

SUBJECT HUMAN RESOURCE BILLS - 50th LEGISLATURE – 1st SESSION - 2011 - FINAL LEGISLATIVE ACTION

David Larson

SIGNED = signed into law by Gov., Pocket Veto = no action by Gov., PV = partial veto by Gov., VETO/PV = veto/partial veto by Gov., DOA = died on adjournment of Legislature, GF=General Fund

SUBJ: Compensation, Health Insurance, Human Rights, Labor, Other, Reorganization, Retirement, Safety, Training, Worker_Comp/Unemployment_Comp

Subj	Leg	#	Dup	Sponsor	Name of Bill	Description	Status
Comp	H	2suba flaa		HAFC	Gen Appropriations Act 2011	No public employee salary increases but sufficient funding to avert layoffs and furloughs by assuming passage of H628 which continues 1.5% PERA contribution shift from employer to employee and adds another 1.75% similar shift plus delays additional funding to ERA for a total savings of \$110 million coming out of the public employees' pockets.	GOV DESK
Comp	H	7		Varela	Gen Appropriations Act 2011	No public employee salary increases.	See H2 Sub
Comp	H	212fla	S156	Trujillo	Payment of Wages by Payroll Cards	Allows employers an additional option to deliver wages and salaries by payroll cards. Employees could make at least one free cash withdrawal per pay period, and could use the card as a debit card for any remaining balance. This would help employees who have no checking accounts and would eliminate check cashing fees. Current options for direct deposit, cash, checks, and vouchers would remain.	DOA
Comp	H	333		James	No Payment for Accumulated Sick Leave	Prohibits payment for accumulated sick leave for any state officer or employee while employed or upon retirement.	DOA
Comp	S	107		Eichenberg	Uniform Per Diem & Mileage	Makes per diem & mileage rates uniform for all public officers and employees.	DOA
Comp	S	156fla	H212	Griego	Payment of Wages by Payroll Cards	Allows employers an additional option to deliver wages and salaries by payroll cards. Employees could make at least one free cash withdrawal per pay period, and could use the card as a debit card for any remaining balance. This would help employees who have no checking accounts and would eliminate check cashing fees. Current options for direct deposit, cash, checks, and vouchers would remain.	DOA
Comp	S	163		Lopez	Executive Exempt Salary Reports and Adoption	Requires Executive exempt salaries to be reported in the Exempt Salary Plan and legislatively adopted in the General Appropriations Act.	DOA
Comp	S	217		Sharer	Military Retirement Pay Tax Exemption	Provides a 100% income tax exemption for military retirement pay of retiree or surviving spouse.	DOA
Health	H	33sub fla		HHGAC	NM Health Insurance Exchange Act	Sets up the framework for the state's health care exchange which is required to be established by 2014 by the new federal health care act.	DOA
Health	H	34a		Picraux	Health Insurance Medical Home Requirements	Amends the Public Assistance Act to require contractors that administer state approved waiver programs to develop "medical home programs" (was previously discretionary).	GOV DESK
Health	H	245	S89	Gonzales	Health Insurance Purchasing Cooperative	Provides for the creation of health insurance purchasing cooperatives among employers both large and small.	DOA
Health	H	246	S90	Gonzales	Amend Health Insurance Alliance Act	Amends the Health Insurance Alliance Act to provide access for large employers, as well as small employers.	DOA
Health	H	323		Herrell	Interstate Health Care Freedom Compact	Allows NM to enter into pacts with other states providing that residents can not be forced to participate in or pay for health care plans (anti - Obama Care).	DOA
Health	H	334	S339	Stewart	Health Insurers to Not Discriminate Providers	Insurers' individual or group health insurance plans/policies cannot discriminate against licensed providers with respect to participation and reimbursement.	DOA
Health	H	493		Park	KFMartinez Patient Bill of Rights	Requires health care facilities to provide patients with a written copy of their rights with regards to treatment and medical staff.	DOA
Health	H	540		Picraux	State Employee Wellness Incentives	Requires Risk Management Div. to establish an employee wellness program that ties results-based wellness incentives to state employee health insurance premiums.	DOA
Health	H	560		Espinosa	Health Care Tax Credit	Provides tax credits for the cost of individual health insurance premiums and employer's cost for employee health insurance.	DOA
Health	H	584		McMillan	NM Health Care Exchange Act	Creates NM Health Care Exchange, provides for board of directors, certification, dispute resolution, and study for possible coverage for Human Services and Corrections clients.	DOA
Health	H	591		Picraux	Required Coverage for Telemedicine Services	NM health insurers shall cover the use of telecommunication technology by health care providers to deliver health care services to remote locations, including diagnosis/treatment.	DOA
Health	HJM	9		Stewart	Amend Federal Patient Protection Act	Asks for deletion of the 3 year waiting period after the 2014 state health insurance exchange establishment deadline, for waiver due to innovative programs.	DOA
Health	S	5		Cisneros	Health Security Act	Replaces private insurance with a state single payer plan which would create a health coverage pool for all New Mexicans, even those with pre-existing conditions. Residents who have lived in NM for at least a year could obtain health benefits similar to state employees at lower rates than most pay now. Exempts military/federal employees. Plan would be managed by independent non-government commission. All NM employers pay.	DOA

