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HOUSE BILL 280

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

INTRODUCED BY

Thomas E. Swisstack

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; CREATING A RETIREMENT
PLAN FOR E-911 TELECOMMUNICATORS.

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

Section 1. Section 10-11-2 NMSA 1978 (being Laws 1987,
Chapter 253, Section 2, as amended) is amended to read:

"10-11-2. DEFINITIONS.--As used in the Public Employees
Retirement Act:

A. "accumulated member contributions" means the
amounts deducted from the salary of a member and credited to
the member's individual account, together with interest, if
any, credited to that account;

B. "affiliated public employer" means the state and
any public employer affiliated with the association as provided
in the Public Employees Retirement Act, but does not include an

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1 employer pursuant to the Magistrate Retirement Act, the
2 Judicial Retirement Act or the Educational Retirement Act;

3 C. "association" means the public employees
4 retirement association established under the Public Employees
5 Retirement Act;

6 D. "disability retired member" means a retired
7 member who is receiving a pension pursuant to the disability
8 retirement provisions of the Public Employees Retirement Act;

9 E. "disability retirement pension" means the
10 pension paid pursuant to the disability retirement provisions
11 of the Public Employees Retirement Act;

12 F. "educational retirement system" means that
13 retirement system provided for in the Educational Retirement
14 Act;

15 G. "employee" means any employee of an affiliated
16 public employer;

17 H. "federal social security program" means that
18 program or those programs created and administered pursuant to
19 the act of congress approved August 14, 1935, Chapter 531, 49
20 Stat. 620, as that act may be amended;

21 I. "final average salary" means the final average
22 salary calculated in accordance with the provisions of the
23 applicable coverage plan;

24 J. "form of payment" means the applicable form of
25 payment of a pension provided for in Section 10-11-117 NMSA

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1 1978;

2 K. "former member" means a person who was
3 previously employed by an affiliated public employer, who has
4 terminated that employment and who has received a refund of
5 member contributions;

6 L. "fund" means the funds included under the Public
7 Employees Retirement Act;

8 M. "member" means a currently employed,
9 contributing employee of an affiliated public employer, or a
10 person who has been but is not currently employed by an
11 affiliated public employer, who has not retired and who has not
12 received a refund of member contributions; "member" also
13 includes the following:

14 (1) "adult correctional officer member" means
15 a member who is an adult correctional officer or an adult
16 correctional officer specialist employed by a correctional
17 facility of the corrections department or its successor agency;

18 (2) "E-911 telecommunicator member" means a
19 member who is employed full time by an affiliated public
20 employer as a person responsible for:

21 (a) receiving 911 service calls, and
22 directly dispatching emergency response services or relaying
23 calls to the appropriate public or private safety agency; or

24 (b) managing or supervising members
25 described in Subparagraph (a) of this paragraph;

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1 [~~(2)~~] (3) "hazardous duty member" means a
2 member who is a juvenile correctional officer employed by the
3 children, youth and families department or its successor
4 agency;

5 [~~(3)~~] (4) "municipal detention officer member"
6 means a member who is employed by an affiliated public employer
7 other than the state and who has inmate custodial
8 responsibilities at a facility used for the confinement of
9 persons charged with or convicted of a violation of a law or
10 ordinance;

11 [~~(4)~~] (5) "municipal fire member" means any
12 member who is employed as a full-time nonvolunteer firefighter
13 by an affiliated public employer and who has taken the oath
14 prescribed for firefighters;

15 [~~(5)~~] (6) "municipal police member" means any
16 member who is employed as a police officer by an affiliated
17 public employer, other than the state, and who has taken the
18 oath prescribed for police officers; and

19 [~~(6)~~] (7) "state police member" means any
20 member who is an officer of the New Mexico state police and who
21 has taken the oath prescribed for such officers;

22 N. "membership" means membership in the
23 association;

24 O. "pension" means a series of monthly payments to
25 a retired member or survivor beneficiary as provided in the

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1 Public Employees Retirement Act;

2 P. "public employer" means the state, any
3 municipality, city, county, metropolitan arroyo flood control
4 authority, economic development district, regional housing
5 authority, soil and water conservation district, entity created
6 pursuant to a joint powers agreement, council of government,
7 conservancy district, irrigation district, water and sanitation
8 district, water district and metropolitan water board,
9 including the boards, departments, bureaus and agencies of a
10 public employer, so long as these entities fall within the
11 meaning of governmental plan as that term is used in Section
12 414(d) of the Internal Revenue Code of 1986, as amended;

13 Q. "refund beneficiary" means a person designated
14 by the member, in writing, in the form prescribed by the
15 association, as the person who would be refunded the member's
16 accumulated member contributions payable if the member dies and
17 no survivor pension is payable or who would receive the
18 difference between pension paid and accumulated member
19 contributions if the retired member dies before receiving in
20 pension payments the amount of the accumulated member
21 contributions;

22 R. "retire" means to:

23 (1) terminate employment with all employers
24 covered by any state system or the educational retirement
25 system; and

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1 (2) receive a pension from a state system or
2 the educational retirement system;

3 S. "retired member" means a person who has met all
4 requirements for retirement and who is receiving a pension from
5 the fund;

