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HOUSE BILL 294

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO THE STATE TREASURER; AUTHORIZING THE STATE  
TREASURER TO DESIGNATE A DESIGNEE FOR CERTAIN BOARDS.

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

SECTION 1. Section 6-8-2 NMSA 1978 (being Laws 1957,  
Chapter 179, Section 2, as amended) is amended to read:

"6-8-2. STATE INVESTMENT COUNCIL.--

A. There is created a "state investment council".

The council shall be composed of:

- (1) the governor;
- (2) the state treasurer or the state  
treasurer's designee;
- (3) the commissioner of public lands;
- (4) the secretary;
- (5) the chief financial officer of a state

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1 institution of higher education appointed by the governor with  
2 the advice and consent of the senate;

3 (6) four members appointed by the New Mexico  
4 legislative council with the advice and consent of the senate;  
5 provided that no more than two members shall be members of the  
6 same political party; and

7 (7) two members appointed by the governor with  
8 the advice and consent of the senate.

9 B. The chair of the council shall be the governor,  
10 and the vice chair shall be selected by the council. All  
11 actions of the council shall be by majority vote, and a  
12 majority of the members shall constitute a quorum.

13 C. Members of the council appointed pursuant to  
14 Paragraphs (6) and (7) of Subsection A of this section shall be  
15 reimbursed per diem and mileage pursuant to the provisions of  
16 the Per Diem and Mileage Act."

17 SECTION 2. Section 10-11-130 NMSA 1978 (being Laws 1987,  
18 Chapter 253, Section 130, as amended) is amended to read:

19 "10-11-130. RETIREMENT BOARD--AUTHORITY--MEMBERSHIP.--

20 A. The "retirement board" is created and is the  
21 trustee of the association and the funds created by the state  
22 retirement system acts and has all the powers necessary or  
23 convenient to carry out and effectuate the purposes and  
24 provisions of the state retirement system acts, including, in  
25 addition to any specific powers provided for in the Public

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1 Employees Retirement Act but without limiting the generality of  
2 the foregoing, the power to:

3 (1) administer the state retirement system  
4 acts, including the management of the association and making  
5 effective the provisions of those acts, as well as to  
6 administer and manage any other employee benefit acts as  
7 provided by law;

8 (2) in addition to utilizing services of the  
9 attorney general and notwithstanding any other provision of  
10 law, employ or contract with and compensate competent legal  
11 counsel to handle the legal matters and litigation of the  
12 retirement board and the association and to give advice and  
13 counsel in regard to any matter connected with the duties of  
14 the retirement board;

15 (3) administer oaths;

16 (4) adopt and use a seal for authentication of  
17 records, processes and proceedings;

18 (5) create and maintain records relating to  
19 all members, affiliated public employers and all activities and  
20 duties required of the retirement board;

21 (6) issue subpoenas and compel the production  
22 of evidence and attendance of witnesses in connection with any  
23 hearings or proceedings of the retirement board;

24 (7) make and execute contracts;

25 (8) purchase, acquire or hold land adjacent to

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1 the state capitol grounds or other suitable location and build  
2 thereon a building to house the association and its employees  
3 and, in the event additional office space is available in the  
4 building after the retirement board and its employees have been  
5 housed, to rent or lease the additional space to any public  
6 agency or private person; provided that first priority for the  
7 rental or leasing shall be to public agencies and further  
8 provided that for the purpose of purchasing, acquiring or  
9 holding the land and the building thereon, the retirement board  
10 may use funds from the income fund and any other funds  
11 controlled by the retirement board the use of which for such  
12 purposes is not prohibited by law;

13 (9) after the sale of the land and building  
14 acquired pursuant to Paragraph (8) of this subsection, acquire  
15 land and build thereon a new building to house the association  
16 and its employees and hold the building and land in fee simple  
17 in the name of the association. In order to acquire the land  
18 and plan, design and construct the building, the retirement  
19 board may expend the proceeds of the sale of the land and  
20 building acquired pursuant to Paragraph (8) of this subsection  
21 or any funds controlled by the board, the use of which for such  
22 purposes is not otherwise prohibited by law;

23 (10) make and adopt such reasonable rules as  
24 may be necessary or convenient to carry out the duties of the  
25 retirement board and activities of the association, including

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1 any rules necessary to preserve the status of the association  
2 as a qualified pension plan under the provisions of the  
3 Internal Revenue Code of 1986, as amended, or under successor  
4 or related provisions of law; and

5 (11) designate committees and designate  
6 committee members, including individuals who may not be members  
7 of the association.

8 B. The retirement board consists of:

9 (1) the secretary of state;

10 (2) the state treasurer or the state  
11 treasurer's designee;

12 (3) four members under a state coverage plan  
13 to be elected by the members under state coverage plans;

14 (4) four members under a municipal coverage  
15 plan to be elected by the members under municipal coverage  
16 plans, provided one member shall be a municipal member employed  
17 by a county; and

18 (5) two retired members to be elected by the  
19 retired members of the association.

