

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE BILL 150

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

AN ACT

RELATING TO PENSIONS; AMENDING THE EDUCATIONAL RETIREMENT ACT;
CHANGING AGE AND SERVICE REQUIREMENTS FOR RETIREMENT OF CERTAIN
EMPLOYEES; CHANGING MEMBER AND EMPLOYER CONTRIBUTION RATES.

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

SECTION 1. Section 22-11-21 NMSA 1978 (being Laws 1967,
Chapter 16, Section 144, as amended) is amended to read:

"22-11-21. CONTRIBUTIONS--MEMBERS--LOCAL ADMINISTRATIVE
UNITS.--

A. Except as provided in Subsection C of this
section, each member shall make contributions to the fund
according to the following schedule:

(1) through June 30, 2005, an amount equal to
seven and six-tenths percent of the member's annual salary;

(2) from July 1, 2005 through June 30, 2006,

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1 an amount equal to seven and six hundred seventy-five
2 thousandths percent of the member's annual salary;

3 (3) from July 1, 2006 through June 30, 2007,
4 an amount equal to seven and seventy-five hundredths percent of
5 the member's annual salary;

6 (4) from July 1, 2007 through June 30, 2008,
7 an amount equal to seven and eight hundred twenty-five
8 thousandths percent of the member's annual salary; ~~and~~

9 (5) ~~on and after~~ from July 1, 2008 through
10 June 30, 2013, an amount equal to seven and nine-tenths percent
11 of the member's annual salary, except that for members whose
12 annual salary is greater than twenty thousand dollars
13 (\$20,000):

14 (a) from July 1, 2009 through June 30,
15 2011, the member contribution rate shall be nine and four-
16 tenths percent of the member's annual salary;

17 (b) from July 1, 2011 through June 30,
18 2012, the member contribution rate shall be eleven and fifteen-
19 hundredths percent of the member's annual salary; and

20 (c) from July 1, 2012 through June 30,
21 2013, the member contribution rate shall be nine and four-
22 tenths of the member's annual salary;

23 (6) from July 1, 2013 through June 30, 2014,
24 the member contribution rate shall be nine and nine-tenths
25 percent of the member's annual salary;

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1 (7) from July 1, 2014 through June 30, 2015,
2 the member contribution rate shall be ten and four-tenths
3 percent of the member's annual salary;

4 (8) from July 1, 2015 through June 30, 2016,
5 the member contribution rate shall be ten and nine-tenths
6 percent of the member's annual salary; and

7 (9) on and after July 1, 2016, the member
8 contribution rate shall be eleven and three-tenths percent of
9 the member's annual salary.

10 B. Except as provided in Subsection C of this
11 section, each local administrative unit shall make an annual
12 contribution to the fund according to the following schedule:

13 (1) through June 30, 2005, a sum equal to
14 eight and sixty-five hundredths percent of the annual salary of
15 each member employed by the local administrative unit;

16 (2) from July 1, 2005 through June 30, 2006, a
17 sum equal to nine and forty-hundredths percent of the annual
18 salary of each member employed by the local administrative
19 unit;

20 (3) from July 1, 2006 through June 30, 2007, a
21 sum equal to ten and fifteen-hundredths percent of the annual
22 salary of each member employed by the local administrative
23 unit;

24 (4) from July 1, 2007 through June 30, 2008, a
25 sum equal to ten and ninety-hundredths percent of the annual

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1 salary of each member employed by the local administrative
2 unit;

3 (5) from July 1, 2008 through June 30, 2009, a
4 sum equal to eleven and sixty-five hundredths percent of the
5 annual salary of each member employed by the local
6 administrative unit;

7 (6) from July 1, 2009 through June 30, 2011, a
8 sum equal to ten and nine-tenths percent of the annual salary
9 of each member employed by the local administrative unit,
10 except that for members whose annual salary is twenty thousand
11 dollars (\$20,000) or less, the local administrative unit shall
12 contribute twelve and four-tenths percent of the member's
13 annual salary;

14 (7) from July 1, 2011 through June 30, 2012, a
15 sum equal to nine and fifteen-hundredths percent of the annual
16 salary of each member employed by the local administrative
17 unit, except that for members whose annual salary is twenty
18 thousand dollars (\$20,000) or less, the local administrative
19 unit shall contribute twelve and four-tenths percent of the
20 member's annual salary;

