

<b>LFC Requester:</b>	<b>Joseph Simon</b>
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**AGENCY BILL ANALYSIS – 2026 SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, an amendment, a substitute, or a correction of a previous bill}*

**Date Prepared:** 23Jan2026 *Check all that apply:*  
**Bill Number:** SB0071 Original  Correction   
 Amendment  Substitute

**Sponsor:** David M. Gallegos **Agency Name and**  
**Short** Telecommunicators as **Code Number:** 790 – Department of Public Safety  
Police in PERA **Person Writing** Carolyn Huynh  
**Phone:** (505) 681-2861 **Email:** Carolynn.huynh@dps.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
\$0.0	\$0.0	N/A	N/A

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
\$0.0	\$0.0	\$0.0	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0.0	\$26.7	\$26.7	\$53.4	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: 2025 SB-173  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Includes public safety telecommunicators as municipal and state police members under the Public Employees Retirement Act (PERA). Also calls for elections pertaining to the adoption of police member coverage plans for current public safety telecommunicators.

Requires that the PERA Retirement Board conduct two elections on or before December 30, 2026. The first is to submit to the municipal police members the question of adopting the municipal police member coverage plan 5. The second is to submit to state police members under coverage plan 3, the question of adopting state public safety member coverage plan 1.

**FISCAL IMPLICATIONS**

The New Mexico Department of Public Safety (DPS) has 80.0 authorized telecommunicator (dispatcher) positions in New Mexico State Police (NMSP) that are eligible to participate in this election. If approved, they will move from Public Employee Retirement Association’s (PERA) *State General Plan 3* to the *State Police & Adult Correctional Officer Plan*, as well as from the New Mexico Retiree Health Care Association’s (NMRHCA) *Regular Plan* to the *Enhanced Plan* at these contribution rates:

Status	Plan	521200	521300	521700	Total				
		PERA	Social Security	RHCA					
Current	State Plan 3		19.24%	7.65%	2.00%	28.89%			
Proposed	State Police Plan		25.50%	1.45%	2.50%	29.45%			
<b>Difference</b>			<b>6.26%</b>	<b>-6.20%</b>	<b>0.50%</b>	<b>0.56%</b>			
<b>Increase or (Decrease)</b>		\$	<b>318,666</b>	\$	<b>-315,974</b>	\$	<b>24,031</b>	\$	<b>26,723</b>

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## **SIGNIFICANT ISSUES**

DPS identifies potential consequences of this bill's passage that may create concerns about contributions, overtime pay, and Social Security benefits.

The *State Police & Adult Correctional Officer Plan* is a modified 7(k) plan of eighty-three (83) hours at straight (regular) time with subsequent overtime hours worked paid at one and one-half (1½) times the regular hourly rate for NMSP officers and sergeants during the State of New Mexico's (SONM) fourteen calendar-day pay period. The 81<sup>st</sup>, 82<sup>nd</sup> and 83<sup>rd</sup> hours worked in a pay period are overtime paid at straight time and coded to SHARE Financials Account 520100-Exempt. The 84<sup>th</sup> hour onward is charged to 520700-Overtime.

As NMSP telecommunicators would be moving to this federally recognized enhanced plan, they would now become subject to the Department's modified 7(k) plan. Telecommunicators are currently on a 40-hour week (Saturday to Friday) and are eligible for overtime at one and one-half (1½) times the regular hourly rate starting with the 41<sup>st</sup> hours worked in each seven-day period.

Sworn law enforcement officers' retirement benefits were created with a specific and limited purpose that accounts for the extraordinary physical risks, occupational hazards, and physiological demands inherent in those roles. Officers routinely face violent confrontations, exposure to weapons, high-speed pursuits, and other life-threatening situations, resulting in higher rates of injury, disability, and shortened careers. On the contrary, dispatcher duties, while stressful, do not demand the same degree of danger or risk. The current retirement structure corresponds to those distinct realities.

## **PERFORMANCE IMPLICATIONS**

This intent of this legislation to include public safety telecommunicators under police member coverage plans is commendable in recognizing their critical role in emergency response. However, while the bill seeks to align their benefits with those of other public safety personnel, it does not account for the disparity in job duties, training, and physical risks faced by sworn officers compared to telecommunicators. Police officers operate directly within the public and routinely face unpredictable risks and threats inherent to field work. Telecommunicators, while essential to public safety operations, perform their duties in dispatch centers which are controlled, secure environments with restricted access that limit their exposure to the types of physical dangers officers encounter on duty.

Alternative approaches should be considered to recognize the vital work and contributions of public safety telecommunicators without compromising the mission and effectiveness of law enforcement agencies.

## **ADMINISTRATIVE IMPLICATIONS**

Transferring from *State General Plan 3* to the *State Police & Adult Correctional Officer Plan* would require telecommunicators to stop contributing to Social Security and instead contribute only to Medicare. As a result, they would no longer earn Social Security service credit or accrue future Social Security benefits for the period of time covered under the new plan.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None to DPS.

## **TECHNICAL ISSUES**

None to DPS.

## **OTHER SUBSTANTIVE ISSUES**

None to DPS.

## **ALTERNATIVES**

As an alternative, the State should consider providing targeted funding to cover the expense associated with designing and implementing a new retirement plan or benefits package specifically tailored for telecommunicators. This would ensure that they receive appropriate compensation and benefits for their crucial role in public safety while addressing disparities in benefits compared to other state employee groups.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo will remain and NMSP telecommunicators will remain in *State General Plan 3* retirement and will continue to contribute to both Social Security and Medicare, and will remain in NMRHCA's *Regular Plan*.

## **AMENDMENTS**

None proposed by DPS