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HOUSE BILL 461

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Ben Lujan

FOR THE PUBLIC EMPLOYEE BENEFITS OVERSIGHT SUBCOMMITTEE

AN ACT

RELATING TO THE LEGISLATURE; CREATING A JOINT INTERIM COMMITTEE FOR THE OVERSIGHT OF PUBLIC EMPLOYEE BENEFITS PROGRAMS AND FUNDS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. PUBLIC EMPLOYEE BENEFITS OVERSIGHT COMMITTEE CREATED.--There is created a joint interim legislative committee that shall be known as the "public employee benefits oversight committee". The committee shall function from the date of its appointment until the first day of December prior to the first session of the forty-ninth legislature.

Section 2. MEMBERSHIP--APPOINTMENT--VACANCIES.--

A. The public employee benefits oversight committee shall be composed of six members. Three members of the house of representatives shall be appointed by the speaker of the

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1 house of representatives and three members of the senate shall
2 be appointed by the committees' committee of the senate or, if
3 the appointments are made in the interim, by the president pro
4 tempore of the senate after consultation with and agreement of
5 a majority of the members of the committees' committee.

6 B. Members of the public employee benefits
7 oversight committee shall be appointed from each house so as to
8 give the two major political parties in each house the same
9 proportional representation on the committee as prevails in
10 each house; however, in no event shall either party have less
11 than one member from each house on the committee. Vacancies on
12 the committee shall be filled by appointment in the same manner
13 as the original appointments. The chair and vice chair of the
14 committee shall be appointed by the New Mexico legislative
15 council to serve for one interim. Appointments to the position
16 of chair shall alternate on an annual basis between the house
17 of representatives and the senate. The position of vice chair
18 shall always be from the chamber that does not hold the
19 position of chair.

20 C. No action shall be taken by the committee if a
21 majority of the total membership from either house on the
22 committee rejects such action.

23 Section 3. DUTIES.--

24 A. After its appointment, the public employee
25 benefits oversight committee shall hold one organizational

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1 meeting to develop a work plan and budget for the ensuing
2 interim.

3 B. In developing the work plan, the public employee
4 benefits oversight committee shall take into consideration the
5 public interest in ensuring that the benefits programs
6 administered by the retiree health care authority, the public
7 school insurance authority, Albuquerque public schools and the
8 state group benefits program are financially sound and are
9 efficiently providing adequate benefits to their members'
10 employees or retirees and their dependents. The committee
11 shall also review the status of funds and practices of
12 unemployment insurance, workers' compensation, public employees
13 retirement and educational retirement programs.

14 C. The public employee benefits oversight committee
15 shall solicit public input.

16 D. The work plan and budget shall be submitted to
17 the New Mexico legislative council for approval. Upon approval
18 of the work plan and budget by the council, the public employee
19 benefits oversight committee shall examine:

20 (1) the statutes, constitutional provisions,
21 regulations and court decisions governing the benefits plans
22 provided by the retiree health care authority, the public
23 school insurance authority, the state group benefits program,
24 the workers' compensation administration, the public employees
25 retirement association and the educational retirement board and

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1 the administration and delivery of unemployment insurance;

2 (2) the actuarial health of the funds
3 supporting the programs, the present and future costs of
4 maintaining the programs, the extent of any forecasted funding
5 deficit or surplus and the extent to which the legislature is
6 responsible for funding the programs, the reserves or
7 administration of the programs;

8 (3) the adequacy of the plans, policies,
9 delivery of services and administration; and

10 (4) with regard to the public employee,
11 educational employee and retiree benefit programs, whether
12 greater coordination and delivery of benefit plans with
13 increased similarity of components would provide greater
14 economies for employers and employees and in administration of
15 the programs.

16 Section 4. SUBCOMMITTEES.-- Subcommittees shall be
17 created only by majority vote of all members appointed to the
18 public employee benefits oversight committee and with the prior
19 approval of the New Mexico legislative council. A subcommittee
20 shall be composed of at least one member from the senate and
21 one member from the house of representatives, and at least one
22 member of the minority party shall be a member of the
23 subcommittee. All meetings and expenditures of a subcommittee
24 shall be approved by the full committee in advance of such
25 meeting or expenditure, and the approval shall be shown in the

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1 minutes of the committee.

2 Section 5. REPORT.--The public employee benefits
3 oversight committee shall make a report of its findings and
4 recommendations for the consideration of the legislature. The
5 report and suggested legislation shall be made available to the
6 New Mexico legislative council by December 15 of each interim.

7 Section 6. STAFF.--The staff for the public employee
8 benefits oversight committee shall be provided by the
9 legislative council service.

10 Section 7. APPROPRIATION.--Fifty thousand dollars
11 (\$50,000) is appropriated from legislative cash balances to the
12 legislative council service for expenditure in fiscal years
13 2006 and 2007 to pay for technical and legal assistance and for
14 necessary equipment and supplies used in carrying out the
15 provisions of this act and for reimbursing the per diem and
16 mileage expenses of the committee. Any unexpended or
17 unencumbered balance remaining at the end of fiscal year 2007
18 shall revert to legislative cash balances. Payments from the
19 appropriation shall be made upon vouchers signed by the
20 director of the legislative council service or the director's
21 authorized representative.

22 Section 8. EMERGENCY.--It is necessary for the public
23 peace, health and safety that this act take effect immediately.