21 (8) from July 1, 2012 through June 30, 2013, a
22 sum equal to ten and nine-tenths percent of the annual salary
23 of each member employed by the local administrative unit,
24 except that for members whose annual salary is twenty thousand
25 dollars (\$20,000) or less, the local administrative unit shall

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1 contribute twelve and four-tenths percent of the member's
2 annual salary;

3 (9) from July 1, 2013 through June 30, 2014, a
4 sum equal to [~~thirteen and fifteen-hundredths~~] eleven and four-
5 tenths percent of the annual salary of each member employed by
6 the local administrative unit; [~~and~~]

7 (10) [~~on and after~~] from July 1, 2014 through
8 June 30, 2015, a sum equal to [~~thirteen and nine-tenths~~] eleven
9 and nine-tenths percent of the annual salary of each member
10 employed by the local administrative unit;

11 (11) from July 1, 2015 through June 30, 2016,
12 a sum equal to twelve and four-tenths percent of the annual
13 salary of each member employed by the local administrative
14 unit;

15 (12) from July 1, 2016 through June 30, 2017,
16 a sum equal to twelve and nine-tenths percent of the annual
17 salary of each member employed by the local administrative
18 unit;

19 (13) from July 1, 2017 through June 30, 2018,
20 a sum equal to thirteen and four-tenths percent of the annual
21 salary of each member employed by the local administrative
22 unit; and

23 (14) on and after July 1, 2018, a sum equal to
24 thirteen and nine-tenths percent of the annual salary of each
25 member employed by the local administrative unit.

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1 C. If, in a calendar year, the salary of a member,
2 initially employed by a local administrative unit on or after
3 July 1, 1996, equals the annual compensation limit set pursuant
4 to Section 401(a)(17) of the Internal Revenue Code of 1986, as
5 amended, then:

6 (1) for the remainder of that calendar year,
7 no additional member contributions or local administrative unit
8 contributions for that member shall be made pursuant to this
9 section; provided that no member shall be denied service credit
10 solely because contributions are not made by the member or on
11 behalf of the member pursuant to the provisions of this
12 subsection; and

13 (2) the amount of the annual compensation
14 limit shall be divided into four equal portions, and, for
15 purposes of attributing contributory employment and crediting
16 service credit, each portion shall be attributable to one of
17 the four quarters of the calendar year."

18 SECTION 2. Section 22-11-23 NMSA 1978 (being Laws 1981,
19 Chapter 293, Section 2, as amended by Laws 2009, Chapter 286,
20 Section 1 and by Laws 2009, Chapter 288, Section 14) is amended
21 to read:

22 "22-11-23. RETIREMENT ELIGIBILITY--INITIAL MEMBERSHIP
23 PRIOR TO JULY 1, 2010.--

24 A. The retirement eligibility for a member who
25 [~~either~~] was a member on or before June 30, 2010, [~~or was a~~

1 ~~member at any time prior to that date]~~ and had not, on or
 2 before that date, been refunded all member contributions
 3 pursuant to Subsection A of Section 22-11-15 NMSA 1978 [~~is as~~
 4 ~~follows]~~ or was a member at any time on or before that date and
 5 had been refunded all member contributions pursuant to that
 6 subsection and had restored refunded contributions on or before
 7 June 30, 2010 occurs when:

8 ~~[(1) a member shall be eligible for retirement~~
 9 ~~benefits pursuant to the Educational Retirement Act when either~~
 10 ~~of the following conditions occurs:~~

11 ~~(a) the sum of the member's age and~~
 12 ~~years of earned service credit equals seventy-five; or~~

13 ~~(b) upon completion of five years of~~
 14 ~~earned service credit and upon becoming sixty-five years of~~
 15 ~~age;~~

16 ~~(2) a member under sixty years of age eligible~~
 17 ~~to retire under Paragraph (1) of this subsection may retire and~~
 18 ~~receive retirement benefits pursuant to the Educational~~
 19 ~~Retirement Act that the member would be eligible to receive if~~
 20 ~~the member were to retire at the age of sixty years reduced by~~
 21 ~~six-tenths of one percent for each one-fourth, or portion~~
 22 ~~thereof, year that retirement occurs prior to the member's~~
 23 ~~sixtieth birthday but after the fifty-fifth birthday, and one~~
 24 ~~and eight-tenths percent for each one-fourth, or portion~~
 25 ~~thereof, year that retirement occurs prior to age fifty-five;~~

