



INVESTED IN TOMORROW.

## **Legislative Committee Meeting**

meeting via Zoom

**Tuesday, December 14, 2021**

Following Audit & Budget Committee

### **Committee Members**

Roberto Ramirez, Chair  
Claudia Armijo,  
Paula Fisher

Maggie Toulouse Oliver  
Tim Eichenberg

### **AGENDA**

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Consent Agenda**
- 4. New Business**
  - A. Potential Legislative Items**
- 5. Adjournment**

Informational

Greg Trujillo,  
Executive Director

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### **Consent Agenda**

Approval of Minutes of September 14, 2021 Legislative Committee Meeting

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Trish Winter at 505-795-0712 or [patriciab.winter@state.nm.us](mailto:patriciab.winter@state.nm.us) at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Ms. Winter if a summary or other type of accessible format is needed.



**PERA**

Public Employees  
Retirement Association  
of New Mexico

P: (505) 476-9300

F: (505) 476-9401

Toll Free:

1(800) 342-3422

INVESTED IN TOMORROW.

## MEMORANDUM

From: Greg Trujillo, Executive Director

To: Roberto Ramirez, Legislative Committee Chair

Date: December 14, 2021

Subject: Potential Legislation

PERA will be requesting for the Legislative Committee and Board to take a position on legislation that is pre-filed on January 11<sup>th</sup>, 2022. For the time being we are presenting draft legislation endorsed by the Investments and Pension Oversight Committee (IPOC). to provide time for members to form an opinion on these matters. The draft legislation is included on the Board portal.

Legislation may be pre-filed beginning January 4, 2022, through January 14, 2022. The 2022 Legislative Session is a 30-day session and begins at noon on January 18 and ends at noon on February 17. The deadline for the introduction of legislation is February 2.



\_\_\_\_\_ BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO JUDICIAL RETIREMENT; ALLOWING FOR THE APPROPRIATION  
OF MONEY INTO THE JUDICIAL RETIREMENT FUND; INCREASING CERTAIN  
SERVICE CREDIT MULTIPLIERS PROVIDED IN THE JUDICIAL RETIREMENT  
ACT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 10-12B-3 NMSA 1978 (being Laws 1992,  
Chapter 111, Section 3, as amended) is amended to read:

"10-12B-3. JUDICIAL RETIREMENT FUND ESTABLISHED--  
ADMINISTRATION OF FUND--ACCOUNTING FUNDS.--

A. There is established in the state treasury the  
"judicial retirement fund". The fund ~~[is comprised]~~ consists  
of appropriations, money received from docket and jury fees of  
metropolitan courts, district courts, the court of appeals and  
the supreme court, employer and employee contributions and

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underscored material = new  
[bracketed material] = delete

1     ~~[any]~~ all income derived from the investment ~~[earnings on fees~~  
2     ~~and contributions]~~ of the fund. The board is the trustee of  
3     the fund and shall administer and invest the fund. Investment  
4     of the fund shall be conducted pursuant to the provisions of  
5     the Public Employees Retirement Act. The provisions of the  
6     Judicial Retirement Act shall be administered by the board.  
7     The board is authorized to promulgate rules. Expenses related  
8     to the investment of the fund and administration of the  
9     Judicial Retirement Act shall be paid from the fund.

10           B. For purposes of this section, the accounting  
11     funds shall be known as the "member contribution fund",  
12     "employer's accumulation fund", "retirement reserve fund" and  
13     "income fund". The maintenance of separate accounting funds  
14     shall not require the actual segregation of the assets of the  
15     fund.

16           C. The accounting funds provided for in this  
17     section are trust funds and shall be used only for the purposes  
18     provided for in the Judicial Retirement Act.

19           D. The member contribution fund is the accounting  
20     fund in which shall be accumulated contributions of members and  
21     from which shall be made refunds and transfers of accumulated  
22     member contributions as provided in the Judicial Retirement  
23     Act. The member's court shall cause member contributions to be  
24     deducted from the salary of the member and shall remit the  
25     deducted member contributions to the association in accordance

1 with procedures and schedules established by the association.  
2 The association may assess an interest charge and a penalty  
3 charge on any late remittance. Each member shall be deemed to  
4 consent and agree to the deductions made and provided for in  
5 this section. Contributions by members shall be credited to  
6 the members' individual accounts in the member contribution  
7 fund. A member's accumulated member contributions shall be  
8 transferred to the retirement reserve fund when a pension  
9 becomes payable.

10 E. The employer's accumulation fund is the  
11 accounting fund in which shall be accumulated the contributions  
12 paid by the state through the member's court. The state,  
13 through the member's court, shall remit its contributions to  
14 the association in accordance with procedures and schedules  
15 established by the association. The board may assess an  
16 interest charge and a penalty charge on any late remittance.

17 F. The retirement reserve fund is the accounting  
18 fund from which shall be paid all pensions to retired members  
19 and survivor beneficiaries and all residual refunds to refund  
20 beneficiaries of retired members and survivor beneficiaries.

21 G. Each year, following receipt of the report of  
22 the annual actuarial valuation, the excess, if any, of the  
23 reported actuarial present value of pensions being paid and  
24 likely to be paid to retired members and survivor beneficiaries  
25 and residual refunds likely to be paid to refund beneficiaries

1 of retired members and survivor beneficiaries over the balance  
2 in the retirement reserve fund shall be transferred to the  
3 retirement reserve fund from the employer's accumulation fund.

4 H. The income fund is the accounting fund to which  
5 shall be credited all interest, dividends, rents and other  
6 income from investments of the fund, all gifts and bequests,  
7 all unclaimed member contributions and all other money the  
8 disposition of which is not specifically provided for in the  
9 Judicial Retirement Act. Expenses related to the  
10 administration of the Judicial Retirement Act shall be paid for  
11 from the income fund.

12 I. The association shall at least annually  
13 distribute all or a portion of the balance in the income fund  
14 to the member contribution fund, the retirement reserve fund  
15 and the employer's accumulation fund. Distribution rates shall  
16 be determined by the board and may vary for the respective  
17 accounting funds."