6 T. "retirement board" means the retirement board
7 provided for in the Public Employees Retirement Act;

8 U. "salary" means the base salary or wages paid a
9 member, including longevity pay, for personal services rendered
10 an affiliated public employer. "Salary" shall not include
11 overtime pay, allowances for housing, clothing, equipment or
12 travel, payments for unused sick leave, unless the unused sick
13 leave payment is made through continuation of the member on the
14 regular payroll for the period represented by that payment, and
15 any other form of remuneration not specifically designated by
16 law as included in salary for Public Employees Retirement Act
17 purposes. Salary in excess of the limitations set forth in
18 Section 401(a) (17) of the Internal Revenue Code of 1986, as
19 amended, shall be disregarded. The limitation on compensation
20 for eligible employees shall not be less than the amount that
21 was allowed to be taken into account under the state retirement
22 system acts in effect on July 1, 1993. For purposes of this
23 subsection, "eligible employee" means an individual who was a
24 member of a state system before the first plan year beginning
25 after December 31, 1995;

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1 V. "state system" means the retirement programs
2 provided for in the Public Employees Retirement Act, the
3 Magistrate Retirement Act and the Judicial Retirement Act;

4 W. "state retirement system acts" means
5 collectively the Public Employees Retirement Act, the
6 Magistrate Retirement Act, the Judicial Retirement Act and the
7 Volunteer Firefighters Retirement Act; and

8 X. "survivor beneficiary" means a person who
9 receives a pension or who has been designated to be paid a
10 pension as a result of the death of a member or retired
11 member."

12 Section 2. A new section of the Public Employees
13 Retirement Act is enacted to read:

14 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE
15 PLAN 1--APPLICABILITY.--E-911 telecommunicator member coverage
16 plan 1 is applicable to E-911 telecommunicator members of an
17 affiliated public employer on the first day of the calendar
18 month following certification of the election adopting E-911
19 telecommunicator member coverage plan 1 by an affirmative vote
20 of the majority of the affiliated public employer's E-911
21 telecommunicator members. The election shall be conducted by
22 the affiliated public employer. The certification shall be in
23 the form prescribed by the retirement board. The election
24 procedures shall afford all E-911 telecommunicator members of
25 the affiliated public employer an opportunity to vote. An

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1 election adopting E-911 telecommunicator member coverage plan 1
2 for a given affiliated public employer is irrevocable for the
3 purpose of subsequently adopting a coverage plan that would
4 decrease employer or employee contributions with respect to all
5 current and future E-911 telecommunicator members of that
6 affiliated public employer."

7 Section 3. A new section of the Public Employees
8 Retirement Act is enacted to read:

9 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE
10 PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--

11 Under E-911 telecommunicator member coverage plan 1, the age
12 and service requirements for normal retirement are:

13 A. age sixty-five years or older and five or more
14 years of credited service;

15 B. age sixty-four years and eight or more years of
16 credited service;

17 C. age sixty-three years and eleven or more years
18 of credited service;

19 D. age sixty-two years and fourteen or more years
20 of credited service;

21 E. age sixty-one years and seventeen or more years
22 of credited service; or

23 F. any age and twenty or more years of credited
24 service."

25 Section 4. A new section of the Public Employees

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1 Retirement Act is enacted to read:

2 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE
3 PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under E-911
4 telecommunicator member coverage plan 1, the amount of pension
5 under form of payment A is equal to three and one-half percent
6 of the final average salary multiplied by credited service;
7 provided that the amount shall not exceed eighty percent of the
8 final average salary."

9 Section 5. A new section of the Public Employees
10 Retirement Act is enacted to read:

11 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE
12 PLAN 1--FINAL AVERAGE SALARY.--Under E-911 telecommunicator
13 member coverage plan 1, the final average salary is one
14 thirty-sixth of the greatest aggregate amount of salary paid a
15 E-911 telecommunicator member for thirty-six consecutive months
16 of credited service. Under E-911 telecommunicator member
17 coverage plan 1, if a member has less than thirty-six months of
18 credited service, the final average salary is the aggregate
19 amount of salary paid a member for the member's period of
20 credited service divided by the member's credited service."

21 Section 6. A new section of the Public Employees
22 Retirement Act is enacted to read:

23 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE
24 PLAN 1--MEMBER CONTRIBUTION RATE.--A member under E-911
25 telecommunicator member coverage plan 1 shall contribute

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1 fourteen and sixty-five hundredths percent of salary starting
2 with the first full pay period in the calendar month in which
3 the E-911 telecommunicator member coverage plan 1 becomes
4 applicable to the member."

5 Section 7. A new section of the Public Employees
6 Retirement Act is enacted to read:

7 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE
8 PLAN 1--AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The
9 affiliated public employer shall contribute sixteen and six-
10 tenths percent of the salary of each member who it employs and
11 who is covered under E-911 telecommunicator member coverage
12 plan 1."

13 Section 8. A new section of the Public Employees
14 Retirement Act is enacted to read:

15 "[NEW MATERIAL] E-911 TELECOMMUNICATOR MEMBER COVERAGE
16 PLAN 1--SERVICE CREDIT REQUIRED FOR E-911 TELECOMMUNICATOR
17 MEMBERS.--Notwithstanding other provisions of the Public
18 Employees Retirement Act, to qualify for retirement pursuant to
19 E-911 telecommunicator member coverage plan 1, an E-911
20 telecommunicator member shall have eighteen months of service
21 credit earned under that coverage plan."

22 Section 9. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2007.

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