



NEW MEXICO HM 35 REPORT

November 21, 2022





NEW MEXICO NM 32 REPORT

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HM 35 TASK FORCE

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I. Executive Summary

House Memorial 35¹ was passed in recognition that the crime rates in New Mexico for both violent and property crimes are significantly above the national average. This increase in crime is occurring while simultaneously several factors, including the 2019 coronavirus pandemic and changes to the legal landscape in New Mexico, have caused increased difficulty in both hiring and retaining law enforcement officers.

House Memorial 35 created a task force to assess and make recommendations to incentivize law enforcement officers to continue working to twenty-five years. The task force was also charged with making recommendations to improve the ability for New Mexico law enforcement agencies to make lateral hires from out-of-state agencies.

This report is the task force's recommendations regarding possible legislation, which could be implemented to both make it easier to recruit out-of-state law enforcement officers as lateral hires as well as retain the law enforcement officers, we already have. PERA staff served as a technical expert on the task force, but the PERA board has not taken a position on any of the recommendations in this report.

¹ Appendix 1, House Memorial 35

II. Officer Recruiting

The task force was requested to specifically look at ways recruiting could be improved when it comes to drawing out-of-state employees to law enforcement agencies within the state. This is narrower in scope than an overall review of law enforcement recruiting practices, which is a far larger purview than the one delegated to this task force. This task force recommends the legislature consider putting together a formal group to study the overall recruiting issue in the coming year.

As it relates specifically to recruiting out-of-state applicants, one item was identified as possibly being beneficial to the efforts. That recommendation would be to expand the eligibility and ability for out-of-state officers to purchase service time in the Public Employee's Retirement funding. This would provide an avenue for officers to get credit for the service as a law enforcement officer in another state. This is allowed in ERB and the ability to purchase up to five total years of credit could be an incentive for officers in other states because they would not have to "start over" in their law enforcement careers if they chose to come to New Mexico. As it stands now if an officer was already working for several years in another state, they would basically forfeit that benefit by coming to work in New Mexico. This can prevent an officer from coming to work here and the state loses out on a new potential officer. Other suggestions by the Task Force included various suggestions to provide sign-on bonuses or a program to help out-of-state officers purchase homes in the state.

The Task Force did recommend the passage of legislation that would allow law enforcement officers with out-of-state experience to purchase up to five (5) years of PERA credit at actuarial cost.

III. Officer Retention

A. Employee Health Benefits

One of the issues that came up repeatedly in Task Force meetings was that law enforcement officers often take second jobs to provide for their portion of retiree health care costs for themselves and their families.

The question was raised what if in exchange for working beyond their current eligibility for retirement the state was willing to pick up the officer's portion of retiree healthcare premiums? This could take shape in several ways. One option would be if the officer worked an additional five years past their eligible retirement date the state would agree to pay for the officer's health benefit until they became eligible for Medicare. Another option might be a more flexible version where for each complete year an officer works past their eligibility date, they would get two years of paid retiree health.

A subcommittee met with the Executive Director of the New Mexico Retiree Health Care Authority, Neil Kueffer to obtain estimates on the cost for the state to pay for retired law enforcement officers' portion of their retiree health costs. For the full cost breakdown of various options please see attached tables in the Appendix, but a basic overall cost breakdown is below. Based on the FY21 Retiree Health enrollment of 237 officers the total cost of this program over the next 10 years would be approximately \$81.5 million dollars.

YEAR	COST
1	\$918,498.24
2	\$1,983,956.20
3	\$3,214,009.04
4	\$4,628,173.02
5	\$6,248,033.58
6	\$8,097,451.52
7	\$10,202,788.91
8	\$12,593,156.60
9	\$15,300,685.26
10	\$18,360,822.32
Total	\$81,547,574.68

If the average officer were to retire at age 45, they would need 20 years of retiree health coverage. The total cost of the program at 237 officers retiring per year would be \$544.8 million over the entire 20-year time span.

Although this table contains rough estimates it is based on the number of officers currently participating in NM Retiree Health. These calculations assume the state will pick up the premium costs for the individual law enforcement officer and not for their spouse or any children. There was some preliminary discussion about including spouse's healthcare costs but adding spouses increased the cost of the required premium contributions by the state by approximately 300%.

The numbers provided by Retiree Health also assume that the officer works five years beyond their current retirement age. Offering this benefit to officers who medically retire from law enforcement will impose additional costs. The number of officers who medically retire in any given year is hard to predict and so the committee was not able to provide estimates of what those expected costs would be over time.

The committee acknowledges that fully paying for retired officers' healthcare premiums would be a costly proposition. The committee, however, believes that considering the coverage of at least some healthcare costs for officers is an important part of an overall package of benefits to keep senior officers working beyond their current retirement eligibility date.

A more viable option might be the flexible benefit of providing officers an option of getting two years of retiree health premiums covered for each additional year worked. This would not lock in the large amounts of future benefits, but still provide an attractive incentive for officers, especially if the years of coverage included an officer plus their family. The cost per year based on 2023 Retiree Health costs are demonstrated below and will vary by a particular officer's family situation. This table lists the cost on a per officer basis and includes a spouse and child.

	Officer	Spouse	Child	Totals
Monthly Premium	\$322.96	\$612.99	\$313.49	\$1,249.44
Yearly Premiums	\$3,875.52	\$7,355.88	\$3,761.88	\$14,993.28

Based on the current enrollment of 237 officers the total cost for the first year based on 2023 costs would be a little over \$3,553,407. That assumes all retirees have a wife and child, which will not be the case so the total should be lower. So, if our example officer stayed an additional year and got two years of paid Retiree Health for his entire family it would cost the state about \$30,000 at current rates. The question to be answered here is whether an extra year of service by a veteran officer is worth an extra \$30,000 in costs.

The Task Force recognizes that further subsidizing retiree health for officers is a complicated and costly endeavor. The Task Force did recommend legislation to reduce retiree health care costs for law enforcement by providing extra benefits for officers who remain working full-time beyond their retirement eligibility date.²

² Appendix 6, Retiree Health Charts

B. Return to Work

Allowing public employees including law enforcement to return to work after their retirement without having to suspend their retirement payments from PERA was discussed at length by both the task force and a sub-committee.

The task force is aware that various bills over the last few years have been proposed to allow public employees to return to work. The task force focused on HB 50³, HB 105⁴, and SB 172⁵. The task force reached some conclusions about what a return-to-work bill should include to most effectively encourage law enforcement officers to return to work.

The representative for PERA explained that all three of these proposed bills required that the employee who returned to work resume making payments into PERA without receiving any benefit other than the ability to collect their current retirement payment along with their salary. As long as a return-to-work bill requires the employee to resume paying into PERA the plan will not be a drain on the health of the PERA fund. There is good reason to think that return to work will have an overall positive impact on the health of the fund. To date, the current individuals who are still double-dipping have had a net positive impact of over \$31,000,000 as of January 2022⁶.

The next issue discussed was the length of time an employee must be retired from their job until they are allowed to return. The consensus with the committee seemed to be that the legal minimum required ninety (90) days of retirement was the timeframe most likely to induce law enforcement officers to return to work. The committee believes if a law enforcement officer is required to be retired for six months or a year, they likely would have found other work and so are less likely to return to law enforcement.

The most contentious issue discussed by the committee was how to prevent an officer from leaving a high-ranking job or other highly sought-after position in their department and simply returning to fill it ninety days later. The Albuquerque Police Union has historically opposed return to work because they believe it serves to block opportunities for career advancement for newer officers. An example would be that if an officer retires as a lieutenant and returns to work ninety days later to their lieutenant position then any employees who wanted to apply for that position would be prevented from getting the job.

The obvious objection to this complaint is that simply because an officer returns to work, they are not automatically the most qualified person for their previous position and that you could simply allow them to apply with other applicants and hire the most qualified applicant. The concern is that the person who has been successfully doing the job for many years will ninety days later be far and away the best-qualified candidate to fill the position. The committee then pivoted to strategies to avoid or mitigate the problem without abandoning return to work.

The most straightforward way to deal with this problem would be to include language found in HB 106 that "retired member is subsequently employed by the affiliated public employer in an entry-level or civilian position." The bill could leave it open to the individual agencies to determine what is an "entry-level position" in their department. In discussing the issue of return to work it became clear that smaller rural agencies are dealing with very different staffing issues and concerns than larger departments. This led to a second possible suggestion in which return to work for law

³ Appendix 2, House Bill 50.

⁴ Appendix 3, House Bill 105.

⁵ Appendix 4, Senate Bill 172.

⁶ Appendix 7, PERA letter to Rep. Wm. Rehm.

enforcement applies only to counties of a certain population level. This would allow the rural counties in New Mexico to have return to work for their departments while exempting Bernalillo County from return to work.

The Task Force did recommend Return to Work legislation for law enforcement with a ninety-day wait time until an officer can return to work and language that gives flexibility to law enforcement agencies to prevent ranking officers from returning to their position after ninety days.

