

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 153

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO PUBLIC EMPLOYEES RETIREMENT; AMENDING A SECTION OF THE PUBLIC EMPLOYEES RETIREMENT ACT CONCERNING THE DISCLOSURE OF INFORMATION.

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

Section 1. Section 10-11-130 NMSA 1978 (being Laws 1987, Chapter 253, Section 130, as amended) is amended to read:

"10-11-130. RETIREMENT BOARD-- AUTHORITY-- MEMBERSHIP. --

A. The "retirement board" is [~~hereby~~] created and [~~shall be~~] is the trustee of the association and the funds created by the state retirement system acts and [~~shall have~~] has all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the state retirement system acts, including, in addition to any specific powers provided for in the Public Employees Retirement Act but

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 without limiting the generality of the foregoing, the power
2 to:

3 (1) ~~to~~ administer the state retirement
4 system acts, including the management of the association and
5 making effective the provisions of those acts, as well as to
6 administer and manage ~~any~~ other employee benefit acts as
7 provided by law;

8 (2) in addition to utilizing services of the
9 attorney general and notwithstanding any other provision of
10 law, ~~to~~ employ or contract with and compensate competent
11 legal counsel to handle the legal matters and litigation of
12 the retirement board and the association and to give advice
13 and counsel in regard to any matter connected with the duties
14 of the retirement board;

15 (3) ~~to~~ administer oaths;

16 (4) ~~to~~ adopt and use a seal for
17 authentication of records, processes and proceedings;

18 (5) ~~to~~ create and maintain records relating
19 to all members, affiliated public employers and all activities
20 and duties required of the retirement board;

21 (6) ~~to~~ issue subpoenas and compel the
22 production of evidence and attendance of witnesses in
23 connection with ~~any~~ hearings or proceedings of the
24 retirement board;

25 (7) ~~to~~ make and execute contracts;

underscored material = new
[bracketed material] = delete

1 (8) ~~to~~ purchase, acquire or hold land
2 adjacent to the state capitol grounds or other suitable
3 location and build thereon a building to house the association
4 and its employees and, in the event additional office space is
5 available in the building after the retirement board and its
6 employees have been housed, to rent or lease the additional
7 space to ~~any~~ a public agency or private person; provided
8 that first priority for the rental or leasing shall be to
9 public agencies and further provided that for the purpose of
10 purchasing, acquiring or holding the land and the building
11 thereon, the retirement board may use funds from the income
12 fund and ~~any~~ other funds controlled by the retirement board
13 the use of which for such purposes is not prohibited by law;

14 (9) ~~to~~ make and adopt such reasonable rules
15 ~~and regulations~~ as may be necessary or convenient to carry
16 out the duties of the retirement board and activities of the
17 association, including ~~any~~ rules ~~and regulations~~ necessary
18 to preserve the status of the association as a qualified
19 pension plan under the provisions of the Internal Revenue Code
20 of 1986, as amended, or under successor or related provisions
21 of law; and

22 (10) ~~to~~ designate committees and ~~to~~
23 designate committee members, including individuals who may not
24 be members of the association.

25 B. The retirement board ~~shall consist~~ consists

underscored material = new
[bracketed material] = delete

1 of:

2 (1) the secretary of state;

3 (2) the state treasurer;

4 (3) four members under a state coverage plan
5 to be elected by the members under state coverage plans;

6 (4) four members under a municipal coverage
7 plan to be elected by the members under municipal coverage
8 plans, provided one member shall be a municipal member
9 employed by a county; and

10 (5) two retired members to be elected by the
11 retired members of the association.

12 C. The results of elections of elected members of
13 the retirement board shall be certified at the annual meeting
14 of the association. Elections shall be conducted according to
15 rules [~~and regulations~~] the retirement board [~~shall~~] adopts
16 from time to time [~~adopt~~].

