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SENATE BILL 182

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; REMOVING THE CAP ON THE AMOUNT OF PENSION ALLOWED FOR STATE POLICE, ADULT AND JUVENILE CORRECTIONAL OFFICER AND MUNICIPAL POLICE, FIRE AND DETENTION MEMBERS.

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

SECTION 1. Section 10-11-29 NMSA 1978 (being Laws 1987, Chapter 253, Section 29, as amended) is amended to read:

"10-11-29. STATE POLICE MEMBER AND ADULT CORRECTIONAL OFFICER MEMBER COVERAGE PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under state police member and adult correctional officer member coverage plan 1, the amount of pension under form of payment A is equal to three percent of the final average salary multiplied by credited service. [~~The amount shall not exceed ninety percent of the final average salary.~~]"

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

3           "10-11-35. JUVENILE CORRECTIONAL OFFICER MEMBER COVERAGE  
4 PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under juvenile  
5 correctional officer member coverage plan 1, the amount of  
6 pension under form of payment A is equal to two and one-half  
7 percent of the final average salary multiplied by credited  
8 service. [~~The amount shall not exceed one hundred percent of~~  
9 ~~the final average salary.~~]"

10          SECTION 3. Section 10-11-38.3 NMSA 1978 (being Laws 1994,  
11 Chapter 128, Section 11, as amended) is amended to read:

12          "10-11-38.3. JUVENILE CORRECTIONAL OFFICER MEMBER  
13 COVERAGE PLAN 2--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under  
14 juvenile correctional officer member coverage plan 2, the  
15 amount of pension under form of payment A is equal to three  
16 percent of the final average salary multiplied by credited  
17 service [~~credit. The amount shall not exceed ninety percent of~~  
18 ~~the final average salary.~~]"

19          SECTION 4. Section 10-11-58 NMSA 1978 (being Laws 1987,  
20 Chapter 253, Section 58, as amended) is amended to read:

21          "10-11-58. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--  
22 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police  
23 member coverage plan 1, the amount of pension under form of  
24 payment A is equal to two percent of the final average salary  
25 multiplied by credited service. [~~The amount shall not exceed~~

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1 ~~ninety percent of the final average salary.]"~~

2 SECTION 5. Section 10-11-64 NMSA 1978 (being Laws 1987,  
3 Chapter 253, Section 64, as amended) is amended to read:

4 "10-11-64. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--  
5 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police  
6 member coverage plan 2:

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

13 B. for a member with age and service requirements  
14 provided under Subsection B of Section 10-11-63 NMSA 1978, the  
15 amount of pension under form of payment A is equal to two  
16 percent of the final average salary multiplied by credited  
17 service. [~~The amount shall not exceed ninety percent of the~~  
18 ~~final average salary.~~]"

19 SECTION 6. Section 10-11-70 NMSA 1978 (being Laws 1987,  
20 Chapter 253, Section 70, as amended) is amended to read:

21 "10-11-70. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--  
22 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police  
23 member coverage plan 3:

24 A. for a member with age and service requirements  
25 provided under Subsection A of Section 10-11-69 NMSA 1978, the

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1 amount of pension under form of payment A is equal to two and  
2 one-half percent of the final average salary multiplied by  
3 credited service [~~The amount shall not exceed ninety percent of~~  
4 ~~the final average salary~~]; and

5 B. for a member with age and service requirements  
6 provided under Subsection B of Section 10-11-69 NMSA 1978, the  
7 amount of pension under form of payment A is equal to two  
8 percent of the final average salary multiplied by credited  
9 service. [~~The amount shall not exceed ninety percent of the~~  
10 ~~final average salary.~~]"

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

13 "10-11-76. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--  
14 AMOUNT OF PENSION--FORM OF [~~PENSION~~] PAYMENT A.--Under  
15 municipal police member coverage plan 4:

16 A. for a member with age and service requirements  
17 provided under Subsection A of Section 10-11-75 NMSA 1978, the  
18 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 ninety percent of the~~  
21 ~~final average salary~~]; and

22 B. for a member with age and service requirements  
23 provided under Subsection B of Section 10-11-75 NMSA 1978, the  
24 amount of pension under form of payment A is equal to two and  
25 one-half percent of the final average salary multiplied by

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

3 SECTION 8. Section 10-11-82 NMSA 1978 (being Laws 1987,  
4 Chapter 253, Section 82, as amended) 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 ninety percent of~~  
13 ~~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 9. Section 10-11-88 NMSA 1978 (being Laws 1987,  
21 Chapter 253, Section 88, as amended) is amended to read:

22 "10-11-88. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--AMOUNT  
23 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
24 coverage plan 1, the amount of pension under form of payment A  
25 is equal to two percent of the final average salary multiplied

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

3 SECTION 10. Section 10-11-94 NMSA 1978 (being Laws 1987,  
4 Chapter 253, Section 94, as amended) is amended to read:

5 "10-11-94. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--AMOUNT  
6 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
7 contribution plan 2:

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

14 B. for a member with age and service requirements  
15 provided under Subsection B of Section 10-11-93 NMSA 1978, the  
16 amount of pension under form of payment A is equal to two  
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 11. Section 10-11-100 NMSA 1978 (being Laws 1987,  
21 Chapter 253, Section 100, as amended) is amended to read:

22 "10-11-100. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AMOUNT  
23 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
24 coverage plan 3:

25 A. for a member with age and service requirements

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1 provided under Subsection A of Section 10-11-99 NMSA 1978, the  
2 amount of pension under form of payment A is equal to two and  
3 one-half percent of the final average salary multiplied by  
4 credited service [~~The amount shall not exceed ninety percent of~~  
5 ~~the final average salary~~]; and

6 B. for a member with age and service requirements  
7 provided under Subsection B of Section 10-11-99 NMSA 1978, the  
8 amount of pension under form of payment A is equal to two  
9 percent of the final average salary multiplied by credited  
10 service. [~~The amount shall not exceed ninety percent of the~~  
11 ~~final average salary.~~]"

12 SECTION 12. Section 10-11-106 NMSA 1978 (being Laws 1987,  
13 Chapter 253, Section 106, as amended) is amended to read:

14 "10-11-106. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AMOUNT  
15 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
16 coverage plan 4:

17 A. for a member with age and service requirements  
18 provided under Subsection A of Section 10-11-105 NMSA 1978, the  
19 amount of pension under form of payment A is equal to three  
20 percent of the final average salary multiplied by credited  
21 service [~~The amount shall not exceed ninety percent of the~~  
22 ~~final average salary~~]; and

23 B. for a member with age and service requirements  
24 provided under Subsection B of Section 10-11-105 NMSA 1978, the  
25 amount of pension under form of payment A is equal to two and

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

4 SECTION 13. Section 10-11-112 NMSA 1978 (being Laws 1987,  
5 Chapter 253, Section 112, as amended) is amended to read:

6 "10-11-112. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AMOUNT  
7 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
8 coverage plan 5:

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

15 B. for a member with age and service requirements  
16 provided under Subsection B of Section 10-11-111 NMSA 1978, the  
17 amount of pension under form of payment A is equal to three  
18 percent of the final average salary multiplied by credited  
19 service. [~~The amount shall not exceed ninety percent of the~~  
20 ~~final average salary.~~]"

21 SECTION 14. Section 10-11-115.3 NMSA 1978 (being Laws  
22 2003, Chapter 268, Section 4, as amended) is amended to read:

23 "10-11-115.3. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE  
24 PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal  
25 detention officer member coverage plan 1, the amount of pension

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

4 SECTION 15. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2018.