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Subj	Leg	#	Dup	Sponsor	Name of Bill	Description	Status
Health	S	16sub		SPAC	Pharmacy Benefits Manager	Requires pharmacy benefits managers to be licensed and brought under state insurance regulations.	DOA
Health	S	22		Ortiz y Pino	HealthCare Provider Protection Act	Managed health care plans shall make reimbursement determinations within 24 hours for emergencies and 7 days for non-emergencies. If deadline can't be met, provider must be notified in writing about when a decision will be reached. Managed health care plans must make quarterly reports of all requests that did not qualify as clean claims to providers. Limits managed health care plans ability to recoup reimbursements.	DOA
Health	S	38suba		SCORC	NM Health Insurance Exchange Act	This bill creates a health care exchange, a one stop shopping clearinghouse for more than 100,000 New Mexicans in need of health insurance, as required by the nation's new federal health care law. The bill provides for the appointment, powers and duties of a 10 member board of directors and would incorporate two non-profits, the NM Medical Insurance Pool and the Health Insurance Alliance, into the process.	GOV DESK
Health	S	89sub	H245	Munoz	Private Health Insurance Purchasing Coop Act	Provides for the creation of health insurance purchasing cooperatives among employers both large and small, or a combination of the two, whose aggregate FTE is at least 50.	GOV DESK
Health	S	90	H246	Munoz	Health Insurance Access for Large Employees	Amends the Health Insurance Alliance Act to provide access for large employers, as will as small employers.	DOA
Health	S	98		Keller	Health Impact Reporting Act	Requires the Dept. of Health to direct the Health Policy Institute to provide health impact reports for proposed legislation that may impact the health communities.	DOA
Health	S	208sub fla		SJC	Health Insurance Rate Increase Review	Calls for stronger standard of review by the NM Superintendent of Insurance of premium increase requests, requiring the request to be actuarially sound, reasonable, not excessive, or discriminatory. The company's surplus and executive salaries can be considered. The PRC is empowered to review and over rule the Superintendent's decisions. Public hearings would have to be held and related information would have to be posted online.	GOV DESK
Health	S	339	H334	Ortiz y Pino	Health Insurers to Not Discriminate Providers	Insurers' individual or group health insurance plans/policies cannot discriminate against licensed providers with respect to participation and reimbursement.	DOA
Health	S	370		Munoz	NM Health Insurance Exchange Act	Sets up the framework for the state's health care exchange which is required to be established by 2014 by the new federal health care act.	DOA
Health	S	451sub		SPAC	Drug Screening & Treatment for Certain Women	Health care providers shall screen all pregnant and post-partum women for substance abuse to allow for intervention, referral and treatment.	GOV DESK
Health	S	497		Ortiz y Pino	Managed Health Care Ombudsman Act	Creates a managed health care ombudsman office to identify, investigate, and resolve patient and health care provider complaints pursuant to the Patient Protection Act	DOA
Health	S	499		Papen	Health Insurance Appeals	Allows the Public Regulation Commission to appoint a hearing office to preside over administrative review of health care plan rate and risk classification changes.	DOA
Health	S	536		Jennings	Prescription Drugs Price Controls	This bill curtails the practice of charging more than the standard co-pay for specialty drugs that treat serious chronic diseases such as multiple sclerosis, HIV, AIDs, rheumatoid arthritis, and cancer.	DOA
Health	S	564		Lopez	NM Health Policy Commission Changes	Replaces the Health Policy Commission with the Health Care Professional Workforce Commission and changes mission to emphasize developing and retaining a professional health care workforce,	DOA
Health	SJM	1		Feldman	Continue Health Care Reform Working Group	Requests continuation of the current Health Care Reform Working Group to address the implementation of the Patient Protection and Affordable Health Care Act in NM.	PASSED S/H
Health	SJR	5		Ortiz y Pino	State Health Care System	Constitutional Amendment that health care is a fundamental right and the State of NM shall provide a health care system for its citizens.	DOA
Labor	H	63	S287	Larranaga	Public Works Wage Rates Through Survey	Provides for determination of public works wage rates through surveys rather than by wage rates used in collective bargaining agreements.	DOA
Labor	H	139		Miera	Raise Monetary Limit on Public Works Projects	Doubles the monetary limit on public works projects (that would require paying higher wages).	DOA
Labor	H	331		Ezzell	Enact Right to Work Act	Membership in a labor organization can not be required as a condition of employment.	DOA
Labor	H	449		Ezzell	Child Care Provider Collective Bargaining	Repeals collective bargaining for family child care providers.	DOA

