

**SUBJECT****HUMAN RESOURCE BILLS - 50<sup>th</sup> LEGISLATURE – 1st SESSION - 2011****David Larson**

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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	2		Saveedra	Gen Appropriations Act 2011	No public employee salary increases.	Committee
Comp	H	7		Varela	Gen Appropriations Act 2011	No public employee salary increases.	Committee
Comp	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.	Committee
Comp	H	212	S156	Trujillo	Payment of Wages by Payroll Cards	Allows employers to deliver wages and salaries by payroll cards.	Committee
Comp	S	107		Eichenberg	Uniform Per Diem & Mileage	Makes per diem & mileage rates uniform for all public officers and employees.	Committee
Comp	S	156	H212	Griego	Payment of Wages by Payroll Cards	Allows employers to deliver wages and salaries by payroll cards.	Committee
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.	Committee
Comp	S	217		Sharer	Military Retirement Pay Tax Exemption	Provides a 100% income tax exemption for military retirement pay of retiree or surviving spouse.	Committee
Health	H	33	S38	Picraux	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.	Committee
Health	H	34		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).	Committee
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.	Committee
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 an independent non-government commission. All NM employers would pay.	Committee
Health	S	16		Feldman	Pharmacy Benefits Manager	Brings pharmacy benefits managers under state insurance regulations.	Committee
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.	Committee
Health	S	38	H33	Feldman	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.	Committee
Health	S	89		Munoz	Private Health Insurance Purchasing Coop Act	Provides for the creation of health insurance purchasing cooperatives among employers.	Committee
Health	S	90		Munoz	Health Insurance Access for Large Employees	Amends the Health Insurance Alliance Act to provide access for large employers, as well as small employers.	Committee
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.	Committee
Health	S	208		Feldman	Health Insurance Rate Increase Review	Provides for greater transparency and more stringent review of requests for health insurance premium rate increases through public hearing and judicial reviews.	Committee
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.	Committee
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.	Committee
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).	Committee
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.	Committee

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Subj	Leg	#	Dup	Sponsor	Name of Bill	Description	Status
Other	H	51		Varela	Exempt Employees and Personnel Board Authority	Places specific limits on numbers of exempt employees in cabinet departments and eliminates the Personnel Board's authority to exempt positions from the classified system.	Committee
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.	Committee
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.	Committee
Other	H	136		Cook	Additional Concealed Guns in Additional Places	Allows concealed weapons in schools, universities, buses, liquor establishments, state parks and recreational areas. Allows for multiple concealed weapons per person.	Committee
Other	H	160		Chavez	Public Records Availability and Procedures	Procedures for accessing public records must be available on-line, requests may be made electronically, and records must be made available in an electronic medium. Costs may be recouped and denials may also be made on-line.	Committee
Other	H	210		Ezell	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.	Committee
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 the vast expansion in number of exempt policy making positions and salaries during the previous administration.	Committee
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.	Committee
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.	Committee
Other	S	52		Fischmann	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.	Committee
Other	S	116		Rue	Emergency Medical Personnel Background Check	Requires criminal background checks for all persons providing emergency medical services.	Committee
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.	Committee
Reorg	H	29		Lundstrom	Create Commerce Dept.	Combines Tourism, Economic Development, & Workforce Solutions Depts. in to the new Commerce Department.	Committee
Reorg	H	54		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 CrimeStoppers, Mounted Patrol, DNA System Oversight. Sunsets Interoperability Planning Commission and State Emergency Response Commission and transfers functions to DPS.	Committee
Reorg	H	65		Varela	Transfer Workers' Comp Administration	Makes the Workers' Comp Administration a division of Workforce Solutions Dept.	Committee
Reorg	H	66		Varela	Transfers Depts. & Services to DFA	Moves State Personnel Office and the Purchasing Division of General Service Dept. under the 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.	Committee
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.	Committee

