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HOUSE BILL 1109

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

INTRODUCED BY

Debbie A. Rodella

AN ACT

RELATING TO PUBLIC SAFETY VOLUNTEERS; PROVIDING A RETIREMENT
BENEFIT FOR PUBLIC SAFETY VOLUNTEERS; ENACTING THE PUBLIC
SAFETY VOLUNTEER RETIREMENT ACT; MAKING AN APPROPRIATION.

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

Section 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 7 of this act may be cited as the "Public Safety
Volunteer Retirement Act".

Section 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Public Safety Volunteer Retirement Act:

A. "association" means the public employees
retirement association;

B. "board" means the retirement board of the
association;

C. "fund" means the public safety volunteer

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1 retirement fund;

2 D. "law enforcement agency" means the New Mexico
3 mounted patrol, or any county sheriff's department or municipal
4 police department that maintains a volunteer program;

5 E. "public safety volunteer" means any nonsalaried
6 volunteer serving on the New Mexico mounted patrol or as a
7 member of a volunteer program of a county sheriff's department
8 or a municipal police department; and

9 F. "volunteer program" means a qualified reserve or
10 auxiliary program, as determined by rule of the board after
11 consulting with the secretary of public safety, in which
12 volunteers undergo required training and assist professional
13 law enforcement officers in the performance of their duties.

14 Section 3. [NEW MATERIAL] PUBLIC SAFETY VOLUNTEER
15 RETIREMENT FUND.--

16 A. The "public safety volunteer retirement fund" is
17 created in the state treasury. The fund shall consist of
18 appropriations, transfers, gifts, grants, donations and
19 bequests made to the fund. Income from the fund shall be
20 credited to the fund, and money in the fund shall not revert or
21 be transferred to any other fund at the end of a fiscal year.
22 Money in the fund is appropriated to the board for the purposes
23 of paying all annuities and benefits as provided in the Public
24 Safety Volunteer Retirement Act.

25 B. Beginning in fiscal year 2008, the state

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1 treasurer shall transfer annually on or before the last day of
2 July five hundred thousand dollars (\$500,000) from the law
3 enforcement protection fund to the public safety volunteer
4 retirement fund.

5 Section 4. [NEW MATERIAL] ADMINISTRATION OF THE PUBLIC
6 SAFETY VOLUNTEER RETIREMENT ACT, PROGRAM AND FUNDS BY THE
7 BOARD--ANNUAL ACTUARIAL EVALUATION.--

8 A. The provisions of the Public Safety Volunteer
9 Retirement Act and the public safety volunteer retirement
10 program authorized under that act shall be administered by the
11 board. The provisions of law relating to the administration
12 and investment of retirement funds administered by the board
13 shall apply to all funds transferred and paid into the fund.
14 In its administration of the public safety volunteer retirement
15 program, the board may promulgate such rules as are necessary.

16 B. The board shall provide for an annual actuarial
17 evaluation of the fund and shall make recommendations to the
18 legislature for any changes necessary to maintain the actuarial
19 soundness of the fund.

20 Section 5. [NEW MATERIAL] RETIREMENT BENEFITS--
21 ELIGIBILITY.--

22 A. A public safety volunteer who attains the age of
23 fifty-five years and has twenty-five years or more of service
24 credit shall be eligible to receive a retirement annuity of two
25 hundred dollars (\$200), payable monthly from the fund during

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1 the remainder of the public safety volunteer's life.

2 B. A public safety volunteer who attains the age of
3 fifty-five years and has at least ten but less than twenty-five
4 years of service credit shall be eligible to receive a
5 retirement annuity of one hundred dollars (\$100), payable
6 monthly from the fund during the remainder of the public safety
7 volunteer's life.

8 C. A person who ceases to be a public safety
9 volunteer after completing at least ten but less than
10 twenty-five years of service credit is eligible to receive upon
11 attaining the age of fifty-five years a retirement annuity of
12 one hundred dollars (\$100), payable monthly from the fund
13 during the remainder of the person's life.

