

LFC Requester:	Joseph Simon
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 29 Jan 2025 *Check all that apply:*
Bill Number: SB 173 Original Correction
 Amendment Substitute

Sponsor:	David Gallegos, Antonio	Agency Name and Code	790 – Department of Public Safety
Short Title:	Maestas and Joshua Hernandez	Number:	
	Telecommunication as Police in PERA	Person Writing	Travis Skinner
		Phone: (505) 819-	Email: Travis.skinner@dps.n

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0.0	\$0.0	Recurring	General Fund

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$26.0	\$26.0	\$52.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Amends the Public Employees Retirement Act to include public safety telecommunicators, whether employees of the state or affiliated public employers other than the state, under the benefits of the retirement act.

Requires the PERA retirement board to conduct two elections: one for municipal police members currently contributing under a municipal general member coverage plan on whether to adopt municipal police member coverage plan 5; the other for state police members currently contributing under state general member coverage plan 3 on whether to adopt state public safety member coverage plan 1. Results must be certified to the Secretary of State by January 1, 2026.

FISCAL IMPLICATIONS

The New Mexico Department of Public Safety (NMDPS) has 80.0 authorized dispatcher positions that are eligible to participate in this election. If approved, they will move from Public Employee Retirement Association's (PERA) State General Plan 3 to the State Police & Adult Correctional Officer Plan as well as the New Mexico Retiree Health Care Association's (NMRHCA) Regular Plan to the Enhanced Plan at the current employer contribution rates:

Status	Plan	521200 PERA	521300 Social Security	521700 RHCA	Total
Current	State Plan 3	19.24%	7.65%	2.00%	28.89%
Proposed	State Police Plan	25.50%	1.45%	2.50%	29.45%
Difference		6.26%	-6.20%	0.50%	0.56%
Increase or (Decrease)		\$ 290,144	\$ (287,363)	\$ 23,174	\$ 25,955

SIGNIFICANT ISSUES

DPS identifies potential consequences of this bill's passage that may create concerns about contributions, overtime pay, and social security benefits.

If the telecommunicators (dispatchers) are added to the State Police member, correctional office member, and probation and parole member pay plan it would require telecommunications to operate on a modified 7(k) plan of eighty-three (83) hours at straight time with subsequent overtime hours worked paid at one and one-half times the hourly rate for officers and sergeants during the State of New Mexico's fourteen-calendar day pay period. The 81st, 82nd and 83rd hours worked in a pay period are overtime paid at straight time and are coded to SHARE HCM Time Reporting Code and are charged to SHARE Financial account 520300-Perm. The 84th hour onward is charged to 520700-Overtime.

As dispatchers would be moving to this federally recognized enhanced plan group, they would now become subject to the agency's modified 7(k) plan. Dispatchers are currently on a 40-hour week (Saturday to Friday) and are eligible for overtime at one and one-half times the hourly rate starting with the 41st hour worked in each seven-day period.

PERFORMANCE IMPLICATIONS

The intent of SB173 to include public safety telecommunicators under police member coverage plans is commendable in recognizing their critical role in emergency response. However, while the bill seeks to align

telecommunicator benefits with those of other public safety personnel, it does not account for the disparity in job duties, training, and physical risks faced by sworn officers compared to telecommunicators. This creates an equity imbalance that could impact workforce morale and operational cohesion. Given the significant operational and administrative challenges posed by SB173, as well as the potential negative impact on NMSP's ability to maintain and enhance public safety, we recommend against supporting this legislation. The burdens far outweigh the proposed benefits, and alternative approaches should be considered to recognize the vital contributions of public safety telecommunicators without compromising the mission and effectiveness of law enforcement agencies.

In addition, as an alternative, the state should consider providing targeted funding to cover the expenses associated with designing and implementing a new retirement plan or benefits package specifically tailored for telecommunicators. This would ensure that they receive appropriate compensation for their crucial role in public safety while addressing any disparities in benefits compared to other state employees.

ADMINISTRATIVE IMPLICATIONS

In addition, the new plan would require telecommunicators (dispatchers) to participate in Medicare only which means that they would no longer be eligible for social security benefits.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None to DPS.

TECHNICAL ISSUES

None to DPS.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain and all telecommunicators will remain in State Plan 3 retirement and will continue to have Medicaid and social security deducted and will remain the retiree healthcare plan.

AMENDMENTS

None proposed by DPS.