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1 or

2 ~~(3) a member under sixty years of age~~
3 ~~acquiring twenty-five or more years of earned and allowed~~
4 ~~service credit may retire and receive retirement benefits~~
5 ~~pursuant to the Educational Retirement Act computed on the same~~
6 ~~basis as if the member were sixty years of age]~~

7 (1) the member has twenty-five or more years
8 of earned and allowed service credit;

9 (2) the member is at least sixty-five years of
10 age and has five or more years of earned service credit; or

11 (3) the sum of the member's age and years of
12 earned service credit equals at least seventy-five; provided
13 that a member younger than sixty years of age who retires
14 pursuant to the provisions of this paragraph shall be subject
15 to the benefit reductions provided in Subsection G of Section
16 22-11-30 NMSA 1978.

17 B. A member shall be subject to the provisions of
18 Paragraphs [~~2~~] (1) and (3) of Subsection A of this section as
19 they existed at the beginning of the member's last cumulated
20 four quarters of earned service credit, regardless of later
21 amendment."

22 **SECTION 3.** Section 22-11-23.1 NMSA 1978 (being Laws 2009,
23 Chapter 286, Section 2 and Laws 2009, Chapter 288, Section 15)
24 is amended to read:

25 "22-11-23.1. RETIREMENT ELIGIBILITY--INITIAL MEMBERSHIP

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1 ON OR AFTER JULY 1, 2010.--

2 ~~[A. A member who initially became a member on or~~
 3 ~~after July 1, 2010 or a member who was a member at any time~~
 4 ~~prior to that date and had, before that date, been refunded all~~
 5 ~~member contributions pursuant to Subsection A of Section~~
 6 ~~22-11-15 NMSA 1978, shall be eligible for retirement benefits~~
 7 ~~pursuant to the Educational Retirement Act when one of the~~
 8 ~~following conditions occurs:~~

9 ~~(1) the member is any age and has thirty or~~
 10 ~~more years of earned service credit;~~

11 ~~(2) the member is at least sixty-seven years~~
 12 ~~of age and has five or more years of earned service credit; or~~

13 ~~(3) the sum of the member's age and years of~~
 14 ~~earned service credit equals at least eighty; provided that a~~
 15 ~~member who retires pursuant to this paragraph shall be subject~~
 16 ~~to the benefit reductions provided in Paragraphs (1) and (2) of~~
 17 ~~Subsection H of Section 22-11-30 NMSA 1978.]~~

18 A. The retirement eligibility for a member who, on
 19 or after July 1, 2010, became a member or was a member at any
 20 time prior to that date and had been refunded all member
 21 contributions pursuant to Subsection A of Section 22-11-15 NMSA
 22 1978 and had not restored refunded contributions prior to July
 23 1, 2010 occurs when:

24 (1) the member has thirty or more years of
 25 earned service credit;

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1 (2) the member is at least sixty-seven years
2 of age and has five or more years of earned service credit; or

3 (3) the sum of the member's age and earned
4 service credit equals at least eighty; provided that a member
5 who is younger than sixty-five years of age and who retires
6 pursuant to this paragraph shall be subject to the benefit
7 reductions provided in Subsection H of Section 22-11-30 NMSA
8 1978.

9 B. A member shall be subject to the provisions of
10 this section as they existed at the beginning of the member's
11 last cumulated four quarters of earned service credit,
12 regardless of later amendment."

13 **SECTION 4.** A new section of the Educational Retirement
14 Act, Section 22-11-23.2 NMSA 1978, is enacted to read:

15 "22-11-23.2. [NEW MATERIAL] RETIREMENT ELIGIBILITY--
16 INITIAL MEMBERSHIP ON OR AFTER JULY 1, 2012.--

17 A. The retirement eligibility for a member who on
18 or after July 1, 2012 became a member or was a member at any
19 time prior to that date and had, before that date, been
20 refunded all member contributions pursuant to Subsection A of
21 Section 22-11-15 NMSA 1978 and had not restored all of the
22 refunded contributions prior to July 1, 2012 occurs when:

23 (1) the member is at least fifty-five years of
24 age and has thirty or more years of earned service credit;

25 (2) the member is at least sixty-seven years

1 of age and has eight or more years of earned service credit; or

2 (3) the member is at least fifty-five years of
3 age and the sum of the member's age and years of earned service
4 credit equals at least eighty; provided that a member who is
5 younger than sixty-five years of age and who retires pursuant
6 to this paragraph shall be subject to the benefit reductions
7 provided in Subsection H of Section 22-11-30 NMSA 1978.