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Subj	Leg	#	Dup	Sponsor	Name of Bill	Description	Status
Labor	H	545		Strickler	Public Works Wages Through Survey Program	Wage rates are to be determined through a continuing survey program rather than by wage rates used in collective bargaining agreements for two years (7/1/11 to 6/30/13), thereafter reverting back to collective bargaining rates.	DOA
Labor	HJR	19		James	Employee Representation Secret Ballot Vote	Constitutional Amendment providing employees the right to secret ballot when voting for representation.	DOA
Labor	S	287	H63	Cravens	Methodology of Determining Wage Rates	Provides for determination of public works wage rates through surveys rather than by wage rates used in collective bargaining agreements.	DOA
Other	H	51afla		Varela	Exempt Employees and Personnel Board Authority	Places specific limits on numbers of exempt employees in cabinet departments and requires the Personnel Board to report approval of exempt policy making positions to the Gov and LFC; requires Board to conduct study of all exempt employees who moved to classified positions in 2009 and 2010 and report to the Gov and LFC.	DOA
Other	H	67		O'Neill	Prohibit Public Officials from Lobbying for 1 Year	Prohibits former statewide elected officials, PRC Commissioners, legislators, and cabinet secretaries from accepting compensation as lobbyists for one year after service; and prohibits their subsequent employers from compensating them for such activities.	DOA
Other	H	69		Hall	Legislative Review Act	Calls for legislative review of any state agency administrative rules and provides for legislative amendments or repeals. Raises Constitutional issue of separation of powers. Legislature responsible for laws. Administration responsible for rules. Courts responsible for settling differences.	DOA
Other	H	136		Cook	Additional Concealed Guns in Additional Places	Allows concealed weapons in preschools, schools, universities, buses, liquor establishments, state parks/recreational areas. Allows for multiple concealed weapons per person.	DOA
Other	H	160sub fla		HCPAC	Public Records Availability and Procedures	Amends the Inspection of Public Records Act (IPRA) to require a records custodian to provide copies of public records in electronic format if specifically requested and the records are viable in electronic format. Provides that exempt information in an electronic document be removed by using methods that prevent the recovery of exempt information. The substitute bill adds provisions governing allowable charges for downloading to or providing the storage medium and for transmitting the records by mail, e-mail or fax.	GOV DESK
Other	H	210		Ezzell	Public Assistance Drug Testing Eligibility	If an applicant/recipient of public assistant program benefits (Low Income Home Energy/Utility Assistance, NM Works Act, Education Works Act) is suspected of drug abuse, Human Services Dept shall order drug testing and if positive, require drug rehab. If the applicant/recipient fails to complete drug rehab all such benefits will be denied.	DOA
Other	H	239		Garcia	Veteran Employment Tax Credit	NM employers may claim a tax credit of \$300 for each veteran who is employed within one year of discharge and remains employed for at least 8 months during the tax year. Statewide aggregate limit of \$2 million.	DOA
Other	H	265		McMillan	Military Retirement Income Tax Exemption	Gives military retirees a 100% income tax exemption on their military retirement pay.	DOA
Other	H	275sub		HJC	Magistrate Qualifications	Raises the population limit for a magistrate district to 250,000; removes the requirement for magistrates in districts with a population over 200,00 to be licensed to practice law in NM.	GOV DESK
Other	H	350		Little	Removal of Elected Official Upon Conviction	Elected public officials convicted in a state or federal court of a felonious or infamous crime shall be deemed to have resigned and the office vacated.	DOA
Other	H	351		Little	Limit Exempt Employee to Classified Position	State employees who are exempt from the Personnel Act shall not be eligible for classified positions in the Executive branch during the last year of the term of the elected official who appointed them.	DOA
Other	H	406		Cervantes	Inspection of Electronic Records	Requires custodians to provide public records in electronic form if they are already in that format. Agencies can charge for downloading to or providing a storage medium.	DOA
Other	H	408		Begaye	Higher Ed Employment Background Checks	Requires higher ed institutions to run FBI background checks on applicants offered employment.	DOA
Other	H	538		Brown	State Government Customer Surveys	Establishes a customer survey pilot program for Motor Vehicle, State Livestock Board, & Construction Industries Div.; results to be used in employee performance evaluations. Assessment of pilot program to be reported to the Personnel Board and the LFC.	DOA
Other	HJM	3		Lundstrom	Study Exempt & Classified Positions	Requests State Personnel conduct a review of state exempt and classified managerial positions and salaries in light of the vast expansion in number of exempt policy making positions and salaries during the previous administration.	DOA