18 SECTION 2. Section 10-12B-9 NMSA 1978 (being Laws 1992,  
19 Chapter 111, Section 9, as amended) is amended to read:

20 "10-12B-9. AMOUNT OF PENSION.--

21 A. For a judge or justice who occupied such an  
22 office prior to July 1, 1980, but who had ceased to hold such  
23 an office prior to that date and who elected to be excluded  
24 from the provisions of the Judicial Retirement Act; or a judge  
25 or justice who occupied such an office on July 1, 1980, but who

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1 elected to be covered under the provisions of the retirement  
2 plan in effect at that time, the amount of monthly pension is  
3 an amount equal to one-twelfth of:

4       seventy-five percent  
5       of salary received       X       number of years of  
6       during last year in       service, not exceeding  
7       office prior to       ten years, divided  
8       retirement       by ten.

9           B. For a judge or justice who initially became a  
10 member before July 1, 2005 and who initially occupied such an  
11 office after July 1, 1980; or a judge or justice who occupied  
12 such an office on or before July 1, 1980 and who has elected to  
13 be covered pursuant to the provisions of the Judicial  
14 Retirement Act, the amount of monthly pension is an amount  
15 equal to the sum of:

16               (1) for service credit earned on or before  
17 June 30, 2014, an amount equal to one-twelfth of:

18       seventy-five                       (number of years of  
19       percent of salary               service not  
20       received during       X .05 X       exceeding fifteen  
21       last year in office       years, plus five  
22       prior to retirement       years); ~~[and]~~

23               (2) for service credit earned on and after  
24 July 1, 2014 but on or before June 30, 2022, an amount equal to  
25 one-sixtieth of the greatest aggregate amount of salary

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1 received for sixty consecutive, but not necessarily continuous,  
2 months in office multiplied by the product of three and one-  
3 half percent times the number of years of service credit; and  
4 (3) for service credit earned on or after July  
5 1, 2022:

6 (a) if the judge or justice has occupied  
7 that office for less than ten years, an amount equal to one-  
8 sixtieth of the greatest aggregate amount of salary received  
9 for sixty consecutive, but not necessarily continuous, months  
10 in office multiplied by the product of four percent times the  
11 number of years of service credit; or

12 (b) if the judge or justice has occupied  
13 that office for ten years or more, an amount equal to one-  
14 sixtieth of the greatest aggregate amount of salary received  
15 for sixty consecutive, but not necessarily continuous, months  
16 in office multiplied by the product of three and one-half  
17 percent times the number of years of service credit.

18 C. For a judge or justice who initially became a  
19 member after June 30, 2005 but on or before June 30, 2014, the  
20 amount of monthly pension is an amount equal to the sum of:

21 (1) for service credit earned on or before  
22 June 30, 2014, an amount equal to one-twelfth of the salary  
23 received during the last year in office prior to retirement  
24 multiplied by the product of three and seventy-five hundredths  
25 percent times the sum of the number of years of service; ~~and~~

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1 (2) for service credit earned on and after  
2 July 1, 2014 but on or before June 30, 2022, an amount equal to  
3 one-sixtieth of the greatest aggregate amount of salary  
4 received for sixty consecutive, but not necessarily continuous,  
5 months in office multiplied by the product of three and one-  
6 half percent times the number of years of service credit; and

7 (3) for service credit earned on or after July  
8 1, 2022:

9 (a) if the judge or justice has occupied  
10 that office for less than ten years, an amount equal to one-  
11 sixtieth of the greatest aggregate amount of salary received  
12 for sixty consecutive, but not necessarily continuous, months  
13 in office multiplied by the product of four percent times the  
14 number of years of service credit; or

15 (b) if the judge or justice has occupied  
16 that office for ten years or more, an amount equal to one-  
17 sixtieth of the greatest aggregate amount of salary received  
18 for sixty consecutive, but not necessarily continuous, months  
19 in office multiplied by the product of three and one-half  
20 percent times the number of years of service credit.

21 D. For a judge or justice who initially became a  
22 member on or after July 1, 2014, the amount of monthly pension  
23 under form of payment A is an amount equal to the sum of:

24 (1) for service credit earned on and after  
25 July 1, 2014 but on or before June 30, 2022, one-sixtieth of

1 the greatest aggregate amount of salary received for sixty  
2 consecutive, but not necessarily continuous, months in office  
3 multiplied by the product of three and one-fourth percent times  
4 the number of years of service; and

5 (2) for service credit earned on or after July  
6 1, 2022, provided that the judge or justice has occupied that  
7 office for less than ten years, an amount equal to one-sixtieth  
8 of the greatest aggregate amount of salary received for sixty  
9 consecutive, but not necessarily continuous, months in office  
10 multiplied by the product of four percent times the number of  
11 years of service credit; or

12 (3) for service credit earned on or after July  
13 1, 2022, provided that the judge or justice has occupied that  
14 office for ten years or more, an amount equal to one-sixtieth  
15 of the greatest aggregate amount of salary received for sixty  
16 consecutive, but not necessarily continuous, months in office  
17 multiplied by the product of three and one-half percent times  
18 the number of years of service credit.

19 E. The amount of pension under form of payment A  
20 for a pension calculated pursuant to Subsection D of this  
21 section shall not exceed eighty-five percent of one-sixtieth of  
22 the greatest aggregate amount of salary received for sixty  
23 consecutive, but not necessarily continuous, months prior to  
24 the member leaving office.

25 F. The amount of pension payable for a pension

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1     calculated pursuant to Subsection A, B or C of this section  
2     shall not exceed eighty-five percent of one-sixtieth of the  
3     greatest aggregate amount of salary received for sixty  
4     consecutive, but not necessarily continuous, months prior to  
5     the member leaving office. A pension benefit determined  
6     pursuant to this subsection shall not be less than the benefit  
7     earned as of June 30, 2014."

8           **SECTION 3. APPROPRIATION.**--Thirty-five million dollars  
9     (\$35,000,000) is appropriated from the general fund to the  
10    judicial retirement fund for expenditure in fiscal year 2023  
11    and subsequent fiscal years to address solvency issues related  
12    to the Judicial Retirement Act. Any unexpended or unencumbered  
13    balance remaining at the end of a fiscal year shall not revert  
14    to the general fund.

