

1 SENATE BILL 27

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 George K. Munoz and Luciano "Lucky" Varela

5
6
7
8 ENDORSED BY THE INVESTMENTS AND PENSIONS OVERSIGHT COMMITTEE

9
10 AN ACT

11 RELATING TO PENSIONS; AMENDING THE PUBLIC EMPLOYEES RETIREMENT
12 ACT; REDUCING THE COST-OF-LIVING ADJUSTMENTS FOR ALL RETIREES;
13 DELAYING THE COST-OF-LIVING ADJUSTMENT FOR CERTAIN FUTURE
14 RETIREES; SUSPENDING THE COST-OF-LIVING ADJUSTMENTS FOR CERTAIN
15 RETURN-TO-WORK RETIREES; PROVIDING FOR AN INCREASE IN EMPLOYEE
16 AND EMPLOYER CONTRIBUTIONS; CLARIFYING DEFINITIONS; PROVIDING
17 THAT MUNICIPAL EMPLOYERS WILL NOT PAY ANY PORTION OF THE ONE
18 AND ONE-HALF PERCENT INCREASE IN EMPLOYEE CONTRIBUTIONS
19 EFFECTIVE JULY 1, 2013 WITHOUT PASSING A RESOLUTION OR
20 EXECUTING A COLLECTIVE BARGAINING AGREEMENT; PROVIDING THAT
21 MUNICIPALITIES MAY BY SUBSEQUENT RESOLUTION OR AGREEMENT ELECT
22 TO PAY A PORTION OF EMPLOYEE CONTRIBUTION INCREASES THAT MAY
23 OCCUR AFTER JULY 1, 2013; CLARIFYING HOW SERVICE CREDIT EARNED
24 UNDER MULTIPLE COVERAGE PLANS WILL BE CALCULATED; CHANGING THE
25 BENEFITS FOR MEMBERS INITIALLY EMPLOYED AFTER JUNE 30, 2013 BY

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material]~~ = delete

1 REDUCING THE MULTIPLIER AND INCREASING THE NUMBER OF YEARS USED
2 TO CALCULATE THE FINAL AVERAGE SALARY, INCREASING THE VESTING
3 PERIOD, INCREASING AGE AND SERVICE REQUIREMENTS FOR NORMAL
4 RETIREMENT AND INCREASING THE MAXIMUM PENSION BENEFIT; LIMITING
5 PLAN ENHANCEMENTS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME
6 SECTION OF LAW IN LAWS 2003; AMENDING, REPEALING AND ENACTING
7 SECTIONS OF THE NMSA 1978.

8

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

10 SECTION 1. Section 10-11-2 NMSA 1978 (being Laws 1987,
11 Chapter 253, Section 2, as amended) is amended to read:

12 "10-11-2. DEFINITIONS.--As used in the Public Employees
13 Retirement Act:

14 A. "accumulated member contributions" means the
15 amounts deducted from the salary of a member and credited to
16 the member's individual account, together with interest, if
17 any, credited to that account;

18 B. "affiliated public employer" means the state and
19 any public employer affiliated with the association as provided
20 in the Public Employees Retirement Act, but does not include an
21 employer pursuant to the Magistrate Retirement Act, the
22 Judicial Retirement Act or the Educational Retirement Act;

23 C. "association" means the public employees
24 retirement association established under the Public Employees
25 Retirement Act;

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

1 D. "disability retired member" means a retired
2 member who is receiving a pension pursuant to the disability
3 retirement provisions of the Public Employees Retirement Act;

4 E. "disability retirement pension" means the
5 pension paid pursuant to the disability retirement provisions
6 of the Public Employees Retirement Act;

7 F. "educational retirement system" means that
8 retirement system provided for in the Educational Retirement
9 Act;

10 G. "employee" means any employee of an affiliated
11 public employer;

12 H. "federal social security program" means that
13 program or those programs created and administered pursuant to
14 the act of congress approved August 14, 1935, Chapter 531, 49
15 Stat. 620, as that act may be amended;

16 I. "final average salary" means the final average
17 salary calculated in accordance with the provisions of the
18 applicable coverage plan;

19 J. "form of payment" means the applicable form of
20 payment of a pension provided for in Section 10-11-117 NMSA
21 1978;

22 K. "former member" means a person who was
23 previously employed by an affiliated public employer, who has
24 terminated that employment and who has received a refund of
25 member contributions;

.190837.3SA

underscored material = new
[bracketed material] = delete

1 L. "fund" means the funds included under the Public
2 Employees Retirement Act;

3 M. "member" means a currently employed,
4 contributing employee of an affiliated public employer, or a
5 person who has been but is not currently employed by an
6 affiliated public employer, who has not retired and who has not
7 received a refund of member contributions; "member" also
8 includes the following:

9 (1) "adult correctional officer member" means
10 a member who is employed as an adult correctional officer or an
11 adult correctional officer specialist [~~employed~~] by a state
12 correctional facility of the corrections department or its
13 successor agency;

14 [~~(2) "hazardous duty member" means a member~~
15 ~~who is a juvenile correctional officer employed by the~~
16 ~~children, youth and families department or its successor~~
17 ~~agency;~~]

18 (2) "juvenile correctional officer member"
19 means a member who is employed as a juvenile correctional
20 officer by the children, youth and families department or its
21 successor agency;

22 (3) "municipal detention officer member" means
23 a member who is employed by an affiliated public employer other
24 than the state and who has inmate custodial responsibilities at
25 a facility used for the confinement of persons charged with or

.190837.3SA

underscored material = new
~~[bracketed material] = delete~~

1 convicted of a violation of a law or ordinance;

2 (4) "municipal fire member" means any member
3 who is employed as a full-time nonvolunteer firefighter by an
4 affiliated public employer and who has taken the oath
5 prescribed for firefighters;

6 (5) "municipal police member" means any member
7 who is employed as a police officer by an affiliated public
8 employer, other than the state, and who has taken the oath
9 prescribed for police officers; and

10 (6) "state police member" means any member who
11 is an officer of the New Mexico state police and who has taken
12 the oath prescribed for such officers;

13 N. "membership" means membership in the
14 association;

15 O. "pension" means a series of monthly payments to
16 a retired member or survivor beneficiary as provided in the
17 Public Employees Retirement Act;

18 P. "public employer" means the state, any
19 municipality, city, county, metropolitan arroyo flood control
20 authority, economic development district, regional housing
21 authority, soil and water conservation district, entity created
22 pursuant to a joint powers agreement, council of government,
23 conservancy district, irrigation district, water and sanitation
24 district, water district and metropolitan water board,
25 including the boards, departments, bureaus and agencies of a

.190837.3SA

1 public employer, so long as these entities fall within the
2 meaning of governmental plan as that term is used in Section
3 414(d) of the Internal Revenue Code of 1986, as amended;

4 Q. "refund beneficiary" means a person designated
5 by the member, in writing, in the form prescribed by the
6 association, as the person who would be refunded the member's
7 accumulated member contributions payable if the member dies and
8 no survivor pension is payable or who would receive the
9 difference between pension paid and accumulated member
10 contributions if the retired member dies before receiving in
11 pension payments the amount of the accumulated member
12 contributions;

13 R. "retire" means to:

14 (1) terminate employment with all employers
15 covered by any state system or the educational retirement
16 system; and

17 (2) receive a pension from a state system or
18 the educational retirement system;

19 S. "retired member" means a person who has met all
20 requirements for retirement and who is receiving a pension from
21 the fund;

22 T. "retirement board" means the retirement board
23 provided for in the Public Employees Retirement Act;

24 U. "salary" means the base salary or wages paid a
25 member, including longevity pay, for personal services rendered

underscoring material = new
~~[bracketed material] = delete~~

1 an affiliated public employer. "Salary" shall not include
2 overtime pay, allowances for housing, clothing, equipment or
3 travel, payments for unused sick leave, unless the unused sick
4 leave payment is made through continuation of the member on the
5 regular payroll for the period represented by that payment, and
6 any other form of remuneration not specifically designated by
7 law as included in salary for Public Employees Retirement Act
8 purposes. Salary in excess of the limitations set forth in
9 Section 401(a) (17) of the Internal Revenue Code of 1986, as
10 amended, shall be disregarded. The limitation on compensation
11 for eligible employees shall not be less than the amount that
12 was allowed to be taken into account under the state retirement
13 system acts in effect on July 1, 1993. For purposes of this
14 subsection, "eligible employee" means an individual who was a
15 member of a state system before the first plan year beginning
16 after December 31, 1995;

17 V. "state system" means the retirement programs
18 provided for in the Public Employees Retirement Act, the
19 Magistrate Retirement Act and the Judicial Retirement Act;

20 W. "state retirement system acts" means
21 collectively the Public Employees Retirement Act, the
22 Magistrate Retirement Act, the Judicial Retirement Act and the
23 Volunteer Firefighters Retirement Act; and

24 X. "survivor beneficiary" means a person who
25 receives a pension or who has been designated to be paid a

.190837.3SA

underscoring material = new
[bracketed material] = delete

1 pension as a result of the death of a member or retired
2 member."

3 SECTION 2. Section 10-11-4 NMSA 1978 (being Laws 1987,
4 Chapter 253, Section 4, as amended) is amended to read:

5 "10-11-4. SERVICE CREDIT--REQUIREMENTS FOR--FORFEITURE--
6 REINSTATEMENT.--

7 A. Personal service rendered an affiliated public
8 employer by a member shall be credited to the member's service
9 credit account in accordance with retirement board rules and
10 regulations. Service shall be credited to the nearest month.
11 In no case shall any member be credited with a year of service
12 for less than twelve months of service in any calendar year or
13 more than a month of service for all service in any calendar
14 month or more than a year of service for all service in any
15 calendar year. In no case shall any member be allowed to
16 purchase service credit unless the purchase is authorized in
17 the Public Employees Retirement Act.

18 B. Personal service rendered an affiliated public
19 employer prior to August 1, 1947 shall be credited to a member
20 if the member acquires one year of service credit for personal
21 service rendered an affiliated public employer.

22 C. Personal service rendered an affiliated public
23 employer after July 31, 1947 but prior to the date the public
24 employer became an affiliated public employer is prior service
25 and shall be credited to a member if:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 (1) the member [~~acquires five~~] has the
2 applicable minimum number of years of service credit [~~for~~
3 ~~personal service rendered an affiliated public employer]~~
4 required for normal retirement. As used in this paragraph,
5 "service credit" means only the service credit earned by the
6 member during periods of employment with an affiliated public
7 employer; and

8 (2) the member pays the association the amount
9 determined in accordance with Subsection D of this section.

10 D. The purchase cost for each month of service
11 credit purchased under the provisions of this section is equal
12 to the member's final average salary multiplied by the sum of
13 the member contribution rate and employer contribution rate
14 determined in accordance with the coverage plan applicable to
15 the member at the time of the written election to purchase.
16 Full payment shall be made in a single lump-sum amount in
17 accordance with the procedures established by the retirement
18 board. The portion of the purchase cost derived from the
19 employer contribution rate shall be credited to the [~~employer~~]
20 employers accumulation fund and shall not be refunded to the
21 member in the event of cessation of membership. In no case
22 shall any member be credited with a month of service for less
23 than the purchase cost as defined in this section.

24 E. Service credit shall be forfeited if a member
25 terminates employment with an affiliated public employer and

.190837.3SA

underscored material = new
[bracketed material] = delete

1 withdraws the member's accumulated member contributions.

2 F. A member or former member who is a member of
3 another state system or the educational retirement system and
4 who has forfeited service credit by withdrawal of member
5 contributions may reinstate the forfeited service credit by
6 repaying the amount withdrawn plus compound interest from the
7 date of withdrawal to the date of repayment at the rate set by
8 the retirement board. Withdrawn member contributions may be
9 repaid in increments of one year in accordance with the
10 procedures established by the retirement board. Full payment
11 of each one-year increment shall be made in a single lump-sum
12 amount in accordance with procedures established by the
13 retirement board."

14 SECTION 3. Section 10-11-5 NMSA 1978 (being Laws 1987,
15 Chapter 253, Section 5, as amended) is amended to read:

16 "10-11-5. CREDITED SERVICE--MUNICIPAL ELECTION TO MAKE
17 EMPLOYEE CONTRIBUTIONS.--A municipal affiliated public employer
18 may elect by resolution of its governing body or by execution
19 of a collective bargaining agreement and in the manner
20 prescribed by the retirement board to be responsible for making
21 contributions of up to seventy-five percent of its employees'
22 member contributions as follows:

23 A. the resolution or collective bargaining
24 agreement shall be irrevocable; [~~however~~] except that:

25 (1) if the resolution is passed or the

.190837.3SA

underscored material = new
[bracketed material] = delete

1 collective bargaining agreement is executed on or before June
2 30, 2013, the percentage of the employee contributions that the
3 municipal affiliated public employer elects to be responsible
4 for making shall apply to the statutory employee contribution
5 rate in effect on June 30, 2013 and shall not apply to any
6 increase in the statutory employee contribution rate that may
7 occur after that date; and

8 (2) if the resolution is passed or the
9 collective bargaining agreement is executed on or after July 1,
10 2013, the percentage of the employee contributions that the
11 municipal affiliated public employer elects to be responsible
12 for making shall apply to the statutory employee contribution
13 rate in effect on the date that the resolution is passed or the
14 collective bargaining agreement is executed and shall not apply
15 to any increases in the statutory employee contribution rate
16 that may occur after that date; provided, however, that, if the
17 statutory employee contribution rate is decreased after the
18 date that the resolution is passed or the collective bargaining
19 agreement is executed, the percentage of the employee
20 contributions that the municipal public affiliated employer is
21 responsible for making shall apply to the decreased statutory
22 employee contribution rate;

23 B. a municipal affiliated public employer may by
24 subsequent resolution or collective bargaining agreement:

25 (1) elect to increase the percentage of

.190837.3SA

underscored material = new
[bracketed material] = delete

1 employee member contributions for which it will be responsible;

2 (2) elect to be responsible for a percentage
3 of any increase to the statutory employee contribution rate in
4 effect after the passing of an earlier resolution or the
5 execution of an earlier collective bargaining agreement; or

6 [~~2~~] (3) at the time a new coverage plan is
7 adopted, elect to be responsible under the new coverage plan
8 for making a different percentage of employee member
9 contributions than that which it elected under a previous
10 coverage plan;

11 [~~B-~~] C. the resolution or executed collective
12 bargaining agreement shall apply to all employees or else to
13 specified employee divisions of the municipal affiliated public
14 employer and shall be effective the first pay period of the
15 month following the filing of the resolution with the
16 retirement board;

17 [~~G-~~] D. the portion of the employee contributions
18 made by the municipal affiliated public employer on behalf of a
19 member shall be credited to the member's individual accumulated
20 member contribution account in the member contribution fund.

21 The member shall be responsible for the difference between the
22 contributions the member would be required to make if the
23 municipal affiliated public employer had not made the election
24 provided for in this section and the amount contributed by the
25 municipal affiliated public employer [~~under~~] pursuant to the

.190837.3SA

underscoring material = new
[bracketed material] = delete

1 provisions of this section;

2 ~~[D-]~~ E. pensions payable to members whose municipal
3 affiliated public employer makes the election provided for in
4 this section shall be the same as if the member had made the
5 entire member contribution; and

6 ~~[E-]~~ F. any municipal affiliated public employer
7 increasing the percentage of the employee member contributions
8 it elects to make pursuant to this section shall submit a
9 resolution or executed collective bargaining agreement to the
10 association by July 1 of the fiscal year in which the increase
11 will take place indicating the percentage of the employee
12 member contributions that will be made by the municipal
13 affiliated public employer."

