

NOTICE OF PERA RULEMAKING

The Public Employees Retirement Association (“PERA”) will consider changes to its rules promulgated under the Public Employees Retirement Act (“PERA Act”). Changes are proposed for the following rules:

1. Rule 2.80.100.7 “GENERAL PROVISIONS” -Definitions Paragraph (M), Paragraph (Q)

Rule 100 would add definitions for “Adult probation and parole officer member” and “Juvenile probation and parole officer member”. The proposed changes would revise the definition of salary for purposes of inclusion of certain overtime paid for public safety members consistent with the Fair Labor Standards Act. The rule would be reformatted as necessary.

2. Rule 2.80.200.50 “COMMITTEES”-Standing Governance Committee

The proposed changes would create a standing Governance Committee of the PERA Board and require that committee members adhere to the New Mexico Governmental Conduct Act. The rule would be reformatted as necessary.

3. Rule 2.80.200.80 NMAC “ELECTIONS”- Electronic Signatures on Nominating Petitions

The proposed changes would allow use of electronic signatures and electronic submission of nominating petitions. The rule would be reformatted as necessary.

4. Rule 2.80.1800 “EXECUTIVE DIRECTOR”-General Provisions

The proposed changes would clarify the authority of the Executive Director. The rule would also require that the Executive Director adhere to the New Mexico Governmental Conduct Act. The rule would be reformatted as necessary.

5. Rule 2.80.2100 “MEMBER CONTRIBUTIONS”-1099s For Representatives of Deceased Members

The proposed changes would allow for representatives of a deceased PERA member, upon submitting a notarized affidavit, to receive a Form 1099-R for the limited purpose of filing taxes for the deceased member. The rule would be reformatted as necessary.

A formal rulemaking hearing will be held on November 9, 2021, at 9:00 a.m. in the Fabian Chavez Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico. The rulemaking hearing will also be accessible through Zoom. The Zoom access link will be published on PERA’s website listed below prior to the hearing. Oral comments will be taken at the public hearing. Final action on the rules will occur at the November 2021 monthly meeting of the PERA Board which may be held in the Fabian Chavez Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico at a date and time specified in the Board’s Public Meeting Notice. The purpose of the rulemaking hearing is to obtain public input on the proposed amendments to the above-referenced rules. The public hearing allows members of the public an opportunity to submit data, testimony, and arguments on the proposed rule changes.

The purpose of the proposed rule changes is to conform with amendments made to the PERA Act in the 2021 legislative session and to facilitate PERA’s administrative duties.

The authority for the proposed rule changes is NMSA 1978, Section 10-11-130 of the PERA Act and Rule 20.80.200.10 NMAC, which authorize the adoption and promulgation of rules and regulations necessary to carry out the purposes of the PERA Act.

Copies of the draft rules are available in PERA's Office of General Counsel. Written comments, inquiries or requests for copies should be directed to Laura Archuleta at PERA's Office of General Counsel, P.O. Box 2123, Santa Fe, New Mexico, 87504-2123, (505) 476-9306 or laurae.archuleta2@state.nm.us or 1-800-342-3422. Written comments should be submitted by the close of business on November 9, 2021. The full text of the proposed rule changes, as well as the Zoom access link for the public hearing, can be found here: <https://www.nmpera.org/>.

Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Trish Winter at 505-476-9305 or patriciab.winter@state.nm.us at least one week prior to the public hearing, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Ms. Winter if a summary or other type of accessible format is needed.