

AN ACT

RELATING TO PUBLIC EMPLOYEES; PROVIDING THAT, UNDER CERTAIN CIRCUMSTANCES, A NEW PUBLIC EMPLOYER MAY BE CONSIDERED AN AFFILIATED PUBLIC EMPLOYER PURSUANT TO THE PUBLIC EMPLOYEES RETIREMENT ACT; AMENDING THE PUBLIC EMPLOYEE BARGAINING ACT TO PROVIDE THAT CERTAIN OBLIGATIONS ARE BINDING ON NEW ENTITIES.

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

Section 1. Section 10-7E-1 NMSA 1978 (being Laws 2003, Chapter 4, Section 1 and Laws 2003, Chapter 5, Section 1) is amended to read:

"10-7E-1. SHORT TITLE.--Chapter 10, Article 7E NMSA 1978 may be cited as the "Public Employee Bargaining Act"."

Section 2. A new section of the Public Employee Bargaining Act is enacted to read:

"CERTAIN NEW ENTITIES CREATED BY STATUTE.--A new entity, created by or pursuant to statute, that encompasses the same powers and duties as a previous public employer and uses essentially the same employees as the previous public employer shall be treated as if it were that previous public employer for purposes of the Public Employee Bargaining Act, including the continued applicability of existing ordinances or resolutions pursuant to Section 10-7E-26 NMSA 1978 and of existing collective bargaining units pursuant to Section 10-7E-24 NMSA 1978."

Section 3. Section 10-11-122 NMSA 1978 (being Laws 1987, Chapter 253, Section 122) is amended to read:

"10-11-122. PUBLIC EMPLOYER AFFILIATION.--

A. A public employer who is an affiliated public employer on the effective date of the Public Employees Retirement Act shall continue to be an affiliated public employer.

B. A public employer who is not an affiliated public employer on the effective date of the Public Employees Retirement Act may become an affiliated public employer by resolution or ordinance adopted by its governing body. Affiliation shall be effective the first day of the month following completion of each of the following requirements:

(1) the public employer files a certified copy of the resolution or ordinance with the association; and

(2) the public employer furnishes the association with all information requested by the association.

C. An affiliated public employer may adopt a coverage plan by resolution or ordinance of its governing body, unless a procedure for adopting the change is otherwise provided in the Public Employees Retirement Act. The change shall be effective the first day of the month following completion of each of the following requirements:

(1) the public employer files a certified copy of the resolution or ordinance with the association; and

(2) the public employer furnishes the association with all information requested by the association.

D. A public employer created by one of the methods specified in this subsection shall be an affiliated public employer with the coverage plan that provides the highest pension applicable to any of the groups of members brought under its employment.

(1) This subsection applies to a public employer created:

(a) by a merger of two or more affiliated public employers;

(b) pursuant to a joint powers agreement between two or more affiliated public employers;

(c) pursuant to a statute that authorizes two or more affiliated public employers to jointly create the public employer; or

(d) pursuant to a statute that creates the public employer by expanding the jurisdiction or assuming the powers and duties of an existing affiliated public employer.

(2) The public employer shall be an affiliated public employer on the first day of the month following the later of:

(a) the date that the public employer files with the association a certified copy of the statute,

ordinance, resolution or joint powers agreement under which the public employer is created; or

(b) the date that the public employer furnishes the association with all information requested by the association."

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