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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 has been killed in the line of duty 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 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

1 surviving spouse. If there is no surviving spouse, the
2 benefits shall be distributed in pro rata shares to all
3 surviving children. If there are no surviving children or
4 spouse, benefits shall be distributed to the surviving
5 parents of the firefighter."

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

8 "59A-53-7. DISTRIBUTION OF FIRE PROTECTION FUND.--

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

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

1 authority.

2 C. In addition to the distributions made pursuant
3 to Subsections A and B of this section, upon certification by
4 the marshal that the balance of the firefighters' survivors
5 fund is less than one million dollars (\$1,000,000), the state
6 treasurer shall distribute an amount from the fire protection
7 fund to the firefighters' survivors fund so that the balance
8 of the firefighters' survivors fund equals one million dollars
9 (\$1,000,000)."

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