8 B. A member shall be subject to the provisions of
9 this section as they existed at the beginning of the member's
10 last cumulated four quarters of earned service credit,
11 regardless of later amendment."

12 SECTION 5. Section 22-11-24 NMSA 1978 (being Laws 1967,
13 Chapter 16, Section 147) is amended to read:

14 "22-11-24. RETIREMENT BENEFITS--MINIMUM CONTRIBUTORY
15 EMPLOYMENT.--

16 A. A member [~~must~~] who was either a member on June
17 30, 2012 or was a member on or before June 30, 2012 and had,
18 before that date, been refunded all member contributions
19 pursuant to Subsection A of Section 22-11-15 NMSA 1978 and had
20 not restored all of the refunded contributions on or before
21 June 30, 2012, shall have acquired not less than five years of
22 contributory employment to be eligible for retirement benefits
23 pursuant to the Educational Retirement Act.

24 [~~B. A member desiring to retire before having~~
25 ~~completed five years of contributory employment shall be~~

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1 ~~limited to the maximum benefit he would have been entitled to~~
2 ~~receive under any statute repealed by the Educational~~
3 ~~Retirement Act. A member may acquire five years or less of~~
4 ~~contributory employment by contributing to the fund, for each~~
5 ~~year of contributory employment desired, a sum equal to the~~
6 ~~prevailing combined contributions of the member and the local~~
7 ~~administrative unit in effect at the time the contributory~~
8 ~~employment is acquired. This contribution shall be computed on~~
9 ~~the member's average annual salary for the last five years of~~
10 ~~employment plus an additional sum as interest from the~~
11 ~~effective date of the Educational Retirement Act as fixed by~~
12 ~~the board, but not to exceed three percent a year.~~

13 ~~G. Years of contributory employment purchased~~
14 ~~pursuant to this section shall not be considered as an addition~~
15 ~~to service actually performed in computing the sum of the~~
16 ~~member's retirement benefit.~~

17 ~~D. The retirement benefits of members retired~~
18 ~~pursuant to the Educational Retirement Act prior to July 1,~~
19 ~~1959 and who have acquired contributory employment years by~~
20 ~~purchase shall be computed upon the basis of the amount paid~~
21 ~~therefor.]~~

22 B. A member who on or after July 1, 2012 initially
23 became a member, or who was a member on or before July 1, 2012
24 and had, before that date, been refunded all member
25 contributions pursuant to Subsection A of Section 22-11-15 NMSA

1 1978 and had not restored all of the refunded contributions
 2 prior to July 1, 2012, shall have acquired not less than eight
 3 years of contributory employment to be eligible for retirement
 4 benefits pursuant to the Educational Retirement Act."

5 SECTION 6. Section 22-11-27 NMSA 1978 (being Laws 1967,
 6 Chapter 16, Section 150, as amended) is amended to read:

7 "22-11-27. DEFERRED RETIREMENT--RESTRICTION.--

8 A. A member who is eligible for retirement may
 9 continue in employment and shall continue to pay contributions
 10 as provided by the Educational Retirement Act.

11 ~~[B. A member may terminate his employment and~~
 12 ~~retire at any time after his age and his earned service credit~~
 13 ~~equal the sum of seventy-five if the contributions he has made~~
 14 ~~are left in the fund.]~~

15 ~~G. A member having five years or more of earned~~
 16 ~~service credit may terminate his employment and retire at any~~
 17 ~~time after reaching the age of sixty-five years if the~~
 18 ~~contributions he has made are left in the fund.]~~

19 B. Provided that the contributions that the member
 20 has made are left in the fund, a member eligible for retirement
 21 benefits pursuant to the provisions of Subsection A of Section
 22 22-11-23 NMSA 1978 may terminate employment and retire at any
 23 time:

24 (1) if the sum of the member's age and earned
 25 service credit equals at least seventy-five;

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1 (2) after the member has at least five years
2 of earned service credit and is at least sixty-five years of
3 age; or

4 (3) after the member has at least twenty-five
5 years of earned and allowed service credit.