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Other	HJR	2		Kintigh	Limit State Legislator Terms	Constitutional Amendment to limit state senators to 3 4-year terms and state representatives to 6 2-year terms.	DOA
Other	HJR	3		Nunez	Legislative Nullification of Rules	Constitutional Amendment allowing legislature to nullify administrative rules and regulations of the Executive branch. Raises Constitutional issue of separation of powers. Legislature responsible for laws. Administration responsible for rules. Courts responsible for settling differences.	DOA
Other	S	52suba		SPAC	Electronic Copies of Public Records	Allows custodians of public records to provide such records in electronic format if available and requested in such format. Actual costs may be charged.	GOV DESK
Other	S	116		Rue	Emergency Medical Personnel Background Check	Requires criminal background checks for all persons providing emergency medical services.	DOA
Other	S	476a		Griego	No College Credit Needed for State Police	Allows the substitution of two years of military or law enforcement service for the required 60 hours of college credit.	GOV DESK
Other	S	502		Nava	School Teacher and Principal Evaluation	Requires public schools and charter schools to establish a performance based teacher evaluation system (instead of seniority) for the purposes of retention, advancement, compensation, reduction in force, annual contract renewal, and termination. Any educator with 3 years of poorest evaluation is subject to termination. Three year contracts abolished.	DOA
Other	S	503		Nava	School Personnel Evaluation System	Establishes the framework to develop the performance based evaluation system to be used for public school personnel.	DOA
Other	S	574sub a		SPAC	CYFD Employees of Good Moral Character	Prohibits all persons who have been convicted of a felony directly related to their job duties, or have substantiated charge of abuse or neglect, from being employed by or contracted by CYFD in positions that would put them in direct unsupervised contact with CYFD clients or their supervisors.	GOV DESK
Other	SJR	3		Neville	Legislative Overturn of Agency Rules	Constitutional Amendment to allow overturn of agency rules through 2/3 vote of each house. Raises Constitutional issue of separation of powers. Legislature responsible for laws. Administration responsible for rules. Courts responsible for settling differences.	DOA
Other	SJR	10		Nava	Land Grant Permanent Fund Distribution	Constitutional Amendment to temporarily increase distribution from permanent land grant fund to be used for early childhood education programs and educational reforms. Distribution will be suspended if the fund falls below \$8 billion.	DOA
Reorg	H	29		Lundstrom	Create Commerce Dept.	Combines Tourism, Economic Development, & Workforce Solutions Depts. in to the new Commerce Department.	DOA
Reorg	H	54aaf1a		Varela	Transfers Departments & Services to DPS	Merges Homeland Security and Emergency Services Departments and 911 Service Program and transfers them to Dept. of Public Safety. Transfers State Fire Marshal from Public Reg. Comm., Transfers functions of Crime Stoppers and DNA System Oversight. Sunsets Interoperability Planning Commission and State Emergency Response Commission and transfers functions to DPS.	DOA
Reorg	H	65		Varela	Transfer Worker Comp Admin.	Makes the Workers' Comp Administration a division of Workforce Solutions Dept.	DOA
Reorg	H	66		Varela	Transfers Depts. & Services to DFA	Moves State Personnel Office and the Purchasing Division of General Service Dept. under Dept. of Finance & Admin. Creates the Executive Services Div., the SPO Div., the Purchasing Div., and the Education Finance Div. within DFA. Makes GSD a non-cabinet agency.	DOA
Reorg	H	80		Bandy	Merge Game & Fish with EMNRD	Makes Game & Fish Dept. a division of Energy, Minerals, & Natural Resources Dept. Abolishes the Game Commission. Sunsets all boards and commissions that address energy and natural resource issues.	DOA
Reorg	H	84		Lundstrom	Merge EMNRD, Environment Dept., & Game & Fish	Merges Environment Dept. with Energy Minerals, & Natural Resources to create the Natural Resources and Environment Dept. Makes Game & Fish a division of the new department. Abolishes the Game Commission. Sunsets all boards and commissions that address energy and natural resource issues.	DOA
Reorg	H	88		Bandy	Executive Branch Entity Sunsets	Sunset provisions will apply to all administratively attached and adjunct agencies, boards, commissions, councils, & task forces unless explicitly exempted by the legislature. Currently, sunset provisions apply only where specified in entities' enabling legislation. Also extends the sunset dates of dozens of such entities.	DOA