C. PERA Changes

Minor changes to how PERA provides benefits could assist with the retention of experienced officers who have reached their eligibility date for retirement. One option which was considered in the past and would likely be beneficial to pursue again, is the option for PERA members to earn a 100% retirement benefit. The current maximum benefit for most employees is 90%. The representatives from PERA explained that allowing law enforcement officers to work additional years to obtain 100% PERA retirement would not have a negative impact on the solvency of the plan. In the 2022 Second Session, House Bill 243⁷ was proposed with this goal in mind, but it did not pass.

Another option to help incentivize officers to stay past their eligibility date would be to increase the rate of accrual for their PERA benefit once they have reached their eligibility date. This would basically give officers extra credit for the time they stay on. For example, if an officer is on a 20-year retirement plan and accrues retirement benefits at 3.5% per year of service, this would cause that percentage to go up after the officer hit 20 years. The accrual rate could be increased to 4.5% for each additional year until the officer hits the maximum retirement rate. In this example, the officer would now reach the current 90% maximum accrual approximately a year sooner, which could help keep more officers to the maximum accrual. Combining this benefit with the 100% retirement benefit would likely increase the incentive and uptake even more and hopefully, get two additional years of service from officers. This option would have an impact on the PERA municipal police fund and would require an increase in contributions of 1.65% to be neutral to the fund. PERA's actuaries have also recommended a contribution increase of 9.63% to the PERA municipal police fund to reduce the unfunded actuarial accrued liability (UAAL) in 25 years.

An additional area to address related to PERA benefits would be to consider fixing any areas within the current benefits where officers do not receive the full benefit of their contribution. An example of this is certain members of the State Police retirement plan do not get full benefits for what they pay into the retirement fund. Addressing these areas in legislation would help ensure equitable benefits for all PERA members.

The Task Force did recommend the passage of legislation that would allow law enforcement officers to work towards 100%, increase the retirement accrual rate for the years beyond their current retirement date and ensure PERA members receive full credit for their fund contributions.

D. Expansion of Law Enforcement Retention Fund

During the 2022 session, House Bill 68 created the Law Enforcement Retention Fund (LERF) along with additional funding from the Department of Finance Administration. There are several

⁷ Appendix 5, House Bill 243.

opportunities to further address recruiting and retention issues within the framework already established by the LERF.

The current LERF formula pays officers a retention stipend every five years of service up until they have completed 20 years of service. This is when officers are becoming eligible to retire and when we are looking to retain their experience. The Task Force believes it would be beneficial to not only extend the stipend past this mark, but to make it annual once an officer reaches 20 years of service. Officers would then be getting a retention stipend for each additional year they stay on the job.

A second area to look at as it relates to the LERF retention funding is to handle its distribution in a manner, which would allow for it to be paid out over the course of the year as opposed to a lump sum. The Task Force believes if this was done in a manner where the stipend could be counted toward an officer's PERA benefit, it would increase the effectiveness of the stipend on retaining experienced officers.

The LERF could also be a location to place additional funds to be utilized for additional coverage of Retiree Health. The funds could be set aside there and used to cover the Retiree Health premiums the legislature would cover if it passed some type of reform to the law enforcement health benefit.

The Task Force did recommend that the LERF legislation be amended to create payments every year beyond the current year twenty limit. These payments would be authorized to be paid over the course of a year so that they would be calculated in an officer's retirement.

E. DROP

A suggestion to increase officer retention that was suggested by members of the Task Force was for law enforcement officers to be allowed to participate in a Deferred Retirement Option Plan (DROP) plan. DROP is a voluntary and irrevocable benefit program that allows members to receive a one-time lump sum payment at the time of their retirement, in addition to their monthly retirement benefit distributions. In exchange for continuing to work past your eligible retirement age, an employer will set aside annual lump sum payments into an interest-bearing account. Upon retirement, the money that has grown in this account will be paid to the officer, on top of the rest of their accrued earnings.

The DROP program for law officers in Arizona works in the following way. A law enforcement officer who attains twenty years of service credit may at that time elect to participate in a DROP. The officer's monthly retirement benefit will be based upon their salary and service earned prior to electing to participate in the DROP. The calculated retirement benefit is paid and is placed in an interest-bearing account while the member continues to work for their employer for up to an additional five years maximum. Any increase in the officer's salary during this period will not affect their future retirement benefit.

Upon full retirement, the law enforcement officer receives a lump sum payment of the full amount of the money in their DROP account. They will also then begin to collect their monthly retirement benefits. A DROP plan in effect would allow a New Mexico law enforcement officer to continue to work while stopping making contributions to PERA and instead have the employer contribute to a separate fund. This loss of payments in the PERA fund by state employees will have a negative effect on the health of the PERA Retirement Fund. The representatives from PERA discussed that

they are unaware of any entity that has successfully implemented a DROP plan without it having a negative effect on the overall retirement fund.

The Task Force did recommend the creation of a Deferred Retirement Option Plan.

IV. Conclusion & Recommendations

It became clear as the Task Force worked through this process that there was no “silver bullet” to the issue of law enforcement recruitment and retention. It is a large problem with a myriad of causes and will likely only be improved by implementing several changes to try and deal with some of the existing challenges.

Please note all recommendations were approved unanimously by all members who cast their vote except for the DROP program, which still maintained strong support. Some areas the Task Force believes it would be beneficial to focus on include the following:

- **Retiree Health** – It was repeatedly brought up in discussion groups and as a major area of concern for officers. The ability to have a portion of retiree health paid for by the state if an officer were to stay past their eligibility date could have a sizable impact on the decision of some employees to retire or not. This would likely be the most expensive option but given the current revenue status of the State now would be the best opportunity to set aside a fund for this purpose. Various options include paying the retirees premium until Medicare age or providing two years of total retiree health premiums for each additional one year worked beyond retirement eligibility.
- **Return to Work** – The Task Force believes this option could make a positive impact on agency staffing levels, especially in the areas that are hardest to fill, such as rural agencies. It will be important any legislation include adequate protections for current employees and makes the use of this program optional for agencies.
- **PERA Changes** – The Task Force found multiple areas where tweaks to the PERA system could be beneficial for out-of-state recruiting and improving retention of officers. These could be done in a manner, which does not adversely affect PERA funding. Out of the recommendations made, these changes are the “low hanging fruit” the legislature could take advantage of.
 - Option to earn 100% retirement benefit
 - Allow purchase of up to five (5) years of service credit (including for out-of-state officers) at actuarial determined cost.
 - Consider providing a higher accrual rate for officers past eligible retirement rate
 - Ensure PERA members receive full credit for contribution
- **LERF Amendments** – Provide retention stipends beyond an officer’s 20th completed year of service and structure it in a way to allow for it to count towards PERA benefit. Increase the percentage of the stipend at each milestone so it increases with the level of officer experience and seniority.

HOUSE MEMORIAL 35

55TH LEGISLATURE - STATE OF NEW MEXICO

SECOND SESSION, 2022

1 A MEMORIAL
2 REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO CONVENE A TASK
3 FORCE TO ASSESS AND MAKE RECOMMENDATIONS TO PROVIDE
4 INCENTIVES FOR LAW ENFORCEMENT OFFICER RETENTION FOR TWENTY-
5 FIVE YEARS OR FOR LATERAL HIRING OF LAW ENFORCEMENT OFFICERS
6 FROM OUT-OF-STATE AGENCIES TO NEW MEXICO LAW ENFORCEMENT
7 AGENCIES.

8
9 WHEREAS, crime rates in New Mexico for violent crime and
10 property crime are significantly above national averages; and

11 WHEREAS, there are not enough law enforcement officers
12 to adequately address crime in New Mexico; and

13 WHEREAS, the coronavirus disease 2019 pandemic, national
14 calls for police reform, statutory changes and local law
15 enforcement agreements with the United States department of
16 justice have impacted law enforcement officers, adding to
17 staff shortages; and

18 WHEREAS, Governor Michelle Lujan Grisham has called
19 attention to the serious problem of a shortage of law
20 enforcement officers during the 2022 legislative session with
21 a budget request of one hundred million dollars
22 (\$100,000,000) and an additional one thousand law enforcement
23 officers across the state; and

24 WHEREAS, retention and recruitment of new law
25 enforcement officers are also of critical importance; and

1 WHEREAS, a task force of interested parties, convened by
2 the department of public safety, could study incentives to
3 create a path for retention and recruitment of law
4 enforcement officers; and

5 WHEREAS, programs and initiatives, including the
6 implementation of a deferred retirement option plan, and
7 return-to-work provisions to allow an officer to continue to
8 draw pension benefits while working and contributing to law
9 enforcement pension funds or to delay retirement benefits for
10 a bigger payout later are options to be explored;

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
12 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the
13 department of public safety be requested to convene a task
14 force to assess and make recommendations to provide
15 incentives for law enforcement officer retention for twenty-
16 five years or for lateral hiring of law enforcement officers
17 from out-of-state agencies to New Mexico law enforcement
18 agencies; and