17 D. The regular term of office of the elected
18 members of the retirement board [~~shall be~~] is four years. The
19 term of one retirement board member under a state coverage
20 plan [~~shall expire~~] expires annually on December 31. The
21 terms of retirement board members under a municipal coverage
22 plan [~~shall~~] expire on December 31 of noncoinciding years in
23 the pattern set by the retirement board. Members of the
24 retirement board shall serve until their successors have
25 qualified.

underscored material = new
[bracketed material] = delete

1 E. A member elected to the retirement board who
2 fails to attend four consecutively scheduled meetings of the
3 retirement board, unless in each case excused for cause by the
4 retirement board members in attendance, [~~shall be~~] is
5 considered to have resigned from the retirement board, and the
6 retirement board shall by resolution declare the office
7 vacated as of the date of adoption of the resolution. A
8 vacancy occurring on the retirement board, except in the case
9 of an elected official, shall be filled by the remaining
10 retirement board members, without requirement that a quorum be
11 present. The member appointed to fill the vacancy shall serve
12 for the remainder of the vacated term.

13 F. Members of the retirement board shall serve
14 without [~~additional~~] salary for their services as retirement
15 board members, but they shall receive [~~as their sole~~
16 ~~remuneration for services as members of the retirement board~~]
17 those amounts authorized under the Per Diem and Mileage Act.

18 G. The retirement board shall hold four regular
19 meetings each year and shall designate in advance the time and
20 place of the meetings. Special meetings and emergency
21 meetings of the retirement board may be held upon the call of
22 the chairman or any three members of the retirement board.
23 Written notice of special meetings shall be sent to each
24 member of the retirement board at least seventy-two hours in
25 advance of the special meeting. Verbal notice of emergency

underscored material = new
[bracketed material] = delete

1 meetings shall be given to as many members as is feasible at
2 least eight hours before the emergency meeting, and the
3 meeting shall commence with a statement of the nature of the
4 emergency. The retirement board shall adopt its own rules of
5 procedure and shall keep a record of its proceedings. All
6 meetings of the retirement board shall comply with the Open
7 Meetings Act. A majority of retirement board members shall
8 constitute a quorum. Each attending member of the retirement
9 board is entitled to one vote on each question before the
10 retirement board, and at least a majority of a quorum shall be
11 necessary for a decision by the retirement board.

12 H. Annual meetings of the members of the
13 association shall be held in Santa Fe at such time and place
14 as the retirement board shall from time to time determine.
15 Special meetings of the members of the association shall be
16 held in Santa Fe upon the call of any seven retirement board
17 members. The retirement board shall send a written notice to
18 the last known residence address of each member currently
19 employed by an affiliated public employer at least ten days
20 prior to any meeting of the members of the association. The
21 notice shall contain the call of the meeting and the principal
22 purpose of the meeting. All meetings of the association shall
23 be public and shall be conducted according to procedures the
24 retirement board shall from time to time adopt. The
25 retirement board shall keep a record of the proceedings of

underscored material = new
[bracketed material] = delete

1 each meeting of the association.

2 I. Neither the retirement board nor the
3 association shall allow public inspection of, or disclosure
4 of, information from ~~[any]~~ a member or ~~[retiree]~~ retired
5 member file unless a prior release and consent, in the form
6 prescribed by the association, has been executed by the member
7 or ~~[retiree]~~ retired member; except that applicable coverage
8 plans, amounts of retirement plan contributions made by
9 members and affiliated public employers and pension amounts
10 paid ~~[and the]~~ may be produced or disclosed without release or
11 consent. The names and addresses of ~~[public employees~~
12 ~~retirement]~~ association members or ~~[retirees requested for~~
13 ~~election purposes by candidates for election to the retirement~~
14 ~~board]~~ retired members may be produced or disclosed without
15 the release or consent of the member or retired member to
16 candidates for election to the retirement board for election
17 purposes or to a nonprofit retirement organization for that
18 organization's exclusive use if the association is currently
19 withholding a dues deduction for that organization.
20 Information disclosed without the release or consent of the
21 member or retired member pursuant to this subsection shall not
22 be distributed or used for commercial purposes. "