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Subj	Leg	#	Dup	Sponsor	Name of Bill	Description	Status
Reorg	H	94	S15	Picraux	Health Policy & Finance Dept. Act	Creates the Health Policy & Finance Dept. Transfers the administration of medical assistance and behavioral health programs, home and community based waiver and long term care services. Provides for eventual transfer and administration of the health benefits plans for public schools, state and local government employees, and public retirees. New department also responsible for state health policy and planning. Transfers programs from Departments of Health, Human Services, Aging, and General Services.	DOA
Reorg	H	157		Park	Create Natural Resources and Environment Department	Merges Environment Dept. with Energy Minerals, & Natural Resources to create the Natural Resources and Environment Dept.	DOA
Reorg	H	189		Park	Merge Aging and Human Services Departments	Merges the Aging and Long-Care Services Department with the Human Services Department.	DOA
Reorg	H	206		Hall	Merging Dept. of Game & Fish with EMNRD	Merges Environment Dept. with Energy Minerals, & Natural Resources to create the Natural Resources and Environment Dept. Makes Game & Fish a division of the new department. Abolishes the Game Commission.	DOA
Reorg	H	213		Bandy	Transfer Services to DOE and Make EIB Advisory	Takes away rule making authority from the Environmental Improvement Board making it advisory and transfers all such authority to the Dept. of Env. Transfers medical imaging and radiation therapy licensing from Dept. of Env. to Dept. of Health. Transfers functions of the Occupational Health and Safety Comm., and the Water Quality Control Comm. to Dept of Env. and eliminates these commissions. Sunsets all other boards and commissions that address environmental concerns and transfers their functions to Dept. of Energy.	DOA
Reorg	H	230		Cravens	Merge HED with DFA	Makes the Higher Ed Dept. a division of Dept. of Finance & Administration.	DOA
Reorg	H	242		Bandy	Amending and Eliminating Boards and Commissions	Eliminates the rule making authority of the Constructions Industries and Manufactured Homes Commissions, eliminates the NM Athletic Commission and Medical Advisory Board and transfers the duties of all four to the Regulation and Licensing Department	DOA
Reorg	H	255		Bandy	Cultural Affairs and Tourism	Merges the Tourism and Cultural Affairs Departments.	DOA
Reorg	H	419		Hall	Motor Transportation Div to Transportation Department	Transfers the Motor Transportation Div. from Dept. of Public Safety to the Transportation (Highway) Dept. MTD regulates the trucking industry and operates ports of entry.	DOA
Reorg	H	472		Hall	Transfer Approving Division to Higher Education Department	Transfers the Approving Division of the Veterans Services Department to the Higher Education Department.	DOA
Reorg	H	528	S577	Herrell	Repeal Commission on Status of Women	Disbands the Commission on the State of Women and transfers duties/functions to the Departments of Health and Workforce Solutions.	DOA
Reorg	H	547		Bandy	Transfer Dept. of Information Technology to Gen.Serv. Dept.	Department of Information Technology shall become a division within the General Services Department.	DOA
Reorg	H	551		Jeff	Consolidate Indian Affairs Department Programs	Moves several Native American programs from various state agencies under the Indian Affairs Dept.).	DOA
Reorg	H	570		Wooley	Merge ALTSD with CYFD, Medicaid to HSD	Merges the Aging/Long Term Care Dept. with Children, Youth and Families Dept; transfers a Medicaid program from ALTCD to Human Services Department.	DOA
Reorg	S	15	H94	Feldman	Health Policy & Finance Dept. Act	Creates the Health Policy & Finance Dept. Transfers the administration of medical assistance and behavioral health programs, home and community based waiver and long term care services. Provides for eventual transfer and administration of the health benefits plans for public schools, state and local government employees, and public retirees. New department also responsible for state health policy and planning. Transfers programs from Departments of Health, Human Services, Aging, and General Services.	DOA
Reorg	S	67	S104	Ryan	Administrative Hearings Act	Creates the Administrative Hearings Office and consolidates all state agency hearing officers and functions into one office.	DOA
Reorg	S	83		Sapien	Create Inspector General Office	Creates a centralized State Inspector General Office and transfers agency inspectors general and internal audit and accountability functions from certain agencies.	DOA
Reorg	S	104	S67	Eichenberg	Administrative Hearings Act	Creates the Administrative Hearings Office and consolidates all state agency hearing officers and functions into one office.	DOA
Reorg	S	158		Lovejoy	Repeals Certain Boards & Commissions	Amends/repeals boards and commissions to conform to other government restructuring bills.	DOA

