



*VISION: Celebrating Our History, Securing Our Future*

**ERB LEGISLATION TIMELINE, 2005 - 2022**  
**UNM RETIREE ASSOCIATION, LEGISLATIVE COMMITTEE, APRIL 2022**

<b>2005 SB 181</b>	Increase Employer & Employee Contributions
<b>2009 HB 573</b>	Effective July 1, 2010. Change retirement eligibility for new members to a minimum of 30 years of service; Increase the age of 65 to 67 to qualify for eligibility with five years of service; Increase the early retirement provision of the “Rule of 75”, which is the combination of age and service equaling at least 75 or more, to the “Rule of 80;” Apply the benefit reductions for retiring with less than 30 years of service, as follows: 0.6% per quarter prior to age 65 and 1.8% reduction per quarter prior to age 60; Cap the size of salary increases used to calculate the pension benefit by excluding year to year increases over 35 percent and excludes lump sum payments for accrued sick leave or annual leave after July 1, 2009 from calculation of the five-year average salary; 8. Revise the purchase of service credit for military time by allowing a member to purchase up to five years of service credit after five years of service and changes RTW rules and sunsets RTW in 2022.
<b>2010 SB 91</b>	Change Employee & Employer Contributions July 1, 2006, thru 2013 and for subsequent years.
<b>2011 HB 628</b>	Extends the two-year 1.5 percent contribution shift implemented for FY10 and FY11 from the employer to the employee for those employees making more than \$20,000 another two years (FY12 and FY13); Makes a one-year contribution shift of 1.75 percent from the employer rate to the employee rate for those making more than \$20,000 for FY12; and delays the two remaining 0.75 percent increases for ERB, currently scheduled for FY12 and FY13, to FY14 and FY15.
<b>2011 HB 129</b>	Changes pension contribution requirements for (RTW) ERB/PERA employees.
<b>2013 SB 115</b>	Immediately reduced COLA until 100% funded; a 10% COLA reduction for retirees at or below the median and with 25 or more years’ service receive an average 1.85% COLA, all other retirees have a 20% reduction with an average 1.64% COLA; COLA begins at 67 instead of 65; employee contribution rate from 7.9% to 10.1% than to 10.7%; employer contribution rate from 11.65% to 13.9% and minimum retirement age of 55. (Goal - fully funded by 2043.)
<b>December 2013</b>	The Supreme Court of New Mexico, in <i>Bartlett v. Cameron</i> , 2014-NMSC-002, rejected the claims of certain retired teachers, professors and other public education employees challenging the state constitutionality of Senate Bill 115 to the extent that it reduces the future amounts that all education retirees might receive

	as an annual COLA. The court held that Article XX Section 22 of the State Constitution did not grant the retirees a right to an annual COLA based on the formula in effect on the date of their retirement. The court held that any future COLA to a retirement benefit is merely a year-to-year expectation that, until paid, does not create a property right under the State Constitution. Once paid, the COLA by statute becomes part of the retirement benefit and a property right subject to those constitutional protections.
<b>2019 SB 157</b>	Up to 1 year of earned service credit may be purchased by the member and credited to an active member’s accumulated years of service. (Not all members earn sick leave.)
<b>2019 HB 360</b>	Tiered multipliers for every 10 years of service; employer contribution rate increased to 14.15% (.25% increase amended from 1% for 3 years); anti-spiking; Increases the annual salary threshold for the maximum employee contribution of 10.7 percent from \$20 thousand to \$24 thousand; RTW rules and minimum retirement age of 58. (The 1.5% contribution swap of 2009 HB 854 was challenged in court by AFT and awarded \$248.3 million. The money was never allocated to the ERB fund. SB 360 requested funds but was eliminated from bill.) Goal – fully funded by 2049.)
<b>2020 HB 46</b>	Increase ERB Contributions from State – Tabled in HAFC on 2/8/20
<b>2020 SB 111</b>	Reverses SB 360 legislation for Return To Work.
<b>2021 SB 42aa</b>	Increases Employer/State contribution rate for 2023 & 2024 by 1% and ERB Solvency Report mandated. Extends 2022 RTW Sunset Law until 2024.
<b>2021 SB 303</b>	Increases ERB Board Membership Representation from 7 to nine members - AFT & Secretary of Higher Education now have representation.
<b>2022 SB 36</b>	Increases employer contributions to the educational retirement fund by an additional 1 percentage point in FY23 and by 1 percentage point in FY24, raising the rate for FY23 from 16.15 percent of salary to 17.15 percent of salary and raising the rate for FY24 and subsequent years the rate would be raised to 18.15 percent. The bill would also increase employer contributions to the educational retirement fund for employees participating in the alternative retirement program.
<b>2022 HB 73a</b>	Requires a 90-day layout but ERB members are limited to 36 months of additional services. It will be revisited in 2024 when RTW is due to sunset.

**Employee Contributions for years**

<b>July 1, 2005 – June 30, 2006</b>	<b>July 1, 2006 – June 30, 2013</b>	<b>July 1, 2012 – June 30, 2013</b>	<b>July 1, 2013 – July 1 2022</b>
7.6%	7.675% '06, 7.75% '07, 7.825 '08, 7.9% '09, 9.4% '10, 9.4% '11	9.65% '12, 11.15% '13	10.1% '14, 10.7% '15 until present

**Employer Contributions for years**

<b>June 30, 2005 – June 1, 2011</b>	<b>July 1, 2012 – June 30, 2021</b>	<b>July 1, 2021 – June 30, 2022</b>	<b>July 1, 2022 – June 30, 2023</b>	<b>July 1, 2023 - June 30, 2024</b>	
8.65% '05, 9.40% '06, 10.15% '07, 10.90% '08, 11.65% '09, 12.4% '10, 13.15% '11	13.9% and HB 360 increases to 14.15%	15.15%	17.15	18.15%	

**Cost of Living Adjustment (COLA) with 20% reduction due to SB 115 enacted in 2013**

<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
1.20%	1.28%	0.08%	1.04%	1.60%	1.80%	1.60%	0.96
<b>2022</b>	<b>2023</b>						
1.84							

**ERB Tiers: Tier I** – Membership prior to July 1, 2010; **Tier II** – Membership on or after July 1, 2010, but prior to July 1, 2013 - (HB 573); **Tier III** – Membership on or after July 1, 2013, but prior to July 1, 2019 - (SB 115) and **Tier IV** – Membership on or after July 1, 2019 - (HB 360).