15                           - 9 -

\_\_\_\_\_ BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO MAGISTRATE RETIREMENT; ALLOWING FOR THE  
APPROPRIATION OF MONEY INTO THE MAGISTRATE RETIREMENT FUND;  
INCREASING CERTAIN SERVICE CREDIT MULTIPLIERS PROVIDED IN THE  
MAGISTRATE RETIREMENT ACT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 10-12C-3 NMSA 1978 (being Laws 1992,  
Chapter 118, Section 3, as amended) is amended to read:

"10-12C-3. MAGISTRATE RETIREMENT FUND ESTABLISHED--  
ADMINISTRATION OF FUND--ACCOUNTING FUNDS.--

A. There is established in the state treasury the  
"magistrate retirement fund". The fund ~~[is comprised]~~ consists  
of appropriations, money received from docket fees of  
magistrate courts, employer and member contributions and ~~[any]~~  
all income derived from the investment ~~[earnings on fees and~~

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underscored material = new  
[bracketed material] = delete

1 ~~contributions]~~ of the fund. The board is the trustee of the  
2 fund and shall administer and invest the fund. Investment of  
3 the fund shall be conducted pursuant to the provisions of the  
4 Public Employees Retirement Act. The provisions of the  
5 Magistrate Retirement Act shall be administered by the board.  
6 The board is authorized to promulgate rules. Expenses related  
7 to the investment of the fund and administration of the  
8 Magistrate Retirement Act shall be paid from the fund.

9 B. For purposes of this section, the accounting  
10 funds shall be known as the "member contribution fund",  
11 "employer's accumulation fund", "retirement reserve fund" and  
12 "income fund". The maintenance of separate accounting funds  
13 shall not require the actual segregation of the assets of the  
14 fund.

15 C. The accounting funds provided for in this  
16 section are trust funds and shall be used only for the purposes  
17 provided for in the Magistrate Retirement Act.

18 D. The member contribution fund is the accounting  
19 fund in which shall be accumulated contributions of members and  
20 from which shall be made refunds and transfers of accumulated  
21 member contributions as provided in the Magistrate Retirement  
22 Act. The member's court shall cause member contributions to be  
23 deducted from the salary of the member and shall remit the  
24 deducted member contributions to the association in accordance  
25 with procedures and schedules established by the association.

1 The association may assess an interest charge and a penalty  
2 charge on any late remittance. Each member shall be deemed to  
3 consent and agree to the deductions made and provided for in  
4 this section. Contributions by members shall be credited to  
5 the members' individual accounts in the member contribution  
6 fund. A member's accumulated member contributions shall be  
7 transferred to the retirement reserve fund when a pension  
8 becomes payable.

9 E. The employer's accumulation fund is the  
10 accounting fund in which shall be accumulated the contributions  
11 paid by the state through the administrative office of the  
12 courts. The state, through the administrative office of the  
13 courts, shall remit its contributions to the association in  
14 accordance with procedures and schedules established by the  
15 association. The board may assess an interest charge and a  
16 penalty charge on any late remittance.

17 F. The retirement reserve fund is the accounting  
18 fund from which shall be paid all pensions to retired members  
19 and survivor beneficiaries and all residual refunds to refund  
20 beneficiaries of retired members and survivor beneficiaries.

21 G. Each year, following receipt of the report of  
22 the annual actuarial valuation, the excess, if any, of the  
23 reported actuarial present value of pensions being paid and  
24 likely to be paid to retired members and survivor beneficiaries  
25 and residual refunds likely to be paid to refund beneficiaries

1 of retired members and survivor beneficiaries over the balance  
2 in the retirement reserve fund shall be transferred to the  
3 retirement reserve fund from the employer's accumulation fund.

4 H. The income fund is the accounting fund to which  
5 shall be credited all interest, dividends, rents and other  
6 income from investments of the fund, all gifts and bequests,  
7 all unclaimed member contributions and all other money the  
8 disposition of which is not specifically provided for in the  
9 Magistrate Retirement Act. Expenses related to the  
10 administration of the Magistrate Retirement Act shall be paid  
11 for from the income fund.

12 I. The association shall at least annually  
13 distribute all or a portion of the balance in the income fund  
14 to the member contribution fund, the retirement reserve fund  
15 and the employer's accumulation fund. Distribution rates shall  
16 be determined by the board and may vary for the respective  
17 accounting funds."

18 SECTION 2. Section 10-12C-9 NMSA 1978 (being Laws 1992,  
19 Chapter 118, Section 9, as amended by Laws 2014, Chapter 39,  
20 Section 6 and by Laws 2014, Chapter 43, Section 6) is amended  
21 to read:

22 "10-12C-9. AMOUNT OF PENSION.--

23 A. For a magistrate who was a member on June 30,  
24 2014, the monthly pension is an amount equal to the sum of:

25 (1) for service credit earned on or before

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June 30, 2014, the amount is equal to one-twelfth of:  
seventy-five percent  
of salary received (number of years of  
during last year in X .05 X service, not exceeding  
office prior to fifteen years,  
retirement plus five years); and

(2) for service credit earned on and after  
July 1, 2014, an amount equal to one-sixtieth of the greatest  
aggregate amount of salary received for sixty consecutive, but  
not necessarily continuous, months in office multiplied by the  
product of three and one-half percent times the sum of the  
number of years of service.

B. For a magistrate who initially became a member  
on or after July 1, 2014, the amount of monthly pension is  
equal to:

(1) for service credit earned on and after  
July 1, 2014 but on or before June 30, 2022, an amount equal to  
one-sixtieth of the greatest aggregate amount of salary  
received for sixty consecutive, but not necessarily continuous,  
months in office multiplied by the product of three percent  
times the sum of the number of years of service; or

(2) for service credit earned on and after  
July 1, 2022, an amount equal to one-sixtieth of the greatest  
aggregate amount of salary received for sixty consecutive, but  
not necessarily continuous, months in office multiplied by the

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1 product of three and one-half percent times the sum of the  
2 number of years of service.

3 C. The amount of monthly pension under form of  
4 payment A for a pension calculated pursuant to Subsection B of  
5 this section shall not exceed eighty-five percent of one-  
6 sixtieth of the greatest aggregate amount of salary received  
7 for sixty consecutive, but not necessarily continuous, months  
8 prior to the member leaving office.

