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1 and any public employer affiliated with the association as
2 provided in the Public Employees Retirement Act, but does not
3 include an employer pursuant to the Magistrate Retirement Act,
4 the Judicial Retirement Act or the Educational Retirement Act;

5 C. "association" means the public employees
6 retirement association established under the Public Employees
7 Retirement Act;

8 D. "disability retired member" means a retired
9 member who is receiving a pension pursuant to the disability
10 retirement provisions of the Public Employees Retirement Act;

11 E. "disability retirement pension" means the
12 pension paid pursuant to the disability retirement provisions
13 of the Public Employees Retirement Act;

14 F. "educational retirement system" means that
15 retirement system provided for in the Educational Retirement
16 Act;

17 G. "employee" means any employee of an affiliated
18 public employer;

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

23 I. "final average salary" means the final average
24 salary calculated in accordance with the provisions of the
25 applicable coverage plan;

1 J. "form of payment" means the applicable form of
2 payment of a pension provided for in Section 10-11-117 NMSA
3 1978;

4 K. "former member" means a person who was
5 previously employed by an affiliated public employer, who has
6 terminated that employment and who has received a refund of
7 member contributions;

8 L. "fund" means the funds included under the
9 Public Employees Retirement Act;

10 M. "member" means a currently employed,
11 contributing employee of an affiliated public employer, or a
12 person who has been but is not currently employed by an
13 affiliated public employer, who has not retired and who has
14 not received a refund of member contributions; "member" also
15 includes the following:

16 (1) "hazardous duty member" means a [state
17 ~~policeman who is a member and who is a juvenile or adult~~]
18 correctional officer employed by a corrections facility of the
19 corrections department or its successor agency or a county or
20 municipal corrections facility;

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

25 (3) "municipal police member" means any

1 member who is employed as a police officer by an affiliated
2 public employer, other than the state, and who has taken the
3 oath prescribed for police officers; and

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

7 N. "membership" means membership in the
8 association;

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

12 P. "public employer" means the state, any
13 municipality, city, county, metropolitan arroyo flood control
14 authority, economic development district, regional housing
15 authority, soil and water conservation district, entity
16 created pursuant to a joint powers agreement, council of
17 government, conservancy district, water and sanitation
18 district, water district and metropolitan water board,
19 including the boards, departments, bureaus and agencies of a
20 public employer, so long as these entities fall within the
21 meaning of governmental plan as that term is used in Section
22 414(d) of the Internal Revenue Code of 1986, as amended;

23 Q. "refund beneficiary" means a person designated
24 by the member, in writing, in the form prescribed by the
25 association, as the person who would be refunded the member's

1 accumulated member contributions payable if the member dies
2 and no survivor pension is payable or who would receive the
3 difference between pension paid and accumulated member
4 contributions if the retired member dies before receiving in
5 pension payments the amount of the accumulated member
6 contributions;

7 R. "retire" means to:

8 (1) terminate employment with all employers
9 covered by any state system or the educational retirement
10 system; and

11 (2) receive a pension from a state system or
12 the educational retirement system;

13 S. "retired member" means a person who has met all
14 requirements for retirement and who is receiving a pension
15 from the fund;

16 T. "retirement board" means the retirement board
17 provided for in the Public Employees Retirement Act;

18 U. "salary" means the base salary or wages paid a
19 member, including longevity pay, for personal services
20 rendered an affiliated public employer. "Salary" shall not
21 include overtime pay, allowances for housing, clothing,
22 equipment or travel, payments for unused sick leave, unless
23 the unused sick leave payment is made through continuation of
24 the member on the regular payroll for the period represented
25 by that payment, and any other form of remuneration not

1 specifically designated by law as included in salary for
2 Public Employees Retirement Act purposes. Salary in excess of
3 the limitations set forth in Section 401(a) (17) of the
4 Internal Revenue Code of 1986, as amended, shall be
5 disregarded. The limitation on compensation for eligible
6 employees shall not be less than the amount that was allowed
7 to be taken into account under the state retirement system
8 acts in effect on July 1, 1993. For purposes of this section,
9 "eligible employee" means an individual who was a member of a
10 state system before the first plan year beginning after
11 December 31, 1995;

12 V. "state system" means the retirement programs
13 provided for in the Public Employees Retirement Act, the
14 Magistrate Retirement Act and the Judicial Retirement Act;

15 W. "state retirement system acts" means
16 collectively the Public Employees Retirement Act, the
17 Magistrate Retirement Act, the Judicial Retirement Act and the
18 Volunteer Firefighters Retirement Act; and

19 X. "survivor beneficiary" means a person who
20 receives a pension or who has been designated to be paid a
21 pension as a result of the death of a member or retired
22 member. "

23 Section 2. A new section of the Public Employees
24 Retirement Act is enacted to read:

25 "[NEW MATERIAL] STATE HAZARDOUS DUTY MEMBER COVERAGE PLAN

1 3- - APPLICABILITY. - -

2 A. State hazardous duty member coverage plan 3 is
3 applicable to hazardous duty members in the first full pay
4 period after July 1, 2002 if the retirement board certifies to
5 the secretary of state that, of those members to be covered
6 under state hazardous duty member coverage plan 3, a majority
7 of the members voting has voted to approve adoption of this
8 plan at an election conducted pursuant to Section 9 of this
9 act. The credited service of a hazardous duty member who has
10 held the permanent rank of corrections officer and does not
11 hold an exempt rank shall have actual credited service
12 increased by twenty percent for the purposes of state
13 hazardous duty member coverage plan 3.