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Reorg	S	162		Lopez	Health Administration and Finance Consolidation	Creates the Health Administration & Finance Dept. Transfers the administration of medical assistance and behavioral health programs, home and community based waiver and long term care services. Provides for eventual transfer and administration of the health benefits plans for public schools, state and local government employees, and public retirees. New department also responsible for state health policy and planning. Transfers programs from Departments of Health, Human Services, Aging, and General Services.	DOA
Reorg	S	374		Ortiz y Pino	Create "Office of Peace"	Creates the "Office of Peace" dedicated to peace making, social justice, and human rights, study the implementation of educational curricula conducive to the culture of peace.	DOA
Reorg	S	475		Lovejoy	Repeal PRC & Recommend Integration	Repeals the Public Regulation Act/Commission and creates a legislative committee to determine how current PRC duties could be integrated into the Executive Branch.	DOA
Reorg	S	577	H528	Adair	Repeal Commission on the Status of Women	Disbands the Commission on the State of Women and transfers duties/functions to the Departments of Health and Workforce Solutions.	DOA
Reorg	SJR	6		Lovejoy	Eliminate Public Regulation Commission	Constitutional Amendment to eliminate the Public Regulation Commission and provide by law for its powers and duties.	DOA
Retire	H	18fla		Kintigh	Increase Legislative Retirement Contribution	Increases legislator contributions to PERA from \$500 to \$600 per service year.	DOA
Retire	H	57		Stewart	Public Employees Returning to Work	For retirees who return to work after 7/1/11, eliminates 12 month waiting period, however, after earning \$15K in calendar year pension is suspended, employee becomes contributing member of PERA and accrues service credit, and the employer also pays contribution. Both employer and employee contributions to PERA will be paid at full actuarial value. Upon termination if less than 3 years, old pension is restored. If more than 3 years, pension is recalculated.	DOA
Retire	H	58afla		Stewart	Judicial Retirement Contributions	Retirement contributions can no longer be funded with docket fees. Must be entirely funded as a percent of salary. Provides funding for the resulting increased employer contributions to Judicial and Magistrate Retirement funds.	GOV DESK
Retire	H	129a		Varela	Returning Education Retiree Payments	Educational retirees who return to work must make their regular contributions and the employer must make regular contributions to the ERA fund (previously the employer had to make the entire contribution).	SIGNED CH6
Retire	H	133		Stewart	Delay Education Retirement Contribution Increases	Changes the 2011 scheduled employer contribution increases to a 2011 – 2016 incremental employer contribution increase to the fund to an eventual 13.9% of salary (now 10.9%).	DOA
Retire	H	142		Lujan	Public Retiree Return to Work	Allows retirees to return to work as undersheriffs, admin. secretaries to sheriffs, election precinct board members, and school crossing guards without suspending their pensions	DOA
Retire	H	146a	S119	Madalena	Retirement Beneficiary Designation of Spouse	Upon death of a PERA/ERA beneficiary, surviving retiree options are expanded.	DOA
Retire	H	251		Stewart	Amend Certain Retirement Acts	Splits ERA/PERA plans into two tiers for employees hired before and after 7/1/10. Sets minimum retirement age of 55 for all plans and for PERA a service requirement of age + service = 80 (both tiers). ERA tier 1 service requirement is age + service = 75 and tier 2 is age plus service = 85. Tier 1 ERA/PERA members who are eligible to retire before 7/1/14 can retire under the rules of the current plan. PERA changes the annual retirement benefit adjustment to ¼ of the CPI not to exceed 3% or less than 0%. Analysis of these changes indicate that the plans would remain solvent without contribution increases.	DOA
Retire	H	272		Stewart	Public Employee & Retiree Health Care Acts	PERA, ERA, and RHC shall provide legislative committees actuarial and other solvency-related reports as requested.	DOA
Retire	H	378		Gentry	Public Corruption Offenses and Convictions	In addition to other penalties, ERA/PERA members convicted of public corruption shall suffer loss of pension and unexpended accumulated member contributions will be refunded.	DOA
Retire	H	468		Bratton	Public Employee Retirement Contributions	This legislation makes permanent a 1.5% of pay increase in ERA/PERA member contributions for the last two fiscal years and adds a temporary additional 2% increase in member contributions for the period 7/1/11 to 6/30/13. The state contribution is permanently reduced by 1.5% with an additional reduction of 2% for the period 7/1/11 – 6/30/13. Exempts employees making less than 20K. Delays the two remaining ERA employer .75% contribution increases from FYs 12 and 13 to FYs 14 and 15.	DOA