9 D. The amount of monthly pension payable for a  
10 pension calculated pursuant to Subsection A of this section  
11 shall not exceed eighty-five percent of one-sixtieth of the  
12 greatest aggregate amount of salary received for sixty  
13 consecutive, but not necessarily continuous, months prior to  
14 the member leaving office. A pension benefit determined  
15 pursuant to this subsection shall not be less than the benefit  
16 earned as of June 30, 2014."

17 **SECTION 3. APPROPRIATION.--**Ten million dollars  
18 (\$10,000,000) is appropriated from the general fund to the  
19 magistrate retirement fund for expenditure in fiscal year 2023  
20 and subsequent fiscal years to address solvency issues related  
21 to the Magistrate Retirement Act. Any unexpended or  
22 unencumbered balance remaining at the end of a fiscal year  
23 shall not revert to the general fund.

HOUSE BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC SAFETY; ALLOWING CERTAIN RETIRED LAW  
ENFORCEMENT OFFICERS TO RETURN TO WORK FOR AFFILIATED PUBLIC  
EMPLOYERS UNDER CERTAIN CONDITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 10-11-8 NMSA 1978 (being Laws 1987,  
Chapter 253, Section 8, as amended) is amended to read:

"10-11-8. NORMAL RETIREMENT--RETURN TO EMPLOYMENT--  
BENEFITS CONTINUED--CONTRIBUTIONS.--

A. A member may retire upon fulfilling the  
following requirements prior to the selected date of  
retirement:

(1) a written application for normal  
retirement, in the form prescribed by the association, is filed  
with the association;

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1 (2) employment is terminated with all  
2 employers covered by any state system or the educational  
3 retirement system;

4 (3) the member selects an effective date of  
5 retirement that is the first day of a calendar month; and

6 (4) the member meets the age and service  
7 credit requirement for normal retirement specified in the  
8 coverage plan applicable to the member.

9 B. The amount of normal retirement pension is  
10 determined in accordance with the coverage plan applicable to  
11 the member.

12 C. Except as provided in [~~Subsection~~] Subsections D  
13 and J of this section, on or after July 1, 2010, a retired  
14 member may be subsequently employed by an affiliated public  
15 employer only pursuant to the following provisions:

16 (1) the retired member has not been employed  
17 as an employee of an affiliated public employer or retained as  
18 an independent contractor by the affiliated public employer  
19 from which the retired member retired for at least twelve  
20 consecutive months from the date of retirement to the  
21 commencement of subsequent employment or reemployment with an  
22 affiliated public employer;

23 (2) the retired member's pension shall be  
24 suspended upon commencement of the subsequent employment;

25 (3) except as provided in Subsection F of this

1 section, the retired member shall not become a member and shall  
2 not accrue service credit, and the retired member and that  
3 person's subsequent affiliated public employer shall not make  
4 contributions under any coverage plan pursuant to the Public  
5 Employees Retirement Act; and

6 (4) upon termination of the subsequent  
7 employment, the retired member's pension shall resume in  
8 accordance with the provisions of Subsection A of this section.

9 D. The provisions of Subsections C, G and H of this  
10 section do not apply to:

11 (1) a retired member employed by the  
12 legislature for legislative session work;

13 (2) a retired member employed temporarily as a  
14 precinct board member for a municipal election or an election  
15 covered by the Election Code; or

16 (3) a retired member who is elected to serve a  
17 term as an elected official in an office covered pursuant to  
18 the Public Employees Retirement Act; provided that:

19 (a) the retired member files an  
20 irrevocable exemption from membership with the association  
21 within thirty days of taking office; and

22 (b) the irrevocable exemption shall be  
23 for the elected official's term of office.

24 E. A retired member who returns to employment  
25 during retirement pursuant to Subsection D of this section is

1 entitled to receive retirement benefits but is not entitled to  
2 accrue service credit or to acquire or purchase service credit  
3 in the future for the period of the retired member's subsequent  
4 employment with an affiliated public employer.

5 F. At any time during a retired member's subsequent  
6 employment pursuant to Subsection C of this section, the  
7 retired member may elect to become a member and the following  
8 conditions shall apply:

9 (1) the previously retired member and the  
10 subsequent affiliated public employer shall make the required  
11 employee and employer contributions, and the previously retired  
12 member shall accrue service credit for the period of subsequent  
13 employment; and

14 (2) when the previously retired member  
15 terminates the subsequent employment with an affiliated public  
16 employer, the previously retired member shall retire according  
17 to the provisions of the Public Employees Retirement Act,  
18 subject to the following conditions:

19 (a) payment of the pension shall resume  
20 in accordance with the provisions of Subsection A of this  
21 section;

22 (b) unless the previously retired member  
23 accrued at least three years of service credit on account of  
24 the subsequent employment, the recalculation of pension shall:

25 1) employ the form of payment selected by the previously

1 retired member at the time of the first retirement; and 2) use  
2 the provisions of the coverage plan applicable to the member on  
3 the date of the first retirement; and

4 (c) the recalculated pension shall not  
5 be less than the amount of the suspended pension.

6 G. A retired member who returned to work with an  
7 affiliated public employer prior to July 1, 2010 shall be  
8 subject to the provisions of this section in effect on the date  
9 the retired member returned to work; provided that on and after  
10 July 1, 2010, the retired member shall pay the employee  
11 contribution in an amount specified in the Public Employees  
12 Retirement Act for the position in which the retired member is  
13 subsequently employed.

14 H. Effective July 1, 2014, if a retired member who,  
15 subsequent to retirement, is employed and covered pursuant to  
16 the provisions of the Magistrate Retirement Act or Judicial  
17 Retirement Act, during the period of subsequent employment:

18 (1) the member shall be entitled to receive  
19 retirement benefits;

20 (2) the retired member's cost-of-living  
21 pension adjustment shall be suspended upon commencement of the  
22 employment; and

23 (3) upon termination of the employment, the  
24 retired member's suspended cost-of-living pension adjustment  
25 shall be reinstated as provided under Section 10-11-118 NMSA

1 1978.