19 BE IT FURTHER RESOLVED that the task force be composed
20 of representatives from the Albuquerque police department, a
21 small police department from a rural area, the New Mexico
22 state police, the New Mexico state fraternal order of police
23 lodge, the New Mexico sheriffs' association, the public
24 employees retirement association, the New Mexico association
25 of counties, the New Mexico municipal league, the office of

1 the governor, the senate, the house of representatives, the
2 New Mexico state police association and three representatives
3 from statewide community organizations; and

4 BE IT FURTHER RESOLVED that the task force present its
5 findings and recommendations to the appropriate legislative
6 interim committee that addresses courts, corrections and
7 justice issues by November 1, 2022; and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the co-chairs of the legislative interim
10 committee that addresses courts, corrections and justice
11 issues, the chief of the Albuquerque police department, the
12 chief of a small police department from a rural area, chosen
13 by the task force, the acting chief of the New Mexico state
14 police, the executive directors of the New Mexico sheriffs'
15 association, the public employees retirement association, the
16 New Mexico association of counties and the New Mexico
17 municipal league, the governor, the president pro tempore of
18 the senate, the speaker of the house of representatives and
19 the presidents of the New Mexico state police association and
20 the New Mexico state fraternal order of police lodge. _____ HM 35/a

BY JILL BROWN

2022 HOUSE CHAIRMAN - COMMITTEE ON GOVERNANCE - BRITA JORDAN, HTDS

HOUSE BILL 50

55TH LEGISLATURE - STATE OF NEW MEXICO

SECOND SESSION, 2022

HB 50

AN ACT TO AMEND THE STATE OF NEW MEXICO
CONSTITUTION TO PROVIDE FOR THE
REVISION OF THE STATE OF NEW MEXICO
CONSTITUTION

SECTION 1. The purpose of this act is to
provide for the revision of the
State of New Mexico Constitution.
SECTION 2. The purpose of this act is to
provide for the revision of the
State of New Mexico Constitution.

SECTION 3. The purpose of this act is to
provide for the revision of the
State of New Mexico Constitution.

SECTION 4. The purpose of this act is to
provide for the revision of the
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SECTION 5. The purpose of this act is to
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SECTION 6. The purpose of this act is to
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SECTION 7. The purpose of this act is to
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SECTION 8. The purpose of this act is to
provide for the revision of the
State of New Mexico Constitution.

SECTION 9. The purpose of this act is to
provide for the revision of the
State of New Mexico Constitution.

SECTION 10. The purpose of this act is to
provide for the revision of the
State of New Mexico Constitution.

HOUSE BILL 50

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Phelps Anderson and Harry Garcia and Rebecca Dow

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; ALLOWING PUBLIC
EMPLOYEES TO RETURN TO WORK FOR AFFILIATED PUBLIC EMPLOYERS
UNDER CERTAIN CONDITIONS.

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

SECTION 1. Section 10-11-8 NMSA 1978 (being Laws 1987,
Chapter 253, Section 8, as amended) is amended to read:

"10-11-8. NORMAL RETIREMENT--RETURN TO EMPLOYMENT--
BENEFITS CONTINUED--CONTRIBUTIONS.--

A. A member may retire upon fulfilling the
following requirements prior to the selected date of
retirement:

(1) a written application for normal
retirement, in the form prescribed by the association, is filed
with the association;

.221506.2

underscored material = new
[bracketed material] = delete

1 (2) employment is terminated with all
2 employers covered by any state system or the educational
3 retirement system;

4 (3) the member selects an effective date of
5 retirement that is the first day of a calendar month; and

6 (4) the member meets the age and service
7 credit requirement for normal retirement specified in the
8 coverage plan applicable to the member.

9 B. The amount of normal retirement pension is
10 determined in accordance with the coverage plan applicable to
11 the member.

12 C. Except as provided in [~~Subsection~~] Subsections D
13 and J of this section, on or after July 1, 2010, a retired
14 member may be subsequently employed by an affiliated public
15 employer only pursuant to the following provisions:

16 (1) the retired member has not been employed
17 as an employee of an affiliated public employer or retained as
18 an independent contractor by the affiliated public employer
19 from which the retired member retired for at least twelve
20 consecutive months from the date of retirement to the
21 commencement of subsequent employment or reemployment with an
22 affiliated public employer;

23 (2) the retired member's pension shall be
24 suspended upon commencement of the subsequent employment;

25 (3) except as provided in Subsection F of this

.221506.2

1 section, the retired member shall not become a member and shall
2 not accrue service credit, and the retired member and that
3 person's subsequent affiliated public employer shall not make
4 contributions under any coverage plan pursuant to the Public
5 Employees Retirement Act; and

6 (4) upon termination of the subsequent
7 employment, the retired member's pension shall resume in
8 accordance with the provisions of Subsection A of this section.

9 D. The provisions of Subsections C, G, ~~[and]~~ H and
10 J of this section do not apply to:

11 (1) a retired member employed by the
12 legislature for legislative session work;

13 (2) a retired member employed temporarily as a
14 precinct board member for a municipal election or an election
15 covered by the Election Code; or

16 (3) a retired member who is elected to serve a
17 term as an elected official in an office covered pursuant to
18 the Public Employees Retirement Act; provided that:

19 (a) the retired member files an
20 irrevocable exemption from membership with the association
21 within thirty days of taking office; and

22 (b) the irrevocable exemption shall be
23 for the elected official's term of office.

24 E. A retired member who returns to employment
25 during retirement pursuant to Subsection D of this section is

.221506.2

1 entitled to receive retirement benefits but is not entitled to
2 accrue service credit or to acquire or purchase service credit
3 in the future for the period of the retired member's subsequent
4 employment with an affiliated public employer.

5 F. At any time during a retired member's subsequent
6 employment pursuant to Subsection C of this section, the
7 retired member may elect to become a member and the following
8 conditions shall apply:

9 (1) the previously retired member and the
10 subsequent affiliated public employer shall make the required
11 employee and employer contributions, and the previously retired
12 member shall accrue service credit for the period of subsequent
13 employment; and

14 (2) when the previously retired member
15 terminates the subsequent employment with an affiliated public
16 employer, the previously retired member shall retire according
17 to the provisions of the Public Employees Retirement Act,
18 subject to the following conditions:

19 (a) payment of the pension shall resume
20 in accordance with the provisions of Subsection A of this
21 section;

22 (b) unless the previously retired member
23 accrued at least three years of service credit on account of
24 the subsequent employment, the recalculation of pension shall:

25 1) employ the form of payment selected by the previously

.221506.2

underscored material = new
[bracketed material] = delete

1 retired member at the time of the first retirement; and 2) use
2 the provisions of the coverage plan applicable to the member on
3 the date of the first retirement; and

4 (c) the recalculated pension shall not
5 be less than the amount of the suspended pension.

6 G. A retired member who returned to work with an
7 affiliated public employer prior to July 1, 2010 shall be
8 subject to the provisions of this section in effect on the date
9 the retired member returned to work; provided that on and after
10 July 1, 2010, the retired member shall pay the employee
11 contribution in an amount specified in the Public Employees
12 Retirement Act for the position in which the retired member is
13 subsequently employed.

14 H. Effective July 1, 2014, if a retired member who,
15 subsequent to retirement, is employed and covered pursuant to
16 the provisions of the Magistrate Retirement Act or Judicial
17 Retirement Act, during the period of subsequent employment:

18 (1) the member shall be entitled to receive
19 retirement benefits;

20 (2) the retired member's cost-of-living
21 pension adjustment shall be suspended upon commencement of the
22 employment; and

23 (3) upon termination of the employment, the
24 retired member's suspended cost-of-living pension adjustment
25 shall be reinstated as provided under Section 10-11-118 NMSA

.221506.2

underscored material = new
[bracketed material] = delete

1 1978.

2 I. The pension of a member who has earned service
3 credit under more than one coverage plan shall be determined as
4 follows:

5 (1) the pension of a member who has three or
6 more years of service credit earned on or before June 30, 2013
7 under each of two or more coverage plans shall be determined in
8 accordance with the coverage plan that produces the highest
9 pension;

10 (2) the pension of a member who has service
11 credit earned on or before June 30, 2013 under two or more
12 coverage plans but who has three or more years of service
13 credit under only one of those coverage plans shall be
14 determined in accordance with the coverage plan in which the
15 member has three or more years of service credit. If the
16 service credit is acquired under two different coverage plans
17 applied to the same affiliated public employer as a consequence
18 of an election by the members, adoption by the affiliated
19 public employer or a change in the law that results in the
20 application of a coverage plan with a greater pension, the
21 greater pension shall be paid a member retiring from the
22 affiliated public employer under which the change in coverage
23 plan took place regardless of the amount of service credit
24 under the coverage plan producing the greater pension; provided
25 that the member has three or more years of continuous

.221506.2

1 employment with that affiliated public employer immediately
2 preceding or immediately preceding and immediately following
3 the date the coverage plan changed;

4 (3) the pension of a member who has service
5 credit earned on or before June 30, 2013 under each of two or
6 more coverage plans and who has service credit earned under any
7 coverage plan on or after July 1, 2013 shall be equal to the
8 sum of:

9 (a) the pension attributable to the
10 service credit earned on or before June 30, 2013 determined
11 pursuant to Paragraph (1) or (2) of this subsection; and

12 (b) the pension attributable to the
13 service credit earned under each coverage plan on or after July
14 1, 2013;

15 (4) the pension of a member who has service
16 credit earned only on and after July 1, 2013 shall be equal to
17 the sum of the pension attributable to the service credit the
18 member has accrued under each coverage plan; and

19 (5) the provisions of each coverage plan for
20 the purpose of this subsection shall be those in effect at the
21 time the member ceased to be covered by the coverage plan.
22 "Service credit", for the purposes of this subsection, shall be
23 only personal service rendered an affiliated public employer
24 and credited to the member under the provisions of Subsection A
25 of Section 10-11-4 NMSA 1978. Service credited under any other

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underscored material = new
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1 provision of the Public Employees Retirement Act shall not be
2 used to satisfy the three-year service credit requirement of
3 this subsection.