20 C. The results of elections of elected members of  
21 the retirement board shall be certified at the annual meeting  
22 of the association. Elections shall be conducted according to  
23 rules the retirement board adopts from time to time.

24 D. The regular term of office of the elected  
25 members of the retirement board is four years. The term of one

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1 retirement board member under a state coverage plan expires  
2 annually on December 31. The terms of retirement board members  
3 under a municipal coverage plan expire on December 31 of  
4 noncoinciding years in the pattern set by the retirement board.  
5 Members of the retirement board serve until their successors  
6 have qualified.

7 E. A member elected to the retirement board who  
8 fails to attend four consecutively scheduled meetings of the  
9 retirement board, unless in each case excused for cause by the  
10 retirement board members in attendance, is considered to have  
11 resigned from the retirement board, and the retirement board  
12 shall by resolution declare the office vacated as of the date  
13 of adoption of the resolution. A vacancy occurring on the  
14 retirement board, except in the case of an elected official,  
15 shall be filled by the remaining retirement board members,  
16 without requirement that a quorum be present. The member  
17 appointed to fill the vacancy serves for the remainder of the  
18 vacated term.

19 F. Members of the retirement board serve without  
20 salary for their services as retirement board members, but they  
21 shall receive those amounts authorized under the Per Diem and  
22 Mileage Act.

23 G. The retirement board shall hold four regular  
24 meetings each year and shall designate in advance the time and  
25 place of the meetings. Special meetings and emergency meetings

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1 of the retirement board may be held upon call of the [~~chairman~~]  
2 chair or any three members of the retirement board. Written  
3 notice of special meetings shall be sent to each member of the  
4 retirement board at least seventy-two hours in advance of the  
5 special meeting. Verbal notice of emergency meetings shall be  
6 given to as many members as is feasible at least eight hours  
7 before the emergency meeting, and the meeting shall commence  
8 with a statement of the nature of the emergency. The  
9 retirement board shall adopt its own rules of procedure and  
10 shall keep a record of its proceedings. All meetings of the  
11 retirement board shall comply with the Open Meetings Act. A  
12 majority of retirement board members shall constitute a quorum.  
13 Each attending member of the retirement board is entitled to  
14 one vote on each question before the retirement board, and at  
15 least a majority of a quorum shall be necessary for a decision  
16 by the retirement board.

17 H. Annual meetings of the members of the  
18 association shall be held in Santa Fe at such time and place as  
19 the retirement board shall from time to time determine.  
20 Special meetings of the members of the association shall be  
21 held in Santa Fe upon call of any seven retirement board  
22 members. The retirement board shall send a written notice to  
23 the last known residence address of each member currently  
24 employed by an affiliated public employer at least ten days  
25 prior to any meeting of the members of the association. The

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1 notice shall contain the call of the meeting and the principal  
2 purpose of the meeting. All meetings of the association shall  
3 be public and shall be conducted according to procedures the  
4 retirement board shall from time to time adopt. The retirement  
5 board shall keep a record of the proceedings of each meeting of  
6 the association.

7 I. Neither the retirement board nor the association  
8 shall allow public inspection of, or disclosure of, information  
9 from any member or retiree file unless a prior release and  
10 consent, in the form prescribed by the association, has been  
11 executed by the member or retiree; except that applicable  
12 coverage plans, amounts of retirement plan contributions made  
13 by members and affiliated public employers, pension amounts  
14 paid and the names and addresses of public employees retirement  
15 association members or retirees requested for election purposes  
16 by candidates for election to the retirement board may be  
17 produced or disclosed without release or consent."

18 SECTION 3. Section 22-11-3 NMSA 1978 (being Laws 1967,  
19 Chapter 16, Section 127, as amended) is amended to read:

20 "22-11-3. EDUCATIONAL RETIREMENT BOARD--MEMBERS--TERMS--  
21 VACANCIES.--

22 A. The "educational retirement board" is created.

23 B. The board shall be composed of seven members,  
24 consisting of the following:

25 (1) the superintendent of public instruction;

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1 (2) the state treasurer or the state  
2 treasurer's designee;

3 (3) one member to be elected for a term of  
4 four years by members of the New Mexico association of  
5 educational retirees;

6 (4) one member to be elected for a term of  
7 four years by the members of the New Mexico education  
8 association;

9 (5) one member to be elected for a term of  
10 four years by the New Mexico members of the American  
11 association of university professors; and

12 (6) two members to be appointed by the  
13 governor for terms of four years each.

14 C. In the initial composition of the board, the  
15 member elected by the members of the American association of  
16 university professors shall serve for a term of three years;  
17 one member appointed by the governor shall serve for a term of  
18 two years; and the other member appointed by the governor shall  
19 serve for a term of one year.

20 D. Vacancies occurring in the [~~term~~] terms of  
21 office of those members appointed by the governor or elected by  
22 an association shall be filled either by the governor  
23 appointing or the association electing a new member to fill the  
24 unexpired term."

25 SECTION 4. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2011.

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