2 I. The pension of a member who has earned service  
3 credit under more than one coverage plan shall be determined as  
4 follows:

5 (1) the pension of a member who has three or  
6 more years of service credit earned on or before June 30, 2013  
7 under each of two or more coverage plans shall be determined in  
8 accordance with the coverage plan that produces the highest  
9 pension;

10 (2) the pension of a member who has service  
11 credit earned on or before June 30, 2013 under two or more  
12 coverage plans but who has three or more years of service  
13 credit under only one of those coverage plans shall be  
14 determined in accordance with the coverage plan in which the  
15 member has three or more years of service credit. If the  
16 service credit is acquired under two different coverage plans  
17 applied to the same affiliated public employer as a consequence  
18 of an election by the members, adoption by the affiliated  
19 public employer or a change in the law that results in the  
20 application of a coverage plan with a greater pension, the  
21 greater pension shall be paid a member retiring from the  
22 affiliated public employer under which the change in coverage  
23 plan took place regardless of the amount of service credit  
24 under the coverage plan producing the greater pension; provided  
25 that the member has three or more years of continuous

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1 employment with that affiliated public employer immediately  
2 preceding or immediately preceding and immediately following  
3 the date the coverage plan changed;

4 (3) the pension of a member who has service  
5 credit earned on or before June 30, 2013 under each of two or  
6 more coverage plans and who has service credit earned under any  
7 coverage plan on or after July 1, 2013 shall be equal to the  
8 sum of:

9 (a) the pension attributable to the  
10 service credit earned on or before June 30, 2013 determined  
11 pursuant to Paragraph (1) or (2) of this subsection; and

12 (b) the pension attributable to the  
13 service credit earned under each coverage plan on or after July  
14 1, 2013;

15 (4) the pension of a member who has service  
16 credit earned only on and after July 1, 2013 shall be equal to  
17 the sum of the pension attributable to the service credit the  
18 member has accrued under each coverage plan; and

19 (5) the provisions of each coverage plan for  
20 the purpose of this subsection shall be those in effect at the  
21 time the member ceased to be covered by the coverage plan.

22 "Service credit", for the purposes of this subsection, shall be  
23 only personal service rendered an affiliated public employer  
24 and credited to the member under the provisions of Subsection A  
25 of Section 10-11-4 NMSA 1978. Service credited under any other



1 provision of the Public Employees Retirement Act shall not be  
2 used to satisfy the three-year service credit requirement of  
3 this subsection.

4 J. Notwithstanding the provisions of any other  
5 subsection of this section, a certified law enforcement officer  
6 who has retired on or before December 31, 2021 under any  
7 municipal police member coverage plan or a certified law  
8 enforcement officer under the state police member, correctional  
9 officer member and probation and parole officer member coverage  
10 plan 1 may be subsequently employed as a certified law  
11 enforcement officer by an affiliated public employer if the  
12 retired member has not been employed as an employee of an  
13 affiliated public employer or retained as an independent  
14 contractor by the affiliated public employer from which the  
15 retired member retired for at least ninety consecutive days  
16 from the date of retirement to the commencement of subsequent  
17 employment or reemployment with an affiliated public employer;  
18 provided that the:

19 (1) retired member's pension, including any  
20 cost-of-living adjustment, shall continue to be paid during the  
21 period of subsequent employment;

22 (2) retired member shall not become a member  
23 during the period of subsequent employment;

24 (3) retired member shall not accrue service  
25 credit for any portion of the period of subsequent employment;

1                   (4) retired member and the retired member's  
2                   subsequent affiliated public employer shall make the  
3                   contributions that would be required for members and employers  
4                   under the applicable coverage plan during the entire period of  
5                   subsequent employment;

6                   (5) contributions paid by or on behalf of the  
7                   retired member during the term of subsequent employment shall  
8                   not be refundable at the termination of the subsequent  
9                   employment; and

10                   (6) retired member is subsequently employed by  
11                   the affiliated public employer in an entry-level or civilian  
12                   position."

13                   SECTION 2. EFFECTIVE DATE.--The effective date of the  
14                   provisions of this act is July 1, 2022.

HOUSE BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; ALLOWING PUBLIC  
EMPLOYEES TO RETURN TO WORK FOR AFFILIATED PUBLIC EMPLOYERS  
UNDER CERTAIN CONDITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 10-11-8 NMSA 1978 (being Laws 1987,  
Chapter 253, Section 8, as amended) is amended to read:

"10-11-8. NORMAL RETIREMENT--RETURN TO EMPLOYMENT--  
BENEFITS CONTINUED--CONTRIBUTIONS.--

A. A member may retire upon fulfilling the  
following requirements prior to the selected date of  
retirement:

(1) a written application for normal  
retirement, in the form prescribed by the association, is filed  
with the association;

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1 (2) employment is terminated with all  
2 employers covered by any state system or the educational  
3 retirement system;

4 (3) the member selects an effective date of  
5 retirement that is the first day of a calendar month; and

6 (4) the member meets the age and service  
7 credit requirement for normal retirement specified in the  
8 coverage plan applicable to the member.

9 B. The amount of normal retirement pension is  
10 determined in accordance with the coverage plan applicable to  
11 the member.

12 C. Except as provided in [~~Subsection~~] Subsections D  
13 and J of this section, on or after July 1, 2010, a retired  
14 member may be subsequently employed by an affiliated public  
15 employer only pursuant to the following provisions:

16 (1) the retired member has not been employed  
17 as an employee of an affiliated public employer or retained as  
18 an independent contractor by the affiliated public employer  
19 from which the retired member retired for at least twelve  
20 consecutive months from the date of retirement to the  
21 commencement of subsequent employment or reemployment with an  
22 affiliated public employer;

23 (2) the retired member's pension shall be  
24 suspended upon commencement of the subsequent employment;

25 (3) except as provided in Subsection F of this

1 section, the retired member shall not become a member and shall  
2 not accrue service credit, and the retired member and that  
3 person's subsequent affiliated public employer shall not make  
4 contributions under any coverage plan pursuant to the Public  
5 Employees Retirement Act; and

6 (4) upon termination of the subsequent  
7 employment, the retired member's pension shall resume in  
8 accordance with the provisions of Subsection A of this section.

9 D. The provisions of Subsections C, G and H of this  
10 section do not apply to:

11 (1) a retired member employed by the  
12 legislature for legislative session work;

13 (2) a retired member employed temporarily as a  
14 precinct board member for a municipal election or an election  
15 covered by the Election Code; or

16 (3) a retired member who is elected to serve a  
17 term as an elected official in an office covered pursuant to  
18 the Public Employees Retirement Act; provided that:

19 (a) the retired member files an  
20 irrevocable exemption from membership with the association  
21 within thirty days of taking office; and

22 (b) the irrevocable exemption shall be  
23 for the elected official's term of office.