4 J. Notwithstanding the provisions of any other
5 subsection of this section, a retired member who has retired on
6 or before December 31, 2021 under any coverage plan may be
7 subsequently employed by an affiliated public employer if the
8 retired member has not been employed as an employee of an
9 affiliated public employer or retained as an independent
10 contractor by the affiliated public employer from which the
11 retired member retired for at least twelve consecutive months
12 from the date of retirement to the commencement of subsequent
13 employment or reemployment with an affiliated public employer;
14 provided that the:

15 (1) retired member's pension, including any
16 cost-of-living adjustment, shall continue to be paid during the
17 period of subsequent employment;

18 (2) retired member shall not become a member
19 during the period of subsequent employment;

20 (3) retired member shall not accrue service
21 credit for any portion of the period of subsequent employment;

22 (4) retired member and the retired member's
23 subsequent affiliated public employer shall make the
24 contributions that would be required for members and employers
25 under the applicable coverage plan during the entire period of

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underscored material = new
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1 subsequent employment:

2 (5) contributions paid by or on behalf of the
3 retired member during the term of subsequent employment shall
4 not be refundable at the termination of the subsequent
5 employment; and

6 (6) subsequent employment occurs for a period
7 of no more than thirty-six consecutive or nonconsecutive months
8 pursuant to this subsection."

9 SECTION 2. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2022.

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HOUSE BILL 105

55TH LEGISLATURE - STATE OF NEW MEXICO

SECOND SESSION, 2022

HOUSE BILL 105

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

William "Bill" R. Rehm and Rachel A. Black and Phelps Anderson
and Antoinette Sedillo Lopez and Dayan Hochman-Vigil

FOR THE INVESTMENTS AND PENSIONS OVERSIGHT COMMITTEE

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; ALLOWING PUBLIC
EMPLOYEES TO RETURN TO WORK FOR AFFILIATED PUBLIC EMPLOYERS
UNDER CERTAIN CONDITIONS.

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

SECTION 1. Section 10-11-8 NMSA 1978 (being Laws 1987,
Chapter 253, Section 8, as amended) is amended to read:

"10-11-8. NORMAL RETIREMENT--RETURN TO EMPLOYMENT--
BENEFITS CONTINUED--CONTRIBUTIONS.--

A. A member may retire upon fulfilling the
following requirements prior to the selected date of
retirement:

(1) a written application for normal
retirement, in the form prescribed by the association, is filed
with the association;

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underscored material = new
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1 (2) employment is terminated with all
2 employers covered by any state system or the educational
3 retirement system;

4 (3) the member selects an effective date of
5 retirement that is the first day of a calendar month; and

6 (4) the member meets the age and service
7 credit requirement for normal retirement specified in the
8 coverage plan applicable to the member.

9 B. The amount of normal retirement pension is
10 determined in accordance with the coverage plan applicable to
11 the member.

12 C. Except as provided in [Subsection] Subsections D
13 and J of this section, on or after July 1, 2010, a retired
14 member may be subsequently employed by an affiliated public
15 employer only pursuant to the following provisions:

16 (1) the retired member has not been employed
17 as an employee of an affiliated public employer or retained as
18 an independent contractor by the affiliated public employer
19 from which the retired member retired for at least twelve
20 consecutive months from the date of retirement to the
21 commencement of subsequent employment or reemployment with an
22 affiliated public employer;

23 (2) the retired member's pension shall be
24 suspended upon commencement of the subsequent employment;

25 (3) except as provided in Subsection F of this

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underscored material = new
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1 section, the retired member shall not become a member and shall
2 not accrue service credit, and the retired member and that
3 person's subsequent affiliated public employer shall not make
4 contributions under any coverage plan pursuant to the Public
5 Employees Retirement Act; and

6 (4) upon termination of the subsequent
7 employment, the retired member's pension shall resume in
8 accordance with the provisions of Subsection A of this section.

9 D. The provisions of Subsections C, G, ~~[and]~~ H and
10 J of this section do not apply to:

11 (1) a retired member employed by the
12 legislature for legislative session work;

13 (2) a retired member employed temporarily as a
14 precinct board member for a municipal election or an election
15 covered by the Election Code; or

16 (3) a retired member who is elected to serve a
17 term as an elected official in an office covered pursuant to
18 the Public Employees Retirement Act; provided that:

19 (a) the retired member files an
20 irrevocable exemption from membership with the association
21 within thirty days of taking office; and

22 (b) the irrevocable exemption shall be
23 for the elected official's term of office.

24 E. A retired member who returns to employment
25 during retirement pursuant to Subsection D of this section is

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underscored material = new
[bracketed material] = delete

1 entitled to receive retirement benefits but is not entitled to
2 accrue service credit or to acquire or purchase service credit
3 in the future for the period of the retired member's subsequent
4 employment with an affiliated public employer.

5 F. At any time during a retired member's subsequent
6 employment pursuant to Subsection C of this section, the
7 retired member may elect to become a member and the following
8 conditions shall apply:

9 (1) the previously retired member and the
10 subsequent affiliated public employer shall make the required
11 employee and employer contributions, and the previously retired
12 member shall accrue service credit for the period of subsequent
13 employment; and

14 (2) when the previously retired member
15 terminates the subsequent employment with an affiliated public
16 employer, the previously retired member shall retire according
17 to the provisions of the Public Employees Retirement Act,
18 subject to the following conditions:

19 (a) payment of the pension shall resume
20 in accordance with the provisions of Subsection A of this
21 section;

22 (b) unless the previously retired member
23 accrued at least three years of service credit on account of
24 the subsequent employment, the recalculation of pension shall:
25 1) employ the form of payment selected by the previously

.221481.2

1 retired member at the time of the first retirement; and 2) use
2 the provisions of the coverage plan applicable to the member on
3 the date of the first retirement; and

4 (c) the recalculated pension shall not
5 be less than the amount of the suspended pension.

6 G. A retired member who returned to work with an
7 affiliated public employer prior to July 1, 2010 shall be
8 subject to the provisions of this section in effect on the date
9 the retired member returned to work; provided that on and after
10 July 1, 2010, the retired member shall pay the employee
11 contribution in an amount specified in the Public Employees
12 Retirement Act for the position in which the retired member is
13 subsequently employed.

14 H. Effective July 1, 2014, if a retired member who,
15 subsequent to retirement, is employed and covered pursuant to
16 the provisions of the Magistrate Retirement Act or Judicial
17 Retirement Act, during the period of subsequent employment:

18 (1) the member shall be entitled to receive
19 retirement benefits;

20 (2) the retired member's cost-of-living
21 pension adjustment shall be suspended upon commencement of the
22 employment; and

23 (3) upon termination of the employment, the
24 retired member's suspended cost-of-living pension adjustment
25 shall be reinstated as provided under Section 10-11-118 NMSA

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underscored material = new
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1 1978.

2 I. The pension of a member who has earned service
3 credit under more than one coverage plan shall be determined as
4 follows:

5 (1) the pension of a member who has three or
6 more years of service credit earned on or before June 30, 2013
7 under each of two or more coverage plans shall be determined in
8 accordance with the coverage plan that produces the highest
9 pension;

10 (2) the pension of a member who has service
11 credit earned on or before June 30, 2013 under two or more
12 coverage plans but who has three or more years of service
13 credit under only one of those coverage plans shall be
14 determined in accordance with the coverage plan in which the
15 member has three or more years of service credit. If the
16 service credit is acquired under two different coverage plans
17 applied to the same affiliated public employer as a consequence
18 of an election by the members, adoption by the affiliated
19 public employer or a change in the law that results in the
20 application of a coverage plan with a greater pension, the
21 greater pension shall be paid a member retiring from the
22 affiliated public employer under which the change in coverage
23 plan took place regardless of the amount of service credit
24 under the coverage plan producing the greater pension; provided
25 that the member has three or more years of continuous

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1 employment with that affiliated public employer immediately
2 preceding or immediately preceding and immediately following
3 the date the coverage plan changed;

4 (3) the pension of a member who has service
5 credit earned on or before June 30, 2013 under each of two or
6 more coverage plans and who has service credit earned under any
7 coverage plan on or after July 1, 2013 shall be equal to the
8 sum of:

9 (a) the pension attributable to the
10 service credit earned on or before June 30, 2013 determined
11 pursuant to Paragraph (1) or (2) of this subsection; and

12 (b) the pension attributable to the
13 service credit earned under each coverage plan on or after July
14 1, 2013;

15 (4) the pension of a member who has service
16 credit earned only on and after July 1, 2013 shall be equal to
17 the sum of the pension attributable to the service credit the
18 member has accrued under each coverage plan; and

19 (5) the provisions of each coverage plan for
20 the purpose of this subsection shall be those in effect at the
21 time the member ceased to be covered by the coverage plan.