14 SECTION 4. Section 10-11-7 NMSA 1978 (being Laws 1987,
15 Chapter 253, Section 7, as amended) is amended to read:

16 "10-11-7. SERVICE CREDIT--PURCHASE OF SERVICE.--

17 A. A member who entered a uniformed service of the
18 United States may purchase service credit for periods of active
19 duty in the uniformed services subject to the following
20 conditions:

21 (1) the member pays the association the
22 purchase cost determined according to Subsection E of this
23 section;

24 (2) the member has ~~[five or more]~~ the
25 applicable minimum number of years of service credit ~~[acquired]~~

.190837.3SA

underscoring material = new
[bracketed material] = delete

1 ~~as a result of personal service rendered in the employ of an~~
2 ~~affiliated public employer]~~ required for normal retirement. As
3 used in this paragraph, "service credit" means only the service
4 credit earned by the member during periods of employment with
5 an affiliated public employer;

6 (3) the aggregate amount of service credit
7 purchased pursuant to this subsection does not exceed five
8 years reduced by any period of service credit acquired for
9 military service pursuant to any other provision of the Public
10 Employees Retirement Act;

11 (4) service credit may not be purchased for
12 periods of service in the uniformed services that are used to
13 obtain or increase a benefit from another retirement program;
14 and

15 (5) the member must not have received a
16 discharge or separation from uniformed service under other than
17 honorable conditions.

18 B. A member who was a civilian prisoner of war
19 captured while in service to the United States as an employee
20 of the federal government or as an employee of a contractor
21 with the federal government may purchase service credit for the
22 period of internment as a civilian prisoner of war, provided
23 that:

24 (1) the member provides proof of employment
25 with the federal government or as a contractor to the federal

.190837.3SA

underscored material = new
[bracketed material] = delete

1 government in a form acceptable to the association;

2 (2) the member provides proof of the period of
3 internment in a form acceptable to the association;

4 (3) the member has ~~[at least five]~~ the
5 applicable minimum number of years of service credit ~~[acquired~~
6 ~~as a result of personal service rendered in the employ of an~~
7 ~~affiliated public employer]~~ required for normal retirement. As
8 used in this paragraph, "service credit" means only the service
9 credit earned by the member during periods of employment with
10 an affiliated public employer;

11 (4) the aggregate amount of service credit
12 purchased pursuant to this subsection does not exceed five
13 years reduced by any period of service credit acquired for
14 military service pursuant to any other provision of the Public
15 Employees Retirement Act;

16 (5) service credit may not be purchased for
17 periods of service in internment as a civilian prisoner of war
18 if such periods are used to obtain or increase a benefit from
19 another retirement program; and

20 (6) the member pays the association the
21 purchase cost determined according to Subsection E of this
22 section.

23 C. A member who was employed by a utility company,
24 library, museum, transit company or nonprofit organization
25 administering federally funded public service programs, which

.190837.3SA

underscored material = new
[bracketed material] = delete

1 utility company, library, museum, transit company or nonprofit
2 organization administering federally funded public service
3 programs or federally funded public service programs
4 administered by a nonprofit organization are subsequently taken
5 over by an affiliated public employer, or a member who was
6 employed by an entity created pursuant to a joint powers
7 agreement between two or more affiliated public employers for
8 the purpose of administering or providing drug or alcohol
9 addiction treatment services irrespective of whether the entity
10 is subsequently taken over by an affiliated public employer,
11 may purchase service credit for the period of employment
12 subject to the following conditions:

13 (1) the member pays the association the
14 purchase cost determined according to Subsection E of this
15 section;

16 (2) the member has [~~five or more~~] the
17 applicable minimum number of years of service credit [~~acquired~~
18 ~~as a result of personal service rendered in the employ of an~~
19 ~~affiliated public employer~~] required for normal retirement. As
20 used in this paragraph, "service credit" means only the service
21 credit earned by the member during periods of employment with
22 an affiliated public employer; and

23 (3) the aggregate amount of service credit
24 purchased pursuant to this subsection does not exceed five
25 years.

.190837.3SA

underscored material = new
[bracketed material] = delete

1 D. A member who was appointed to participate in a
2 cooperative work study training program established jointly by
3 a state agency and a state post-secondary educational
4 institution may purchase service credit for the period of
5 participation subject to the following conditions:

6 (1) the member pays the association the full
7 actuarial present value of the amount of the increase in the
8 employee's pension as a consequence of the purchase as
9 determined by the association;

10 (2) the member pays the full cost of the
11 purchase within sixty days of the date the member is informed
12 of the amount of the payment;

13 (3) the member has [~~five or more~~] the
14 applicable minimum number of years of service credit [~~acquired~~
15 ~~as a result of personal service rendered in the employ of an~~
16 ~~affiliated public employer~~] required for normal retirement. As
17 used in this paragraph, "service credit" means only the service
18 credit earned by the member during periods of employment with
19 an affiliated public employer; and

20 (4) the aggregate amount of service credit
21 purchased pursuant to this subsection does not exceed five
22 years.

23 E. Except for service to be used under a state
24 legislator coverage plan, the purchase cost for each month of
25 service credit purchased pursuant to the provisions of this

.190837.3SA

underscored material = new
~~[bracketed material] = delete~~

1 section is equal to the member's final average salary
2 multiplied by the sum of the member contribution rate and
3 employer contribution rate, determined in accordance with the
4 coverage plan applicable to the member at the time of the
5 written election to purchase. The purchase cost for each year
6 of service credit to be used under a state legislator coverage
7 plan is equal to three times the normal member contribution per
8 year of service credit under the state legislator coverage plan
9 applicable to the member. Full payment shall be made in a
10 single lump sum within sixty days of the date the member is
11 informed of the amount of the payment. The portion of the
12 purchase cost derived from the employer contribution rate shall
13 be credited to the employer's accumulation fund and shall not
14 be paid out of the association in the event of cessation of
15 membership. In no case shall a member be credited with a month
16 of service for less than the purchase cost as defined in this
17 section.

18 F. A member shall be refunded, upon written request
19 filed with the association, the portion of the purchase cost of
20 service credit purchased pursuant to this section that the
21 association determines to have been unnecessary to provide the
22 member with the maximum pension applicable to the member. The
23 association shall not pay interest on the portion of the
24 purchase cost refunded to the member.

25 G. A member of the magistrate retirement system who

.190837.3SA

underscored material = new
[bracketed material] = delete

1 during the member's service as a magistrate was eligible to
2 become a member of the public employees retirement system and
3 elected not to become a member of that system may purchase
4 service credit pursuant to the public employees retirement
5 system for the period for which the magistrate elected not to
6 become a public employees retirement system member by paying
7 the amount of the increase in the actuarial present value of
8 the magistrate pension as a consequence of the purchase as
9 determined by the association. Full payment shall be made in a
10 single lump-sum amount in accordance with procedures
11 established by the retirement board. Except as provided in
12 Subsection F of this section, seventy-five percent of the
13 purchase cost shall be considered to be employer contributions
14 and shall not be refunded to the member in the event of
15 cessation of membership.

16 H. At any time prior to retirement, any member may
17 purchase service credit in monthly increments, subject to the
18 following conditions:

19 (1) the member has [~~at least five~~] the
20 applicable minimum number of years of service credit [~~acquired~~
21 ~~as a result of personal service rendered in the employ of an~~
22 ~~affiliated public employer~~] required for normal retirement. As
23 used in this paragraph, "service credit" means only the service
24 credit earned by the member during periods of employment with
25 an affiliated public employer;

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

1 (2) the aggregate amount of service credit
2 purchased pursuant to this subsection does not exceed one
3 year;

4 (3) the member pays full actuarial present
5 value of the amount of the increase in the employee's pension
6 as a consequence of the purchase as determined by the
7 association;

8 (4) the member pays the full cost of the
9 purchase within sixty days of the date the member is informed
10 of the amount of the payment; and

11 (5) the purchase of service credit under this
12 subsection cannot be used to determine the final average salary
13 or the pension factor or be used to exceed the pension maximum.

14 I. A member receiving service credit under this
15 section who enrolls in the retiree health care authority shall
16 make contributions pursuant to Subsection C of Section 10-7C-15
17 NMSA 1978."

18 SECTION 5. Section 10-11-8 NMSA 1978 (being Laws 1987,
19 Chapter 253, Section 8, as amended) is amended to read:

20 "10-11-8. NORMAL RETIREMENT--RETURN TO EMPLOYMENT--
21 BENEFITS CONTINUED--[EMPLOYER] CONTRIBUTIONS.--

22 A. A member may retire upon fulfilling the
23 following requirements prior to the selected date of
24 retirement:

25 (1) a written application for normal

.190837.3SA

underscored material = new
[bracketed material] = delete

1 retirement, in the form prescribed by the association, is filed
2 with the association;

3 (2) employment is terminated with all
4 employers covered by any state system or the educational
5 retirement system;

6 (3) the member selects an effective date of
7 retirement that is the first day of a calendar month; and

8 (4) the member meets the age and service
9 credit requirement for normal retirement specified in the
10 coverage plan applicable to the member.

11 B. The amount of normal retirement pension is
12 determined in accordance with the coverage plan applicable to
13 the member.

14 C. Except as provided in Subsection [D] E of this
15 section, on or after July 1, 2010, a retired member may be
16 subsequently employed by an affiliated public employer only
17 pursuant to the following provisions:

18 (1) the retired member has not been employed
19 as an employee of an affiliated public employer or retained as
20 an independent contractor by the affiliated public employer
21 from which the retired member retired for at least twelve
22 consecutive months from the date of retirement to the
23 commencement of employment or reemployment with an affiliated
24 public employer;

25 (2) the previously retired member's pension

.190837.3SA

underscored material = new
[bracketed material] = delete

1 shall be suspended upon commencement of the employment;

2 (3) except as provided in Subsection ~~[F]~~ G of
3 this section, the previously retired member shall not become a
4 member and thus the previously retired member shall not accrue
5 ~~[no]~~ service credit and the previously retired member and that
6 person's affiliated public employer shall not make ~~[no]~~
7 contributions under any coverage plan pursuant to the Public
8 Employees Retirement Act; and

9 (4) upon termination of the subsequent
10 employment, the previously retired member's pension shall
11 resume in accordance with the provisions of Subsection A of
12 this section.

13 D. Notwithstanding the provisions of Subsection B
14 of Section 10-11-118 NMSA 1978, on and after July 1, 2013, if a
15 retired member becomes employed with an employer pursuant to
16 the Educational Retirement Act:

17 (1) the retired member's cost-of-living
18 pension adjustment shall be suspended upon commencement of the
19 employment; and

20 (2) upon termination of the employment, the
21 retired member's suspended cost-of-living pension adjustment
22 shall be reinstated as provided under Subsection B of Section
23 10-11-118 NMSA 1978.

24 ~~[D-]~~ E. The provisions of ~~[Subsection]~~
25 Subsections C and H of this section do not apply to:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 (1) a retired member employed by the
2 legislature for legislative session work;

3 (2) a retired member employed temporarily as a
4 precinct board member for a municipal election or an election
5 covered by the Election Code; or

6 (3) a retired member who is elected to serve a
7 term as an elected official; provided that:

8 (a) the retired member files an
9 irrevocable exemption from membership with the association
10 within thirty days of taking office; and

11 (b) the irrevocable exemption shall be
12 for the elected official's term of office.

13 [~~E~~] F. A retired member who returns to employment
14 during retirement pursuant to Subsection [~~D~~] E of this section
15 is entitled to receive retirement benefits but is not entitled
16 to accrue service credit or to acquire or purchase service
17 credit in the future for the period of the previously retired
18 member's reemployment with an affiliated public employer.

19 [~~F~~] G. At any time during a previously retired
20 member's subsequent employment pursuant to Subsection C of this
21 section, the previously retired member may elect to become a
22 member and the following conditions shall apply:

23 (1) the previously retired member and the
24 subsequent affiliated public employer shall make the required
25 employee and employer contributions, and the previously retired

.190837.3SA

underscored material = new
[bracketed material] = delete

1 member shall accrue service credit for the period of subsequent
2 employment; and

3 (2) when the previously retired member
4 terminates the subsequent employment with an affiliated public
5 employer, the previously retired member shall retire according
6 to the provisions of the Public Employees Retirement Act,
7 subject to the following conditions:

8 (a) payment of the pension shall resume
9 in accordance with the provisions of Subsection A of this
10 section;

11 (b) unless the previously retired member
12 accrued at least three years of service credit on account of
13 the subsequent employment, the recalculation of pension shall:
14 1) employ the form of payment selected by the previously
15 retired member at the time of the first retirement; and 2) use
16 the provisions of the coverage plan applicable to the member on
17 the date of the first retirement; and

18 (c) the recalculated pension shall not
19 be less than the amount of the suspended pension.

20 [~~G.~~] H. A previously retired member who returned to
21 work with an affiliated public employer prior to July 1, 2010
22 shall be subject to the provisions of this section in effect on
23 the date the previously retired member returned to work;
24 provided that:

25 (1) on and after July 1, 2010, the previously

.190837.3SA

underscored material = new
[bracketed material] = delete

1 retired member shall pay the employee contribution in an amount
2 specified in the Public Employees Retirement Act for the
3 position in which the previously retired member is employed;

4 (2) notwithstanding the provisions of
5 Subsection B of Section 10-11-118 NMSA 1978, on and after July
6 1, 2013, the previously retired member's cost-of-living pension
7 adjustment shall be suspended; and

8 (3) upon termination of the employment with an
9 affiliated public employer, the previously retired member's
10 cost-of-living pension adjustment shall be reinstated as
11 provided in Subsection B of Section 10-11-118 NMSA 1978.

12 [H.] I. The pension of a member who has earned
13 service credit under more than one coverage plan shall be
14 determined as follows:

15 (1) the pension of a member who has three or
16 more years of service credit earned on or before June 30, 2013
17 under each of two or more coverage plans shall be determined in
18 accordance with the coverage plan that produces the highest
19 pension;

20 (2) the pension of a member who has service
21 credit earned on or before June 30, 2013 under two or more
22 coverage plans but who has three or more years of service
23 credit under only one of those coverage plans shall be
24 determined in accordance with the coverage plan in which the
25 member has three or more years of service credit. If the

.190837.3SA

underscored material = new
[bracketed material] = delete

1 service credit is acquired under two different coverage plans
2 applied to the same affiliated public employer as a consequence
3 of an election by the members, adoption by the affiliated
4 public employer or a change in the law that results in the
5 application of a coverage plan with a greater pension, the
6 greater pension shall be paid a member retiring from the
7 affiliated public employer under which the change in coverage
8 plan took place regardless of the amount of service credit
9 under the coverage plan producing the greater pension; provided
10 that the member has three or more years of continuous
11 employment with that affiliated public employer immediately
12 preceding or immediately preceding and immediately following
13 the date the coverage plan changed;

14 (3) the pension of a member who has service
15 credit earned on or before June 30, 2013 under each of two or
16 more coverage plans and who has service credit earned under any
17 coverage plan on or after July 1, 2013 shall be equal to the
18 sum of:

19 (a) the pension attributable to the
20 service credit earned on or before June 30, 2013 determined
21 pursuant to Paragraph (1) or (2) of this subsection; and

22 (b) the pension attributable to the
23 service credit earned under each coverage plan on or after July
24 1, 2013;

25 (4) the pension of a member who has service

.190837.3SA

underscoring material = new
[bracketed material] = delete

1 credit earned only on and after July 1, 2013 shall be equal to
2 the sum of the pension attributable to the service credit the
3 member has accrued under each coverage plan; and

4 (5) the provisions of each coverage plan for
5 the purpose of this subsection shall be those in effect at the
6 time the member ceased to be covered by the coverage plan.

7 "Service credit", for the purposes of this subsection, shall be
8 only personal service rendered an affiliated public employer
9 and credited to the member under the provisions of Subsection A
10 of Section 10-11-4 NMSA 1978. Service credited under any other
11 provision of the Public Employees Retirement Act shall not be
12 used to satisfy the three-year service credit requirement of
13 this subsection."

14 SECTION 6. Section 10-11-10.1 NMSA 1978 (being Laws 1993,
15 Chapter 160, Section 3) is amended to read:

16 "10-11-10.1. DISABILITY RETIREMENT.--

17 A. There is created a "disability review committee"
18 of the retirement board. The disability review committee shall
19 consist of at least three but not more than five retirement
20 board members and at least one physician licensed in New Mexico
21 appointed by the retirement board. The disability review
22 committee shall review all applications for disability
23 retirement, review reports required under this section and
24 approve or deny applications for disability retirement.