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Subj	Leg	#	Dup	Sponsor	Name of Bill	Description	Status
Retire	H	525		Garcia	Hospital Employee Service Credit Purchase	Allows members employed by a hospital/medical center that is subsequently taken over by a PERA public employer to purchase up to 5 years of service credit at full actuarial value.	DOA
Retire	H	569		James	Retiree Health Care Rate Increase Delay	Scheduled incremental premium increases for both employees and employers are delayed for one year.	DOA
Retire	H	628sub a		HAFC	Contribution Rate Changes in Retirement Plans	Continues temporary 1.5% of pay PERA contribution shift from employer to employee and adds another 1.75% similar shift for 1 year plus a second year if necessary. Delays additional funding for ERA, for a total savings of \$110 million coming out of the public employees' pockets. Companion bill to H2 (budget bill).	GOV DESK
Retire	S	43		Griego	Mutual Domestic Employees in PERA	Makes employees of mutual domestic water consumer associations eligible for PERA	DOA
Retire	S	87		Munoz	Public Employee Retirement Contributions	Incrementally but significantly increases employer and employee contributions by a combined total of 8% of pay over four years. For example, general plan employee contributions would increase from 7.45% of salary to 10.09%; and employer contributions from 16.59% to 21.92% over 4 years. Raises of similar scope are applied to all PERA plans.	DOA
Retire	S	88		Munoz	Judicial Employee Retirement	Incrementally but significantly increases employer and employee contributions over four years. Judicial plan employee contributions would increase from 7.5% of salary to 10.17%; and employer contributions from 12% to 17.33% over 4 years.	DOA
Retire	S	119aa	H146	Sapien	Retirement Beneficiary Designation of Spouse	Upon death of a PERA/ERA beneficiary, surviving retiree options are expanded.	GOV DESK
Retire	S	186		Leavell	Municipal Contributions to Retirement Plans	Municipal PERA employers shall not elect to pay any portion of an employees contributions to any plan created on or after 7/1/2011.	DOA
Retire	S	204		Smith	Reduce PERA Cost-of-Living Adjustments	PERA retiree annual adjustment changed to ¾ of the consumer price index not to exceed 3% or less than 0%. Currently an annual 3% increase.	DOA
Retire	S	242		Sanchez	Public Retirees as Precinct Board Members	Amends PERA to allow retirees to serve as Precinct Board members for elections without suspending their pensions.	DOA
Retire	S	247		Beffort	Forfeiture of Retirement for Certain Crimes	A public employee or retiree who is convicted of a felony involving public funds may forfeit their retirement benefits.	DOA
Retire	S	248		Ingle	Change Public Employee Contributions	This legislation makes permanent a 1.5% of pay increase in ERA/PERA member contributions for the last two fiscal years and adds a temporary additional 1.5% increase in member contributions for the period 7/1/11 to 6/30/13. The state contribution is permanently reduced by 1.5% with an additional reduction of 1.5% for the period 7/1/11 – 6/30/13. Exempts employees making less than 20K. Delays the two remaining ERA employer .75% contribution increases from FYs 12 and 13 to FYs 14 and 15.	DOA
Retire	S	259		Payne	Forfeiture of Public Official Benefits	A public employee or retiree who is convicted of a felony arising from their job as a public employee may forfeit their retirement benefits.	DOA
Retire	S	265		Asbill	Education Retirement Contributions	ERA employee contributions are incrementally raised over 4 years from 9.4% of pay to 9.9%. ERA employer contributions are incrementally raised over 6 years from 12.4% to 13.9%. Employees who earn less than \$20K have lower rates.	DOA
Retire	S	268		Neville	Public Employee Retirement Plan Changes	Creates new retirement plans for PERA covered employees hired after 7/1/11. These are still defined benefits plans with increased service requirements and decreased benefit multipliers. Generally, the premiums for both employee and employer would be lower than current plans. The new plans do allow retirees to earn up to 90% of that final pay. There are optional plans with enhanced benefits and higher premiums. The bill includes new contribution levels to Retiree Health Care and includes an annual adjustment to benefits equal to ¾ of the consumer price index not to exceed 3% or fall below 0%. This bill does not impact current PERA retirees or employees hired before 7/1/11.	DOA
Retire	S	355		Morales	Certain PED Employees Not ERA Members	Certified teachers who go to work for the Public Education Dept. would no longer be required to be ERA members (instead of PERA). Provides for a transition period to PERA.	DOA
Retire	S	380		Harden	Some Hospital Districts as Public Employers	Makes employees of certain unspecified special hospital districts eligible for PERA.	DOA
Retire	S	498		Ortiz y Pino	Public Employee Service Credit Purchase	Increases the aggregate amount of service credit a PERA member can purchase from one to five years at full present actuarial value.	DOA

SUBJECT HUMAN RESOURCE BILLS - 50th LEGISLATURE – 1st SESSION - 2011 - FINAL LEGISLATIVE ACTION

David Larson

SIGNED = signed into law by Gov, Pocket Veto = no action by Gov., PV = partial veto by Gov., VETO/PV = veto/partial veto by Gov., DOA = died on adjournment of Legislature, GF=General Fund

