

HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 277

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

AN ACT

RELATING TO FIRST RESPONDERS; INCREASING SUPPLEMENTAL DEATH BENEFITS TO THE SURVIVING SPOUSE, CHILDREN OR, UNDER CERTAIN CIRCUMSTANCES, PARENTS OF FIREFIGHTERS KILLED IN THE LINE OF DUTY FROM TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) TO ONE MILLION DOLLARS (\$1,000,000); MAKING APPLICATION OF SUPPLEMENTAL DEATH BENEFITS FOR SURVIVORS OF FIREFIGHTERS, PEACE OFFICERS, NEW MEXICO MOUNTED PATROL MEMBERS OR RESERVE POLICE OFFICERS APPLICABLE TO THE DEATHS OF THOSE FIRST RESPONDERS IN THE LINE OF DUTY ON OR AFTER FEBRUARY 25, 2022; AMENDING SECTIONS OF THE NMSA 1978.

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

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1 BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

2 A. There is created the "firefighters' survivors
3 supplemental death benefits review committee". The committee
4 shall consist of the attorney general or the attorney general's
5 designee and the fire services council.

6 B. The firefighters' survivors supplemental death
7 benefits review committee shall determine whether a firefighter
8 has been killed in the line of duty for a death occurring on or
9 after February 25, 2022 and advise the state fire marshal of
10 that determination. In addition to any other death benefits
11 provided by law, the surviving spouse or children shall be paid
12 [~~two hundred fifty thousand dollars (\$250,000)~~] one million
13 dollars (\$1,000,000) as supplemental death benefits whenever a
14 firefighter is killed in the line of duty. The benefits shall
15 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 parents
21 of the firefighter."

22 SECTION 2. Section 29-4A-5 NMSA 1978 (being Laws 1995,
23 Chapter 59, Section 5, as amended) is amended to read:

24 "29-4A-5. PEACE OFFICERS', NEW MEXICO MOUNTED PATROL
25 MEMBERS' AND RESERVE POLICE OFFICERS' SURVIVORS SUPPLEMENTAL

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1 DEATH BENEFITS--REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

2 A. There is created the "peace officers', New
3 Mexico mounted patrol members' and reserve police officers'
4 survivors supplemental death benefits review committee". The
5 committee shall consist of the attorney general, the chief of
6 the New Mexico state police and the state president of the
7 fraternal order of police or their designees.

8 B. The peace officers', New Mexico mounted patrol
9 members' and reserve police officers' survivors supplemental
10 death benefits review committee shall determine whether a peace
11 officer, New Mexico mounted patrol member or reserve police
12 officer has been killed in the line of duty for a death
13 occurring on or after February 25, 2022 and advise the
14 secretary of that determination. In addition to any other
15 death benefits provided by law, the surviving spouse, children
16 or parents shall be paid one million dollars (\$1,000,000) as
17 supplemental death benefits whenever a peace officer, New
18 Mexico mounted patrol member or reserve police officer is
19 killed in the line of duty. The benefits shall be paid from
20 the fund.

21 C. The benefits shall be paid first 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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1 of the peace officer, New Mexico mounted patrol member or
2 reserve police officer."

3 SECTION 3. Section 59A-53-7 NMSA 1978 (being Laws 1984,
4 Chapter 127, Section 978, as amended) is amended to read:

5 "59A-53-7. DISTRIBUTION OF FIRE PROTECTION FUND.--

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

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

23 C. In addition to the distributions made pursuant
24 to Subsections A and B of this section, upon certification by
25 the marshal that the balance of the firefighters' survivors

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1 fund is less than [~~two hundred fifty thousand dollars~~
2 ~~(\$250,000)] one million dollars (\$1,000,000), the state
3 treasurer shall distribute an amount from the fire protection
4 fund to the firefighters' survivors fund so that the balance of
5 the firefighters' survivors fund equals [~~two hundred fifty~~
6 ~~thousand dollars (\$250,000)] one million dollars (\$1,000,000)."~~~~

7 SECTION 4. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2023.

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