14 D. A person who ceases to be a public safety
15 volunteer after completing twenty-five years of service credit
16 is eligible to receive upon attaining the age of fifty-five
17 years a retirement annuity of two hundred dollars (\$200),
18 payable monthly from the fund during the remainder of the
19 person's life.

20 E. A person who qualifies for and receives a
21 retirement annuity pursuant to this section may continue as an
22 active public safety volunteer on the rolls of a law
23 enforcement agency. However, such a public safety volunteer
24 shall not accrue additional service credit for the purpose of
25 increasing the amount of the retirement annuity.

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1 F. Retirement benefits are payable under the Public
2 Safety Volunteer Retirement Act regardless of whether the
3 annuitant is eligible for benefits under another state
4 retirement system.

5 Section 6. [NEW MATERIAL] DETERMINATION OF SERVICE
6 CREDIT.--

7 A. A public safety volunteer may claim one year of
8 service credit for each year, beginning on or after January 1,
9 2007, in which a law enforcement agency certifies that the
10 public safety volunteer:

11 (1) attended seventy-five percent of all
12 scheduled required training;

13 (2) attended seventy-five percent of all
14 scheduled business meetings; and

15 (3) participated in at least fifty percent of
16 one work shift per month, averaged over the year.

17 B. The head of each law enforcement agency shall
18 submit to the association by March 31 of each year the records
19 of attendance of public safety volunteers for training
20 sessions, volunteer shifts and business meetings during the
21 preceding calendar year; provided that the head of the agency
22 shall:

23 (1) submit the records on forms provided by
24 the association;

25 (2) acknowledge the truth of the records under

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1 oath before a notary public; and

2 (3) have the notarized forms signed by the
3 mayor, the county manager, the chief of the New Mexico mounted
4 patrol or the chief of the New Mexico state police.

5 C. A member may obtain up to five years of
6 additional service credit for service prior to January 1, 2007
7 by filing with the association no later than December 31, 2007:

8 (1) a copy of the law enforcement agency's
9 records showing that the member's record of attendance at
10 required training and business meetings and the member's work
11 records during the time for which service credit is claimed
12 meet the requirements of Subsection A of this section; and

13 (2) a completed "Adjusted Qualification
14 Record" as prescribed by the board.

15 Section 7. [NEW MATERIAL] RETIREMENT ANNUITY--SURVIVING
16 SPOUSE.--In the event a retirement annuitant dies, the
17 surviving spouse shall receive an annuity equal to two-thirds
18 of the retirement annuity being paid to the retirement
19 annuitant at the time of death; provided, the annuity shall
20 cease upon the surviving spouse's marriage or death.

21 Section 8. Section 29-13-3 NMSA 1978 (being Laws 1983,
22 Chapter 289, Section 3, as amended) is amended to read:

23 "29-13-3. DISTRIBUTION OF CERTAIN INSURANCE DIVISION
24 COLLECTIONS--LAW ENFORCEMENT PROTECTION FUND CREATED.--There is
25 created in the state treasury the "law enforcement protection
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1 fund". Ten percent of all money received for fees, licenses,
2 penalties and taxes from life, general casualty and title
3 insurance business pursuant to the New Mexico Insurance Code,
4 except for money received from the health insurance premium
5 surtax imposed by Subsection C of Section 59A-6-2 NMSA 1978,
6 shall be paid monthly to the state treasurer and credited to
7 the fund. On or before June 30 of each year, the state
8 treasurer shall transfer to the general fund any balance in the
9 law enforcement protection fund in excess of [~~one hundred~~
10 ~~thousand dollars (\$100,000) that is not obligated and that is~~
11 ~~in excess of the amount certified by the division to be~~
12 ~~distributed from that fund]~~ the sum of:

13 A. one hundred thousand dollars (\$100,000);

14 B. the amount to be distributed from the fund; and

15 C. the amount to be transferred to the public
16 safety volunteer retirement fund pursuant to the Public Safety
17 Volunteer Retirement Act."

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

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