22 "Service credit", for the purposes of this subsection, shall be
23 only personal service rendered an affiliated public employer
24 and credited to the member under the provisions of Subsection A
25 of Section 10-11-4 NMSA 1978, Service credited under any other

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underscored material = new
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1 provision of the Public Employees Retirement Act shall not be
2 used to satisfy the three-year service credit requirement of
3 this subsection.

4 J. Notwithstanding the provisions of any other
5 subsection of this section, a retired member who has retired on
6 or before December 31, 2021 under any coverage plan may be
7 subsequently employed by an affiliated public employer if the
8 retired member has not been employed as an employee of an
9 affiliated public employer or retained as an independent
10 contractor by the affiliated public employer from which the
11 retired member retired for at least ninety consecutive days
12 from the date of retirement to the commencement of subsequent
13 employment or reemployment with an affiliated public employer;
14 provided that the:

15 (1) retired member's pension, including any
16 cost-of-living adjustment, shall continue to be paid during the
17 period of subsequent employment;

18 (2) retired member shall not become a member
19 during the period of subsequent employment;

20 (3) retired member shall not accrue service
21 credit for any portion of the period of subsequent employment;

22 (4) retired member and the retired member's
23 subsequent affiliated public employer shall make the
24 contributions that would be required for members and employers
25 under the applicable coverage plan during the entire period of

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1 subsequent employment:

2 (5) contributions paid by or on behalf of the
3 retired member during the term of subsequent employment shall
4 not be refundable at the termination of the subsequent
5 employment:

6 (6) retired member is subsequently employed by
7 the affiliated public employer in an entry-level position; and

8 (7) subsequent employment occurs prior to July
9 1, 2027."

10 SECTION 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2022.

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55TH LEGISLATURE - STATE OF NEW MEXICO

SECOND SESSION, 2022

SENATE BILL 172

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

George K. Munoz and Joy Garratt

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; ALLOWING CERTAIN RETIREES
TO RETURN TO WORK WITHOUT A SUSPENSION OF RETIREMENT BENEFITS.

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

SECTION 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001,
Chapter 283, Section 2, as amended) is amended to read:

"22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS--
CONTRIBUTIONS.--

A. Except as otherwise provided in Subsections B,
F, ~~[and]~~ H and I of this section, until January 1, 2024, a
retired member who begins employment with a local
administrative unit at a level greater than one-quarter full-
time employee, regardless of salary level, is required to
suspend the member's retirement benefits until the end of that
employment unless the member has not rendered service to a

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1 local administrative unit for at least twelve consecutive
2 months after the date of retirement.

3 B. Until January 1, 2024, a retired member who
4 retired on or before January 1, 2001, has not suspended or been
5 required to suspend retirement benefits pursuant to the
6 Educational Retirement Act and returns to employment with a
7 local administrative unit is not required to suspend the
8 member's retirement benefits.

9 C. A retired member who returns to employment with
10 a local administrative unit in accordance with this section is
11 entitled to receive retirement benefits during that employment
12 but is not entitled to acquire or purchase service credit for
13 that employment.

14 D. A retired member may return to employment with a
15 local administrative unit only if the member submits an
16 application to return to work, on a form prescribed by the
17 board, the board approves the application and the applicant
18 complies with other application rules promulgated by the board.

19 E. A retired member who returns to employment
20 pursuant to Subsection A, B, ~~[or]~~ F or I of this section shall
21 make nonrefundable contributions to the fund as would be
22 required by Section 22-11-21 NMSA 1978 if the retired member
23 were a non-retired employee. The local administrative unit
24 employing the retired member shall likewise make contributions
25 as would be required by that section.

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1 F. Until January 1, 2024, a retired member who
2 retired on or before January 1, 2001, who suspended or was
3 required to suspend retirement benefits under the Educational
4 Retirement Act is not required to suspend the member's
5 retirement benefits if the retired member has not rendered
6 service to a local administrative unit for an additional twelve
7 or more consecutive months, not including any part of a summer
8 or other scheduled break or vacation period, after the initial
9 date of retirement.

10 G. A retired member who returns to employment with
11 a local administrative unit shall make contributions to the
12 retiree health care fund during the period of that employment
13 and in the amount specified in Section 10-7C-15 NMSA 1978. The
14 local administrative unit employing the retired member shall
15 likewise make contributions during the period of that
16 employment and in the amount specified in that section.

17 H. A retired member may return to employment with a
18 local administrative unit without a suspension of the member's
19 retirement benefits; provided that:

20 (1) the retired member has not rendered
21 service to a local administrative unit for at least ninety days
22 after the date of retirement;

23 (2) prior to the date of retirement, or within
24 ninety days after the date of retirement, the retired member
25 did not enter into any formal or informal agreement with a

underscored material = new
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1 local administrative unit or with any contractor providing
2 services to a local administrative unit to return to
3 employment; and

4 (3) the retired member earns a salary of less
5 than fifteen thousand dollars (\$15,000) per year.

6 I. A retired member may return to employment with a
7 local administrative unit without a suspension of the member's
8 retirement benefits; provided that:

9 (1) the retired member has not rendered
10 service to a local administrative unit for at least ninety days
11 after the date of retirement; and

12 (2) the retired member returns to employment
13 for a period of no more than thirty-six consecutive or
14 nonconsecutive months pursuant to this subsection.

15 [~~I.~~] J. As used in this section:

16 (1) "rendered service" includes employment,
17 whether full or part time; substitute teaching; voluntarily
18 performing duties that would otherwise be, or in the past have
19 been, performed by a paid employee or independent contractor;
20 and performing duties as an independent contractor or an
21 employee of an independent contractor; and

22 (2) "local administrative unit" includes any
23 entity incorporated, formed or otherwise organized by, or
24 subject to the control of, a local administrative unit,
25 regardless of whether the entity is created for profit or

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nonprofit purposes."

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RECEIVED THE HOUSE OF REPRESENTATIVES
NEW MEXICO
JAN 11 2022

**HOUSE LABOR, VETERANS' AND MILITARY
AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 243**

55TH LEGISLATURE - STATE OF NEW MEXICO

SECOND SESSION, 2022

SECTION 1. THE PURPOSE OF THIS ACT IS TO AMEND THE
STATE OF NEW MEXICO TO PROVIDE FOR THE
PROVISION OF SERVICES TO VETERANS AND MILITARY PERSONNEL.

SECTION 2. THE PURPOSE OF THIS ACT IS TO AMEND THE
STATE OF NEW MEXICO TO PROVIDE FOR THE
PROVISION OF SERVICES TO VETERANS AND MILITARY PERSONNEL.

SECTION 3. THE PURPOSE OF THIS ACT IS TO AMEND THE
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SECTION 6. THE PURPOSE OF THIS ACT IS TO AMEND THE
STATE OF NEW MEXICO TO PROVIDE FOR THE
PROVISION OF SERVICES TO VETERANS AND MILITARY PERSONNEL.

SECTION 7. THE PURPOSE OF THIS ACT IS TO AMEND THE
STATE OF NEW MEXICO TO PROVIDE FOR THE
PROVISION OF SERVICES TO VETERANS AND MILITARY PERSONNEL.

F. 814555

HOUSE LABOR, VETERANS' AND MILITARY AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 243

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
INCREASING THE MAXIMUM AMOUNT OF PENSION ABLE TO BE EARNED BY A
MEMBER PURSUANT TO THE PUBLIC EMPLOYEES RETIREMENT ACT.

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

SECTION 1. Section 10-11-26.3 NMSA 1978 (being Laws 1994,
Chapter 128, Section 4, as amended) is amended to read:

"10-11-26.3. STATE GENERAL MEMBER COVERAGE PLAN 3--AMOUNT
OF PENSION--FORM OF PAYMENT A.--Under state general member
coverage plan 3:

A. for a member with age and service requirements
provided under Paragraph (1) or (3) of Subsection A of Section
10-11-26.2 NMSA 1978, the amount of pension under form of
payment A is equal to three percent of final average salary
multiplied by service credit. The amount shall not exceed

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underscored material = new
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1 ~~[ninety]~~ one hundred percent of the final average salary; and
2 B. for a member with age and service requirements
3 provided under Paragraph (2) of Subsection A of Section
4 10-11-26.2 NMSA 1978, the amount of pension under form of
5 payment A is equal to two and one-half percent of the final
6 average salary multiplied by service credit. The amount shall
7 not exceed ~~[ninety]~~ one hundred percent of the final average
8 salary."