6 C. Provided that the contributions that the member
7 has made are left in the fund, a member eligible for retirement
8 benefits pursuant to the provisions of Subsection A of Section
9 22-11-23.1 NMSA 1978 may terminate employment and retire at any
10 time:

11 (1) if the sum of the member's age and earned
12 service credit equals at least eighty;

13 (2) after the member has at least five years
14 of earned service credit and is at least sixty-seven years of
15 age; or

16 (3) after the member has at least thirty years
17 of earned service credit.

18 D. Provided that the contributions that the member
19 has made are left in the fund, a member eligible for retirement
20 benefits pursuant to the provisions of Subsection A of Section
21 22-11-23.2 NMSA 1978 may terminate employment and retire at any
22 time:

23 (1) if the member is at least fifty-five years
24 of age and the sum of the member's age and earned service
25 credit equals at least eighty;

1 (2) after the member has at least eight years
 2 of earned service credit and is at least sixty-seven years of
 3 age; or

4 (3) after the member has at least thirty years
 5 of earned service credit and is at least fifty-five years of
 6 age.

7 ~~[D-]~~ E. No member shall be on a retirement status
 8 while engaged in employment unless the employment falls within
 9 exceptions established by statute or rule of the board."

10 SECTION 7. Section 22-11-30 NMSA 1978 (being Laws 1967,
 11 Chapter 16, Section 153, as amended by Laws 2009, Chapter 286,
 12 Section 3 and by Laws 2009, Chapter 288, Section 17) is amended
 13 to read:

14 "22-11-30. RETIREMENT BENEFITS.--

15 A. Retirement benefits for a member retired
 16 pursuant to the Educational Retirement Act on or before
 17 June 30, 1967 shall be paid monthly and shall be one-twelfth of
 18 a sum equal to one and one-half percent of the first four
 19 thousand dollars (\$4,000) of the member's average annual salary
 20 and one percent of the remainder of the member's average annual
 21 salary multiplied by the number of years of the member's total
 22 service credit.

23 B. Retirement benefits for a member retired
 24 pursuant to the Educational Retirement Act on or after July 1,
 25 1967 but on or before June 30, 1971 shall be paid monthly and

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1 shall be one-twelfth of a sum equal to one and one-half percent
2 of the first six thousand six hundred dollars (\$6,600) of the
3 member's average annual salary and one percent of the remainder
4 of the member's average annual salary multiplied by the number
5 of years of the member's total service credit.

6 C. Retirement benefits for a member retired
7 pursuant to the Educational Retirement Act on or after July 1,
8 1971 but on or before June 30, 1974 shall be paid monthly and
9 shall be one-twelfth of a sum equal to one and one-half percent
10 of the member's average annual salary multiplied by the number
11 of years of the member's total service credit.

12 D. Retirement benefits for a member retired
13 pursuant to the Educational Retirement Act on or before
14 June 30, 1974 but returning to employment on or after July 1,
15 1974 for a cumulation of one or more years shall be computed
16 pursuant to Subsection E of this section. Retirement benefits
17 for a member retired pursuant to the Educational Retirement Act
18 on or before June 30, 1974 but returning to employment on or
19 after July 1, 1974 for a cumulation of less than one year shall
20 be computed pursuant to Subsection A of this section if the
21 member's date of last retirement was on or before June 30, 1967
22 or pursuant to Subsection B of this section if the member's
23 date of last retirement was on or after July 1, 1967 but not
24 later than June 30, 1971 or pursuant to Subsection C of this
25 section if the member's date of last retirement was on or after

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1 July 1, 1971 but not later than June 30, 1974.

