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HOUSE BILL 1143

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

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO FIREFIGHTERS; ENACTING THE FIREFIGHTERS' DISABILITY AND SURVIVORS SUPPLEMENTAL BENEFITS ACT; CREATING THE FIREFIGHTERS' DISABILITIES AND 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' Disability and Survivors 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 disabled or 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

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1 consideration of the sacrifices undertaken by these individuals
2 and their families for the residents of New Mexico, it is the
3 purpose of the Firefighters' Disability and Survivors Benefits
4 Act to ensure that certain supplemental disability benefits and
5 death benefits accrue to the firefighter and the firefighter's
6 family, if a firefighter is disabled or killed in the line of
7 duty.

8 Section 3. DEFINITIONS.--As used in the Firefighters'
9 Disability and Survivors Benefits Act:

10 A. "disabled in the line of duty" includes:

11 (1) exposure to and infection with an
12 infectious disease while on duty as a firefighter so that the
13 firefighter is unable to perform the duties of a firefighter;
14 or

15 (2) development of cardiovascular disease
16 during a period while the firefighter was serving as a member
17 of a fire department so that the firefighter is unable to
18 perform the duties of a firefighter;

19 B. "firefighter" means any full- or part-time
20 member or a volunteer member of a fire department that is part
21 of or administered by the state or any political subdivision of
22 the state and any red-carded firefighter trained in wildland
23 firefighting skills and hired by the state of New Mexico;

24 C. "fund" means the firefighters' disabilities and
25 survivors fund.

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1 D. "infectious disease" means a communicable
2 disease transmittable through an exposure, including acquired
3 immune deficiency syndrome, hepatitis A, hepatitis B, hepatitis
4 C, meningococcal meningitis or mycobacterium tuberculosis; and

5 E. "killed in the line of duty" includes death
6 from:

7 (1) an infectious disease after exposure to
8 the disease while on duty as a firefighter; or

9 (2) a cardiovascular disease developed while
10 serving as a member of a fire department.

11 Section 4. FIREFIGHTERS' DISABILITIES AND SURVIVORS FUND

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

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1 Section 5. FIREFIGHTERS' DISABILITY AND SURVIVORS
2 BENEFITS REVIEW COMMITTEE--DETERMINATION--PAYMENT.--

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

10 B. Upon application by a firefighter, the
11 firefighters' disability and survivors benefits review
12 committee shall determine if the firefighter was disabled in
13 the line of duty and advise the state fire marshal of that
14 determination and a recommended benefit. In addition to any
15 other disability benefits, the state fire marshal shall pay the
16 firefighter the amount of the recommended benefit from the
17 fund.

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

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