9 SECTION 2. Section 10-11-29 NMSA 1978 (being Laws 1987,
10 Chapter 253, Section 29, as amended) is amended to read:

11 "10-11-29. STATE POLICE MEMBER, CORRECTIONAL OFFICER
12 MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN
13 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under state police
14 member, correctional officer member and probation and parole
15 officer member coverage plan 1, the amount of pension under
16 form of payment A is equal to three percent of final average
17 salary multiplied by credited service. The amount shall not
18 exceed ~~[ninety]~~ one hundred percent of the final average
19 salary."

20 SECTION 3. Section 10-11-38.3 NMSA 1978 (being Laws 1994,
21 Chapter 128, Section 11, as amended) is amended to read:

22 "10-11-38.3. JUVENILE CORRECTIONAL OFFICER MEMBER
23 COVERAGE PLAN 2--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under
24 juvenile correctional officer member coverage plan 2, the
25 amount of pension under form of payment A is equal to three

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1 percent of final average salary multiplied by service credit.
 2 The amount shall not exceed [~~ninety~~] one hundred percent of the
 3 final average salary."

4 SECTION 4. Section 10-11-46 NMSA 1978 (being Laws 1987,
 5 Chapter 253, Section 46, as amended) is amended to read:

6 "10-11-46. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--
 7 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general
 8 member coverage plan 1, the amount of pension under form of
 9 payment A is equal to two percent of the final average salary
 10 multiplied by credited service. The amount shall not exceed
 11 [~~ninety~~] one hundred percent of the final average salary."

12 SECTION 5. Section 10-11-52 NMSA 1978 (being Laws 1987,
 13 Chapter 253, Section 52, as amended) is amended to read:

14 "10-11-52. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--
 15 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general
 16 member coverage plan 2:

17 A. for a member with age and service requirements
 18 provided in Subsection A of Section 10-11-51 NMSA 1978, the
 19 amount of pension under form of payment A is equal to two and
 20 one-half percent of the final average salary multiplied by
 21 credited service. The amount shall not exceed [~~ninety~~] one
 22 hundred percent of the final average salary; and

23 B. for a member with age and service requirements
 24 provided in Subsection B of Section 10-11-51 NMSA 1978, the
 25 amount of pension under form of payment A is equal to two

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1 percent of the final average salary multiplied by service
2 credit. The amount shall not exceed ~~[ninety]~~ one hundred
3 percent of the final average salary."

4 SECTION 6. Section 10-11-55.3 NMSA 1978 (being Laws 1993,
5 Chapter 58, Section 3, as amended) is amended to read:

6 "10-11-55.3. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--
7 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general
8 member coverage plan 3:

9 A. for a member with age and service requirements
10 provided under Subsection A of Section 10-11-55.2 NMSA 1978,
11 the amount of pension under form of payment A is equal to three
12 percent of the final average salary multiplied by credited
13 service. The amount shall not exceed ~~[ninety]~~ one hundred
14 percent of the final average salary; and

15 B. for a member with age and service requirements
16 provided under Subsection B of Section 10-11-55.2 NMSA 1978,
17 the amount of pension under form of payment A is equal to two
18 and one-half percent of the final average salary multiplied by
19 credited service. The amount shall not exceed ~~[ninety]~~ one
20 hundred percent of the final average salary."

21 SECTION 7. Section 10-11-55.9 NMSA 1978 (being Laws 1998,
22 Chapter 106, Section 3, as amended) is amended to read:

23 "10-11-55.9. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--
24 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general
25 member coverage plan 4:

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1 A. for a member with age and service requirements
2 provided under Subsection A of Section 10-11-55.8 NMSA 1978,
3 the amount of pension under form of payment A is equal to three
4 percent of the final average salary multiplied by credited
5 service. The amount shall not exceed ~~[ninety]~~ one hundred
6 percent of the final average salary; and

7 B. for a member with age and service requirements
8 provided under Subsection B of Section 10-11-55.8 NMSA 1978,
9 the amount of pension under form of payment A is equal to two
10 and one-half percent of the final average salary multiplied by
11 credited service. The amount shall not exceed ~~[ninety]~~ one
12 hundred percent of the final average salary."

13 SECTION 8. Section 10-11-58 NMSA 1978 (being Laws 1987,
14 Chapter 253, Section 58, as amended) is amended to read:

15 "10-11-58. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--
16 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police
17 member coverage plan 1, the amount of pension under form of
18 payment A is equal to two percent of the final average salary
19 multiplied by credited service. The amount shall not exceed
20 ~~[ninety]~~ one hundred percent of the final average salary."

21 SECTION 9. Section 10-11-64 NMSA 1978 (being Laws 1987,
22 Chapter 253, Section 64, as amended) is amended to read:

23 "10-11-64. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--
24 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police
25 member coverage plan 2:

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A. for a member with age and service requirements provided under Subsection A of Section 10-11-63 NMSA 1978, the amount of pension under form of payment A is equal to two and one-half percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary; and

B. for a member with age and service requirements provided under Subsection B of Section 10-11-63 NMSA 1978, the amount of pension under form of payment A is equal to two percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary."

SECTION 10. Section 10-11-70 NMSA 1978 (being Laws 1987, Chapter 253, Section 70, as amended) is amended to read:

"10-11-70. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--
AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police member coverage plan 3:

A. for a member with age and service requirements provided under Subsection A of Section 10-11-69 NMSA 1978, the amount of pension under form of payment A is equal to two and one-half percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary; and

B. for a member with age and service requirements provided under Subsection B of Section 10-11-69 NMSA 1978, the

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1 amount of pension under form of payment A is equal to two
 2 percent of the final average salary multiplied by credited
 3 service. The amount shall not exceed [~~ninety~~] one hundred
 4 percent of the final average salary."

5 SECTION 11. Section 10-11-76 NMSA 1978 (being Laws 1987,
 6 Chapter 253, Section 76, as amended) is amended to read:

7 "10-11-76. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--
 8 AMOUNT OF PENSION--FORM OF [~~PENSION~~] PAYMENT A.--Under
 9 municipal police member coverage plan 4:

10 A. for a member with age and service requirements
 11 provided under Subsection A of Section 10-11-75 NMSA 1978, the
 12 amount of pension under form of payment A is equal to three
 13 percent of the final average salary multiplied by credited
 14 service. The amount shall not exceed [~~ninety~~] one hundred
 15 percent of the final average salary; and

16 B. for a member with age and service requirements
 17 provided under Subsection B of Section 10-11-75 NMSA 1978, the
 18 amount of pension under form of payment A is equal to two and
 19 one-half percent of the final average salary multiplied by
 20 credited service. The amount shall not exceed [~~ninety~~] one
 21 hundred percent of the final average salary."

22 SECTION 12. Section 10-11-82 NMSA 1978 (being Laws 1987,
 23 Chapter 253, Section 82, as amended) is amended to read:

24 "10-11-82. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--
 25 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police

.222618.1

member coverage plan 5:

A. for a member with age and service requirements provided under Subsection A of Section 10-11-81 NMSA 1978, the amount of pension under form of payment A is equal to three and one-half percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary; and

B. for a member with age and service requirements provided under Subsection B of Section 10-11-81 NMSA 1978, the amount of pension under form of payment A is equal to three percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary."

SECTION 13. Section 10-11-88 NMSA 1978 (being Laws 1987, Chapter 253, Section 88, as amended) is amended to read:

"10-11-88. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal fire member coverage plan 1, the amount of pension under form of payment A is equal to two percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary."

SECTION 14. Section 10-11-94 NMSA 1978 (being Laws 1987, Chapter 253, Section 94, as amended) is amended to read:

"10-11-94. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal fire member

.222618.1

1 contribution plan 2:

2 A. for a member with age and service requirements
3 provided under Subsection A of Section 10-11-93 NMSA 1978, the
4 amount of pension under form of payment A is equal to two and
5 one-half percent of the final average salary multiplied by
6 credited service. The amount shall not exceed [~~ninety~~] one
7 hundred percent of the final average salary; and

8 B. for a member with age and service requirements
9 provided under Subsection B of Section 10-11-93 NMSA 1978, the
10 amount of pension under form of payment A is equal to two
11 percent of the final average salary multiplied by credited
12 service. The amount shall not exceed [~~ninety~~] one hundred
13 percent of the final average salary."

14 SECTION 15. Section 10-11-100 NMSA 1978 (being Laws 1987,
15 Chapter 253, Section 100, as amended) is amended to read:

16 "10-11-100. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AMOUNT
17 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member
18 coverage plan 3:

19 A. for a member with age and service requirements
20 provided under Subsection A of Section 10-11-99 NMSA 1978, the
21 amount of pension under form of payment A is equal to two and
22 one-half percent of the final average salary multiplied by
23 credited service. The amount shall not exceed [~~ninety~~] one
24 hundred percent of the final average salary; and

25 B. for a member with age and service requirements

.222618.1

provided under Subsection B of Section 10-11-99 NMSA 1978, the amount of pension under form of payment A is equal to two percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary."