25 B. The disability review committee may retire a

.190837.3SA

underscored material = new
[bracketed material] = delete

1 member on account of disability before the time the member
2 would otherwise be eligible for retirement if the following
3 requirements are satisfied:

4 (1) the member applying for disability
5 retirement was a member at the time the disability was
6 incurred;

7 (2) a written application for disability
8 retirement, in the form and containing the information
9 prescribed by the association, has been filed with the
10 association by the member or by the member's affiliated public
11 employer;

12 (3) employment is terminated within forty-five
13 days of the date of approval of the application for disability
14 retirement;

15 (4) if:

16 (a) the member has [~~five or more~~] the
17 applicable minimum number of years of service credit required
18 for normal retirement. For the purposes of this subparagraph,
19 "service credit" means only the service credit earned by the
20 member during periods of employment with an affiliated public
21 employer; or

22 (b) the disability review committee
23 finds the disability to have been the natural and proximate
24 result of causes arising solely and exclusively out of and in
25 the course of the member's performance of duty with an

.190837.3SA

underscored material = new
~~[bracketed material] = delete~~

1 affiliated public employer;

2 (5) the member submits to all medical
3 examinations and tests and furnishes copies of all medical
4 reports requested by the association or disability review
5 committee; provided that if the disability review committee
6 requires independent medical or other examinations, those
7 examinations shall be performed at the association's expense;
8 and

9 (6) the disability review committee makes the
10 determination required under Subsection C of this section.

11 C. The disability review committee shall review
12 applications for disability retirement to determine whether:

13 (1) if the member is a currently employed,
14 contributing employee of an affiliated public employer:

15 (a) the member is mentally or physically
16 totally incapacitated for continued employment with an
17 affiliated public employer; and

18 (b) the incapacity is likely to be
19 permanent; or

20 (2) if the member is not a currently employed,
21 contributing employee of an affiliated public employer:

22 (a) the member is mentally or physically
23 totally incapacitated for any gainful employment; and

24 (b) the incapacity is likely to be
25 permanent.

.190837.3SA

underscored material = new
[bracketed material] = delete

1 D. The disability retirement pension shall be paid
2 for a period of one year after approval of the initial
3 application unless the disability review committee for good
4 cause shown grants disability retirement for a longer period of
5 time. After approval, payment shall be effective commencing
6 the first of the month following submission of the initial
7 application and termination of employment.

8 E. At the end of the first year that a disability
9 retirement pension is paid, the disability retired member's
10 condition shall be reevaluated to determine eligibility for
11 continuation of payment of a disability retirement pension. If
12 the disability retired member has applied for disability
13 benefits under the federal social security program, [~~he~~] the
14 member shall submit copies of [~~his~~] the member's application.
15 The association shall continue payment of the state disability
16 retirement pension if the disability retired member presents a
17 written final determination from the federal social security
18 administration that the disability retired member qualifies,
19 based on the same [~~condition or~~] conditions as presented in the
20 application for a state disability retirement pension, for
21 federal disability benefits.

22 F. If the disability retired member applied for
23 federal disability benefits within thirty days of receiving
24 approval for a state disability retirement pension but the
25 federal social security administration has not made a written

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

1 final determination of entitlement by the end of the first year
2 that the disability retired member has received a state
3 disability retirement pension, eligibility for continued
4 payment of the state disability retirement pension shall be
5 determined by the disability review committee. The state
6 disability retirement pension shall be discontinued if the
7 disability review committee finds that the disability retired
8 member is capable of any gainful employment.

9 G. The disability retired member shall notify the
10 association of the federal social security administration's
11 final determination within fifteen working days of the date of
12 issuance of the final written determination. If the federal
13 social security administration denies federal disability
14 benefits, the state disability retirement pension shall be
15 discontinued effective the first of the month following the
16 month in which the written final determination of the federal
17 social security administration was issued. If the federal
18 social security administration grants federal disability
19 benefits, the state disability retirement pension shall be
20 continued so long as the disability retired member provides
21 annually, on or before the anniversary date of commencement of
22 payment of the state disability retirement pension, written
23 evidence of continuation of payment of federal disability
24 benefits. If the disability review committee has denied
25 continuation of payment of a state disability retirement

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

1 pension and the disability retired member is later granted
2 federal disability benefits, the state disability retirement
3 pension shall be reinstated effective the first of the month
4 following the month in which the state disability retirement
5 pension was discontinued.

6 H. If, at the time of reevaluation under Subsection
7 E of this section, the disability retired member has applied
8 for and has qualified for federal disability benefits, but for
9 a different condition than was reviewed by the disability
10 review committee, the disability review committee shall review
11 the disability retired member's condition as described by the
12 application for federal disability benefits. The process set
13 forth in Subsection I of this section shall be followed to
14 determine whether payment of a state disability retirement
15 pension should be continued.

16 I. If the disability retired member is not eligible
17 to apply for federal disability benefits or is not a member of
18 the federal social security program, the disability review
19 committee annually shall determine eligibility for continuation
20 of payment of a state disability retirement pension. To make
21 its determination of continued entitlement, the disability
22 review committee shall use the guidelines established by the
23 federal social security administration for determination of
24 eligibility for federal disability benefits. The determination
25 shall be based on:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 (1) the medical and all other information
2 provided by the disability retired member;

3 (2) at least one independent medical or other
4 examination performed at the association's expense if required
5 by the disability review committee; and

6 (3) any [~~and all~~] medical, vocational or other
7 information related to the disability compiled during the
8 period of disability by any medical or other practitioner
9 consulted by the disability retired member regarding the
10 disability which was not paid for by the association.

11 J. Each disability retired member annually shall
12 submit to the association, prior to July 1, a statement of
13 earnings from gainful employment during the preceding calendar
14 year. The statement of earnings shall be in the form
15 prescribed by the association. Payment of the state disability
16 retirement pension shall be discontinued if the amount of
17 earnings from gainful employment is one hundred percent or more
18 of the amount [~~which~~] that causes a decrease or suspension of
19 an old age benefit under the federal social security program,
20 or fifteen thousand dollars (\$15,000), whichever is less.
21 Payment of the state disability retirement pension shall be
22 discontinued starting with the month of July if the statement
23 of earnings is not received by the association prior to July 1.

24 K. Upon prior approval by the association, a
25 disability retired member may return to employment with an

.190837.3SA

underscored material = new
[bracketed material] = delete

1 affiliated public employer or other employer for a trial period
2 not to exceed one hundred twenty calendar days without becoming
3 a member or causing suspension or discontinuation of payment of
4 a state disability retirement pension. If the trial period of
5 employment is successfully completed, payment of the disability
6 retirement pension shall be discontinued beginning the first of
7 the month following the one hundred twentieth day of the trial
8 period of employment. Trial periods of employment shall be
9 limited to two in any five-year period following disability
10 retirement.

11 L. If the disability retired member meets the
12 minimum age and service credit requirements for normal
13 retirement while receiving a disability retirement pension, the
14 disability retirement pension shall be reclassified by the
15 association as a normal retirement pension and no further
16 determinations of eligibility for continuation of payment of
17 the disability retirement pension shall be made. Upon
18 reclassification as a normal retirement pension, all the
19 provisions of [~~this~~] the Public Employees Retirement Act
20 regarding normal retirement shall be applicable.

21 M. If the disability review committee found the
22 disability to be the natural and proximate result of causes
23 arising solely and exclusively out of and in the course of the
24 member's employment with an affiliated public employer, service
25 credit shall continue to accrue during the disability

.190837.3SA

underscored material = new
[bracketed material] = delete

1 retirement period as though the disability retired member was
2 actively employed.

3 N. The amount of a disability retirement pension
4 shall be calculated according to the provisions of the coverage
5 plan applicable to the member at the time of application,
6 except that the service credit requirement shall be waived and
7 the actual amount of service credit shall be used instead. If
8 the disability is the natural and proximate result of causes
9 arising solely and exclusively out of and in the course of the
10 member's performance of duty for an affiliated public employer,
11 the amount of disability retirement pension shall be calculated
12 according to the provisions of the coverage plan applicable to
13 the member, imputing the amount of service credit necessary to
14 meet the minimum service credit requirements for normal
15 retirement.

16 O. For the purposes of this section, the following
17 definitions apply:

18 (1) "continued employment with the affiliated
19 public employer" means the ability of the member to fulfill the
20 required duties of the position in which the member was last
21 employed by ~~[his]~~ an affiliated public employer;

22 (2) "gainful employment" means remunerative
23 employment or self-employment that is commensurate with the
24 applicant's background, age, education, experience and any new
25 skills or training the applicant may have acquired after

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

1 terminating public employment or incurring the disability;

2 (3) "state disability retirement pension"
3 means the pension paid pursuant to the provisions of this
4 section; and

5 (4) "federal disability benefits" means those
6 benefits paid by the federal social security program."

7 SECTION 7. Section 10-11-14.5 NMSA 1978 (being Laws 1993,
8 Chapter 160, Section 4, as amended) is amended to read:

9 "10-11-14.5. DEATH BEFORE RETIREMENT--SURVIVOR PENSIONS.--

10 A. A survivor pension may be paid to certain
11 persons related to or designated by a member who dies before
12 normal or disability retirement if a written application for
13 the pension, in the form prescribed by the association, is
14 filed with the association by the potential survivor
15 beneficiary or beneficiaries within one year of the death of
16 the member. Applications may be filed on behalf of the
17 potential survivor beneficiary or beneficiaries or by a person
18 legally authorized to represent them.

19 B. If there is no designated survivor beneficiary
20 and the retirement board finds the death to have been the
21 natural and proximate result of causes arising solely and
22 exclusively out of and in the course of the member's
23 performance of duty with an affiliated public employer, a
24 survivor pension shall be payable to the eligible surviving
25 spouse. The amount of the survivor pension shall be the

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

1 greater of:

2 (1) the amount as calculated under the
3 coverage plan applicable to the deceased member at the time of
4 death as though the deceased member had retired the day
5 preceding death under form of payment B using the actual amount
6 of service credit attributable to the deceased member at the
7 time of death; or

8 (2) fifty percent of the deceased member's
9 final average salary.

10 C. A survivor pension shall also be payable to
11 eligible surviving children if there is no designated survivor
12 beneficiary and the retirement board finds the death to have
13 been the natural and proximate result of causes arising solely
14 and exclusively out of and in the course of the member's
15 performance of duty with an affiliated public employer. The
16 total amount of survivor pension payable for all eligible
17 surviving children shall be either:

18 (1) fifty percent of the deceased member's
19 final average salary if an eligible surviving spouse is not
20 paid a pension; or

21 (2) twenty-five percent of the deceased
22 member's final average salary if an eligible surviving spouse
23 is paid a pension.

24 The total amount of survivor pension shall be divided
25 equally among all eligible surviving children. If there is

.190837.3SA

underscored material = new
[bracketed material] = delete

1 only one eligible child, the amount of pension shall be twenty-
2 five percent of the deceased member's final average salary.

3 D. If the member had [~~five or more~~] the applicable
4 minimum number of years of service credit required for normal
5 retirement, but the retirement board did not find the death to
6 have been the natural and proximate result of causes arising
7 solely and exclusively out of and in the course of the member's
8 performance of duty with an affiliated public employer and
9 there is no designated survivor beneficiary, a survivor pension
10 shall be payable to the eligible surviving spouse. The amount
11 of the survivor pension shall be the greater of:

12 (1) the amount as calculated under the
13 coverage plan applicable to the deceased member at the time of
14 death as though the deceased member had retired the day
15 preceding death under form of payment B using the total amount
16 of actual service credit attributable to the deceased member at
17 the time of death; or

18 (2) thirty percent of the deceased member's
19 final average salary.

20 E. If the member had [~~five or more~~] the applicable
21 minimum number of years of service credit required for normal
22 retirement, but the retirement board did not find the death to
23 have been the natural and proximate result of causes arising
24 solely and exclusively out of and in the course of the member's
25 performance of duty with an affiliated public employer and

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

1 there is no designated survivor beneficiary, and if there is no
2 eligible surviving spouse at the time of death, a survivor
3 pension shall be payable to and divided equally among all
4 eligible surviving children, if any. The total amount of
5 survivor pension payable for all eligible surviving children
6 shall be the greater of:

7 (1) the amount as calculated under the
8 coverage plan applicable to the deceased member at the time of
9 death as though the deceased member had retired the day
10 preceding death under form of payment B with the oldest
11 eligible surviving child as the survivor beneficiary using the
12 total amount of actual service credit attributable to the
13 deceased member at the time of death; or

14 (2) thirty percent of the deceased member's
15 final average salary.

16 F. An eligible surviving spouse is the spouse to
17 whom the deceased member was married at the time of death. An
18 eligible surviving child is a child under the age of eighteen
19 years and who is an unmarried, natural or adopted child of the
20 deceased member.

21 G. An eligible surviving spouse's pension shall
22 terminate upon death. An eligible surviving child's pension
23 shall terminate upon death or marriage or reaching age eighteen
24 years, whichever comes first.

25 H. If there is no designated survivor beneficiary

underscoring material = new
~~[bracketed material] = delete~~

1 and there is no eligible surviving child, the eligible
2 surviving spouse may elect to be refunded the deceased member's
3 accumulated member contributions instead of receiving a
4 survivor pension.

5 I. A member may designate a survivor beneficiary to
6 receive a pre-retirement survivor pension, subject to the
7 following conditions:

8 (1) a written designation, in the form
9 prescribed by the association, is filed by the member with the
10 association;

11 (2) if the member is married at the time of
12 designation, the designation shall only be made with the
13 consent of the member's spouse, in the form prescribed by the
14 association;

15 (3) if the member is married subsequent to the
16 time of designation, any prior designations shall automatically
17 be revoked upon the date of the marriage;

18 (4) if the member is divorced subsequent to
19 the time of designation, any prior designation of the former
20 spouse as survivor beneficiary shall automatically be revoked
21 upon the date of divorce; and

22 (5) a designation of survivor beneficiary may
23 be changed, with the member's spouse's consent if the member is
24 married, by the member at any time prior to the member's death.

25 J. If there is a designated survivor beneficiary

.190837.3SA

underscored material = new
[bracketed material] = delete

1 and the retirement board finds the death to have been the
2 natural and proximate result of causes arising solely and
3 exclusively out of and in the course of the member's
4 performance of duty with an affiliated public employer, a
5 survivor pension shall be payable to the designated survivor
6 beneficiary. The amount of the survivor pension shall be the
7 greater of:

8 (1) the amount as calculated under the
9 coverage plan applicable to the deceased member at the time of
10 death as though the deceased member had retired the day
11 preceding death under form of payment B using the actual amount
12 of service credit attributable to the member at the time of
13 death; or

14 (2) fifty percent of the deceased member's
15 final average salary.

16 K. If there is a designated survivor beneficiary,
17 if the member had [~~five or more~~] the applicable minimum number
18 of years of service credit required for normal retirement and
19 if the retirement board did not find the death to have been the
20 natural and proximate result of causes arising solely and
21 exclusively out of and in the course of the member's
22 performance of duty with an affiliated public employer, a
23 survivor pension shall be payable to the designated survivor
24 beneficiary. The amount of the survivor pension shall be the
25 greater of:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 (1) the amount as calculated under the
2 coverage plan applicable to the deceased member at the time of
3 death as though the deceased member had retired the day
4 preceding death under form of payment B using the actual amount
5 of service credit attributable to the member at the time of
6 death; or

7 (2) thirty percent of the deceased member's
8 final average salary.

9 L. If all pension payments permanently terminate
10 before there is paid an aggregate amount equal to the deceased
11 member's accumulated member contributions at time of death, the
12 difference between the amount of accumulated member
13 contributions and the aggregate amount of pension paid shall be
14 paid to the deceased member's refund beneficiary. If no refund
15 beneficiary survives the survivor beneficiary, the difference
16 shall be paid to the estate of the deceased member.

17 M. For purposes of this section, "service credit"
18 means only the service credit earned by a member during periods
19 of employment with an affiliated public employer."