24 E. A retired member who returns to employment  
25 during retirement pursuant to Subsection D of this section is

1 entitled to receive retirement benefits but is not entitled to  
2 accrue service credit or to acquire or purchase service credit  
3 in the future for the period of the retired member's subsequent  
4 employment with an affiliated public employer.

5 F. At any time during a retired member's subsequent  
6 employment pursuant to Subsection C of this section, the  
7 retired member may elect to become a member and the following  
8 conditions shall apply:

9 (1) the previously retired member and the  
10 subsequent affiliated public employer shall make the required  
11 employee and employer contributions, and the previously retired  
12 member shall accrue service credit for the period of subsequent  
13 employment; and

14 (2) when the previously retired member  
15 terminates the subsequent employment with an affiliated public  
16 employer, the previously retired member shall retire according  
17 to the provisions of the Public Employees Retirement Act,  
18 subject to the following conditions:

19 (a) payment of the pension shall resume  
20 in accordance with the provisions of Subsection A of this  
21 section;

22 (b) unless the previously retired member  
23 accrued at least three years of service credit on account of  
24 the subsequent employment, the recalculation of pension shall:

25 1) employ the form of payment selected by the previously

1 retired member at the time of the first retirement; and 2) use  
2 the provisions of the coverage plan applicable to the member on  
3 the date of the first retirement; and

4 (c) the recalculated pension shall not  
5 be less than the amount of the suspended pension.

6 G. A retired member who returned to work with an  
7 affiliated public employer prior to July 1, 2010 shall be  
8 subject to the provisions of this section in effect on the date  
9 the retired member returned to work; provided that on and after  
10 July 1, 2010, the retired member shall pay the employee  
11 contribution in an amount specified in the Public Employees  
12 Retirement Act for the position in which the retired member is  
13 subsequently employed.

14 H. Effective July 1, 2014, if a retired member who,  
15 subsequent to retirement, is employed and covered pursuant to  
16 the provisions of the Magistrate Retirement Act or Judicial  
17 Retirement Act, during the period of subsequent employment:

18 (1) the member shall be entitled to receive  
19 retirement benefits;

20 (2) the retired member's cost-of-living  
21 pension adjustment shall be suspended upon commencement of the  
22 employment; and

23 (3) upon termination of the employment, the  
24 retired member's suspended cost-of-living pension adjustment  
25 shall be reinstated as provided under Section 10-11-118 NMSA

1 1978.

2 I. The pension of a member who has earned service  
3 credit under more than one coverage plan shall be determined as  
4 follows:

5 (1) the pension of a member who has three or  
6 more years of service credit earned on or before June 30, 2013  
7 under each of two or more coverage plans shall be determined in  
8 accordance with the coverage plan that produces the highest  
9 pension;

10 (2) the pension of a member who has service  
11 credit earned on or before June 30, 2013 under two or more  
12 coverage plans but who has three or more years of service  
13 credit under only one of those coverage plans shall be  
14 determined in accordance with the coverage plan in which the  
15 member has three or more years of service credit. If the  
16 service credit is acquired under two different coverage plans  
17 applied to the same affiliated public employer as a consequence  
18 of an election by the members, adoption by the affiliated  
19 public employer or a change in the law that results in the  
20 application of a coverage plan with a greater pension, the  
21 greater pension shall be paid a member retiring from the  
22 affiliated public employer under which the change in coverage  
23 plan took place regardless of the amount of service credit  
24 under the coverage plan producing the greater pension; provided  
25 that the member has three or more years of continuous

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1 employment with that affiliated public employer immediately  
2 preceding or immediately preceding and immediately following  
3 the date the coverage plan changed;

4 (3) the pension of a member who has service  
5 credit earned on or before June 30, 2013 under each of two or  
6 more coverage plans and who has service credit earned under any  
7 coverage plan on or after July 1, 2013 shall be equal to the  
8 sum of:

9 (a) the pension attributable to the  
10 service credit earned on or before June 30, 2013 determined  
11 pursuant to Paragraph (1) or (2) of this subsection; and

12 (b) the pension attributable to the  
13 service credit earned under each coverage plan on or after July  
14 1, 2013;

15 (4) the pension of a member who has service  
16 credit earned only on and after July 1, 2013 shall be equal to  
17 the sum of the pension attributable to the service credit the  
18 member has accrued under each coverage plan; and

19 (5) the provisions of each coverage plan for  
20 the purpose of this subsection shall be those in effect at the  
21 time the member ceased to be covered by the coverage plan.

22 "Service credit", for the purposes of this subsection, shall be  
23 only personal service rendered an affiliated public employer  
24 and credited to the member under the provisions of Subsection A  
25 of Section 10-11-4 NMSA 1978. Service credited under any other

1 provision of the Public Employees Retirement Act shall not be  
2 used to satisfy the three-year service credit requirement of  
3 this subsection.

4 J. Notwithstanding the provisions of any other  
5 subsection of this section, a retired member who has retired on  
6 or before December 31, 2021 under any coverage plan may be  
7 subsequently employed by an affiliated public employer if the  
8 retired member has not been employed as an employee of an  
9 affiliated public employer or retained as an independent  
10 contractor by the affiliated public employer from which the  
11 retired member retired for at least ninety consecutive days  
12 from the date of retirement to the commencement of subsequent  
13 employment or reemployment with an affiliated public employer;  
14 provided that the:

15 (1) retired member's pension, including any  
16 cost-of-living adjustment, shall continue to be paid during the  
17 period of subsequent employment;

18 (2) retired member shall not become a member  
19 during the period of subsequent employment;

20 (3) retired member shall not accrue service  
21 credit for any portion of the period of subsequent employment;

22 (4) retired member and the retired member's  
23 subsequent affiliated public employer shall make the  
24 contributions that would be required for members and employers  
25 under the applicable coverage plan during the entire period of

1 subsequent employment;

2 (5) contributions paid by or on behalf of the  
3 retired member during the term of subsequent employment shall  
4 not be refundable at the termination of the subsequent  
5 employment; and

6 (6) retired member is subsequently employed by  
7 the affiliated public employer in an entry-level position."