2 E. Retirement benefits for a member age sixty years
3 or [~~over~~] older, retired pursuant to the Educational Retirement
4 Act on or after July 1, 1974 but not later than June 30, 1987,
5 shall be paid monthly and shall be one-twelfth of a sum equal
6 to:

7 (1) one and one-half percent of the member's
8 average annual salary multiplied by the number of years of
9 service credit for:

10 (a) prior employment; and

11 (b) allowed service credit for service
12 performed prior to July 1, 1957, except United States military
13 service credit purchased pursuant to Paragraph (3) of
14 Subsection A of Section 22-11-34 NMSA 1978; plus

15 (2) two percent of the member's average annual
16 salary multiplied by the number of years of service credit for:

17 (a) contributory employment;

18 (b) allowed service credit for service
19 performed after July 1, 1957; and

20 (c) United States military service
21 credit for service performed prior to July 1, 1957 and
22 purchased pursuant to Paragraph (3) of Subsection A of Section
23 22-11-34 NMSA 1978.

24 F. Retirement benefits for a member age sixty years
25 or [~~over~~] older, retired pursuant to the Educational Retirement

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1 Act on or after July 1, 1987 but not later than June 30, 1991,
2 shall be paid monthly and shall be one-twelfth of a sum equal
3 to two and fifteen hundredths percent of the member's average
4 annual salary multiplied by the number of years of the member's
5 total service credit; provided that this subsection shall not
6 apply to any member who was retired in any of the four quarters
7 ending on June 30, 1987 without having accumulated not less
8 than 1.0 years earned service credit after June 30, 1987.

9 G. The retirement benefits provisions of this
10 subsection shall not apply to a member who was retired in any
11 of the four consecutive quarters ending on June 30, 1991
12 without having acquired at least one year of earned service
13 credit beginning on or after July 1, 1991. Retirement benefits
14 for a member [~~age sixty or over~~] retired pursuant to Section
15 22-11-23 NMSA 1978 on or after July 1, 1991, shall be paid
16 monthly and shall be one-twelfth of a sum equal to two and
17 thirty-five hundredths percent of the member's average annual
18 salary multiplied by the number of years of the member's total
19 service credit; provided that [~~this subsection shall not apply~~
20 ~~to any member who was retired in any of the four consecutive~~
21 ~~quarters ending on June 30, 1991 without having accumulated at~~
22 ~~least one year earned service credit beginning on or after July~~
23 ~~1, 1991]~~ the benefits for a member who is younger than sixty
24 years of age and is retiring pursuant to Paragraph (3) of
25 Subsection A of Section 22-11-23 NMSA 1978 shall be reduced by:

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1 (1) six-tenths percent for each one-fourth, or
 2 portion thereof, year that retirement occurs prior to the
 3 member's sixtieth birthday but after the member's fifty-fifth
 4 birthday; and

5 (2) one and eight-tenths percent for each one-
 6 fourth, or portion thereof, year that retirement occurs prior
 7 to the member reaching the age of fifty-five years.

8 H. Retirement benefits for a member, retired
 9 pursuant to Section 22-11-23.1 or 22-11-23.2 NMSA 1978, shall
 10 be paid monthly and shall be one-twelfth of a sum equal to two
 11 and thirty-five hundredths percent of the member's average
 12 annual salary multiplied by the number of years of the member's
 13 total service credit; provided that the benefit for a member
 14 retiring pursuant to Paragraph (3) of Subsection A of Section
 15 22-11-23.1 NMSA 1978 or Paragraph (3) of Subsection A of
 16 Section 22-11-23.2 NMSA 1978 shall be reduced by:

17 (1) six-tenths [~~of one~~] percent for each one-
 18 fourth, or portion thereof, year that retirement occurs prior
 19 to the member's sixty-fifth birthday but after the sixtieth
 20 birthday; and

21 (2) one and eight-tenths percent for each one-
 22 fourth, or portion thereof, year that retirement occurs prior
 23 to the member's sixtieth birthday.

24 I. A member's average annual salary, pursuant to
 25 this section, shall be computed on the basis of the last five

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1 years for which contribution was made or upon the basis of any
2 consecutive five years for which contribution was made by the
3 member, whichever is higher; provided, however, that lump-sum
4 payments made after July 1, 2010 of accrued sick leave or
5 annual leave shall be excluded from the calculation of salary.

6 J. Unless otherwise required by the provisions of
7 the Internal Revenue Code of 1986, members shall begin
8 receiving retirement benefits by age seventy and six months, or
9 upon termination of employment, whichever occurs later."

10 SECTION 8. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2012.