20 SECTION 8. Section 10-11-14.6 NMSA 1978 (being Laws 2009,
21 Chapter 288, Section 12) is amended to read:

22 "10-11-14.6. CALCULATION OF FINAL AVERAGE SALARY.--Under
23 [~~each coverage plan of~~] the Public Employees Retirement Act:

24 A. for a member who was a member on June 30, 2013,
25 the final average salary is one thirty-sixth of the greatest

.190837.3SA

underscored material = new
[bracketed material] = delete

1 aggregate amount of salary paid a member for thirty-six
2 consecutive, but not necessarily continuous, months of service
3 credit; and

4 B. for a member who was not a member on June 30,
5 2013, the final average salary is one-sixtieth of the greatest
6 aggregate amount of salary paid a member for sixty consecutive,
7 but not necessarily continuous, months of service credit."

8 SECTION 9. Section 10-11-26.1 NMSA 1978 (being Laws 1994,
9 Chapter 128, Section 2) is amended to read:

10 "10-11-26.1. STATE GENERAL MEMBER COVERAGE PLAN 3--
11 APPLICABILITY.--State general member coverage plan 3 is
12 applicable to peace officer members and is applicable to state
13 general members in the first full pay period after July 1, 1995
14 if the retirement board certifies to the secretary of state
15 that a majority of the members voting of those members to be
16 covered under state general member coverage plan 3 has voted to
17 approve adoption of this plan at an election conducted pursuant
18 to Laws 1994, Chapter 128, Section 17 [of this act]."

19 SECTION 10. Section 10-11-26.2 NMSA 1978 (being Laws
20 1994, Chapter 128, Section 3, as amended) is amended to read:

21 "10-11-26.2. STATE GENERAL MEMBER COVERAGE PLAN 3--AGE
22 AND SERVICE CREDIT REQUIREMENTS FOR NORMAL RETIREMENT.--

23 A. Under state general member coverage plan 3:

24 (1) for a member who [~~is~~] on or before June
25 30, 2013 was a peace officer and for a member who is not a

.190837.3SA

underscored material = new
[bracketed material] = delete

1 peace officer but was a retired member or a member on June 30,
2 [~~2010~~] 2013, the age and service credit requirements for normal
3 retirement are:

4 (a) age sixty-five years or older and
5 five or more years of service credit;

6 (b) age sixty-four years and eight or
7 more years of service credit;

8 (c) age sixty-three years and eleven or
9 more years of service credit;

10 (d) age sixty-two years and fourteen or
11 more years of service credit;

12 (e) age sixty-one years and seventeen or
13 more years of service credit;

14 (f) age sixty years and twenty or more
15 years of service credit; [~~and~~] or

16 (g) any age and twenty-five or more
17 years of service credit; [~~and~~]

18 (2) for a member who is not a peace officer
19 and was not a retired member or a member on June 30, [~~2010~~]
20 2013, the age and service requirements for normal retirement
21 are:

22 (a) age [~~sixty-seven~~] sixty-five years
23 or older and [~~five~~] eight or more years of service credit; or

24 (b) any age if the member has eight or
25 more years of service credit and the sum of the member's age

underscored material = new
[bracketed material] = delete

1 and years of service credit equals at least [~~eighty; or~~
2 ~~(c) any age and thirty or more years of~~
3 ~~service credit]~~ eighty-five; and

4 (3) for a member who on or after July 1, 2013
5 becomes a peace officer and who was not a retired member or a
6 member on June 30, 2013, the age and service requirements for
7 normal retirement are:

8 (a) age sixty years or older and six or
9 more years of service credit; or

10 (b) any age if the member has six or
11 more years of service credit and the sum of the member's age
12 and years of service credit equals at least seventy-five.

13 B. As used in this section, "peace officer" means
14 any employee of the state with a duty to maintain public order
15 or to make arrests for crime, whether that duty extends to all
16 crimes or is limited to specific crimes, and who is not
17 specifically covered by another coverage plan."

18 SECTION 11. Section 10-11-26.3 NMSA 1978 (being Laws
19 1994, Chapter 128, Section 4) is amended to read:

20 "10-11-26.3. STATE GENERAL MEMBER COVERAGE PLAN 3--AMOUNT
21 OF PENSION--FORM OF PAYMENT A.--Under state general member
22 coverage plan 3:

23 A. for a member with age and service requirements
24 provided under Paragraph (1) or (3) of Subsection A of Section
25 10-11-26.2 NMSA 1978, the amount of pension under form of

.190837.3SA

underscored material = new
[bracketed material] = delete

1 payment A is equal to three percent of final average salary
2 multiplied by service credit. The amount shall not exceed
3 ~~[eighty]~~ ninety percent of the final average salary; and

4 B. for a member with age and service requirements
5 provided under Paragraph (2) of Subsection A of Section
6 10-11-26.2 NMSA 1978, the amount of pension under form of
7 payment A is equal to two and one-half percent of the final
8 average salary multiplied by service credit. The amount shall
9 not exceed ninety percent of the final average salary."

10 SECTION 12. Section 10-11-26.5 NMSA 1978 (being Laws
11 1994, Chapter 128, Section 6, as amended) is amended to read:

12 "10-11-26.5. STATE GENERAL MEMBER COVERAGE PLAN 3--MEMBER
13 CONTRIBUTION RATE.--A member under state general member
14 coverage plan 3 shall contribute ~~[seven and forty-two~~
15 ~~hundredths]~~ eight and ninety-two hundredths percent of salary
16 starting with the first full pay period that ends within the
17 calendar month in which state general member coverage plan 3
18 becomes applicable to the member ~~[except that for members whose~~
19 ~~annual salary is greater than twenty thousand dollars~~
20 ~~(\$20,000):~~

21 ~~A. from July 1, 2009 through June 30, 2011, the~~
22 ~~member contribution rate shall be eight and ninety-two~~
23 ~~hundredths percent of salary;~~

24 ~~B. from July 1, 2011 through June 30, 2012, the~~
25 ~~member contribution rate shall be ten and sixty-seven~~

.190837.3SA

underscored material = new
[bracketed material] = delete

1 ~~hundredths percent of salary; and~~

2 ~~G. from July 1, 2012 through June 30, 2013, the~~
3 ~~member contribution rate shall be eight and ninety-two~~
4 ~~hundredths percent of salary]."~~

5 SECTION 13. Section 10-11-26.6 NMSA 1978 (being Laws
6 1994, Chapter 128, Section 7, as amended) is amended to read:

7 "10-11-26.6. STATE GENERAL MEMBER COVERAGE PLAN 3--STATE
8 CONTRIBUTION RATE.--The state shall contribute [~~sixteen and~~
9 ~~fifty-nine hundredths~~] eighteen and nine-hundredths percent of
10 the salary of each member covered by state general member
11 coverage plan 3 starting with the first pay period that ends
12 within the calendar month in which state general member
13 coverage plan 3 becomes applicable to the member, except that
14 [~~for members whose annual salary is greater than twenty~~
15 ~~thousand dollars (\$20,000):~~

16 ~~A. from July 1, 2009 through June 30, 2011, the~~
17 ~~state contribution rate shall be fifteen and nine-hundredths~~
18 ~~percent of the salary of each member;~~

19 ~~B. from July 1, 2011 through June 30, 2012, the~~
20 ~~state contribution rate shall be thirteen and thirty-four~~
21 ~~hundredths percent of the salary of each member; and~~

22 ~~C. from July 1, 2012 through June 30, 2013, the~~
23 ~~state contribution rate shall be fifteen and nine-hundredths~~
24 ~~percent of the salary of each member]:~~

25 A. from July 1, 2013 through June 30, 2014, the

.190837.3SA

underscored material = new
[bracketed material] = delete

1 state contribution rate shall be sixteen and fifty-nine
2 hundredths percent of the salary of each member;

3 B. from July 1, 2014 through June 30, 2015, the
4 state contribution rate shall be seventeen and nine-hundredths
5 percent of the salary of each member; and

6 C. from July 1, 2015 through June 30, 2016, the
7 state contribution rate shall be seventeen and fifty-nine
8 hundredths percent of the salary of each member."

9 SECTION 14. Section 10-11-27 NMSA 1978 (being Laws 1987,
10 Chapter 253, Section 27, as amended by Laws 2003, Chapter 268,
11 Section 9 and by Laws 2003, Chapter 269, Section 1) is amended
12 to read:

13 "10-11-27. STATE POLICE MEMBER AND ADULT CORRECTIONAL
14 OFFICER MEMBER COVERAGE PLAN 1--APPLICABILITY--CREDITED
15 SERVICE.--

16 A. State police member and adult correctional
17 officer member coverage plan 1 is applicable to state police
18 members who are not specifically covered by another coverage
19 plan and to adult correctional officer members.

20 B. The credited service of a state police member
21 who was a retired member or a member on June 30, 2013 and who
22 has held the permanent rank of patrolman, sergeant, lieutenant
23 or captain and does not hold an exempt rank or who is assigned
24 to the aircraft division as a pilot, or of an adult
25 correctional officer member, shall have actual credited service

.190837.3SA

underscored material = new
[bracketed material] = delete

1 increased by twenty percent for the purposes of state police
2 member and adult correctional officer member coverage plan 1.

3 C. Except as provided in Subsection B of this
4 section, the credited service of a member covered under state
5 police member and adult correctional officer member coverage
6 plan 1 shall be credited as provided in Section 10-11-4 NMSA
7 1978.

8 ~~[B-]~~ D. State police member and adult correctional
9 officer member coverage plan 1 is applicable to adult
10 correctional officer members in the first full pay period after
11 July 1, 2004 if the retirement board certifies to the secretary
12 of state that, of those adult correctional officer members to
13 be covered under state police member and adult correctional
14 officer member coverage plan 1, a majority of the members
15 voting have voted to approve adoption of that plan at an
16 election conducted pursuant to [~~Section 16 of this 2003 act~~]
17 Laws 2003, Chapter 268, Section 16."

18 **SECTION 15.** Section 10-11-27.2 NMSA 1978 (being Laws
19 2003, Chapter 269, Section 2) is amended to read:

20 "10-11-27.2. LEGISLATIVE FINDINGS.--The legislature finds
21 that:

22 A. it is appropriate to recognize the
23 professionalism and dedication of state police officers, who
24 provide an essential service to the citizens of New Mexico;

25 B. it is appropriate to recognize the hazardous

.190837.3SA

underscored material = new
[bracketed material] = delete

1 nature of the work performed by state police officers;

2 C. the spirit of what it takes to be a state police
3 officer is personified by Sergeant Brent H. Bateman, who served
4 with honor as a state police officer for twenty-two years.
5 Sergeant Bateman became ill days after his retirement and
6 passed away a short six months following retirement; and

7 D. the twenty percent credit [~~towards~~] toward
8 actual service, as provided in Subsection B of Section 10-11-27
9 NMSA 1978 under state police member coverage plan 1, is
10 dedicated to Sergeant Brent H. Bateman and all other officers
11 who have served, and who do serve, as New Mexico state police
12 officers."

13 SECTION 16. Section 10-11-28 NMSA 1978 (being Laws 1987,
14 Chapter 253, Section 28, as amended) is amended to read:

15 "10-11-28. STATE POLICE MEMBER AND ADULT CORRECTIONAL
16 OFFICER MEMBER COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS
17 FOR NORMAL RETIREMENT.--Under state police member and adult
18 correctional officer member coverage plan 1:

19 A. for a member who was a retired member or a
20 member on June 30, 2013, the age and service requirements for
21 normal retirement are:

22 [~~A-~~] (1) age sixty-five years or older and
23 five or more years of credited service;

24 [~~B-~~] (2) age sixty-four years and eight or
25 more years of credited service;

.190837.3SA

underscored material = new
[bracketed material] = delete

1 [~~G-~~] (3) age sixty-three years and eleven or
2 more years of credited service;

3 [~~D-~~] (4) age sixty-two years and fourteen or
4 more years of credited service;

5 [~~E-~~] (5) age sixty-one years and seventeen or
6 more years of credited service;

7 [~~F-~~] (6) age sixty years and twenty or more
8 years of credited service; or

9 [~~G-~~] (7) any age and twenty-five or more years
10 of credited service; and

11 B. for a member who was not a retired member or a
12 member on June 30, 2013, the age and service requirements for
13 normal retirement are:

14 (1) age sixty years or older and six or more
15 years of service credit; or

16 (2) any age if the member has six or more
17 years of service credit and the sum of the member's age and
18 years of service credit equals at least seventy-five."

19 SECTION 17. Section 10-11-29 NMSA 1978 (being Laws 1987,
20 Chapter 253, Section 29, as amended) is amended to read:

21 "10-11-29. STATE POLICE MEMBER AND ADULT CORRECTIONAL
22 OFFICER MEMBER COVERAGE PLAN 1--AMOUNT OF PENSION--FORM OF
23 PAYMENT A.--Under state police member and adult correctional
24 officer member coverage plan 1, the amount of pension under
25 form of payment A is equal to three percent of final average

.190837.3SA

underscored material = new
[bracketed material] = delete

1 salary multiplied by credited service. The amount shall not
2 exceed [~~eighty~~] ninety percent of the final average salary."

3 SECTION 18. Section 10-11-31 NMSA 1978 (being Laws 1987,
4 Chapter 253, Section 31, as amended) is amended to read:

5 "10-11-31. STATE POLICE MEMBER AND ADULT CORRECTIONAL
6 OFFICER MEMBER COVERAGE PLAN 1--MEMBER CONTRIBUTION RATE.--A
7 member under state police member and adult correctional officer
8 member coverage plan 1 shall contribute [~~seven and six-tenths~~]
9 nine and one-tenth percent of salary [~~except that for members~~
10 ~~whose annual salary is greater than twenty thousand dollars~~
11 ~~(\$20,000):~~

12 A. ~~from July 1, 2009 through June 30, 2011, the~~
13 ~~member contribution rate shall be nine and one-tenth percent of~~
14 ~~salary;~~

15 B. ~~from July 1, 2011 through June 30, 2012, the~~
16 ~~member contribution rate shall be ten and eighty-five~~
17 ~~hundredths percent of salary; and~~

18 C. ~~from July 1, 2012 through June 30, 2013, the~~
19 ~~member contribution rate shall be nine and one-tenth percent of~~
20 ~~salary]."~~

21 SECTION 19. Section 10-11-32 NMSA 1978 (being Laws 1987,
22 Chapter 253, Section 32, as amended) is amended to read:

23 "10-11-32. STATE POLICE MEMBER AND ADULT CORRECTIONAL
24 OFFICER MEMBER COVERAGE PLAN 1--STATE CONTRIBUTION RATE.--The
25 state shall contribute [~~twenty-five and one-tenth~~] twenty-six

.190837.3SA

underscored material = new
[bracketed material] = delete

1 and six-tenths percent of the salary of each member under state
2 police member and adult correctional officer member coverage
3 plan 1, except that [~~for members whose annual salary is greater~~
4 ~~than twenty thousand dollars (\$20,000):~~

5 ~~A. from July 1, 2009 through June 30, 2011, the~~
6 ~~state contribution rate shall be twenty-three and six-tenths~~
7 ~~percent of the salary of each member;~~

8 ~~B. from July 1, 2011 through June 30, 2012, the~~
9 ~~state contribution rate shall be twenty-one and eighty-five~~
10 ~~hundredths percent of the salary of each member; and~~

11 ~~C. from July 1, 2012 through June 30, 2013, the~~
12 ~~state contribution rate shall be twenty-three and six-tenths~~
13 ~~percent of the salary of each member];~~

14 A. from July 1, 2013 through June 30, 2014, the
15 state contribution rate shall be twenty-five and one-tenth
16 percent of the salary of each member;

17 B. from July 1, 2014 through June 30, 2015, the
18 state contribution rate shall be twenty-five and six-tenths
19 percent of the salary of each member; and

20 C. from July 1, 2015 through June 30, 2016, the
21 state contribution rate shall be twenty-six and one-tenth
22 percent of the salary of each member."

23 SECTION 20. Section 10-11-33 NMSA 1978 (being Laws 1987,
24 Chapter 253, Section 33) is amended to read:

25 "10-11-33. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
.190837.3SA

underscored material = new
[bracketed material] = delete

1 OFFICER MEMBER COVERAGE PLAN 1--APPLICABILITY.--[~~State~~
2 ~~hazardous duty~~] Juvenile correctional officer member coverage
3 plan 1 is applicable to [~~state hazardous duty~~] juvenile
4 correctional officer members who are not specifically covered
5 by another coverage plan."