8 SECTION 2. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2022.

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HOUSE BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO STATE INVESTMENTS; CREATING THE PUBLIC PENSION  
INVESTMENT TASK FORCE; REQUIRING THAT THE PUBLIC PENSION  
INVESTMENT TASK FORCE REVIEW, STUDY AND DEVELOP A REPORT  
RELATING TO THE CONSOLIDATION OF PENSION INVESTMENTS; PROVIDING  
DUTIES; REQUIRING A REPORT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] PUBLIC PENSION INVESTMENT TASK  
FORCE--CREATED--STAFF.--

A. The "public pension investment task force" is  
created and is administratively attached to the department of  
finance and administration. The task force shall function from  
the date of its appointment until December 31, 2023. The task  
force consists of thirteen voting members as follows:

(1) the executive director of the educational

1 retirement board or the executive director's designee;

2 (2) the executive director of the public  
3 employees retirement association or the executive director's  
4 designee;

5 (3) the state investment officer or the state  
6 investment officer's designee;

7 (4) the state treasurer or the state  
8 treasurer's designee;

9 (5) the secretary of finance and  
10 administration or the secretary's designee;

11 (6) one public member appointed by the New  
12 Mexico association of counties;

13 (7) one public member appointed by the New  
14 Mexico municipal league;

15 (8) one public member appointed by the retired  
16 public employees of New Mexico;

17 (9) one public member appointed by the New  
18 Mexico federation of labor, American federation of labor and  
19 congress of industrial organizations;

20 (10) two members who have skill, knowledge and  
21 experience related to investing or pension administration to be  
22 appointed by the president pro tempore of the senate; and

23 (11) two members who have skill, knowledge and  
24 experience related to investing or pension administration to be  
25 appointed by the speaker of the house of representatives.

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1           B. The task force shall elect from its membership a  
2 chair. The task force shall meet at the call of the chair. A  
3 majority of members shall constitute a quorum, and any  
4 recommendation or action of the task force shall require a vote  
5 by a majority of the members present.

6           C. Members of the task force may receive per diem  
7 and mileage pursuant to the Per Diem and Mileage Act.

8           D. The department of finance and administration  
9 shall provide the necessary staff and administrative support to  
10 the task force.

11           E. The public pension investment task force shall:

12                   (1) review, study and develop a report on the  
13 separate pension investment functions of the educational  
14 retirement board and the public employees retirement  
15 association, including whether a consolidated investment  
16 strategy would benefit the trust funds of each retirement  
17 system;

18                   (2) obtain testimony from experts in the field  
19 of public pension and state investing policies to determine  
20 best practices for the investment of the trust funds of each  
21 retirement system; and

22                   (3) no later than October 1, 2023, report on  
23 the findings of the task force to the governor, the legislative  
24 finance committee and any other appropriate interim legislative  
25 committee.

1 F. The public pension investment task force may  
2 hire or contract with consultants or experts to provide the  
3 task force with information.

4 SECTION 2. APPROPRIATION.--One hundred thousand dollars  
5 (\$100,000) is appropriated from the general fund to the  
6 department of finance and administration for expenditure in  
7 fiscal years 2023 and 2024 to provide funding for the public  
8 pension investment task force to hire or contract with  
9 consultants or experts to provide the task force with  
10 information. Any unexpended or unencumbered balance remaining  
11 at the end of fiscal year 2024 shall revert to the general  
12 fund.

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\_\_\_\_\_ BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO STATE INVESTMENTS; REQUIRING PARITY OF PAY FOR  
CERTAIN INVESTMENT STAFF; PERMITTING AN EMPLOYER TO PROVIDE  
ALTERNATIVE QUALIFICATIONS FOR CERTAIN INVESTMENT STAFF.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Personnel Act is enacted  
to read:

"[NEW MATERIAL] INVESTMENT STAFF--CLASSIFICATION AND PAY  
PLANS--QUALIFICATIONS.--

A. Each year, the board, in consultation with the  
executive director of the public employees retirement  
association, the director of the educational retirement board,  
the state investment council and the state treasurer, shall  
establish classification and pay plans for the following  
positions; provided that the board shall ensure parity of pay

.221395.3SA

underscored material = new  
[bracketed material] = delete



1 for similar positions across each agency:

2 (1) chief investment officer, deputy chief  
3 investment officer and staff investment managers of the public  
4 employees retirement association;

5 (2) chief investment officer, deputy chief  
6 investment officer and staff investment managers of the  
7 educational retirement board;

8 (3) state investment officer, deputy state  
9 investment officer and staff investment managers of the state  
10 investment office; and

11 (4) chief investment officer, deputy chief  
12 investment officer and staff investment managers of the state  
13 treasurer's office.

14 B. The board shall establish the qualifications  
15 necessary to be employed as and perform the duties of the  
16 positions listed in Subsection A of this section; provided that  
17 the employer of that position may determine that an individual  
18 possesses alternative qualifications to be employed in that  
19 position, including previous professional experience, knowledge  
20 and related performance. In the event that the employer  
21 determines that an individual possesses alternative  
22 qualifications, the employer shall provide to the board a list  
23 of those qualifications."

24 SECTION 2. Section 10-9-5 NMSA 1978 (being Laws 1978,  
25 Chapter 96, Section 1, as amended) is amended to read:

.221395.3SA

underscored material = new  
[bracketed material] = delete

1 "10-9-5. PUBLIC OFFICERS AND PUBLIC EMPLOYEES--EXECUTIVE  
2 BRANCH--ANNUAL EXEMPT SALARIES PLAN.--

3 A. The department of finance and administration  
4 shall prepare, by December 1 of each year, an exempt salaries  
5 plan for the governor's approval [~~The plan shall specify~~] that  
6 specifies salary ranges for the following public officer and  
7 public employee positions of the executive branch of  
8 government:

9 (1) members of boards and commissions  
10 appointed by the governor;

11 (2) heads of agencies or departments appointed  
12 by the governor;

13 (3) heads of agencies or departments appointed  
14 by the respective boards and commissions of the agencies;

15 (4) directors of department divisions;

16 (5) employees in the governor's office;

17 (6) positions in the state militia and the  
18 commissioned officers of the New Mexico state police division  
19 of the department of public safety;

20 (7) assistants and secretaries in the offices  
21 of each official covered by Paragraphs (2) and (3) [~~and (10)~~]  
22 of this subsection;

23 (8) temporary positions of a professional or  
24 scientific nature [~~which are temporary in nature~~]; and

25 (9) state employees whose positions the

.221395.3SA

1 [personnel] board has classified as [policy-making]  
2 policymaking positions and exempt employees of elective public  
3 officials [and  
4 ~~(10) secretaries of departments appointed by~~  
5 ~~the governor]~~.

