

# VOLUNTEER FIREFIGHTERS RETIREMENT ARTICLE 11A

## Section

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### **10-11A-1. Short title.**

This act [10-11A-1 to 10-11A-7 NMSA 1978] may be cited as the "Volunteer Firefighters Retirement Act".

**History:** Laws 1983, ch. 263, § 1.

### **10-11A-2. Definitions.**

As used in the Volunteer Firefighters Retirement Act [10-11A-1 to 10-11A-7 NMSA 1978]:

- A. "association" means the public employees' retirement association;
- B. "board" means the retirement board of the public employees' retirement association;
- C. "fire department" means any volunteer fire department certified by the state fire marshal's office;
- D. "fund" means the volunteer firefighters retirement fund; and
- E. "member" means any volunteer nonsalaried firefighter who is listed as an active member on the rolls of a fire department and whose first year of service credit was accumulated during or after the year he attained the age of sixteen and no later than during the year in which he attained the age of forty-five. Excluded from membership is any volunteer nonsalaried firefighter who has been retired by or is receiving an annuity from any other retirement, pension or annuity plan created and established by the state or any of its political subdivisions, except the state police pension fund established under the provisions of Sections 29-4-1 through 29-4-11 NMSA 1978.

**History:** Laws 1983, ch. 263, § 2.

**10-11A-3. Volunteer firefighters retirement fund; creation; transfer of funds from the fire protection fund.**

A. There is created the "volunteer firefighters retirement fund" in the state treasury. All annuities and benefits in lieu of annuities shall be paid from the fund as provided in the Volunteer Firefighters Retirement Act [10-11A-1 to 10-11A-7 NMSA 1978].

B. Beginning in fiscal year 1998, the state treasurer shall transfer annually on or before the last day of July seven hundred fifty thousand dollars (\$750,000) plus an additional two hundred fifty thousand dollars (\$250,000) for fiscal year 1998 plus an additional two hundred fifty thousand dollars (\$250,000) for fiscal year 1999 plus an additional five hundred thousand dollars (\$500,000) for fiscal year 2000 from the fire protection fund to the credit of the volunteer firefighters retirement fund.

**History:** Laws 1983, ch. 263, § 3; 1996, ch. 8, § 1; 1997, ch. 150, § 1.

**10-11A-4. Administration of the Volunteer Firefighters Retirement Act, program and funds by the public employees' retirement board; annual actuarial evaluation.**

A. The provisions of the Volunteer Firefighters Retirement Act [10-11A-1 to 10-11A-7 NMSA 1978] and the volunteer firefighters retirement program authorized under that act shall be administered by the board. The provisions of law relating to the administration and investment of retirement funds administered by the board shall apply to all funds transferred and paid into the volunteer firefighters retirement fund. In its administration of the volunteer firefighters retirement program, the board is authorized to promulgate rules and regulations.

B. The board shall provide for an annual actuarial evaluation of the volunteer firefighters retirement fund and shall make recommendations to the legislature for any changes necessary to maintain the actuarial soundness of the fund.

**History:** Laws 1983, ch. 263, § 4.

**10-11A-5. Retirement benefits; eligibility.**

A. Any member who attains the age of fifty-five years and has twenty-five years or more of service credit shall be eligible to receive a retirement annuity of two hundred dollars (\$200), payable monthly from the fund during the remainder of his life.

B. Any member who attains the age of fifty-five years and has at least ten but less than twenty-five years or more of service credit shall be eligible to receive a retirement annuity of one hundred (\$100), payable monthly from the fund during the remainder of his life.

C. Any member who ceases to be a volunteer nonsalaried firefighter after completing at least ten but less than twenty-five years of service credit is eligible to receive upon attaining the age of fifty-five years a retirement annuity of one hundred dollars (\$100), payable monthly from the fund during the remainder of his life.

D. Any member who ceases to be a volunteer nonsalaried firefighter after completing twenty-

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five years of service credit is eligible to receive upon attaining the age of fifty-five years a retirement annuity of two hundred dollars (\$200), payable monthly from the fund during the remainder of his life.

E. Any member who qualifies for and receives a retirement annuity pursuant to this section may continue as an active member on the rolls of a fire department. However, such member shall not accrue additional service credit for the purpose of increasing the amount of his retirement annuity.

**History:** Laws 1983, ch. 263, § 5.

#### **10-11A-6. Determination of service credit.**

A. A member may claim one year of service credit for each year in which a fire department certifies that the member:

- (1) attended seventy-five percent of all scheduled fire drills;
- (2) attended seventy-five percent of all scheduled business meetings; and
- (3) participated in at least fifty percent of all emergency response calls for which the fire department held him responsible to attend.

B. The chief of each fire department shall submit to the association by March 31 of each year the records of attendance of members for emergency response calls, fire drills and business meetings during the preceding calendar year; provided, he shall:

- (1) submit such records on forms provided by the association;
- (2) acknowledge the truth of the records under oath before a notary public; and
- (3) have the notarized forms signed by the mayor, if distributions from the fire protection fund for the fire department are made to an incorporated municipality, or the chairman of the county commission, if distributions from the fire protection fund for the fire department are made to an independent fire district.

**History:** Laws 1983, ch. 263, § 6; 1997, ch. 150, § 2.

#### **10-11A-7. Retirement annuity; surviving spouse.**

In the event a retirement annuitant dies, the surviving spouse shall receive an annuity equal to two-thirds of the retirement annuity being paid to the retirement annuitant at the time of death; provided, the annuity shall cease upon the surviving spouse's marriage or death.

**History:** Laws 1983, ch. 263, § 7.