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## FISCAL IMPACT REPORT

SPONSOR Jennings DATE TYPED 03/01/05 HB \_\_\_\_\_

SHORT TITLE Fire Fighters Survivors Supplemental Benefits SB 946

ANALYST Wilson

### APPROPRIATION

| Appropriation Contained |      | Estimated Additional Impact |       | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|-------|----------------------|---------------|
| FY05                    | FY06 | FY05                        | FY06  |                      |               |
|                         |      |                             | \$0.1 |                      |               |

### REVENUE

| Estimated Revenue |      | Subsequent Years Impact | Recurring or Non-Rec | Fund Affected                |
|-------------------|------|-------------------------|----------------------|------------------------------|
| FY05              | FY06 |                         |                      |                              |
|                   |      | \$0.1                   |                      | Fire Fighters Survivors Fund |

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)

Energy, Minerals & Natural Resources Department (EMNRD)

Public Regulation Commission (PRC)

### SUMMARY

#### Synopsis of Bill

Senate Bill 946 creates the Firefighters' Survivors Supplemental Benefits Act, establishes the Firefighters' Survivors Fund (FSF) and creates the Firefighters' Survivors Supplemental Death Benefits Review Committee (FSSDBRC).

The bill recognizes firefighters in the state risk their lives to protect New Mexico's residents and when firefighters are killed in the line of duty, their immediate families can suffer emotionally as well as economically. The act will ensure supplemental death benefits accrue to the spouse and living children or parents of firefighters killed in the line of duty. The act defines a firefighter as

any full or part-time member or a volunteer member of a fire department that is part of or administered by the state or any political subdivision of the state and any red-carded firefighter trained in wild land firefighting skills and hired by the State of New Mexico. The FSF will consist of all gifts, donations and bequests of money to the fund in addition to appropriations to the fund. The fund will be a non-reverting fund.

The FSSDBRC will consist of the attorney general, the president of the New Mexico fire chief's association and the state president of the New Mexico professional firefighters association or their designees. The committee will determine whether a firefighter has been killed in the line of duty and advise the state fire marshal of the determination. In addition to any other death benefit, the beneficiaries will be paid \$50,000 from the fund as a supplemental death benefit whenever a firefighter is killed in the line of duty.

The benefit will be paid entirely to the surviving spouse. If no spouse exists, the benefit will be paid in pro rata shares to all surviving children. If there are no children or spouse, the benefit will be paid to the surviving parents of the firefighter.

### Significant Issues

The AGO notes this bill is modeled after the current Peace Officers Survivors Supplemental Benefits Act which was enacted in 1995. NMSA Section 29-4A-1 et seq.

EMNRD states significant issues relate to the danger and risk related to being a firefighter in New Mexico and the effect of a firefighter losing his or her life has on the fire fighters family. Often, a firefighter's income is relatively small and the firefighter does not have sufficient life insurance to provide for the family if killed in the line of duty. There have been instances where families of firefighters killed in the line of duty have been left without adequate financial resources.

The forestry division (FD) of EMNRD has approximately 46 full time, red card qualified employees whose families would qualify for this benefit if killed in the line of duty. During a severe fire season, the Division may also employ approximately 200 additional emergency firefighters, whose families would also qualify.

The FD has an excellent safety record. Since its inception, no full time or emergency employees have been killed in the line of duty. Unfortunately, there have been fire department members fatally injured while engaged in the suppression of New Mexico wildfires, the most recent firefighter death occurred in 2003.

### **FISCAL IMPLICATIONS**

The bill title indicates that the bill makes an appropriation, but the bill does not contain an appropriation.

The firefighters' survivors fund is created in the state treasury and shall be administered by the state fire marshal. The fund shall consist of all gifts, donations and bequests of money to the fund as well as any appropriations made to the fund. Earnings from investment of the fund shall be credited to the fund. Money in the fund is appropriated to the state fire marshal for the purpose of paying death benefits pursuant to the Firefighters' Survivors Supplemental Benefits Act and shall

be paid out only upon warrants issued by the secretary of finance and administration pursuant to vouchers signed by the state fire marshal. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall not revert.

This bill creates a new fund and provides for continuing appropriations. The LFC objects to including continuing appropriation language in the statutory provisions for newly created funds. Earmarking reduces the ability of the legislature to establish spending priorities.

In addition to any other death benefit, the beneficiaries will be paid \$50,000 from the fund as a supplemental death benefit whenever a firefighter is killed in the line of duty.

### **ADMINISTRATIVE IMPLICATIONS**

There will be additional responsibility for the state fire marshal. In addition, the legislation does not specify how often the review committee meets or performs reviews for the determination of, if a fire fighter was killed in the line of duty.

### **OTHER SUBSTANTIVE ISSUES**

EMNRD provided the following:

It appears that minimum-security inmates participating in the FDs inmate work camp program (IWC) will be considered firefighters as it is defined in this bill. Annually, the FD qualifies physically fit minimum-security inmates to participate in its fire management program. The inmates are trained and qualified to national wildfire coordinating group, known as red card standards, but do not actually receive a "red card" and wards of the state are not considered State of New Mexico employees. Since the inception of the inmate work camp program, male and female IWC fire crews have contributed to the suppression of approximately 70 wildfires in the state. Approximately 100 inmates receive fire training and qualify each year.

**DW/yr:lg**