SUBJ: Compensation, Health Insurance, Human Rights, Labor, Other, Reorganization, Retirement, Safety, Training, Worker_Comp/Unemployment_Comp

Subj	Leg	#	Dup	Sponsor	Name of Bill	Description	Status
Retire	S	506		Ingle	Law Enforcement Officials Returning to Work	Reinstates former PERA return to work provisions for chiefs of police and undersheriffs.	DOA
Retire	S	529		Sanchez	City Firefighter Retirement Contributions	Incrementally increases employee contribution rates for municipal firefighter PERA plans through four annual increases of 1% of salary.	DOA
Rights	H	162		Chavez	Limit Recognition of Certain Marriages	Same sex marriages from other states will not be recognized by the State of New Mexico and this will be applied retroactively.	DOA
Rights	H	399		Anderson	Bath Room Access Act	Retail stores with no customer bathrooms must allow public with qualified medical conditions to use the employee bathrooms.	DOA
Rights	HJR	7		Espinosa	Defining Marriage	Constitutional amendment defining marriage as a union between one man and one woman.	DOA
Rights	HJR	8		Chavez	Marriage Defined and Marriage Recognition	Constitutional amendment defining marriage as a union between one man and one woman, and same sex marriages from other states/countries will not be recognized in NM.	DOA
Rights	S	72		Keller	Employee Credit Information Privacy	Prohibits use of applicant or employee credit information as a basis for employment decisions unless a bona-fide occupational requirement exists.	DOA
Rights	S	151		Keller	Essential Services Access Act	Prohibits emergency service providers from inquiring into immigration status of victims and/or evacuees during disaster responses.	DOA
Rights	S	152		Martinez	Enforcement of Federal Immigration Laws	Prohibits NM law enforcement agencies use of state funds/equipment/resources for detecting/apprehending illegal immigrants who have no other violations of the law.	DOA
Rights	SJR	4		Sharer	Marriage Defined	Constitutional Amendment defining marriage as a union between one man and one woman.	DOA
Train	H	8a		Lujan	Development Training Programs	\$1.25 million for development training programs providing classroom and in-plant training for qualified labor pool for new or expanding businesses in NM.	GOV DESK
Train	H	169		Rodella	Increase Alcohol Server Training Frequency	Required frequency of alcohol server training is changed from every 5 years to every 3 years.	GOV DESK
WC/UC	H	59suba a		HCPAC	Unemployment Contribution Temporary Schedule	In order to beef up the UC fund, this bill proposes to go from schedule 1 (in effective from 11/11/11 through 12/31/11) to schedule 3 for all of 2012. The average employer contribution per employee was \$185 in 2010, is \$215 for 2011, and will be \$370 for 2012 (double the 2010 rate). Also, this bill reduces the number of qualifying dependent allowances, eliminates benefits for individuals attending school (except for full time voc tech), and prohibits extended benefits if they are not fully funded by the federal government. These changes plus a projected modest decrease in unemployment should keep the unemployment fund solvent thru 2012.	GOV DESK
WC/UC	H	356		Roch	No Workers' Comp if Drugs/Alcohol Involved	Workers' compensation is prohibited if a worker is injured while under the influence of alcohol or illegal drugs whether or not the cause of the injury.	DOA
WC/UC	H	597		Dodge	Legislative Session Employee Unemployment	Provides, under certain conditions, for unemployment benefits for legislative session temporary employees between sessions.	DOA
WC/UC	S	251		Beffort	Unemployment Comp Benefit Calculation	Penalizes PERA/ERA retirees who are laid off from subsequent jobs by reducing their base pay for the purposes of calculating unemployment compensation benefits(apparently because they are already receiving a pension).	DOA
WC/UC	S	263		Jennings	Drug Testing for Unemployment Comp	Persons must pass a drug test to qualify for unemployment benefits.	DOA
WC/UC	S	273		Lopez	Recovery of Enforcement Costs from Employers	Workers' Comp Administration may recover all costs associated with enjoining an employer who fails to comply with the Workers' Comp Act.	GOV DESK
WC/UC	S	279		Beffort	Suspend Unemployment Benefit Expansion	One year suspension of expanded eligibility and benefits and moves employer contributions to schedule 2 from 7/1/11 to 12/31/12. This represents about a 35% increase over the contribution rates of 2010.	DOA
WC/UC	S	545		Wilson	Salary Sharing for Certain Employees	Creates a salary sharing program for new hires between the employer and the Dept. of Workforce Solutions Unemployment Compensation Division.	DOA