

LFC Requester:	Anne Hanika-Ortiz
-----------------------	--------------------------

**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date February 9, 2015
Bill No: SB 466-305

Sponsor: Sen. Stuart Ingle
Short Title: Public Safety Officers Return to Work

Agency Code: Attorney General's Office
Person Writing: Jose Puentes
Phone: 827-6021 **Email:** jpuentes@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Senate Bill 466 (SB 466) amends a portion of the Public Employee Retirement Act, NMSA 1978, § 10-11-8, relating to retirees who return to work as state commissioned police officers, state police and undersheriffs. These individuals would continue to receive retirement benefits, but they would be unable to accrue service credits or purchase credits during reemployment.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

SB 466 treats enumerated groups of retirees differently, particularly in Section F(1)(c) which states that for certain retired state employees who are later rehired (e.g. as workers during the legislative session, certain elected officials), “the member and the subsequent affiliated public employer **shall not make** the employee and employer contributions pursuant to the Public Employees Retirement Act for the appropriate coverage plan...” In Section (F)(2)(d) pertaining to police officers, the Bill states “the member and the subsequent affiliated public employer **shall make** the employee and employer contributions pursuant to the Public Employees Retirement Act for the appropriate coverage plan...” As drafted, for one group of retirees the Bill does not require contributions from employee/employer, but for another group of retirees who are reemployed (law enforcement officers) the amendment does require such contributions.

In 2013, the New Mexico Court of Appeals upheld the current statutory scheme enforced by the Public Employees Retirement Association (PERA) suspending the continuation of retirement benefits for a retired New Mexico law enforcement officer returning to employment with the state. *City of Artesia v. Public Employees Retirement Ass’n of New Mexico*, 316 P.3d 188 (2013).

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A