14 B. State hazardous duty member coverage plan 3 may
15 be applicable to a designated group of municipal or county
16 hazardous duty members. A designated group may be all members
17 or municipal or county hazardous duty members who opt in to
18 the designated group, employed by the affiliated public
19 employer, an organizational group whose compensation is
20 established by negotiated contract or all members employed by
21 the affiliated public employer, whose compensation is not
22 established by negotiated contract. "

23 Section 3. A new section of the Public Employees
24 Retirement Act is enacted to read:

25 "[NEW MATERIAL] STATE HAZARDOUS DUTY MEMBER COVERAGE PLAN

1 3--AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL

2 RETIREMENT.--Under state hazardous duty member coverage plan
3 3, the age and service credit requirements for normal
4 retirement are:

5 A. age sixty-five years or older and five or more
6 years of credited service;

7 B. age sixty-four years and eight or more years of
8 credited service;

9 C. age sixty-three years and eleven or more years
10 of credited service;

11 D. age sixty-two years and fourteen or more years
12 of credited service;

13 E. age sixty-one years and seventeen or more years
14 of credited service; or

15 F. any age and twenty or more years of credited
16 service. "

17 Section 4. A new section of the Public Employees
18 Retirement Act is enacted to read:

19 "[NEW MATERIAL] STATE HAZARDOUS DUTY MEMBER COVERAGE PLAN
20 3--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under state
21 hazardous duty member coverage plan 3, the amount of pension
22 under form of payment A is equal to three and one-half percent
23 of final average salary multiplied by service credit. The
24 amount shall not exceed eighty percent of the final average
25 salary. "

1 Section 5. A new section of the Public Employees
2 Retirement Act is enacted to read:

3 "[NEW MATERIAL] STATE HAZARDOUS DUTY MEMBER COVERAGE PLAN
4 3--FINAL AVERAGE SALARY.--Under state hazardous duty member
5 coverage plan 3, the final average salary is one thirty-sixth
6 of the greatest aggregate amount of salary paid a member for
7 thirty-six consecutive but not necessarily continuous months
8 of service credit. Under state hazardous duty member coverage
9 plan 3, if a member has less than thirty-six months of service
10 credit, the final average salary is the aggregate amount of
11 salary paid a member for the member's period of service credit
12 divided by the member's service credit. "

13 Section 6. A new section of the Public Employees
14 Retirement Act is enacted to read:

15 "[NEW MATERIAL] STATE HAZARDOUS DUTY MEMBER COVERAGE PLAN
16 3--MEMBER CONTRIBUTION RATE.--A member under state hazardous
17 duty member coverage plan 3 shall contribute four and seventy-
18 eight hundredths percent of salary starting with the first
19 full pay period that ends within the calendar month in which
20 state hazardous duty member coverage plan 3 becomes applicable
21 to the member. "

22 Section 7. A new section of the Public Employees
23 Retirement Act is enacted to read:

24 "[NEW MATERIAL] STATE HAZARDOUS DUTY MEMBER COVERAGE PLAN
25 3--STATE CONTRIBUTION RATE.--The state shall contribute

1 thirty-eight and two hundredths percent of the salary of each
2 member covered by state hazardous duty member coverage plan 3
3 starting with the first full pay period that ends within the
4 calendar month in which state hazardous duty member coverage
5 plan 3 becomes applicable to the member. "

6 Section 8. A new section of the Public Employees
7 Retirement Act is enacted to read:

8 "[NEW MATERIAL] STATE HAZARDOUS DUTY MEMBER COVERAGE PLAN
9 3--SERVICE CREDIT UNDER THIS PLAN REQUIRED. --Notwithstanding
10 the provisions of Section 2 of this act, to qualify for
11 payment under state hazardous duty member coverage plan 3, a
12 member shall have three years of service credit earned under
13 the state hazardous duty member coverage plan 3 subsequent to
14 July 1, 2002. "

15 Section 9. A new section of the Public Employees
16 Retirement Act is enacted to read:

17 "[NEW MATERIAL] STATE HAZARDOUS DUTY MEMBER COVERAGE PLAN
18 3--ELECTION. --On or before October 1, 2001, the retirement
19 board shall conduct an election to submit to members currently
20 contributing under state hazardous duty member coverage plan 2
21 the question of adopting a state hazardous duty coverage plan
22 3. The election shall be conducted in accordance with
23 procedures adopted by the retirement board, and the retirement
24 board shall certify the results of the election to the
25 secretary of state on or before November 1, 2001. "

underscored material = new
[bracketed material] = delete

1 Section 10. EFFECTIVE DATE. --The effective date of the
2 provisions of this act is July 1, 2001.

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