6 SECTION 21. Section 10-11-34 NMSA 1978 (being Laws 1987,
7 Chapter 253, Section 34) is amended to read:

8 "10-11-34. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
9 OFFICER MEMBER COVERAGE PLAN 1--AGE AND SERVICE REQUIREMENTS
10 FOR NORMAL RETIREMENT.--Under [~~state hazardous duty~~] juvenile
11 correctional officer member coverage plan 1, the age and
12 service requirements for normal retirement are:

13 A. age sixty-five years or older and five or more
14 years of credited service;

15 B. age sixty-four years and eight or more years of
16 credited service;

17 C. age sixty-three years and eleven or more years
18 of credited service;

19 D. age sixty-two years and fourteen or more years
20 of credited service;

21 E. age sixty-one years and seventeen or more years
22 of credited service;

23 F. age sixty years and twenty or more years of
24 credited service; or

25 G. any age and twenty-five or more years of

.190837.3SA

underscored material = new
[bracketed material] = delete

1 credited service."

2 SECTION 22. Section 10-11-35 NMSA 1978 (being Laws 1987,
3 Chapter 253, Section 35) is amended to read:

4 "10-11-35. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
5 OFFICER MEMBER COVERAGE PLAN 1--AMOUNT OF PENSION--FORM OF
6 PAYMENT A.--Under [~~state hazardous duty~~] juvenile correctional
7 officer member coverage plan 1, the amount of pension under
8 form of payment A is equal to two and one-half percent of final
9 average salary multiplied by credited service. The amount
10 shall not exceed one hundred percent of the final average
11 salary."

12 SECTION 23. Section 10-11-37 NMSA 1978 (being Laws 1987,
13 Chapter 253, Section 37) is amended to read:

14 "10-11-37. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
15 OFFICER MEMBER COVERAGE PLAN 1--MEMBER CONTRIBUTION RATE.--A
16 member under [~~state hazardous duty~~] juvenile correctional
17 officer member coverage plan 1 shall contribute four percent of
18 salary."

19 SECTION 24. Section 10-11-38 NMSA 1978 (being Laws 1987,
20 Chapter 253, Section 38) is amended to read:

21 "10-11-38. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
22 OFFICER MEMBER COVERAGE PLAN 1--STATE CONTRIBUTION RATE.--The
23 state shall contribute twenty-one and five-tenths percent of
24 the salary of each member under [~~state hazardous duty~~] juvenile
25 correctional officer member coverage plan 1."

.190837.3SA

underscored material = new
[bracketed material] = delete

1 SECTION 25. Section 10-11-38.1 NMSA 1978 (being Laws
2 1994, Chapter 128, Section 9) is amended to read:

3 "10-11-38.1. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
4 OFFICER MEMBER COVERAGE PLAN 2--APPLICABILITY.--[~~State~~
5 ~~hazardous duty~~] Juvenile correctional officer member coverage
6 plan 2 is applicable to [~~state hazardous duty~~] juvenile
7 correctional officer members in the first full pay period after
8 July 1, 1995 if the retirement board certifies to the secretary
9 of state that a majority of the members voting of those members
10 to be covered under [~~state hazardous duty~~] juvenile
11 correctional officer member coverage plan 2 has voted to
12 approve adoption of this plan at an election conducted pursuant
13 to Laws 1994, Chapter 128, Section 17 [~~of this act~~]."

14 SECTION 26. Section 10-11-38.2 NMSA 1978 (being Laws
15 1994, Chapter 128, Section 10) is amended to read:

16 "10-11-38.2. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
17 OFFICER MEMBER COVERAGE PLAN 2--AGE AND SERVICE CREDIT
18 REQUIREMENTS FOR NORMAL RETIREMENT.--Under [~~state hazardous~~
19 duty] juvenile correctional officer member coverage plan 2:

20 A. for a member who was a retired member or a
21 member on June 30, 2013, the age and service credit
22 requirements for normal retirement are:

23 [A.] (1) age sixty-five years or older and
24 five or more years of service credit;

25 [B.] (2) age sixty-four years and eight or

.190837.3SA

underscored material = new
[bracketed material] = delete

1 more years of service credit;

2 [G-] (3) age sixty-three years and eleven or
3 more years of service credit;

4 [D-] (4) age sixty-two years and fourteen or
5 more years of service credit;

6 [E-] (5) age sixty-one years and seventeen or
7 more years of service credit;

8 [F-] (6) age sixty years and twenty or more
9 years of service credit; and

10 [G-] (7) any age and twenty-five or more years
11 of service credit; and

12 B. for a member who was not a retired member or a
13 member on June 30, 2013, the age and service requirements for
14 normal retirement are:

15 (1) age sixty years or older and six or more
16 years of service credit; or

17 (2) any age if the member has six or more
18 years of service credit and the sum of the member's age and
19 years of service credit equals at least seventy-five."

20 SECTION 27. Section 10-11-38.3 NMSA 1978 (being Laws
21 1994, Chapter 128, Section 11) is amended to read:

22 "10-11-38.3. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
23 OFFICER MEMBER COVERAGE PLAN 2--AMOUNT OF PENSION--FORM OF
24 PAYMENT A.--Under [~~state hazardous duty~~] juvenile correctional
25 officer member coverage plan 2, the amount of pension under

.190837.3SA

underscored material = new
[bracketed material] = delete

1 form of payment A is equal to three percent of final average
2 salary multiplied by service credit. The amount shall not
3 exceed ~~[one hundred]~~ ninety percent of the final average
4 salary."

5 SECTION 28. Section 10-11-38.5 NMSA 1978 (being Laws
6 1994, Chapter 128, Section 13, as amended) is amended to read:

7 "10-11-38.5. ~~[STATE HAZARDOUS DUTY]~~ JUVENILE CORRECTIONAL
8 OFFICER MEMBER COVERAGE PLAN 2--MEMBER CONTRIBUTION RATE.--A

9 member under ~~[state hazardous duty]~~ juvenile correctional
10 officer member coverage plan 2 shall contribute ~~[four and~~
11 ~~seventy-eight hundredths]~~ six and twenty-eight hundredths
12 percent of salary starting with the first full pay period that
13 ends within the calendar month in which ~~[state hazardous duty]~~
14 juvenile correctional officer member coverage plan 2 becomes
15 applicable to the member ~~[except that for members whose annual~~
16 ~~salary is greater than twenty thousand dollars (\$20,000):~~

17 A. ~~from July 1, 2009 through June 30, 2011, the~~
18 ~~member contribution rate shall be six and twenty-eight~~
19 ~~hundredths percent of salary;~~

20 B. ~~from July 1, 2011 through June 30, 2012, the~~
21 ~~member contribution rate shall be eight and three-hundredths~~
22 ~~percent of salary; and~~

23 C. ~~from July 1, 2012 through June 30, 2013, the~~
24 ~~member contribution rate shall be six and twenty-eight~~
25 ~~hundredths percent of salary]."~~

.190837.3SA

underscored material = new
[bracketed material] = delete

1 SECTION 29. Section 10-11-38.6 NMSA 1978 (being Laws
2 1994, Chapter 128, Section 14, as amended) is amended to read:
3 "10-11-38.6. [~~STATE HAZARDOUS DUTY~~] JUVENILE CORRECTIONAL
4 OFFICER MEMBER COVERAGE PLAN 2--STATE CONTRIBUTION RATE.--The
5 state shall contribute [~~twenty-five and seventy-two hundredths~~]
6 twenty-seven and twenty-two hundredths percent of the salary of
7 each member covered by [~~state hazardous duty~~] juvenile
8 correctional officer member coverage plan 2 starting with the
9 first pay period that ends within the calendar month in which
10 [~~state hazardous duty~~] juvenile correctional officer member
11 coverage plan 2 becomes applicable to the member, except that
12 [~~for members whose annual salary is greater than twenty~~
13 ~~thousand dollars (\$20,000):~~
14 A. ~~from July 1, 2009 through June 30, 2011, the~~
15 ~~state contribution rate shall be twenty-four and twenty-two~~
16 ~~hundredths percent of the salary of each member;~~
17 B. ~~from July 1, 2011 through June 30, 2012, the~~
18 ~~state contribution rate shall be twenty-two and forty-seven~~
19 ~~hundredths percent of the salary of each member; and~~
20 C. ~~from July 1, 2012 through June 30, 2013, the~~
21 ~~state contribution rate shall be twenty-four and twenty-two~~
22 ~~hundredths percent of the salary of each member];~~
23 A. from July 1, 2013 through June 30, 2014, the
24 state contribution rate shall be twenty-five and seventy-two
25 hundredths percent of the salary of each member;

.190837.3SA

underscored material = new
[bracketed material] = delete

1 B. from July 1, 2014 through June 30, 2015, the
2 state contribution rate shall be twenty-six and twenty-two
3 hundredths percent of the salary of each member; and

4 C. from July 1, 2015 through June 30, 2016, the
5 state contribution rate shall be twenty-six and seventy-two
6 hundredths percent of the salary of each member."

7 SECTION 30. Section 10-11-38.7 NMSA 1978 (being Laws
8 1994, Chapter 128, Section 15) is amended to read:

9 "10-11-38.7. SERVICE CREDIT UNDER THIS PLAN REQUIRED.--
10 Notwithstanding the provisions of Section [~~10 of this act~~]
11 10-11-38.2 NMSA 1978, to qualify for payment under [~~state~~
12 ~~hazardous duty~~] juvenile correctional officer member coverage
13 plan 2, a member shall have one and one-half years of service
14 credit earned under the [~~state hazardous duty~~] juvenile
15 correctional officer member coverage plan 2 subsequent to July
16 1, 1995."

17 SECTION 31. Section 10-11-45 NMSA 1978 (being Laws 1987,
18 Chapter 253, Section 45, as amended) is amended to read:

19 "10-11-45. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--AGE
20 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
21 municipal general member coverage plan 1:

22 A. for a member who was a retired member or a
23 member on June 30, [~~2010~~] 2013, the age and service
24 requirements for normal retirement are:

25 (1) age sixty-five years or older and five or

.190837.3SA

underscored material = new
[bracketed material] = delete

1 more years of service credit;

2 (2) age sixty-four years and eight or more
3 years of service credit;

4 (3) age sixty-three years and eleven or more
5 years of service credit;

6 (4) age sixty-two years and fourteen or more
7 years of service credit;

8 (5) age sixty-one years and seventeen or more
9 years of service credit;

10 (6) age sixty years and twenty or more years
11 of service credit; or

12 (7) any age and twenty-five or more years of
13 service credit; and

14 B. for a member who was not a retired member or a
15 member on June 30, [~~2010~~] 2013, the age and service
16 requirements for normal retirement are:

17 (1) age [~~sixty-seven~~] sixty-five years or
18 older and [~~five~~] eight or more years of service credit; or

19 (2) any age if the member has eight or more
20 years of service credit and the sum of the member's age and
21 years of service credit equals at least [~~eighty; or~~

22 ~~(3) any age and thirty or more years of~~
23 ~~service credit] eighty-five."~~

24 SECTION 32. Section 10-11-46 NMSA 1978 (being Laws 1987,
25 Chapter 253, Section 46) is amended to read:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 "10-11-46. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--
2 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general
3 member coverage plan 1, the amount of pension under form of
4 payment A is equal to two percent of the final average salary
5 multiplied by credited service. The amount shall not exceed
6 [~~sixty~~] ninety percent of the final average salary."

7 SECTION 33. Section 10-11-48 NMSA 1978 (being Laws 1987,
8 Chapter 253, Section 48) is amended to read:

9 "10-11-48. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--
10 MEMBER CONTRIBUTION RATE.--A member under municipal general
11 member coverage plan 1 shall contribute [~~seven~~] eight and one-
12 half percent of salary."

13 SECTION 34. Section 10-11-49 NMSA 1978 (being Laws 1987,
14 Chapter 253, Section 49) is amended to read:

15 "10-11-49. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--
16 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--An affiliated
17 public employer shall contribute [~~seven~~] eight and one-half
18 percent of the salary of each member [~~which~~] it employs and who
19 is covered under municipal general member coverage plan 1,
20 except that:

21 A. from July 1, 2013 through June 30, 2014, the
22 affiliated public employer contribution rate shall be seven
23 percent of the salary of each member;

24 B. from July 1, 2014 through June 30, 2015, the
25 affiliated public employer contribution rate shall be seven and

.190837.3SA

underscored material = new
[bracketed material] = delete

1 one-half percent of the salary of each member; and

2 C. from July 1, 2015 through June 30, 2016, the
3 affiliated public employer contribution rate shall be eight
4 percent of the salary of each member."

5 SECTION 35. Section 10-11-51 NMSA 1978 (being Laws 1987,
6 Chapter 253, Section 51, as amended) is amended to read:

7 "10-11-51. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--AGE
8 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
9 municipal general member coverage plan 2:

10 A. for a member who was a retired member or a
11 member on June 30, [~~2010~~] 2013, the age and service
12 requirements for normal retirement are:

13 (1) age sixty-five years or older and five or
14 more years of service credit;

15 (2) age sixty-four years and eight or more
16 years of service credit;

17 (3) age sixty-three years and eleven or more
18 years of service credit;

19 (4) age sixty-two years and fourteen or more
20 years of service credit;

21 (5) age sixty-one years and seventeen or more
22 years of service credit;

23 (6) age sixty years and twenty or more years
24 of service credit; or

25 (7) any age and twenty-five or more years of

.190837.3SA

underscored material = new
[bracketed material] = delete

1 service credit; and

2 B. for a member who was not a retired member or a
3 member on June 30, [~~2010~~] 2013, the age and service
4 requirements for normal retirement are:

5 (1) age [~~sixty-seven~~] sixty-five years or
6 older and [~~five~~] eight or more years of service credit; or

7 (2) any age if the member has eight or more
8 years of service credit and the sum of the member's age and
9 years of service credit equals at least [~~eighty; or~~

10 ~~(3) any age and thirty or more years of~~
11 ~~service credit] eighty-five."~~

12 SECTION 36. Section 10-11-52 NMSA 1978 (being Laws 1987,
13 Chapter 253, Section 52) is amended to read:

14 "10-11-52. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--
15 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general
16 member coverage plan 2:

17 A. for a member with age and service requirements
18 provided in Subsection A of Section 10-11-51 NMSA 1978, the
19 amount of pension under form of payment A is equal to two and
20 one-half percent of the final average salary multiplied by
21 credited service. The amount shall not exceed [~~seventy-five~~
22 ninety percent of the final average salary; and

23 B. for a member with age and service requirements
24 provided in Subsection B of Section 10-11-51 NMSA 1978, the
25 amount of pension under form of payment A is equal to two

.190837.3SA

underscored material = new
[bracketed material] = delete

1 percent of the final average salary multiplied by service
2 credit. The amount shall not exceed ninety percent of the
3 final average salary."

4 SECTION 37. Section 10-11-54 NMSA 1978 (being Laws 1987,
5 Chapter 253, Section 54) is amended to read:

6 "10-11-54. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--
7 MEMBER CONTRIBUTION RATE.--A member under municipal general
8 member coverage plan 2 shall contribute [~~nine and fifteen one-~~
9 ~~hundredths~~] ten and sixty-five hundredths percent of salary
10 starting with the first full pay period in the calendar month
11 in which coverage plan 2 becomes applicable to the member."

12 SECTION 38. Section 10-11-55 NMSA 1978 (being Laws 1987,
13 Chapter 253, Section 55) is amended to read:

14 "10-11-55. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--
15 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--An affiliated
16 public employer shall contribute [~~nine and fifteen one-~~
17 ~~hundredths~~] ten and sixty-five hundredths percent of the salary
18 of each member [~~which~~] it employs and who is covered under
19 municipal general member coverage plan 2, except that:

20 A. from July 1, 2013 through June 30, 2014, the
21 affiliated public employer contribution rate shall be nine and
22 fifteen-hundredths percent of the salary of each member;

23 B. from July 1, 2014 through June 30, 2015, the
24 affiliated public employer contribution rate shall be nine and
25 sixty-five hundredths percent of the salary of each member;

.190837.3SA

1 C. from July 1, 2015 through June 30, 2016, the
2 affiliated public employer contribution rate shall be ten and
3 fifteen-hundredths percent of the salary of each member."

