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FISCAL IMPACT REPORT

ORIGINAL DATE 2/13/06

SPONSOR Tsosie LAST UPDATED _____ HB _____

SHORT TITLE PUBLIC EMPLOYEE RETIREMENT STUDY SB SJM 61

ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	None		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Senate Joint Memorial 61 requests legislative council assign an appropriate interim committee to determine the feasibility, including costs and benefits, of including tribal law enforcement, tribal fire departments and other tribal first responder agencies as public employers in the Public Employees Retirement Association and that copies of this memorial be transmitted to the governors of the nineteen pueblos in New Mexico, the president of the Navajo Nation, the president of the Jicarilla Apache Nation, the president of the Mescalero Apache Tribe, the executive director of the Public Employees Retirement Association and the co-chairs of the New Mexico legislative council.

Conditions described in SJM61 makes the following points:

- tribal governments are not included as public employers qualified to join the Public Employees Retirement Association
- tribal public safety officers are not employees who are included in the Public Employees Retirement Act
- tribal public safety operations have become a training ground for individuals because higher net pay from state or local police or firefighting agencies that do provide benefits through the Public Employees Retirement Act lure tribal public safety officers away from tribal employment
- the inequity of pay and benefits impacts every tribal community's ability to recruit and retain first responders, and also has an impact on the morale of tribal community law

enforcement officers, firefighters and other first responders who respond immediately to state and local needs on a regular basis through established mutual aid agreements

- tribal first responders work shoulder-to-shoulder with state and local responders in the harshest of conditions and perform the same duties but do not enjoy the same benefits, such as the retirement program that state law enforcement officers enjoy through membership in the public employees retirement association
- allowing tribal police, firefighters and other first responders to be included in the public employees retirement association programs would encourage employees to remain employed by tribes and give the tribes a fighting chance to recruit and compete for these employees
- state law would have to be changed to permit tribal law enforcement departments, fire departments and emergency medical services to join the public employees retirement association
- in 2004, the state of Arizona adopted legislation allowing tribal law enforcement departments to participate in its state public safety personnel retirement system
- the Arizona legislation has benefited not only tribal public service personnel, but the state of Arizona as well, by ensuring that there are law enforcement, firefighting and emergency medical services personnel in the most rural and remote areas of the state;

MW/yr