
5 subdivision of the state and any firefighter trained in  
6 wildland firefighting skills and hired by the state of New  
7 Mexico; and

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

9 Section 4. FIREFIGHTERS' SURVIVORS FUND CREATED.--The  
10 "firefighters' survivors fund" is created in the state  
11 treasury and shall be administered by the state fire marshal.  
12 The fund shall consist of all gifts, donations and bequests  
13 of money to the fund as well as any appropriations and  
14 distributions made to the fund. Earnings from investment of  
15 the fund shall be credited to the fund. Money in the fund is  
16 appropriated to the state fire marshal for the purpose of  
17 paying death benefits pursuant to the Firefighters' Survivors  
18 Supplemental Benefits Act and shall be paid out only upon  
19 warrants issued by the secretary of finance and  
20 administration pursuant to vouchers signed by the state fire  
21 marshal. Any unexpended or unencumbered balance remaining in  
22 the fund at the end of any fiscal year shall not revert.

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

25 A. There is created the "firefighters' survivors

1 supplemental death benefits review committee". The committee  
2 shall consist of the attorney general, the president of the  
3 New Mexico fire chiefs association, the state president of  
4 the New Mexico professional firefighters association and the  
5 president of the New Mexico state fire fighters association  
6 or their designees.

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

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

22 Section 6. Section 59A-53-7 NMSA 1978 (being Laws 1984,  
23 Chapter 127, Section 978, as amended) is amended to read:

24 "59A-53-7. DISTRIBUTION OF FIRE PROTECTION FUND.--

25 A. Annually on or before the last day of July, the SFC/SB 329  
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1 state treasurer shall distribute from the money in the fire  
2 protection fund, to each incorporated municipality and to  
3 each county fire district, the amount the marshal or the  
4 commission, as the case may be, has certified to the state  
5 treasurer. Payment shall be made to the treasurer of any  
6 incorporated municipality and to the county treasurer of the  
7 county in which any county fire district is located for  
8 credit to the county fire district.

9 B. The state treasurer is authorized to redirect a  
10 distribution to the New Mexico finance authority in the  
11 amount the marshal or the commission, as the case may be, has  
12 certified to the state treasurer pursuant to an ordinance or  
13 a resolution passed by the municipality or county and a  
14 written agreement of the municipality or county in which any  
15 county fire district is located and the New Mexico finance  
16 authority.

17 C. In addition to the distributions made pursuant  
18 to Subsections A and B of this section, upon certification by  
19 the marshal that the balance of the firefighters' survivors  
20 fund is less than fifty thousand dollars (\$50,000), the state  
21 treasurer shall distribute an amount from the fire protection  
22 fund to the firefighters' survivors fund so that the balance  
23 of the firefighters' survivors fund equals fifty thousand  
24 dollars (\$50,000)."

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