4 SECTION 39. Section 10-11-55.2 NMSA 1978 (being Laws
5 1993, Chapter 58, Section 2, as amended) is amended to read:

6 "10-11-55.2. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--
7 AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
8 municipal general member coverage plan 3:

9 A. for a member who was a retired member or a
10 member on June 30, [~~2010~~] 2013, the age and service
11 requirements for normal retirement are:

12 (1) age sixty-five years or older and five or
13 more years of service credit;

14 (2) age sixty-four years and eight or more
15 years of service credit;

16 (3) age sixty-three years and eleven or more
17 years of service credit;

18 (4) age sixty-two years and fourteen or more
19 years of service credit;

20 (5) age sixty-one years and seventeen or more
21 years of service credit;

22 (6) age sixty years and twenty or more years
23 of service credit; or

24 (7) any age and twenty-five or more years of
25 service credit; and

.190837.3SA

underscored material = new
[bracketed material] = delete

1 B. for a member who was not a retired member or a
2 member on June 30, [~~2010~~] 2013, the age and service
3 requirements for normal retirement are:

4 (1) age [~~sixty-seven~~] sixty-five years or
5 older and [~~five~~] eight or more years of service credit; or

6 (2) any age if the member has eight or more
7 years of service credit and the sum of the member's age and
8 years of service credit equals at least [~~eighty; or~~

9 ~~(3) any age and thirty or more years of~~
10 ~~service credit]~~ eighty-five."

11 **SECTION 40.** Section 10-11-55.3 NMSA 1978 (being Laws
12 1993, Chapter 58, Section 3) is amended to read:

13 "10-11-55.3. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--
14 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general
15 member coverage plan 3:

16 A. for a member with age and service requirements
17 provided under Subsection A of Section 10-11-55.2 NMSA 1978,
18 the amount of pension under form of payment A is equal to three
19 percent of the final average salary multiplied by credited
20 service. The amount shall not exceed [~~eighty~~] ninety percent
21 of the final average salary; and

22 B. for a member with age and service requirements
23 provided under Subsection B of Section 10-11-55.2 NMSA 1978,
24 the amount of pension under form of payment A is equal to two
25 and one-half percent of the final average salary multiplied by

.190837.3SA

underscored material = new
[bracketed material] = delete

1 credited service. The amount shall not exceed ninety percent
2 of the final average salary."

3 SECTION 41. Section 10-11-55.5 NMSA 1978 (being Laws
4 1993, Chapter 58, Section 5) is amended to read:

5 "10-11-55.5. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--
6 MEMBER CONTRIBUTION RATE.--A member under municipal general
7 member coverage plan 3 shall contribute [~~thirteen and fifteen~~
8 ~~one-hundredths~~] fourteen and sixty-five hundredths percent of
9 salary starting with the first full pay period in the calendar
10 month in which coverage plan 3 becomes applicable to the
11 member."

12 SECTION 42. Section 10-11-55.6 NMSA 1978 (being Laws
13 1993, Chapter 58, Section 6) is amended to read:

14 "10-11-55.6. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--
15 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--An affiliated
16 public employer shall contribute [~~nine and fifteen one-~~
17 ~~hundredths~~] ten and sixty-five hundredths percent of the salary
18 of each member it employs and who is covered under municipal
19 general member coverage plan 3, except that:

20 A. from July 1, 2013 through June 30, 2014, the
21 affiliated public employer contribution rate shall be nine and
22 fifteen-hundredths percent of the salary of each member;

23 B. from July 1, 2014 through June 30, 2015, the
24 affiliated public employer contribution rate shall be nine and
25 sixty-five hundredths percent of the salary of each member; and

.190837.3SA

1 C. from July 1, 2015 through June 30, 2016, the
2 affiliated public employer contribution rate shall be ten and
3 fifteen-hundredths percent of the salary of each member."

4 SECTION 43. Section 10-11-55.8 NMSA 1978 (being Laws
5 1998, Chapter 106, Section 2, as amended) is amended to read:

6 "10-11-55.8. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--
7 AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
8 municipal general member coverage plan 4:

9 A. for a member who was a retired member or a
10 member on June 30, [~~2010~~] 2013, the age and service
11 requirements for normal retirement are:

12 (1) age sixty-five years or older and five or
13 more years of service credit;

14 (2) age sixty-four years and eight or more
15 years of service credit;

16 (3) age sixty-three years and eleven or more
17 years of service credit;

18 (4) age sixty-two years and fourteen or more
19 years of service credit;

20 (5) age sixty-one years and seventeen or more
21 years of service credit;

22 (6) age sixty years and twenty or more years
23 of service credit; or

24 (7) any age and twenty-five or more years of
25 service credit; and

.190837.3SA

underscored material = new
[bracketed material] = delete

1 B. for a member who was not a retired member or a
2 member on June 30, [~~2010~~] 2013, the age and service
3 requirements for normal retirement are:

4 (1) age [~~sixty-seven~~] sixty-five years or
5 older and [~~five~~] eight or more years of service credit; or

6 (2) any age if the member has eight or more
7 years of service credit and the sum of the member's age and
8 years of service credit equals at least [~~eighty; or~~

9 ~~(3) any age and thirty or more years of~~
10 ~~service credit]~~ eighty-five."

11 SECTION 44. Section 10-11-55.9 NMSA 1978 (being Laws
12 1998, Chapter 106, Section 3) is amended to read:

13 "10-11-55.9. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--
14 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general
15 member coverage plan 4:

16 A. for a member with age and service requirements
17 provided under Subsection A of Section 10-11-55.8 NMSA 1978,
18 the amount of pension under form of payment A is equal to three
19 percent of the final average salary multiplied by credited
20 service. The amount shall not exceed [~~eighty~~] ninety percent
21 of the final average salary; and

22 B. for a member with age and service requirements
23 provided under Subsection B of Section 10-11-55.8 NMSA 1978,
24 the amount of pension under form of payment A is equal to two
25 and one-half percent of the final average salary multiplied by

.190837.3SA

underscored material = new
[bracketed material] = delete

1 credited service. The amount shall not exceed ninety percent
2 of the final average salary."

3 SECTION 45. Section 10-11-55.11 NMSA 1978 (being Laws
4 1998, Chapter 106, Section 5) is amended to read:

5 "10-11-55.11. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--
6 MEMBER CONTRIBUTION RATE.--A member under municipal general
7 member coverage plan 4 shall contribute [~~fifteen and sixty-five~~
8 ~~hundredths~~] seventeen and fifteen-hundredths percent of salary
9 starting with the first full pay period in the calendar month
10 in which coverage plan 4 becomes applicable to the member."

11 SECTION 46. Section 10-11-55.12 NMSA 1978 (being Laws
12 1998, Chapter 106, Section 6) is amended to read:

13 "10-11-55.12. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--
14 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--An affiliated
15 public employer shall contribute [~~eleven and sixty-five~~
16 ~~hundredths~~] thirteen and fifteen-hundredths percent of the
17 salary of each member it employs and who is covered under
18 municipal general member coverage plan 4, except that:

19 A. from July 1, 2013 through June 30, 2014, the
20 affiliated public employer contribution rate shall be eleven
21 and sixty-five hundredths percent of the salary of each member;

22 B. from July 1, 2014 through June 30, 2015, the
23 affiliated public employer contribution rate shall be twelve
24 and fifteen-hundredths percent of the salary of each member;

25 and

.190837.3SA

underscored material = new
[bracketed material] = delete

1 C. from July 1, 2015 through June 30, 2016, the
2 affiliated public employer contribution rate shall be twelve
3 and sixty-five hundredths percent of the salary of each
4 member."

5 SECTION 47. Section 10-11-57 NMSA 1978 (being Laws 1987,
6 Chapter 253, Section 57) is amended to read:

7 "10-11-57. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--AGE
8 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
9 municipal police member coverage plan 1:

10 A. for a member who was a retired member or a
11 member on June 30, 2013, the age and service requirements for
12 normal retirement are:

13 [~~A.~~] (1) age sixty-five years or older and
14 five or more years of credited service;

15 [~~B.~~] (2) age sixty-four years and eight or
16 more years of credited service;

17 [~~C.~~] (3) age sixty-three years and eleven or
18 more years of credited service;

19 [~~D.~~] (4) age sixty-two years and fourteen or
20 more years of credited service;

21 [~~E.~~] (5) age sixty-one years and seventeen or
22 more years of credited service;

23 [~~F.~~] (6) age sixty years and twenty or more
24 years of credited service; or

25 [~~G.~~] (7) any age and twenty-five or more years

.190837.3SA

underscored material = new
[bracketed material] = delete

1 of credited service; and

2 B. for a member who was not a retired member or a
3 member on June 30, 2013, the age and service requirements for
4 normal retirement are:

5 (1) age sixty years or older and six or more
6 years of service credit; or

7 (2) any age if the member has six or more
8 years of service credit and the sum of the member's age and
9 years of service credit equals at least seventy-five."

10 SECTION 48. Section 10-11-58 NMSA 1978 (being Laws 1987,
11 Chapter 253, Section 58) is amended to read:

12 "10-11-58. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--
13 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police
14 member coverage plan 1, the amount of pension under form of
15 payment A is equal to two percent of the final average salary
16 multiplied by credited service. The amount shall not exceed
17 [~~sixty~~] ninety percent of the final average salary."

18 SECTION 49. Section 10-11-60 NMSA 1978 (being Laws 1987,
19 Chapter 253, Section 60) is amended to read:

20 "10-11-60. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--
21 MEMBER CONTRIBUTION RATE.--A member under municipal police
22 member coverage plan 1 shall contribute [~~seven~~] eight and one-
23 half percent of salary."

24 SECTION 50. Section 10-11-61 NMSA 1978 (being Laws 1987,
25 Chapter 253, Section 61) is amended to read:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 "10-11-61. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--
2 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
3 public employer shall contribute [~~ten~~] eleven and one-half
4 percent of the salary of each member [~~which~~] it employs and who
5 is covered under municipal police member coverage plan 1,
6 except that:

7 A. from July 1, 2013 through June 30, 2014, the
8 affiliated public employer contribution rate shall be ten
9 percent of the salary of each member;

10 B. from July 1, 2014 through June 30, 2015, the
11 affiliated public employer contribution rate shall be ten and
12 one-half percent of the salary of each member; and

13 C. from July 1, 2015 through June 30, 2016, the
14 affiliated public employer contribution rate shall be eleven
15 percent of the salary of each member."

16 SECTION 51. Section 10-11-63 NMSA 1978 (being Laws 1987,
17 Chapter 253, Section 63) is amended to read:

18 "10-11-63. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--AGE
19 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
20 municipal police coverage plan 2:

21 A. for a member who was a retired member or a
22 member on June 30, 2013, the age and service requirements for
23 normal retirement are:

24 [~~A.~~] (1) age sixty-five years or older and
25 five or more years of credited service;

.190837.3SA

underscored material = new
[bracketed material] = delete

1 [~~B-~~] (2) age sixty-four years and eight or
2 more years of credited service;

3 [~~G-~~] (3) age sixty-three years and eleven or
4 more years of credited service;

5 [~~D-~~] (4) age sixty-two years and fourteen or
6 more years of credited service;

7 [~~E-~~] (5) age sixty-one years and seventeen or
8 more years of credited service;

9 [~~F-~~] (6) age sixty years and twenty or more
10 years of credited service; or

11 [~~G-~~] (7) any age and twenty-five or more years
12 of credited service; and

13 B. for a member who was not a retired member or a
14 member on June 30, 2013, the age and service requirements for
15 normal retirement are:

16 (1) age sixty years or older and six or more
17 years of service credit; or

18 (2) any age if the member has six or more
19 years of service credit and the sum of the member's age and
20 years of service credit equals at least seventy-five."

21 SECTION 52. Section 10-11-64 NMSA 1978 (being Laws 1987,
22 Chapter 253, Section 64) is amended to read:

23 "10-11-64. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--
24 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police
25 member coverage plan 2:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 A. for a member with age and service requirements
2 provided under Subsection A of Section 10-11-63 NMSA 1978, the
3 amount of pension under form of payment A is equal to two and
4 one-half percent of the final average salary multiplied by
5 credited service. The amount shall not exceed [~~one hundred~~
6 ninety percent of the final average salary; and

7 B. for a member with age and service requirements
8 provided under Subsection B of Section 10-11-63 NMSA 1978, the
9 amount of pension under form of payment A is equal to two
10 percent of the final average salary multiplied by credited
11 service. The amount shall not exceed ninety percent of the
12 final average salary."

13 SECTION 53. Section 10-11-66 NMSA 1978 (being Laws 1987,
14 Chapter 253, Section 66) is amended to read:

15 "10-11-66. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--
16 MEMBER CONTRIBUTION RATE.--A member under municipal police
17 member coverage plan 2 shall contribute [~~seven~~ eight and one-
18 half percent of salary."

19 SECTION 54. Section 10-11-67 NMSA 1978 (being Laws 1987,
20 Chapter 253, Section 67) is amended to read:

21 "10-11-67. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--
22 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
23 public employer shall contribute [~~fifteen~~ sixteen and one-half
24 percent of the salary of each member [~~which~~] it employs and who
25 is covered under municipal police member coverage plan 2,

.190837.3SA

underscored material = new
[bracketed material] = delete

1 except that:

2 A. from July 1, 2013 through June 30, 2014, the
3 affiliated public employer contribution rate shall be fifteen
4 percent of the salary of each member;

5 B. from July 1, 2014 through June 30, 2015, the
6 affiliated public employer contribution rate shall be fifteen
7 and one-half percent of the salary of each member; and

8 C. from July 1, 2015 through June 30, 2016, the
9 affiliated public employer contribution rate shall be sixteen
10 percent of the salary of each member."

11 SECTION 55. Section 10-11-69 NMSA 1978 (being Laws 1987,
12 Chapter 253, Section 69) is amended to read:

13 "10-11-69. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--AGE
14 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
15 municipal police member coverage plan 3:

16 A. for a member who was a retired member or a
17 member on June 30, 2013, the age and service requirements for
18 normal retirement are:

19 [~~A.~~] (1) age sixty-five years or older and
20 five or more years of credited service;

21 [~~B.~~] (2) age sixty-four years and eight or
22 more years of credited service;

23 [~~C.~~] (3) age sixty-three years and eleven or
24 more years of credited service;

25 [~~D.~~] (4) age sixty-two years and fourteen or

.190837.3SA

underscored material = new
[bracketed material] = delete

1 more years of credited service;

2 ~~[E-]~~ (5) age sixty-one years and seventeen or
3 more years of credited service; or

4 ~~[F-]~~ (6) any age and twenty or more years of
5 credited service; and

6 B. for a member who was not a retired member or a
7 member on June 30, 2013, the age and service requirements for
8 normal retirement are:

9 (1) age sixty years or older and six or more
10 years of service credit; or

11 (2) any age if the member has six or more
12 years of service credit and the sum of the member's age and
13 years of service credit equals at least seventy-five."

14 SECTION 56. Section 10-11-70 NMSA 1978 (being Laws 1987,
15 Chapter 253, Section 70) is amended to read:

16 "10-11-70. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--
17 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police
18 member coverage plan 3:

19 A. for a member with age and service requirements
20 provided under Subsection A of Section 10-11-69 NMSA 1978, the
21 amount of pension under form of payment A is equal to two and
22 one-half percent of the final average salary multiplied by
23 credited service. The amount shall not exceed [~~one hundred~~
24 ninety percent of the final average salary; and

25 B. for a member with age and service requirements

.190837.3SA

underscored material = new
[bracketed material] = delete

1 provided under Subsection B of Section 10-11-69 NMSA 1978, the
2 amount of pension under form of payment A is equal to two
3 percent of the final average salary multiplied by credited
4 service. The amount shall not exceed ninety percent of the
5 final average salary."