SECTION 16. Section 10-11-106 NMSA 1978 (being Laws 1987, Chapter 253, Section 106, as amended) is amended to read:

"10-11-106. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal fire member coverage plan 4:

A. for a member with age and service requirements provided under Subsection A of Section 10-11-105 NMSA 1978, the amount of pension under form of payment A is equal to three percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary; and

B. for a member with age and service requirements provided under Subsection B of Section 10-11-105 NMSA 1978, the amount of pension under form of payment A is equal to two and one-half percent of the final average salary multiplied by credited service. The amount shall not exceed ~~[ninety]~~ one hundred percent of the final average salary."

SECTION 17. Section 10-11-112 NMSA 1978 (being Laws 1987, Chapter 253, Section 112, as amended) is amended to read:

"10-11-112. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AMOUNT .222618.1

1 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member
2 coverage plan 5:

3 A. for a member with age and service requirements
4 provided under Subsection A of Section 10-11-111 NMSA 1978,
5 the amount of pension under form of payment A is equal to three
6 and one-half percent of the final average salary multiplied by
7 credited service. The amount shall not exceed [~~ninety~~] one
8 hundred percent of the final average salary; and

9 B. for a member with age and service requirements
10 provided under Subsection B of Section 10-11-111 NMSA 1978, the
11 amount of pension under form of payment A is equal to three
12 percent of the final average salary multiplied by credited
13 service. The amount shall not exceed [~~ninety~~] one hundred
14 percent of the final average salary."

15 SECTION 18. Section 10-11-115.3 NMSA 1978 (being Laws
16 2003, Chapter 268, Section 4, as amended) is amended to read:

17 "10-11-115.3. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE
18 PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal
19 detention officer member coverage plan 1, the amount of pension
20 under form of payment A is equal to three percent of the final
21 average salary multiplied by credited service. The amount
22 shall not exceed [~~ninety~~] one hundred percent of the final
23 average salary."

RETIREE HEALTH CHARTS

1 Year Working = 2 Years of Contribution, Max 10 Years Contribution

Based on Maximum RHCA Subsidy Amount and Individuals Retiring at Age 45 (10 Year Contribution Subsidized by DPS)

8% Premium Adjustment per Year Assumption (Year 1 - 2023 Retiree Premium Contribution \$322.96)

Retiree count based off of PERA Annual Comprehensive Financial Report for 2021

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Year 1	\$918,498.24	\$991,978.10	\$1,071,336.35	\$1,157,043.25	\$1,249,606.72	\$1,349,575.25	\$1,457,541.27	\$1,574,144.57	\$1,700,076.14	\$1,836,082.23	\$13,305,882.13
Year 2		\$991,978.10	\$1,071,336.35	\$1,157,043.25	\$1,249,606.72	\$1,349,575.25	\$1,457,541.27	\$1,574,144.57	\$1,700,076.14	\$1,836,082.23	\$12,387,383.89
Year 3			\$1,071,336.35	\$1,157,043.25	\$1,249,606.72	\$1,349,575.25	\$1,457,541.27	\$1,574,144.57	\$1,700,076.14	\$1,836,082.23	\$11,395,405.79
Year 4				\$1,157,043.25	\$1,249,606.72	\$1,349,575.25	\$1,457,541.27	\$1,574,144.57	\$1,700,076.14	\$1,836,082.23	\$10,324,069.44
Year 5					\$1,249,606.72	\$1,349,575.25	\$1,457,541.27	\$1,574,144.57	\$1,700,076.14	\$1,836,082.23	\$9,167,026.19
Year 6						\$1,349,575.25	\$1,457,541.27	\$1,574,144.57	\$1,700,076.14	\$1,836,082.23	\$7,917,419.47
Year 7							\$1,457,541.27	\$1,574,144.57	\$1,700,076.14	\$1,836,082.23	\$6,567,844.22
Year 8								\$1,574,144.57	\$1,700,076.14	\$1,836,082.23	\$5,110,302.95
Year 9									\$1,700,076.14	\$1,836,082.23	\$3,536,158.37
Year 10										\$1,836,082.23	\$1,836,082.23
Total Retiree Contribution Paid by Alternative Source	\$918,498.24	\$1,983,956.20	\$3,214,009.04	\$4,628,173.02	\$6,248,033.58	\$8,097,451.52	\$10,202,788.91	\$12,593,156.60	\$15,300,685.26	\$18,360,822.32	\$81,547,574.68

Enrollment based on FY21 numbers

State police and corrections	59
Municipal police	106
Municipal fire	72
Total	237

Cost Associated per First Responder with Paying Retiree Spouse Contribution for First Responders Working 1 - 5 Eligibility
1 Year Working = 2 Years of Contribution, Max 10 Years Contribution

Based on Maximum RHCA Spouse Subsidy Amount and Individuals Retiring at Age 45 (10 Year Contribution Subsidized by DPS)

8% Premium Adjustment per Year Assumption (Year 1 - 2023 Retiree Spouse Premium Contribution \$612.99)

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Year 1	\$7,355.88	\$7,944.35	\$8,579.90	\$9,266.29	\$10,007.59	\$10,808.20	\$11,672.86	\$12,606.69	\$13,615.22	\$14,704.44	\$106,561.42
Year 2		\$7,944.35	\$8,579.90	\$9,266.29	\$10,007.59	\$10,808.20	\$11,672.86	\$12,606.69	\$13,615.22	\$14,704.44	\$99,205.54
Year 3			\$8,579.90	\$9,266.29	\$10,007.59	\$10,808.20	\$11,672.86	\$12,606.69	\$13,615.22	\$14,704.44	\$91,261.18
Year 4				\$9,266.29	\$10,007.59	\$10,808.20	\$11,672.86	\$12,606.69	\$13,615.22	\$14,704.44	\$82,681.29
Year 5					\$10,007.59	\$10,808.20	\$11,672.86	\$12,606.69	\$13,615.22	\$14,704.44	\$73,415.00
Year 6						\$10,808.20	\$11,672.86	\$12,606.69	\$13,615.22	\$14,704.44	\$63,407.40
Year 7							\$11,672.86	\$12,606.69	\$13,615.22	\$14,704.44	\$52,599.20
Year 8								\$12,606.69	\$13,615.22	\$14,704.44	\$40,926.34
Year 9									\$13,615.22	\$14,704.44	\$28,319.66
Year 10										\$14,704.44	\$14,704.44
Total Retiree Contribution Paid by Alternative Source	\$7,355.88	\$15,888.70	\$25,739.70	\$37,063.16	\$50,037.97	\$64,849.21	\$81,710.00	\$100,853.49	\$122,536.98	\$147,044.38	\$653,081.46

*Premium is based on 1 individual amount paid for spouse in which NMRHCA subsidizes the spouse at a lower percent then retiree of 36%.

Cost Associated per First Responder with Paying Retiree Child Contribution for First Responders Working 1 - 5 Additional Years Beyond 20 Year Retirement Eligibility 1 Year Working = 2 Years of Contribution, Max 10 Years Contribution

Based on Maximum RHCA Spouse Subsidy Amount and Individuals Retiring at Age 45 (10 Year Contribution Subsidized by DPS)

8% Premium Adjustment per Year Assumption (Year 1 - 2023 Retiree Child Premium Contribution \$313.49)

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Year 1	\$3,761.88	\$4,062.83	\$4,387.86	\$4,738.89	\$5,118.00	\$5,527.44	\$5,969.63	\$6,447.20	\$6,962.98	\$7,520.02	\$54,496.71
Year 2		\$4,062.83	\$4,387.86	\$4,738.89	\$5,118.00	\$5,527.44	\$5,969.63	\$6,447.20	\$6,962.98	\$7,520.02	\$50,734.83
Year 3			\$4,387.86	\$4,738.89	\$5,118.00	\$5,527.44	\$5,969.63	\$6,447.20	\$6,962.98	\$7,520.02	\$46,672.00
Year 4				\$4,738.89	\$5,118.00	\$5,527.44	\$5,969.63	\$6,447.20	\$6,962.98	\$7,520.02	\$42,284.14
Year 5					\$5,118.00	\$5,527.44	\$5,969.63	\$6,447.20	\$6,962.98	\$7,520.02	\$37,545.26
Year 6						\$5,527.44	\$5,969.63	\$6,447.20	\$6,962.98	\$7,520.02	\$32,427.26
Year 7							\$5,969.63	\$6,447.20	\$6,962.98	\$7,520.02	\$26,899.82
Year 8								\$6,447.20	\$6,962.98	\$7,520.02	\$20,930.19
Year 9									\$6,962.98	\$7,520.02	\$14,482.99
Year 10										\$7,520.02	\$7,520.02
Total Retiree Contribution Paid by Alternative Source	\$3,761.88	\$8,125.66	\$13,163.57	\$18,955.54	\$25,589.98	\$33,164.62	\$41,787.42	\$51,577.61	\$62,666.80	\$75,200.16	\$333,993.23

*Premium is based on 1 individual amount paid for 1 child as NMRHCA does not subsidize child(ren).

