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SENATE BILL 169

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Elizabeth "Liz" Stefanics and Linda M. Trujillo
and Michael Padilla and Joy Garratt and Alan T. Martinez

AN ACT

RELATING TO PUBLIC EMPLOYEE PENSIONS; PROVIDING A TEMPORARY
COST-OF-LIVING ADJUSTMENT FOR CERTAIN RETIRED MEMBERS; MAKING
AN APPROPRIATION.

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

SECTION 1. Section 10-11-118 NMSA 1978 (being Laws 2020,
Chapter 11, Section 61) is amended to read:

"10-11-118. COST-OF-LIVING ADJUSTMENTS--QUALIFIED PENSION
RECIPIENT--DECLINING INCREASE.--

A. As used in this section:

(1) "cost-of-living adjustment hurdle rate"
means the investment rate of return required to fund a cost-of-
living adjustment in excess of one-half percent, as determined
by the association's actuaries;

(2) "funded ratio" means the ratio of the
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1 actuarial value of the assets of the fund to the actuarial
2 accrued liability of the association for payments from the
3 fund, as determined by the association's actuaries;

4 (3) "preceding calendar year" means the full
5 calendar year preceding the July 1 on which pensions are being
6 adjusted; and

7 (4) "smoothed investment rate of return" means
8 a calculation made by spreading the difference between the
9 expected actuarial value in investment income and the actual
10 market value investment income over a smoothing period, as
11 determined by the association's actuaries.

12 B. A qualified pension recipient is eligible for a
13 cost-of-living pension adjustment. A qualified pension
14 recipient is:

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

19 (2) a normal retired member who has attained
20 the age of sixty-five years and has been retired for at least
21 one full calendar year from the effective date of the member's
22 latest retirement prior to July 1 of the year in which the
23 pension is being adjusted;

24 (3) a disability retired member who has been
25 retired for at least one full calendar year from the effective

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1 date of the latest retirement prior to July 1 of the year in
2 which the pension is being adjusted;

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

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

10 C. Except as provided in Subsections F, G and H of
11 this section, during fiscal years ~~[2021, 2022 and 2023]~~ 2027
12 and 2028, for a qualified pension recipient ~~[shall receive an~~
13 ~~annual, non-compounding, additional payment]~~ who has attained
14 the age of sixty-five prior to July 1 of the fiscal year in
15 which the adjustment is being made, the pension benefit shall
16 be increased by one and sixty-eight hundredths percent each
17 July 1 of those fiscal years. The amount of the payment shall
18 be determined by multiplying the amount of annual pension
19 payments, inclusive of all ~~[cost-of-living adjustments]~~ prior
20 ~~[to fiscal year 2021, by two]~~ adjustments by one and
21 sixty-eight hundredths percent. A qualified pension recipient
22 shall be entitled to a pension adjustment pursuant to only one
23 subsection of this section.

24 D. Beginning May 1, 2023 and no later than each May
25 1 thereafter, the retirement board shall certify to the

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1 association the:

2 (1) funded ratio as of June 30 of the
3 preceding calendar year; and

4 (2) smoothed investment rate of return as of
5 June 30 of the preceding calendar year.

6 E. Except as provided in Subsections C, F, G and H
7 of this section, beginning July 1, 2023 and each July 1
8 thereafter, immediately following the retirement board's
9 certification of the funded ratio and smoothed investment rate
10 of return, the cost-of-living adjustment to a qualified pension
11 recipient payable pursuant to the Public Employees Retirement
12 Act shall be determined as an amount equal to the smoothed
13 investment rate of return on the actuarial value of assets on
14 June 30 of the preceding calendar year less the cost-of-living
15 adjustment hurdle rate, as determined by the association's
16 actuaries, multiplied by the funded ratio on June 30 of the
17 preceding calendar year or five-tenths percent, whichever is
18 greater, and subject to the following conditions:

19 (1) if the funded ratio of the fund is less
20 than one hundred percent on June 30 of the preceding calendar
21 year, the amount of the adjustment made pursuant to this
22 subsection shall not exceed three percent;

23 (2) if the funded ratio of the fund is equal
24 to or greater than one hundred percent on June 30 of the
25 preceding calendar year, the adjustment made pursuant to this

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1 subsection shall not exceed five percent;

2 (3) notwithstanding the provisions of this
3 subsection, a qualified pension recipient shall receive a
4 minimum annual cost-of-living adjustment of five-tenths
5 percent; and

6 (4) the amount of increase shall be determined
7 by multiplying the amount of pension, inclusive of all prior
8 adjustments, by the cost-of-living adjustment as determined by
9 this subsection.

10 F. For a normal retired member who worked for at
11 least twenty-five years under one or more applicable coverage
12 plans and whose annual pension benefit, after all previous
13 annual cost-of-living adjustments, is equal to an amount not
14 greater than twenty-five thousand dollars (\$25,000), the
15 pension benefit shall be increased by two and one-half percent
16 each July 1. The amount of the increase shall be determined by
17 multiplying the amount of pension, inclusive of all prior
18 adjustments, by two and one-half percent.

19 G. For a disability retired member whose annual
20 pension benefit, after all previous annual cost-of-living
21 adjustments, is equal to an amount not greater than twenty-five
22 thousand dollars (\$25,000), the pension benefit shall be
23 increased by two and one-half percent each July 1. The amount
24 of the increase shall be determined by multiplying the amount
25 of pension, inclusive of all prior adjustments, by two and one-

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1 half percent.

2 H. For a normal retired member who has attained the
3 age of seventy-five years prior to July 1, 2020, the pension
4 benefit shall be increased by two and one-half percent each
5 July 1. The amount of the increase shall be determined by
6 multiplying the amount of pension, inclusive of all prior
7 adjustments, by two and one-half percent.

8 I. A qualified pension recipient may decline an
9 increase in a pension by giving the association written notice
10 of the decision to decline the increase at least thirty days
11 prior to the date the increase would take effect."

12 SECTION 2. APPROPRIATION.--Ten million dollars
13 (\$10,000,000) is appropriated from the general fund to the
14 public employees retirement association for expenditure in
15 fiscal years 2027 and 2028 to provide a cost-of-living increase
16 of one and sixty-eight hundredths percent beginning July 1,
17 2026 for normal retired members over the age of sixty-five.
18 Any unexpended balance remaining at the end of fiscal year 2028
19 shall not revert to the general fund.

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