6 SECTION 57. Section 10-11-72 NMSA 1978 (being Laws 1987,
7 Chapter 253, Section 72) is amended to read:

8 "10-11-72. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--
9 MEMBER CONTRIBUTION RATE.--A member under municipal police
10 member coverage plan 3 shall contribute [~~seven~~] eight and one-
11 half percent of salary."

12 SECTION 58. Section 10-11-73 NMSA 1978 (being Laws 1987,
13 Chapter 253, Section 73) is amended to read:

14 "10-11-73. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--
15 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
16 public employer shall contribute [~~eighteen and one-half~~] twenty
17 percent of the salary of each member [which] it employs and who
18 is covered under [coverage] municipal police member coverage
19 plan 3, except that:

20 A. from July 1, 2013 through June 30, 2014, the
21 affiliated public employer contribution rate shall be eighteen
22 and one-half percent of the salary of each member;

23 B. from July 1, 2014 through June 30, 2015, the
24 affiliated public employer contribution rate shall be nineteen
25 percent of the salary of each member; and

.190837.3SA

underscored material = new
[bracketed material] = delete

1 C. from July 1, 2015 through June 30, 2016, the
2 affiliated public employer contribution rate shall be nineteen
3 and one-half percent of the salary of each member."

4 SECTION 59. Section 10-11-75 NMSA 1978 (being Laws 1987,
5 Chapter 253, Section 75) is amended to read:

6 "10-11-75. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--AGE
7 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
8 municipal police member coverage plan 4:

9 A. for a member who was a retired member or a
10 member on June 30, 2013, the age and service requirements for
11 normal retirement are:

12 ~~[A.]~~ (1) age sixty-five years or older and
13 five or more years of credited service;

14 ~~[B.]~~ (2) age sixty-four years and eight or
15 more years of credited service;

16 ~~[C.]~~ (3) age sixty-three years and eleven or
17 more years of credited service;

18 ~~[D.]~~ (4) age sixty-two years and fourteen or
19 more years of credited service;

20 ~~[E.]~~ (5) age sixty-one years and seventeen or
21 more years of credited service; or

22 ~~[F.]~~ (6) any age and twenty or more years of
23 credited service; and

24 B. for a member who was not a retired member or a
25 member on June 30, 2013, the age and service requirements for

.190837.3SA

underscored material = new
[bracketed material] = delete

1 normal retirement are:

2 (1) age sixty years or older and six or more
3 years of service credit; or

4 (2) any age if the member has six or more
5 years of service credit and the sum of the member's age and
6 years of service credit equals at least seventy-five."

7 SECTION 60. Section 10-11-76 NMSA 1978 (being Laws 1987,
8 Chapter 253, Section 76) is amended to read:

9 "10-11-76. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--
10 AMOUNT OF PENSION--FORM OF PENSION A.--Under municipal police
11 member coverage plan 4:

12 A. for a member with age and service requirements
13 provided under Subsection A of Section 10-11-75 NMSA 1978, the
14 amount of pension under form of payment A is equal to three
15 percent of the final average salary multiplied by credited
16 service. The amount shall not exceed [eighty] ninety percent
17 of the final average salary; and

18 B. for a member with age and service requirements
19 provided under Subsection B of Section 10-11-75 NMSA 1978, the
20 amount of pension under form of payment A is equal to two and
21 one-half percent of the final average salary multiplied by
22 credited service. The amount shall not exceed ninety percent
23 of the final average salary."

24 SECTION 61. Section 10-11-78 NMSA 1978 (being Laws 1987,
25 Chapter 253, Section 78) is amended to read:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 "10-11-78. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--
2 MEMBER CONTRIBUTION RATE.--A member under municipal police
3 member coverage plan 4 shall contribute [~~twelve and thirty-five~~
4 ~~one-hundredths~~] thirteen and eighty-five hundredths percent of
5 salary starting with the first full pay period in the calendar
6 month in which municipal police member coverage plan 4 becomes
7 applicable to the member."

8 SECTION 62. Section 10-11-79 NMSA 1978 (being Laws 1987,
9 Chapter 253, Section 79) is amended to read:

10 "10-11-79. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--
11 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
12 public employer shall contribute [~~eighteen and one-half~~] twenty
13 percent of the salary of each member [~~which~~] it employs and who
14 is covered under municipal police member coverage plan 4,
15 except that:

16 A. from July 1, 2013 through June 30, 2014, the
17 affiliated public employer contribution rate shall be eighteen
18 and one-half percent of the salary of each member;

19 B. from July 1, 2014 through June 30, 2015, the
20 affiliated public employer contribution rate shall be nineteen
21 percent of the salary of each member; and

22 C. from July 1, 2015 through June 30, 2016, the
23 affiliated public employer contribution rate shall be nineteen
24 and one-half percent of the salary of each member."

25 SECTION 63. Section 10-11-81 NMSA 1978 (being Laws 1987,
.190837.3SA

underscored material = new
[bracketed material] = delete

1 Chapter 253, Section 81) is amended to read:

2 "10-11-81. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--AGE
3 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
4 municipal police member coverage plan 5:

5 A. for a member who was a retired member or a
6 member on June 30, 2013, the age and service requirements for
7 normal retirement are:

8 [~~A-~~] (1) age sixty-five years or older and
9 five or more years of credited service;

10 [~~B-~~] (2) age sixty-four years and eight or
11 more years of credited service;

12 [~~C-~~] (3) age sixty-three years and eleven or
13 more years of credited service;

14 [~~D-~~] (4) age sixty-two years and fourteen or
15 more years of credited service;

16 [~~E-~~] (5) age sixty-one years and seventeen or
17 more years of credited service; or

18 [~~F-~~] (6) any age and twenty or more years of
19 credited service; and

20 B. for a member who was not a retired member or a
21 member on June 30, 2013, the age and service requirements for
22 normal retirement are:

23 (1) age sixty years or older and six or more
24 years of service credit; or

25 (2) any age if the member has six or more

.190837.3SA

underscored material = new
[bracketed material] = delete

1 years of service credit and the sum of the member's age and
2 years of service credit equals at least seventy-five."

3 SECTION 64. Section 10-11-82 NMSA 1978 (being Laws 1987,
4 Chapter 253, Section 82) is amended to read:

5 "10-11-82. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--
6 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police
7 member coverage plan 5:

8 A. for a member with age and service requirements
9 provided under Subsection A of Section 10-11-81 NMSA 1978, the
10 amount of pension under form of payment A is equal to three and
11 one-half percent of the final average salary multiplied by
12 credited service. The amount shall not exceed [eighty] ninety
13 percent of the final average salary; and

14 B. for a member with age and service requirements
15 provided under Subsection B of Section 10-11-81 NMSA 1978, the
16 amount of pension under form of payment A is equal to three
17 percent of the final average salary multiplied by credited
18 service. The amount shall not exceed ninety percent of the
19 final average salary."

20 SECTION 65. Section 10-11-84 NMSA 1978 (being Laws 1987,
21 Chapter 253, Section 84) is amended to read:

22 "10-11-84. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--
23 MEMBER CONTRIBUTION RATE.--A member under municipal police
24 member coverage plan 5 shall contribute [~~sixteen and three-~~
25 ~~tenths~~] seventeen and eight-tenths percent of salary starting

.190837.3SA

underscored material = new
[bracketed material] = delete

1 with the first full pay period in the calendar month in which
2 municipal police member coverage plan 5 becomes applicable to
3 the member."

4 SECTION 66. Section 10-11-85 NMSA 1978 (being Laws 1987,
5 Chapter 253, Section 85) is amended to read:

6 "10-11-85. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--
7 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
8 public employer shall contribute [~~eighteen and one-half~~] twenty
9 percent of the salary of each member [~~which~~] it employs and who
10 is covered under municipal police member coverage plan 5,
11 except that:

12 A. from July 1, 2013 through June 30, 2014, the
13 affiliated public employer contribution rate shall be eighteen
14 and one-half percent of the salary of each member;

15 B. from July 1, 2014 through June 30, 2015, the
16 affiliated public employer contribution rate shall be nineteen
17 percent of the salary of each member; and

18 C. from July 1, 2015 through June 30, 2016, the
19 affiliated public employer contribution rate shall be nineteen
20 and one-half percent of the salary of each member."

21 SECTION 67. Section 10-11-87 NMSA 1978 (being Laws 1987,
22 Chapter 253, Section 87) is amended to read:

23 "10-11-87. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--AGE AND
24 SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal
25 fire member coverage plan 1:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 A. for a member who was a retired member or a
2 member on June 30, 2013, the age and service requirements for
3 normal retirement are:

4 ~~[A.]~~ (1) age sixty-five years or older and
5 five or more years of credited service;

6 ~~[B.]~~ (2) age sixty-four years and eight or
7 more years of credited service;

8 ~~[C.]~~ (3) age sixty-three years and eleven or
9 more years of credited service;

10 ~~[D.]~~ (4) age sixty-two years and fourteen or
11 more years of credited service;

12 ~~[E.]~~ (5) age sixty-one years and seventeen or
13 more years of credited service;

14 ~~[F.]~~ (6) age sixty years and twenty or more
15 years of credited service; or

16 ~~[G.]~~ (7) any age and twenty-five or more years
17 of credited service; and

18 B. for a member who was not a retired member or a
19 member on June 30, 2013, the age and service requirements for
20 normal retirement are:

21 (1) age sixty years or older and six or more
22 years of service credit; or

23 (2) any age if the member has six or more
24 years of service credit and the sum of the member's age and
25 years of service credit equals at least seventy-five."

.190837.3SA

underscored material = new
[bracketed material] = delete

1 SECTION 68. Section 10-11-88 NMSA 1978 (being Laws 1987,
2 Chapter 253, Section 88) is amended to read:

3 "10-11-88. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--AMOUNT
4 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member
5 coverage plan 1, the amount of pension under form of payment A
6 is equal to two percent of the final average salary multiplied
7 by credited service. The amount shall not exceed [~~sixty~~]
8 ninety percent of the final average salary."

9 SECTION 69. Section 10-11-90 NMSA 1978 (being Laws 1987,
10 Chapter 253, Section 90, as amended) is amended to read:

11 "10-11-90. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--MEMBER
12 CONTRIBUTION RATE.--A member under municipal fire member
13 coverage plan 1 shall contribute [~~eight~~] nine and one-half
14 percent of salary."

15 SECTION 70. Section 10-11-91 NMSA 1978 (being Laws 1987,
16 Chapter 253, Section 91, as amended) is amended to read:

17 "10-11-91. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--
18 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
19 public employer shall contribute [~~eleven~~] twelve and one-half
20 percent of the salary of each member [~~whom~~] it employs and
21 covers under municipal fire member coverage plan 1, except
22 that:

23 A. from July 1, 2013 through June 30, 2014, the
24 affiliated public employer contribution rate shall be eleven
25 percent of the salary of each member;

.190837.3SA

underscored material = new
[bracketed material] = delete

1 B. from July 1, 2014 through June 30, 2015, the
2 affiliated public employer contribution rate shall be eleven
3 and one-half percent of the salary of each member; and

4 C. from July 1, 2015 through June 30, 2016, the
5 affiliated public employer contribution rate shall be twelve
6 percent of the salary of each member."

7 SECTION 71. Section 10-11-93 NMSA 1978 (being Laws 1987,
8 Chapter 253, Section 93) is amended to read:

9 "10-11-93. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--AGE AND
10 SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal
11 fire member coverage plan 2:

12 A. for a member who was a retired member or a
13 member on June 30, 2013, the age and service requirements for
14 normal retirement are:

15 ~~[A.]~~ (1) age sixty-five years or older and
16 five or more years of credited service;

17 ~~[B.]~~ (2) age sixty-four years and eight or
18 more years of credited service;

19 ~~[C.]~~ (3) age sixty-three years and eleven or
20 more years of credited service;

21 ~~[D.]~~ (4) age sixty-two years and fourteen or
22 more years of credited service;

23 ~~[E.]~~ (5) age sixty-one years and seventeen or
24 more years of credited service;

25 ~~[F.]~~ (6) age sixty years and twenty or more

.190837.3SA

underscored material = new
[bracketed material] = delete

1 years of credited service; or

2 ~~[6-]~~ (7) any age and twenty-five or more years
3 of credited service; and

4 B. for a member who was not a retired member or a
5 member on June 30, 2013, the age and service requirements for
6 normal retirement are:

7 (1) age sixty years or older and six or more
8 years of service credit; or

9 (2) any age if the member has six or more
10 years of service credit and the sum of the member's age and
11 years of service credit equals at least seventy-five."

12 SECTION 72. Section 10-11-94 NMSA 1978 (being Laws 1987,
13 Chapter 253, Section 94) is amended to read:

14 "10-11-94. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--AMOUNT
15 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member
16 contribution plan 2:

17 A. for a member with age and service requirements
18 provided under Subsection A of Section 10-11-93 NMSA 1978, the
19 amount of pension under form of payment A is equal to two and
20 one-half percent of the final average salary multiplied by
21 credited service. The amount shall not exceed [~~one hundred~~
22 ninety percent of the final average salary; and

23 B. for a member with age and service requirements
24 provided under Subsection B of Section 10-11-93 NMSA 1978, the
25 amount of pension under form of payment A is equal to two

.190837.3SA

underscored material = new
[bracketed material] = delete

1 percent of the final average salary multiplied by credited
2 service. The amount shall not exceed ninety percent of the
3 final average salary."

4 SECTION 73. Section 10-11-96 NMSA 1978 (being Laws 1987,
5 Chapter 253, Section 96, as amended) is amended to read:

6 "10-11-96. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--MEMBER
7 CONTRIBUTION RATE.--A member under municipal fire member
8 coverage plan 2 shall contribute [~~eight~~] nine and one-half
9 percent of salary."

10 SECTION 74. Section 10-11-97 NMSA 1978 (being Laws 1987,
11 Chapter 253, Section 97, as amended) is amended to read:

12 "10-11-97. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--
13 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
14 public employer shall contribute [~~seventeen and one-half~~]
15 nineteen percent of the salary of each member [~~whom~~] it employs
16 and covers under municipal fire member coverage plan 2, except
17 that:

18 A. from July 1, 2013 through June 30, 2014, the
19 affiliated public employer contribution rate shall be seventeen
20 and one-half percent of the salary of each member;

21 B. from July 1, 2014 through June 30, 2015, the
22 affiliated public employer contribution rate shall be eighteen
23 percent of the salary of each member; and

24 C. from July 1, 2015 through June 30, 2016, the
25 affiliated public employer contribution rate shall be eighteen

.190837.3SA

underscored material = new
[bracketed material] = delete

1 and one-half percent of the salary of each member."

2 SECTION 75. Section 10-11-99 NMSA 1978 (being Laws 1987,
3 Chapter 253, Section 99) is amended to read:

4 "10-11-99. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AGE AND
5 SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under municipal
6 fire member coverage plan 3:

7 A. for a member who was a retired member or a
8 member on June 30, 2013, the age and service requirements for
9 normal retirement are:

10 [~~A-~~] (1) age sixty-five years or older and
11 five or more years of credited service;

12 [~~B-~~] (2) age sixty-four years and eight or
13 more years of credited service;

14 [~~C-~~] (3) age sixty-three years and eleven or
15 more years of credited service;

16 [~~D-~~] (4) age sixty-two years and fourteen or
17 more years of credited service;

18 [~~E-~~] (5) age sixty-one years and seventeen or
19 more years of credited service; or

20 [~~F-~~] (6) any age and twenty or more years of
21 credited service; and

22 B. for a member who was not a retired member or a
23 member on June 30, 2013, the age and service requirements for
24 normal retirement are:

25 (1) age sixty years or older and six or more

underscored material = new
[bracketed material] = delete

1 years of service credit; or

2 (2) any age if the member has six or more
3 years of service credit and the sum of the member's age and
4 years of service credit equals at least seventy-five."