**PERA LETTER TO
REPRESENTATIVE REHM**



PERA

Public Employees
Retirement Association
of New Mexico

P: (505) 476-9300
F: (505) 476-9401
Toll Free:
1 (800) 342-3422

INVESTED IN TOMORROW.

January 26, 2022

Representative William "Bill" Rehm
10932 Richfield NE
Albuquerque, NM 87122

Dear Representative Rehm:

Thank you for your email requesting certain retirement data for law enforcement members. The updated numbers are as follows:

1. The chart below has been updated to include numbers through Fiscal Year 2021.

Calendar Year	Plan	Employee Contributions	Employer Contributions	Total
2010	Municipal Police Plan 1	\$3,719.07	\$11,038.05	\$14,757.12
2010	Municipal Police Plan 3	\$4,820.82	\$24,406.29	\$29,227.11
2010	Municipal Police Plan 4	\$9,808.50	\$28,683.28	\$38,491.78
2010	Municipal Police Plan 5	\$660,630.66	\$2,058,138.01	\$2,718,768.67
2010	State Police & Adult Corr Officer Plan 1 20 % Added	\$31,657.28	\$211,700.55	\$243,357.83

FY10 TOTALS:	\$710,636.33	\$2,333,966.18	\$3,044,602.51
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2011	Municipal Police Plan 1	\$5,408.81	\$7,726.91	\$13,135.72
2011	Municipal Police Plan 3	\$10,867.03	\$28,720.35	\$39,587.38
2011	Municipal Police Plan 4	\$16,631.66	\$24,913.45	\$41,545.11
2011	Municipal Police Plan 5	\$1,256,337.38	\$1,431,823.02	\$2,688,160.40
2011	State Police & Adult Corr Officer Plan 1 20 % Added	\$74,061.86	\$170,465.73	\$244,527.59

FY11 TOTALS:	\$1,363,306.74	\$1,663,649.46	\$3,026,956.20
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2012	Municipal Police Plan 1	\$6,006.54	\$8,580.75	\$14,587.29
2012	Municipal Police Plan 3	\$11,283.70	\$29,821.56	\$41,105.26
2012	Municipal Police Plan 4	\$16,904.33	\$25,322.65	\$42,226.98
2012	Municipal Police Plan 5	\$1,275,082.74	\$1,449,411.65	\$2,724,494.39
2012	State Police & Adult Corr Officer Plan 1 20 % Added	\$71,808.51	\$161,507.36	\$233,315.87

FY12 TOTALS:	\$1,381,085.82	\$1,674,643.97	\$3,055,729.79
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2013	Municipal Police Plan 1	\$7,716.92	\$9,991.30	\$17,708.22
2013	Municipal Police Plan 3	\$12,869.60	\$30,917.34	\$43,786.94
2013	Municipal Police Plan 4	\$16,466.25	\$23,499.28	\$39,965.53
2013	Municipal Police Plan 5	\$1,331,523.85	\$1,454,409.39	\$2,785,933.24
2013	State Police & Adult Corr Officer Plan 1 20 % Added	\$63,491.50	\$169,501.28	\$232,992.78

FY13 TOTALS:	\$1,432,068.12	\$1,688,318.59	\$3,120,386.71
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2014	Municipal Police Plan 1	\$8,903.97	\$10,668.78	\$19,572.75
2014	Municipal Police Plan 3	\$10,860.70	\$23,802.17	\$34,662.87
2014	Municipal Police Plan 4	\$15,855.20	\$21,393.00	\$37,248.20
2014	Municipal Police Plan 5	\$1,189,708.50	\$1,247,294.17	\$2,437,002.67
2014	State Police & Adult Corr Officer Plan 1 20 % Added	\$63,853.56	\$177,396.42	\$241,249.98

FY14 TOTALS:	\$1,289,181.93	\$1,480,554.54	\$2,769,736.47
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2015	Municipal Police Plan 1	\$9,545.09	\$11,678.60	\$21,223.69
2015	Municipal Police Plan 3	\$10,158.00	\$22,586.40	\$32,744.40
2015	Municipal Police Plan 4	\$0.00	\$0.00	\$0.00
2015	Municipal Police Plan 5	\$1,035,268.70	\$1,099,235.31	\$2,134,504.01
2015	State Police & Adult Corr Officer Plan 1 20 % Added	\$52,179.01	\$146,215.64	\$198,394.65

FY15 TOTALS:	\$1,107,150.80	\$1,279,715.95	\$2,386,866.75
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2016	Municipal Police Plan 1	\$10,047.00	\$12,293.84	\$22,340.84
2016	Municipal Police Plan 3	\$10,266.36	\$22,827.48	\$33,093.84
2016	Municipal Police Plan 4	\$0.00	\$0.00	\$0.00
2016	Municipal Police Plan 5	\$1,059,916.90	\$1,125,416.05	\$2,185,332.95
2016	State Police & Adult Corr Officer Plan 1 20 % Added	\$54,427.57	\$152,516.26	\$206,943.83

FY16 TOTALS:	\$1,134,657.83	\$1,313,053.63	\$2,447,711.46
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2017	Municipal Police Plan 1	\$6,648.91	\$8,135.13	\$14,784.04
2017	Municipal Police Plan 3	\$7,897.20	\$17,559.60	\$25,456.80
2017	Municipal Police Plan 4	\$0.00	\$0.00	\$0.00
2017	Municipal Police Plan 5	\$1,098,895.45	\$1,675,614.06	\$2,774,509.51
2017	State Police & Adult Corr Officer Plan 1 20 % Added	\$36,761.93	\$103,013.81	\$139,775.74

FY17 TOTALS:	\$1,150,203.49	\$1,804,322.60	\$2,954,526.09
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2018	Municipal Police Plan 1	\$7,735.00	\$9,464.00	\$17,199.00
2018	Municipal Police Plan 5	\$1,808,894.34	\$1,920,676.85	\$3,729,571.19
2018	State Police & Adult Corr Officer Plan 1 20 % Added	\$108,349.56	\$303,608.30	\$411,957.86

FY18 TOTALS:	\$1,917,243.90	\$2,224,285.15	\$4,141,529.05
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2019	Municipal Police Plan 5	\$664,327.97	\$708,384.68	\$1,372,712.65
2019	State Police & Adult Corr Officer Plan 1 20 % Added	\$35,492.61	\$99,457.95	\$134,950.56

FY19 TOTALS:	\$699,820.58	\$807,842.63	\$1,507,663.21
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2020	Municipal Police Plan 5	\$714,594.85	\$768,443.42	\$1,483,038.27
2020	State Police & Adult Corr Officer Plan 1 20 % Added	\$41,752.84	\$116,999.92	\$158,752.76

FY20 TOTALS:	\$756,347.69	\$885,443.34	\$1,641,791.03
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2021	Municipal Police Plan 5	\$589,493.94	\$634,201.75	\$1,223,695.69
2021	State Police & Adult Corr Officer Plan 1 20 % Added	\$43,575.02	\$121,470.20	\$165,227.22

FY21 TOTALS:	\$633,068.96	\$755,671.95	\$1,388,922.91
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TOTALS:	\$13,574,772.19	\$17,911,467.99	\$31,486,222.18
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2. Please research the last year cost of the 2% COLA to the retired police:

June 30, 2021 Benefit Data

	State Police/Corrections	Municipal Police	Total
Total Annual Benefits	\$ 54,882,868	\$ 159,055,145	\$ 213,938,013
Annual Base Benefits	\$ 44,665,847	\$ 130,665,245	\$ 175,331,092
COLA portion of annual benefits	\$ 10,217,021	\$ 28,389,900	\$ 38,606,921

3. Below is the chart of contribution shortfalls for all plans:

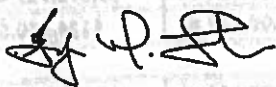
	Funded Ratio	Funding Period	Employee Contribution	Employer Contribution	Contribution Shortfall
PERA	71.40%	72 years	12.41%	15.73%	5.87%
State General	60.60%	Infinite	9.92%	18.24%	12.10%
State Police/Corrections	129.10%	0	9.01%	25.59%	N/A
Municipal General	78.00%	34 years	10.01	13.53%	1.65%
Municipal Police	76.20%	59 years	17.30%	18.96%	6.21%
Municipal Fire	60.09%	Infinite	17.57%	21.79%	17.53%
Judicial*	53.30%	41 years	10.50%	15.00%	4.11%
Magistrate**	54.10%	46 years	10.50%	15.00%	0.57%

*Includes docket fees of 14.85%

*Includes docket fees of 3.44%

I hope this is helpful. I am available to discuss with you in more detail. You may reach me directly on my cell at 505.238.7644.

Best regards,



Greg Trujillo
Deputy Executive Director