

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 rule:

1. Rule 2.80.200 - Organization and Operation of the Public Employees Retirement Board;

The proposed amendments provide factors that would disqualify a person from eligibility to be a candidate in an election of the PERA Board (Board), to clarify that appointed Board members meet the same eligibility requirements as elected Board members, and to outline the vacancy procedure if a Board member is removed from the Board. The proposed amendments ensure consistent use of language and also codify the existing practice that PERA members can only vote in the Board election for their designated membership group. The proposed amendments provide that certain powers that are currently exercised by the election committee shall be exercised by the Board and delegate to the election committee the discretion to make certain recommendations to the Board. The amendments also clarify that in the event of a vacancy on the Board, a quorum of the remaining members is required to appoint an individual to fill that vacancy, and provide the Board with flexibility to fill a Board vacancy at a special board meeting. The rule is reformatted as necessary.

The purpose of the proposed rule changes would be to disqualify candidates for election or appointment to a Board Member position if a candidate has previously served on the Board and has been subject to three or more formal disciplinary actions or has been previously removed from the Board. The purpose of the remaining changes are to update the PERA Board election procedures to align with the new eligibility requirements, to ensure the Board has adequate authority to efficiently fill vacancies and administer elections, to ensure that the Board has the authority to make final determinations regarding election decisions while maintaining an advisory role for the election committee, and to clarify language that currently exists in rule.

A formal rulemaking hearing will be held on January 9, 2024, at 9:00 a.m. in the Fabian Chavez Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico, 87507. 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 January 25, 2024 Board meeting of the PERA Board which will 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 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 authorizes the adoption and promulgation of rules and regulations necessary to carry out the purposes of the PERA Act and additionally provides that elections shall be conducted according to rules the retirement board adopts from time to time.

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 Geraldine Garduno at PERA’s Office of General Counsel, 33 Plaza La Prensa, Santa Fe, N.M., 87507, or geraldine.garduno@pera.nm.gov or 505-476-9351. Written comments should be submitted by the close of business on January 9, 2024. 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/about/rule-proposal/>.

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 Patricia Winter at 505-795-0712 or patriciab.winter@pera.nm.gov 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.