5 SECTION 76. Section 10-11-100 NMSA 1978 (being Laws 1987,
6 Chapter 253, Section 100) is amended to read:

7 "10-11-100. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AMOUNT
8 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member
9 coverage plan 3:

10 A. for a member with age and service requirements
11 provided under Subsection A of Section 10-11-99 NMSA 1978, the
12 amount of pension under form of payment A is equal to two and
13 one-half percent of the final average salary multiplied by
14 credited service. The amount shall not exceed [~~one hundred~~
15 ninety percent of the final average salary; and

16 B. for a member with age and service requirements
17 provided under Subsection B of Section 10-11-99 NMSA 1978, the
18 amount of pension under form of payment A is equal to two
19 percent of the final average salary multiplied by credited
20 service. The amount shall not exceed ninety percent of the
21 final average salary."

22 SECTION 77. Section 10-11-102 NMSA 1978 (being Laws 1987,
23 Chapter 253, Section 102, as amended) is amended to read:

24 "10-11-102. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--MEMBER
25 CONTRIBUTION RATE.--A member under municipal fire member

.190837.3SA

underscored material = new
[bracketed material] = delete

1 coverage plan 3 shall contribute [~~eight~~] nine and one-half
2 percent of salary."

3 SECTION 78. Section 10-11-103 NMSA 1978 (being Laws 1987,
4 Chapter 253, Section 103, as amended) is amended to read:

5 "10-11-103. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--
6 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
7 public employer shall contribute [~~twenty-one and twenty-five~~
8 ~~one-hundredths~~] twenty-two and seventy-five hundredths percent
9 of the salary of each member [~~whom~~] it employs and covers under
10 municipal fire member coverage plan 3, except that:

11 A. from July 1, 2013 through June 30, 2014, the
12 affiliated public employer contribution rate shall be
13 twenty-one and twenty-five hundredths percent of the salary of
14 each member;

15 B. from July 1, 2014 through June 30, 2015, the
16 affiliated public employer contribution rate shall be twenty-
17 one and seventy-five hundredths percent of the salary of each
18 member; and

19 C. from July 1, 2015 through June 30, 2016, the
20 affiliated public employer contribution rate shall be
21 twenty-two and twenty-five hundredths percent of the salary of
22 each member."

23 SECTION 79. Section 10-11-105 NMSA 1978 (being Laws 1987,
24 Chapter 253, Section 105) is amended to read:

25 "10-11-105. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AGE
.190837.3SA

underscored material = new
[bracketed material] = delete

1 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
2 municipal fire member coverage plan 4:

3 A. for a member who was a retired member or a
4 member on June 30, 2013, the age and service requirements for
5 normal retirement are:

6 [~~A-~~] (1) age sixty-five years or older and
7 five or more years of credited service;

8 [~~B-~~] (2) age sixty-four years and eight or
9 more years of credited service;

10 [~~C-~~] (3) age sixty-three years and eleven or
11 more years of credited service;

12 [~~D-~~] (4) age sixty-two years and fourteen or
13 more years of credited service;

14 [~~E-~~] (5) age sixty-one years and seventeen or
15 more years of credited service; or

16 [~~F-~~] (6) any age and twenty or more years of
17 credited service; and

18 B. for a member who was not a retired member or a
19 member on June 30, 2013, the age and service requirements for
20 normal retirement are:

21 (1) age sixty years or older and six or more
22 years of service credit; or

23 (2) any age if the member has six or more
24 years of service credit and the sum of the member's age and
25 years of service credit equals at least seventy-five."

.190837.3SA

underscored material = new
[bracketed material] = delete

1 SECTION 80. Section 10-11-106 NMSA 1978 (being Laws 1987,
2 Chapter 253, Section 106) is amended to read:

3 "10-11-106. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AMOUNT
4 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member
5 coverage plan 4:

6 A. for a member with age and service requirements
7 provided under Subsection A of Section 10-11-105 NMSA 1978, the
8 amount of pension under form of payment A is equal to three
9 percent of the final average salary multiplied by credited
10 service. The amount shall not exceed [eighty] ninety percent
11 of the final average salary; and

12 B. for a member with age and service requirements
13 provided under Subsection B of Section 10-11-105 NMSA 1978, the
14 amount of pension under form of payment A is equal to two and
15 one-half percent of the final average salary multiplied by
16 credited service. The amount shall not exceed ninety percent
17 of the final average salary."

18 SECTION 81. Section 10-11-108 NMSA 1978 (being Laws 1987,
19 Chapter 253, Section 108, as amended) is amended to read:

20 "10-11-108. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--MEMBER
21 CONTRIBUTION RATE.--A member under municipal fire member
22 coverage plan 4 shall contribute [~~twelve and eight-tenths~~]
23 fourteen and three-tenths percent of salary."

24 SECTION 82. Section 10-11-109 NMSA 1978 (being Laws 1987,
25 Chapter 253, Section 109, as amended) is amended to read:

.190837.3SA

underscored material = new
[bracketed material] = delete

1 "10-11-109. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--
2 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
3 public employer shall contribute [~~twenty-one and twenty-five~~
4 ~~one-hundredths~~] twenty-two and seventy-five hundredths percent
5 of the salary of each member [~~whom~~] it employs and covers under
6 municipal fire member coverage plan 4, except that:

7 A. from July 1, 2013 through June 30, 2014, the
8 affiliated public employer contribution rate shall be twenty-
9 one and twenty-five hundredths percent of the salary of each
10 member;

11 B. from July 1, 2014 through June 30, 2015, the
12 affiliated public employer contribution rate shall be twenty-
13 one and seventy-five hundredths percent of the salary of each
14 member; and

15 C. from July 1, 2015 through June 30, 2016, the
16 affiliated public employer contribution rate shall be
17 twenty-two and twenty-five hundredths percent of the salary of
18 each member."

19 SECTION 83. Section 10-11-111 NMSA 1978 (being Laws 1987,
20 Chapter 253, Section 111) is amended to read:

21 "10-11-111. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AGE
22 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under
23 municipal fire member coverage plan 5:

24 A. for a member who was a retired member or a
25 member on June 30, 2013, the age and service requirements for

.190837.3SA

underscored material = new
[bracketed material] = delete

1 normal retirement are:

2 [A-] (1) age sixty-five years or older and
3 five or more years of credited service;

4 [B-] (2) age sixty-four years and eight or
5 more years of credited service;

6 [C-] (3) age sixty-three years and eleven or
7 more years of credited service;

8 [D-] (4) age sixty-two years and fourteen or
9 more years of credited service;

10 [E-] (5) age sixty-one years and seventeen or
11 more years of credited service; or

12 [F-] (6) any age and twenty or more years of
13 credited service; and

14 B. for a member who was not a retired member or a
15 member on June 30, 2013, the age and service requirements for
16 normal retirement are:

17 (1) age sixty years or older and six or more
18 years of service credit; or

19 (2) any age if the member has six or more
20 years of service credit and the sum of the member's age and
21 years of service credit equals at least seventy-five."

22 SECTION 84. Section 10-11-112 NMSA 1978 (being Laws 1987,
23 Chapter 253, Section 112) is amended to read:

24 "10-11-112. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AMOUNT
25 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member

.190837.3SA

underscored material = new
[bracketed material] = delete

1 coverage plan 5:

2 A. for a member with age and service requirements
3 provided under Subsection A of Section 10-11-111 NMSA 1978,
4 the amount of pension under form of payment A is equal to three
5 and one-half percent of the final average salary multiplied by
6 credited service. The amount shall not exceed [~~eighty~~] ninety
7 percent of the final average salary; and

8 B. for a member with age and service requirements
9 provided under Subsection B of Section 10-11-111 NMSA 1978, the
10 amount of pension under form of payment A is equal to three
11 percent of the final average salary multiplied by credited
12 service. The amount shall not exceed ninety percent of the
13 final average salary."

14 SECTION 85. Section 10-11-114 NMSA 1978 (being Laws 1987,
15 Chapter 253, Section 114, as amended) is amended to read:

16 "10-11-114. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--MEMBER
17 CONTRIBUTION RATE.--A member under municipal fire member
18 coverage plan 5 shall contribute [~~sixteen and two-tenths~~]
19 seventeen and seven-tenths percent of salary."

20 SECTION 86. Section 10-11-115 NMSA 1978 (being Laws 1987,
21 Chapter 253, Section 115, as amended) is amended to read:

22 "10-11-115. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--
23 AFFILIATED PUBLIC EMPLOYER CONTRIBUTION RATE.--The affiliated
24 public employer shall contribute [~~twenty-one and twenty-five~~
25 ~~one-hundredths~~] twenty-two and seventy-five hundredths percent

.190837.3SA

underscored material = new
[bracketed material] = delete

1 of the salary of each member ~~[whom]~~ it employs and covers under
2 municipal fire member coverage plan 5, except that:

3 A. from July 1, 2013 through June 30, 2014, the
4 affiliated public employer contribution rate shall be twenty-
5 one and twenty-five hundredths percent of the salary of each
6 member;

7 B. from July 1, 2014 through June 30, 2015, the
8 affiliated public employer contribution rate shall be twenty-
9 one and seventy-five hundredths percent of the salary of each
10 member; and

11 C. from July 1, 2015 through June 30, 2016, the
12 affiliated public employer contribution rate shall be
13 twenty-two and twenty-five hundredths percent of the salary of
14 each member."

15 SECTION 87. Section 10-11-115.2 NMSA 1978 (being Laws
16 2003, Chapter 268, Section 3) is amended to read:

17 "10-11-115.2. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE
18 PLAN 1--AGE AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT--
19 CALCULATION OF CREDITED SERVICE.--

20 A. Under municipal detention officer member
21 coverage plan 1, for a member who was a retired member or a
22 member on June 30, 2013, the age and service requirements for
23 normal retirement are:

24 (1) age sixty-five years or older and five or
25 more years of credited service;

.190837.3SA

underscored material = new
[bracketed material] = delete

1 (2) age sixty-four years and eight or more
2 years of credited service;

3 (3) age sixty-three years and eleven or more
4 years of credited service;

5 (4) age sixty-two years and fourteen or more
6 years of credited service;

7 (5) age sixty-one years and seventeen or more
8 years of credited service;

9 (6) age sixty years and twenty or more years
10 of credited service; or

11 (7) any age and twenty-five or more years of
12 credited service.

13 B. For a member who was not a retired member or a
14 member on June 30, 2013, the age and service requirements for
15 normal retirement are:

16 (1) age sixty years or older and six or more
17 years of service credit; or

18 (2) any age if the member has six or more
19 years of service credit and the sum of the member's age and
20 years of service credit equals at least seventy-five.

21 [~~B. In calculating credited service~~]

22 C. For the purposes of determining retirement
23 eligibility and the amount of pension, the credited service of
24 a municipal detention officer member who was a retired member
25 or a member on June 30, 2013 shall [have actual credited

.190837.3SA

underscored material = new
[bracketed material] = delete

1 ~~service]~~ be increased by twenty percent for the purposes of
2 municipal detention officer member coverage plan 1.

3 D. Except as provided in Subsection C of this
4 section, the credited service of a municipal detention officer
5 member shall be credited as provided under Section 10-11-4 NMSA
6 1978."

7 SECTION 88. Section 10-11-115.3 NMSA 1978 (being Laws
8 2003, Chapter 268, Section 4) is amended to read:

9 "10-11-115.3. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE
10 PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal
11 detention officer member coverage plan 1, the amount of pension
12 under form of payment A is equal to three percent of the final
13 average salary multiplied by credited service. The amount
14 shall not exceed ~~[eighty]~~ ninety percent of the final average
15 salary."

16 SECTION 89. Section 10-11-115.5 NMSA 1978 (being Laws
17 2003, Chapter 268, Section 6) is amended to read:

18 "10-11-115.5. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE
19 PLAN 1--MEMBER CONTRIBUTION RATE.--A member under municipal
20 detention officer member coverage plan 1 shall contribute
21 ~~[sixteen and sixty-five hundredths]~~ eighteen and fifteen-
22 hundredths percent of salary starting with the first full pay
23 period that ends within the calendar month in which municipal
24 detention officer member coverage plan 1 becomes applicable to
25 the member."

.190837.3SA

underscored material = new
[bracketed material] = delete

1 SECTION 90. Section 10-11-115.6 NMSA 1978 (being Laws
2 2003, Chapter 268, Section 7) is amended to read:

3 "10-11-115.6. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE
4 PLAN 1--EMPLOYER CONTRIBUTION RATE.--The affiliated public
5 employer shall contribute [~~sixteen and sixty-five hundredths~~]
6 eighteen and fifteen-hundredths percent of the salary of each
7 member under municipal detention officer member coverage plan 1
8 starting with the first pay period that ends within the
9 calendar month in which municipal detention officer member
10 coverage plan 1 becomes applicable to the member, except that:

11 A. from July 1, 2013 through June 30, 2014, the
12 affiliated public employer contribution rate shall be sixteen
13 and sixty-five hundredths percent of the salary of each member;

14 B. from July 1, 2014 through June 30, 2015, the
15 affiliated public employer contribution rate shall be seventeen
16 and fifteen-hundredths percent of the salary of each member;

17 and

18 C. from July 1, 2015 through June 30, 2016, the
19 affiliated public employer contribution rate shall be seventeen
20 and sixty-five hundredths percent of the salary of each
21 member."

22 SECTION 91. Section 10-11-118 NMSA 1978 (being Laws 1987,
23 Chapter 253, Section 118, as amended) is amended to read:

24 "10-11-118. COST-OF-LIVING ADJUSTMENTS--QUALIFIED PENSION
25 RECIPIENT.--

.190837.3SA

underscored material = new
[bracketed material] = delete

1 A. For the purposes of this section:

2 (1) "preceding calendar year" means the
3 twelve-month period ending on the December 31 preceding the
4 July 1 in which pensions are being adjusted; and

5 (2) "second preceding calendar year" means the
6 full calendar year prior to the preceding calendar year.

7 B. A qualified pension recipient is eligible for a
8 cost-of-living pension adjustment. The amount of pension
9 payable to a qualified pension recipient shall be increased
10 [~~three~~] two percent each July 1. The amount of the increase
11 shall be determined by multiplying the amount of pension
12 inclusive of all prior cost-of-living pension adjustments by
13 [~~three~~] two percent.

14 C. A qualified pension recipient is:

15 (1) a normal retired member who:

16 (a) retires on or before June 30, 2014
17 and has been retired for at least two full calendar years from
18 the effective date of the latest retirement prior to July 1 of
19 the year in which the pension is being adjusted;

20 (b) retires between July 1, 2014 and
21 June 30, 2015 and has been retired for at least three full
22 calendar years from the effective date of the latest retirement
23 prior to July 1 of the year in which the pension is being
24 adjusted;

25 (c) retires between July 1, 2015 and

underscored material = new
[bracketed material] = delete

1 June 30, 2016 and has been retired for at least four full
2 calendar years from the effective date of the latest retirement
3 prior to July 1 of the year in which the pension is being
4 adjusted; or

5 (d) retires after July 1, 2016 and has
6 been retired for at least seven full calendar years from the
7 effective date of the latest retirement prior to July 1 of the
8 year in which the pension is being adjusted;

9 (2) a normal retired member who has attained
10 age sixty-five years and has been retired for at least one full
11 calendar year from the effective date of the latest retirement
12 prior to July 1 of the year in which the pension is being
13 adjusted;

14 (3) a disability retired member who has been
15 retired for at least one full calendar year from the effective
16 date of the latest retirement prior to July 1 of the year in
17 which the pension is being adjusted;

18 (4) a survivor beneficiary who has received a
19 survivor pension for at least two full calendar years; or

20 (5) a survivor beneficiary of a deceased
21 retired member who otherwise would have been retired at least
22 two full calendar years from the effective date of the latest
23 retirement prior to July 1 of the year in which the pension is
24 being adjusted.

25 D. A qualified pension recipient may decline an

.190837.3SA

underscoring material = new
~~[bracketed material] = delete~~

1 increase in a pension by giving the association written notice
2 of the decision to decline the increase at least thirty days
3 prior to the date the increase would take effect."

4 SECTION 92. REPEAL.--Section 10-11-36 NMSA 1978 (being
5 Laws 1987, Chapter 253, Section 36) is repealed.

6 SECTION 93. SEVERABILITY.--If any part or application of
7 this act is held invalid, the remainder or its application to
8 other situations or persons shall not be affected.

9 SECTION 94. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2013.