

1 SENATE BILL 193

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Mimi Stewart

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8 ENDORSED BY THE INVESTMENTS AND PENSIONS OVERSIGHT COMMITTEE

9  
10 AN ACT

11 RELATING TO RETIREE HEALTH CARE; INCREASING EMPLOYEE AND  
12 EMPLOYER CONTRIBUTION RATES TO THE RETIREE HEALTH CARE FUND.

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 10-7C-15 NMSA 1978 (being Laws 1990,  
16 Chapter 6, Section 15, as amended by Laws 2009, Chapter 287,  
17 Section 2 and by Laws 2009, Chapter 288, Section 3) is amended  
18 to read:

19 "10-7C-15. RETIREE HEALTH CARE FUND CONTRIBUTIONS.--

20 A. Following completion of the preliminary  
21 contribution period, each participating employer shall make  
22 contributions to the fund pursuant to the following provisions:

23 (1) for participating employees who are not  
24 members of an enhanced retirement plan, the employer's  
25 contribution shall equal

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1                                    [~~(a) one and three-tenths percent of~~  
2 ~~each participating employee's salary for the period from July~~  
3 ~~1, 2002 through June 30, 2010;~~

4                                    [~~(b) one and six hundred sixty-six~~  
5 ~~thousandths percent of each participating employee's salary for~~  
6 ~~the period from July 1, 2010 through June 30, 2011;~~

7                                    [~~(c) one and eight hundred thirty-four~~  
8 ~~thousandths percent of each participating employee's salary for~~  
9 ~~the period from July 1, 2011 through June 30, 2012; and~~

10                                    [~~(d)~~] two and thirty-three hundredths  
11 percent of each participating employee's salary [~~beginning July~~  
12 ~~1, 2012~~];

13                                    (2) for participating employees who are  
14 members of an enhanced retirement plan, the employer's  
15 contribution shall equal

16                                    [~~(a) one and three-tenths percent of~~  
17 ~~each participating employee's salary for the period from July~~  
18 ~~1, 2002 through June 30, 2010;~~

19                                    [~~(b) two and eighty-four thousandths~~  
20 ~~percent of each participating employee's salary for the period~~  
21 ~~from July 1, 2010 through June 30, 2011;~~

22                                    [~~(c) two and two hundred ninety-two~~  
23 ~~thousandths percent of each participating employee's salary for~~  
24 ~~the period from July 1, 2011 through June 30, 2012; and~~

25                                    [~~(d)~~] two and [~~one-half~~] ninety-three

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1 ~~hundredths~~ percent of each participating employee's salary  
2 [~~beginning July 1, 2012~~]; and

3 (3) each employer that chooses to become a  
4 participating employer after January 1, 1998 shall make  
5 contributions to the fund in the amount determined to be  
6 appropriate by the board.

7 B. Following completion of the preliminary  
8 contribution period, each participating employee, as a  
9 condition of employment, shall contribute to the fund pursuant  
10 to the following provisions:

11 (1) for a participating employee who is not a  
12 member of an enhanced retirement plan, the employee's  
13 contribution shall equal

14 ~~[(a) sixty-five hundredths of one~~  
15 ~~percent of the employee's salary for the period from July 1,~~  
16 ~~2002 through June 30, 2010;~~

17 ~~(b) eight hundred thirty-three~~  
18 ~~thousandths of one percent of the employee's salary for the~~  
19 ~~period from July 1, 2010 through June 30, 2011;~~

20 ~~(c) nine hundred seventeen thousandths~~  
21 ~~of one percent of the employee's salary for the period from~~  
22 ~~July 1, 2011 through June 30, 2012; and~~

23 ~~(d)] one and seventeen-hundredths percent~~  
24 of the employee's salary [~~beginning July 1, 2012~~];

25 (2) for a participating employee who is a

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1 member of an enhanced retirement plan, the employee's  
2 contribution shall equal

3 ~~[(a) sixty-five hundredths of one~~  
4 ~~percent of the employee's salary for the period from July 1,~~  
5 ~~2002 through June 30, 2010;~~

6 ~~(b) one and forty-two thousandths~~  
7 ~~percent of the employee's salary for the period from July 1,~~  
8 ~~2010 through June 30, 2011;~~

9 ~~(c) one and one hundred forty-six~~  
10 ~~thousandths percent of the employee's salary for the period~~  
11 ~~from July 1, 2011 through June 30, 2012; and~~

12 ~~(d)] one and [one-fourth] forty-seven~~  
13 ~~hundredths percent of the employee's salary [beginning July 1,~~  
14 ~~2012]; and~~

15 (3) as a condition of employment, each  
16 participating employee of an employer that chooses to become a  
17 participating employer after January 1, 1998 shall contribute  
18 to the fund an amount that is determined to be appropriate by  
19 the board. Each month, participating employers shall deduct  
20 the contribution from the participating employee's salary and  
21 shall remit it to the board as provided by any procedures that  
22 the board may require.

23 C. ~~[On or after July 1, 2009]~~ No person who has  
24 obtained service credit pursuant to Subsection B of Section  
25 10-11-6 NMSA 1978, Section 10-11-7 NMSA 1978 or Paragraph (3)  
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1 or (4) of Subsection A of Section 22-11-34 NMSA 1978 may enroll  
2 with the authority unless the person makes a contribution to  
3 the fund equal to the full actuarial present value of the  
4 amount of the increase in the person's health care benefit, as  
5 determined by the authority.

6 D. Except for contributions made pursuant to  
7 Subsection C of this section, a participating employer that  
8 fails to remit before the tenth day after the last day of the  
9 month all employer and employee deposits required by the  
10 Retiree Health Care Act to be remitted by the employer for the  
11 month shall pay to the fund, in addition to the deposits,  
12 interest on the unpaid amounts at the rate of six percent per  
13 year compounded monthly.

14 E. Except for contributions made pursuant to  
15 Subsection C of this section, the employer and employee  
16 contributions shall be paid in monthly installments based on  
17 the percent of payroll certified by the employer.

18 F. Except in the case of erroneously made  
19 contributions or as may be otherwise provided in Subsection D  
20 of Section 10-7C-9 NMSA 1978, contributions from participating  
21 employers and participating employees shall become the property  
22 of the fund on receipt by the board and shall not be refunded  
23 under any circumstances, including termination of employment or  
24 termination of the participating employer's operation or  
25 participation in the Retiree Health Care Act.

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1           G. Notwithstanding any other provision in the  
2 Retiree Health Care Act and at the first session of the  
3 legislature following July 1, 2013, the legislature shall  
4 review and adjust the distributions pursuant to Section  
5 ~~[7-1-6.1]~~ 7-1-6.30 NMSA 1978 and the employer and employee  
6 contributions to the authority in order to ensure the actuarial  
7 soundness of the benefits provided under the Retiree Health  
8 Care Act.

9           H. As used in this section, "member of an enhanced  
10 retirement plan" means:

11                   (1) a member of the public employees  
12 retirement association who, pursuant to the Public Employees  
13 Retirement Act, is included in:

14                           (a) state police member, ~~[and adult]~~  
15 correctional officer member and probation and parole officer  
16 member coverage plan 1;

17                           (b) municipal police member coverage  
18 plan 3, 4 or 5;

19                           (c) municipal fire member coverage plan  
20 3, 4 or 5; or

21                           (d) municipal detention officer member  
22 coverage plan 1; or

23                   (2) a member pursuant to the provisions of the  
24 Judicial Retirement Act."

25           SECTION 2. EFFECTIVE DATE.--The effective date of the  
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1 provisions of this act is July 1, 2023.

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