6 B. Excluded from the provisions of this section  
7 are:

8 (1) employees of the [commission on] higher  
9 education [and] department;

10 (2) employees of state educational  
11 institutions named in Article 12, Section 11 of the  
12 constitution of New Mexico;

13 (3) the chief investment officer, deputy chief  
14 investment officer and staff investment managers of the public  
15 employees retirement association;

16 (4) the chief investment officer, deputy chief  
17 investment officer and staff investment managers of the  
18 educational retirement board;

19 (5) the state investment officer, deputy state  
20 investment officer and staff investment managers of the state  
21 investment office; and

22 (6) the chief investment officer, deputy chief  
23 investment officer and staff investment managers of the state  
24 treasurer's office.

25 C. The exempt salaries plan for the ensuing fiscal

.221395.3SA

1 year, as prepared by the department of finance and  
2 administration and approved by the governor, shall be published  
3 as a part of the executive budget document presented to the  
4 legislature at its next regular session following the  
5 preparation of the plan.

6 D. Upon the governor's approval, the plan shall  
7 take effect at the beginning of the subsequent fiscal year."

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**New Mexico  
Public Employees Retirement Association  
Legislative Committee  
September 14, 2021**

**Call to Order**

This meeting of the New Mexico PERA Legislative Committee was held on the date cited above via Zoom tele/video conferencing. Chair Roberto Ramirez called the meeting to order at approximately 11:23 a.m.

**1. Roll Call.**

The meeting attendance met quorum with the following members present;

**Board Members Present**

Roberto Ramirez, Committee Chair  
Paula Fisher  
Tim Eichenberg

**Board Members Absent**

Maggie Toulouse Oliver

**Other Board Members Present**

Francis Page  
Lawrence Davis  
Shirley Ragin

**Staff**

Greg Trujillo, Acting Executive Director  
Trish Winter, Executive Assistant  
Anna Williams, CFO  
Kristin Varela, Interim CIO  
Misty Schoeppner, Deputy General Counsel  
Karyn Lujan, SmartSave Plan Manager  
Jessica Trujillo, HR Manager  
Geraldine Garduno, Assistant General Counsel  
Sarah Hume, Investments

**Others in Attendance**

Patricia French  
Kevin Balaod, Journalist Pagaentmedia

**2. Approval of Agenda.**

Paula Fisher moved to approve the Agenda. Tim Eichenberg seconded the motion. The motion passed with a unanimous roll call vote as follows;

Roberto Ramirez	Yes
Paula Fisher	Yes
Tim Eichenberg	Yes

### **3. Approval of Consent Agenda.**

Tim Eichenberg moved to approve the Consent Agenda. Paula Fisher seconded the motion. The motion passed with a unanimous roll call vote as follows;

Roberto Ramirez	Yes
Paula Fisher	Yes
Tim Eichenberg	Yes

### **4. New Business**

#### **A. Updated Legislative Committee Charter**

Chair Ramirez stated he had looked at the Charter and confirmed it was good. Ms. Fisher echoed his sentiments.

Paula Fisher moved to approve the Legislative Committee Charter. Tim Eichenberg seconded the motion. The motion passed with a unanimous roll call vote as follows;

Roberto Ramirez	Yes
Paula Fisher	Yes
Tim Eichenberg	Yes

#### **B. Potential Legislative Items**

Acting Executive Director, Greg Trujillo reported that Arty Pepin, Executive Director of the AOC, had approached them. Mr. Pepin indicated that PERA could get some one-time money to shore up the Judicial and Magistrate Retirement Funds. A request had been put to the actuary to look at the cost of that.

Mr. Trujillo stated that several years ago, full funding was somewhere under \$40 million. As soon as the numbers come in, the Committee, the Board, and the courts will work together to draft legislation.

Senate bill 315, dealt with the move for State police officers. There was a \$5 million appropriation attached and PERA received about \$2.4 million of that. New legislation will be drafted to get the remainder. The actuary had also been asked to provide an update on the cost of this since this will be the second year that PERA had been shorted.

Mr. Trujillo will bring the numbers to the Committee and the Board for approval to draft the legislation.

Ms. Fisher asked if SB 315 involved the motor transportation officers. Mr. Trujillo responded in the affirmative and added that it also included the special investigation officers. 92 members had been left in the State general plan when they were merged in 2015. Now they have been enhanced at a cost of \$5 million.

Mr. Trujillo further stated that the cost is expected to go up. With another year passing, it will be more than \$5 million.

He had also received assurances from the Department of Public Safety that they will help advocate to get that additional fund since their members were affected positively.

Ms. Fisher thanked Mr. Trujillo for reaching out to State Police for additional help. She asked if PERA will be expected to cover the remaining costs for appropriation costs of Senate Bill 72, for the firefighters benefits.

Mr. Trujillo explained that the 1.5% increase in contributions was the equivalent to keep the change revenue neutral. It would help assist in funding the fully funding the fire division.

He further explained that as part of SB 72, there is an additional 4% increase, 2% to the employer and 2% to the employee, that will kick in in the next fiscal year, starting July 1, 2022. However, they might still remain the lowest in funding. More information will be shared in November.

Chair Ramirez clarified that everyone in the fire division is paying the extra 1.5%, not just the 56-hour firemen that are getting the benefit. Mr. Trujillo agreed it is everybody is paying it but not all share in the benefit. This will keep the fund moving forward.

Mr. Eichenberg also stated that the 1.5% is only being paid by the employee but is not being matched by the State.

## **5. Adjournment**

With no further business to discuss, Chair Ramirez adjourned the meeting at approximately 11:40 a.m.

Approved by:

Roberto Ramirez, Legislative Committee Chair

ATTEST:

Greg Trujillo, Executive Director