

**FIFTY-SECOND LEGISLATURE
FIRST SESSION, 2015**

February 5, 2015

Mr. Speaker:

Your **SAFETY AND CIVIL AFFAIRS COMMITTEE**, to whom has been referred

HOUSE BILL 78

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, strike "DEFINING "PUBLIC SAFETY EMPLOYEE";".

2. On page 1, line 14, strike "PUBLIC SAFETY" and insert in lieu thereof "CERTAIN".

3. On page 1, line 16, strike "SUCH AN" and insert in lieu thereof "THE".

4. On page 6, line 5, through page 12, line 7, strike Section 2 in its entirety and insert in lieu thereof the following new section:

"SECTION 2. A new section of the Public Employees Retirement Act, Section 10-11-6.1 NMSA 1978, is enacted to read:

"10-11-6.1. [NEW MATERIAL] SERVICE CREDIT--CREDIT FOR CERTAIN INJURED MEMBERS GRANTED WORKERS' COMPENSATION LEAVE.--A member who, in the course of employment with an affiliated public employer, sustains an injury while performing a public safety function or duty and, as a result of the injury, is placed on approved workers' compensation leave, shall be given service credit for the period of absence from work while on workers' compensation leave; provided that:

A. the member is a peace officer covered pursuant to state general member coverage plan 3; a state police member; an adult correctional officer member; a municipal fire member; a municipal police member; or a municipal detention officer member;

B. the member retains membership in the association during the period of absence from work on approved workers' compensation leave;

C. the member's affiliated public employer shall remit to the association the applicable employee and employer

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contributions in the amount that would be paid if the member was not absent from work while on approved workers' compensation leave. The contribution amounts shall be calculated based upon a salary equal to the member's salary at the time of the injury; and

D. the affiliated public employer shall provide written certification to the association, in a form and manner prescribed by the association, that:

(1) the member was injured while rendering services to the employer;

(2) as a result of the injury, the member is absent from work and is placed on approved workers' compensation leave;

(3) the employer has determined that the injury was sustained while the member performed a function or duty in an inherently dangerous location or under inherently dangerous circumstances; and

(4) based on the employer's determination, the member is eligible to receive service credit during the period the member is absent from work on approved workers' compensation leave as provided pursuant to this section."".

5. On page 12, line 8, through page 13, line 3, strike Section 3 in its entirety.

6. Renumber the succeeding section accordingly.

and thence referred to the **GOVERNMENT, ELECTIONS & INDIAN AFFAIRS COMMITTEE.**

Respectfully submitted,

William "Bill" R. Rehm, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against
Yes: 8
No: 0
Excused: Townsend
Absent: None

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