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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.	Committee
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.	Committee
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.	Committee
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.	Committee
Reorg	H	189		Park	Merge Aging and Human Services Departments	Merges the Aging and Long-Care Services Department with the Human Services Department	Committee
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.	Committee
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.	Committee
Reorg	H	230		Cravens	Merge HED with DFA	Makes the Higher Ed Dept. a division of Dept. of Finance & Administration.	Committee
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.	Committee
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.	Committee
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.	Committee
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.	Committee
Reorg	S	158		Lovejoy	Repeals Certain Boards & Commissions	Amends/repeals boards and commissions to conform to other government restructuring bills.	Committee
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.	Committee
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.	Committee

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Retire	H	18		Kintigh	Increase Legislative Retirement Contribution	Increases legislator contributions to PERA from \$500 to \$600 per service year.	Committee
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. Upon termination if less than 3 years, old pension is restored. If more than 3 years, pension is recalculated. Employers of retirees who returned to work before 7/1/2010 must now pay a contribution to PERA equal to the full actuarial value determined by PERA.	Committee
Retire	H	58		Stewart	Judicial Retirement Contributions	Calls for substantial employer contribution increases to Judicial and Magistrate Retirement funds that range from 2 to 3 times more than current rates depending on specific plan.	Committee
Retire	H	129		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).	Committee
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 (currently 10.9%).	Committee
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	Committee
Retire	H	146	S119	Madalena	Retirement Beneficiary Designation of Spouse	Upon death of a spouse who was a PERA or ERA beneficiary, surviving retiree may name a new spousal beneficiary upon remarriage.	Committee
Retire	S	43		Griego	Mutual Domestic Employees in PERA	Makes employees of mutual domestic water consumer associations eligible for PERA	Committee
Retire	S	87		Munoz	Public Employee Retirement Contributions	Incrementally but significantly increases employer and employee contributions 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.	Committee
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.	Committee
Retire	S	119	H146	Sapien	Retirement Beneficiary Designation of Spouse	Upon death of a spouse who was a PERA beneficiary, surviving retiree may name a new spousal beneficiary upon remarriage.	Committee
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.	Committee
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.	Committee
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.	Committee
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.	Committee
Retire	S	248		Ingle	Change Public Employee Contributions	This legislation makes permanent a 1.5% of pay increase in general member contributions to 8.92%; and adds an additional increase of 1.84% for a total of 10.76% for the period 7/1/11 to 6/30/12 after which it reverts back to 8.92%. The state contribution is permanently reduced to 15.09% with an additional reduction of 1.5% for the period 7/1/11 – 6/30/12. All other PERA plans are subject to similar changes. In effect, this makes the temporary changes of last year permanent and includes a 1 year increase beyond that.	Committee
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.	Committee
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.	Committee

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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.	Committee
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.	Committee
Rights	HJR	7		Espinosa	Defining Marriage	Constitutional amendment defining marriage as a union between one man and one woman.	Committee
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.	Committee
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.	Committee
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.	Committee
Rights	S	152		Martinez	Enforcement of Federal Immigration Laws	Prohibits NM law enforcement agencies use of state funds/equipment/resources for the purpose of detecting or apprehending illegal immigrants who have no other violations of the law.	Committee
Rights	SJR	4		Sharer	Marriage Defined	Constitutional Amendment to define marriage as a union between one man and one woman.	Committee
Train	H	8		Lujan	Development Training Programs	\$5 million for development training programs providing classroom and in-plant training for qualified labor pool for new or expanding businesses in NM.	Committee
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.	Committee
WC/UC	H	59		Stewart	Unemployment Contribution Temporary Schedule	In order to beef up the UC fund, schedule1 will be in effect from 1/1/2011 to 6/30/2011 and Schedule 2 will be in effect from 7/1/2011 to 12/31/2012. Size of increase will depend on fund reserves but increases will be substantial.	Committee
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.	Committee
WC/UC	S	263		Jennings	Drug Testing for Unemployment Comp	Persons must pass a drug test to qualify for unemployment benefits.	Committee
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.	Committee
WC/UC	S	279		Beffort	Suspend Unemployment Benefit Expansion	One year suspension of expanded eligibility and benefits and provides a new schedule.	Committee