

HOUSE BILL 826

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO PUBLIC EMPLOYEES RETIREMENT; PROVIDING A RETIRED MEMBER WITH A ONE-TIME IRREVOCABLE OPTION TO DESELECT A DESIGNATED SURVIVOR PENSION BENEFICIARY.

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

Section 1. Section 10-11-116 NMSA 1978 (being Laws 1987, Chapter 253, Section 116, as amended) is amended to read:

"10-11-116. ELECTION OF FORM OF PAYMENT OF A PENSION.--

A. Except as otherwise provided in Section 10-11-136 NMSA 1978, a member may elect to have pension payments made under any one of the forms of payment provided in Section 10-11-117 NMSA 1978. The election of form of payment and naming of survivor pension beneficiary shall be made on a form furnished by and filed with the association prior to the date the first pension payment is made. An election of form of

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1 payment may not be changed after the date the first pension
2 payment is made. If the member is married, the association
3 shall obtain the consent of the member's spouse to the election
4 of the form of payment and any designation of survivor pension
5 beneficiary before the election or designation is effective.

6 Except as provided in Subsection C or D of this section, a
7 named survivor pension beneficiary may not be changed after the
8 date the first pension payment is made if form of payment B or
9 C is elected. Except as otherwise provided in Section
10 10-11-136 NMSA 1978, payment shall be made:

11 (1) under form of payment A if the member is
12 not married at the time of retirement and if there is not a
13 timely election of another form of payment; or

14 (2) under form of payment C with the member's
15 spouse as survivor pension beneficiary if the member is married
16 at the time of retirement and there is not a timely election of
17 another form of payment.

18 B. The amount of pension under forms of payment B,
19 C and D shall have the same actuarial present value, computed
20 as of the effective date of the pension, as the amount of
21 pension under form of payment A.

22 C. A retired member who is being paid a pension
23 under form of payment B or C with the member's spouse as the
24 designated survivor pension beneficiary may, upon becoming
25 divorced from the named spouse and subject to an order of a

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1 court as provided for in Section 10-11-136 NMSA 1978, elect to
2 have future payments made under form of payment A.

3 D. A retired member who is being paid a pension
4 under form of payment B or C with a designated survivor pension
5 beneficiary other than the retired member's spouse may exercise
6 a one-time irrevocable option to deselect the designated
7 beneficiary and elect to:

8 (1) designate another survivor pension
9 beneficiary, provided that:

10 (a) the retired member shall not have an
11 option to change from the current form of payment; and

12 (b) the amount of the pension under the
13 form of payment shall be recalculated and shall have the same
14 actuarial present value, computed as of the effective date of
15 the designation, as the amount of pension under form of payment
16 A; or

17 (2) have future payments made under form of
18 payment A."