



The Legislature
of the
State of New Mexico

49th Legislature, 1st Session

LAWS 2009

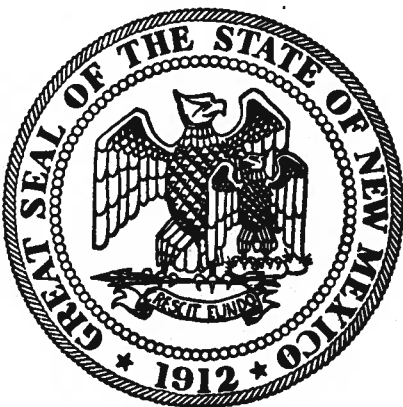
CHAPTER 287

HOUSE BILL 351

Introduced by

REPRESENTATIVE LUCIANO "LUCKY" VARELA

REPRESENTATIVE RICHARD D. VIGIL
REPRESENTATIVE THOMAS A. GARCIA
REPRESENTATIVE JIM R. TRUJILLO
REPRESENTATIVE NICK L. SALAZAR
REPRESENTATIVE BRIAN F. EGOLF, JR.
REPRESENTATIVE BEN LUJAN
REPRESENTATIVE RICK MIERA
REPRESENTATIVE MIMI STEWART



CHAPTER 287

AN ACT

1
2 RELATING TO RETIREE HEALTH CARE; CONTINUING A CERTAIN TAX
3 DISTRIBUTION TO THE RETIREE HEALTH CARE FUND; INCREASING
4 EMPLOYER AND EMPLOYEE CONTRIBUTIONS TO THE FUND.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. Section 7-1-6.56 NMSA 1978 (being Laws 2007,
8 Chapter 168, Section 1) is amended to read:

9 "7-1-6.56. DISTRIBUTION--RETIREE HEALTH CARE FUND.--In
10 addition to the distribution made pursuant to Section 7-1-6.30
11 NMSA 1978, a distribution pursuant to Section 7-1-6.1 NMSA
12 1978 shall be made to the retiree health care fund in the
13 amount of two hundred fifty thousand dollars (\$250,000)."

14 Section 2. Section 10-7C-15 NMSA 1978 (being Laws 1990,
15 Chapter 6, Section 15, as amended) is amended to read:

16 "10-7C-15. RETIREE HEALTH CARE FUND CONTRIBUTIONS.--

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

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

24 (a) one and three-tenths percent of
25 each participating employee's salary for the period from July

1 1, 2002 through June 30, 2010;

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

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

8 (d) two percent of each participating
9 employee's salary beginning July 1, 2012;

10 (2) for participating employees who are
11 members of an enhanced retirement plan, the employer's
12 contribution shall equal:

13 (a) one and three-tenths percent of
14 each participating employee's salary for the period from July
15 1, 2002 through June 30, 2010;

16 (b) two and eighty-four thousandths
17 percent of each participating employee's salary for the period
18 from July 1, 2010 through June 30, 2011;

19 (c) two and two hundred ninety-two
20 thousandths percent of each participating employee's salary
21 for the period from July 1, 2011 through June 30, 2012; and

22 (d) two and one-half percent of each
23 participating employee's salary beginning July 1, 2012; and

24 (3) each employer that chooses to become a
25 participating employer after January 1, 1998 shall make

1 contributions to the fund in the amount determined to be
2 appropriate by the board.

3 B. Following completion of the preliminary
4 contribution period, each participating employee, as a
5 condition of employment, shall contribute to the fund pursuant
6 to the following provisions:

7 (1) for a participating employee who is not
8 a member of an enhanced retirement plan, the employee's
9 contribution shall equal:

10 (a) sixty-five hundredths of one
11 percent of the employee's salary for the period from July 1,
12 2002 through June 30, 2010;

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

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

19 (d) one percent of the employee's
20 salary beginning July 1, 2012;

21 (2) for a participating employee who is a
22 member of an enhanced retirement plan, the employee's
23 contribution shall equal:

24 (a) sixty-five hundredths of one
25 percent of the employee's salary for the period from July 1,

1 2002 through June 30, 2010;

2 (b) one and forty-two thousandths
3 percent of the employee's salary for the period from July 1,
4 2010 through June 30, 2011;

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

8 (d) one and one-fourth percent of the
9 employee's salary beginning July 1, 2012; and

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

18 C. A participating employer that fails to remit
19 before the tenth day after the last day of the month all
20 employer and employee deposits required by the Retiree Health
21 Care Act to be remitted by the employer for the month shall
22 pay to the fund, in addition to the deposits, interest on the
23 unpaid amounts at the rate of six percent per year compounded
24 monthly.

25 D. The employer and employee contributions shall

1 be paid in monthly installments based on the percent of
2 payroll certified by the employer.

3 E. Except in the case of erroneously made
4 contributions or as may be otherwise provided in Subsection D
5 of Section 10-7C-9 NMSA 1978, contributions from participating
6 employers and participating employees shall become the
7 property of the fund on receipt by the board and shall not be
8 refunded under any circumstances, including termination of
9 employment or termination of the participating employer's
10 operation or participation in the Retiree Health Care Act.

11 F. Notwithstanding any other provision in the
12 Retiree Health Care Act and at the first session of the
13 legislature following July 1, 2013, the legislature shall
14 review and adjust the distributions pursuant to Section
15 7-1-6.1 NMSA 1978 and the employer and employee contributions
16 to the authority in order to ensure the actuarial soundness of
17 the benefits provided under the Retiree Health Care Act.

18 G. As used in this section, "member of an enhanced
19 retirement plan" means;

20 (1) a member of the public employees
21 retirement association who, pursuant to the Public Employees
22 Retirement Act, is included in:

23 (a) state police member and adult
24 correctional officer member coverage plan 1;

25 (b) municipal police member coverage

1 plan 3, 4 or 5;

2 (c) municipal fire member coverage plan

3 3, 4 or 5; or

4 (d) municipal detention officer member

5 coverage plan 1; or

6 (2) a member pursuant to the provisions of

7 the Judicial Retirement Act." _____

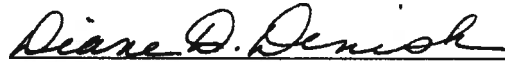
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BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 10th day of April, 2009



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

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