

AN ACT

RELATING TO STATE POLICE RETIREMENT; PROVIDING FOR A
DEFERRED RETIREMENT OPTION PLAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Employees
Retirement Act is enacted to read:

"STATE POLICE RETIREMENT--DEFERRED RETIREMENT OPTION
PLAN.--

A. A state police member who is eligible to
retire pursuant to Subsection G of Section 10-11-28 NMSA
1978 but remains an officer of the New Mexico state police
may make an irrevocable election with the association to
participate in a deferred retirement option plan. The
election shall be made on a form prescribed by the executive
director and shall specify the period for which the state
police member agrees to participate in the plan; provided
that the period shall be in annual increments and shall not
be more than five years.

B. During the period a state police member
participates in a deferred retirement option plan:

(1) the member shall continue to make
contributions to the member contribution fund;

(2) the state shall continue to make
contributions to the employers' accumulation fund;

(3) no additional service credit shall be
accredited; and

(4) every month, the executive director

shall credit to a deferred retirement option account, created for the state police member within the retirement reserve fund, an amount equal to the retirement benefit that the state police member would have received that month if the state police member had retired at the time of making the election under Subsection A of this section.

C. Any salary paid to a state police member while participating in a deferred retirement option plan shall be excluded when calculating the member's final average annual salary pursuant to Section 10-11-30 NMSA 1978.

D. A state police member terminates participation in a deferred retirement option plan by:

- (1) retirement;
- (2) death; or
- (3) expiration of the period for which the

state police member elected to participate in the plan.

E. Upon the death of a state police member while participating in a deferred retirement option plan or after participation but before retirement, the member's refund beneficiary shall be paid the total amount credited to the member's deferred retirement option account plus interest at the rate set by the retirement board.

F. Upon retirement pursuant to the Public Employees Retirement Act, a state police member who participated in a deferred retirement option plan shall be paid the total amount credited to the member's deferred retirement option account plus interest at the rate set by

