

Proposed  
HOUSE LABOR, VETERANS' AND MILITARY AFFAIRS  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 222

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
INCREASING THE MAXIMUM AMOUNT OF PENSION ABLE TO BE EARNED BY  
MEMBERS OF CERTAIN PLANS PURSUANT TO THE PUBLIC EMPLOYEES  
RETIREMENT ACT.

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, CORRECTIONAL OFFICER  
MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN  
1--AMOUNT OF PENSION--FORM OF PAYMENT A.--

A. Except as provided in Subsection B of this  
section, under state police member, correctional officer member  
and probation and parole officer member coverage plan 1, the  
amount of pension under form of payment A is equal to three

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1 percent of final average salary multiplied by credited service;  
2 provided that the amount earned pursuant to this subsection  
3 shall not exceed ninety percent of the final average salary.

4 B. Once a state police member, correctional officer  
5 member or probation and parole officer member has earned an  
6 amount of pension that equals ninety percent of the final  
7 average salary pursuant to Subsection A of this section, that  
8 member shall receive two percent of the final average salary  
9 multiplied by credited service for each year thereafter;  
10 provided that the total amount earned pursuant to this section  
11 shall not exceed a total of one hundred percent of the final  
12 average salary."

13 SECTION 2. Section 10-11-58 NMSA 1978 (being Laws 1987,  
14 Chapter 253, Section 58, as amended) is amended to read:

15 "10-11-58. MUNICIPAL POLICE MEMBER COVERAGE PLAN 1--  
16 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police  
17 member coverage plan 1, the amount of pension under form of  
18 payment A is equal to two percent of the final average salary  
19 multiplied by credited service. The amount shall not exceed  
20 [~~ninety~~] one hundred percent of the final average salary."

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

23 "10-11-64. MUNICIPAL POLICE MEMBER COVERAGE PLAN 2--  
24 AMOUNT OF PENSION--FORM OF PAYMENT A.--

25 A. Under municipal police member coverage plan 2:

1                   ~~[A.]~~ (1) except as provided in Subsection B of  
 2 this section, for a member with age and service requirements  
 3 provided under Subsection A of Section 10-11-63 NMSA 1978, the  
 4 amount of pension under form of payment A is equal to two and  
 5 one-half percent of the final average salary multiplied by  
 6 credited service; provided that the amount earned pursuant to  
 7 this subsection shall not exceed ninety percent of the final  
 8 average salary; and

9                   ~~[B.]~~ (2) for a member with age and service  
 10 requirements provided under Subsection B of Section 10-11-63  
 11 NMSA 1978, the amount of pension under form of payment A is  
 12 equal to two percent of the final average salary multiplied by  
 13 credited service. The amount shall not exceed ~~[ninety]~~ one  
 14 hundred percent of the final average salary.

15                   B. Once a municipal police member has earned an  
 16 amount of pension that equals ninety percent of the final  
 17 average salary pursuant to Paragraph (1) of Subsection A of  
 18 this section, that member shall receive two percent of the  
 19 final average salary multiplied by credited service for each  
 20 year thereafter; provided that the total amount earned pursuant  
 21 to this section shall not exceed a total of one hundred percent  
 22 of the final average salary."

23                   SECTION 4. Section 10-11-70 NMSA 1978 (being Laws 1987,  
 24 Chapter 253, Section 70, as amended) is amended to read:

25                   "10-11-70. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--

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1 AMOUNT OF PENSION--FORM OF PAYMENT A.--

2 A. Under municipal police member coverage plan 3:

3 ~~[A.]~~ (1) except as provided in Subsection B of  
4 this section, for a member with age and service requirements  
5 provided under Subsection A of Section 10-11-69 NMSA 1978, the  
6 amount of pension under form of payment A is equal to two and  
7 one-half percent of the final average salary multiplied by  
8 credited service; provided that the amount earned pursuant to  
9 this subsection shall not exceed ninety percent of the final  
10 average salary; and

11 ~~[B.]~~ (2) for a member with age and service  
12 requirements provided under Subsection B of Section 10-11-69  
13 NMSA 1978, the amount of pension under form of payment A is  
14 equal to two percent of the final average salary multiplied by  
15 credited service. The amount shall not exceed ~~[ninety]~~ one  
16 hundred percent of the final average salary.

17 B. Once a municipal police member has earned an  
18 amount of pension that equals ninety percent of the final  
19 average salary pursuant to Paragraph (1) of Subsection A of  
20 this section, that member shall receive two percent of the  
21 final average salary multiplied by credited service for each  
22 year thereafter; provided that the total amount earned pursuant  
23 to this section shall not exceed a total of one hundred percent  
24 of the final average salary."

25 SECTION 5. Section 10-11-76 NMSA 1978 (being Laws 1987,

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1 Chapter 253, Section 76, as amended) is amended to read:

2 "10-11-76. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--  
3 AMOUNT OF PENSION--FORM OF [~~PENSION~~] PAYMENT A--

4 A. Except as provided in Subsection B of this  
5 section, under municipal police member coverage plan 4:

6 [~~A.~~] (1) for a member with age and service  
7 requirements provided under Subsection A of Section 10-11-75  
8 NMSA 1978, the amount of pension under form of payment A is  
9 equal to three percent of the final average salary multiplied  
10 by credited service; provided that the amount earned pursuant  
11 to this paragraph shall not exceed ninety percent of the final  
12 average salary; and

13 [~~B.~~] (2) for a member with age and service  
14 requirements provided under Subsection B of Section 10-11-75  
15 NMSA 1978, the amount of pension under form of payment A is  
16 equal to two and one-half percent of the final average salary  
17 multiplied by credited service; provided that the amount earned  
18 pursuant to this paragraph shall not exceed ninety percent of  
19 the final average salary.

20 B. Once a municipal police member has earned an  
21 amount of pension that equals ninety percent of the final  
22 average salary pursuant to Subsection A of this section, that  
23 member shall receive two percent of the final average salary  
24 multiplied by credited service for each year thereafter;  
25 provided that the total amount earned pursuant to this section

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1 shall not exceed a total of one hundred percent of the final  
2 average salary."

3 SECTION 6. 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.--

7 A. Except as provided in Subsection B of this  
8 section, under municipal police member coverage plan 5:

9 [~~A.~~] (1) for a member with age and service  
10 requirements provided under Subsection A of Section 10-11-81  
11 NMSA 1978, the amount of pension under form of payment A is  
12 equal to three and one-half percent of the final average salary  
13 multiplied by credited service; provided that the amount earned  
14 pursuant to this paragraph shall not exceed ninety percent of  
15 the final average salary; and

16 [~~B.~~] (2) for a member with age and service  
17 requirements provided under Subsection B of Section 10-11-81  
18 NMSA 1978, the amount of pension under form of payment A is  
19 equal to three percent of the final average salary multiplied  
20 by credited service; provided that the amount earned pursuant  
21 to this paragraph shall not exceed ninety percent of the final  
22 average salary.

23 B. Once a municipal police member has earned an  
24 amount of pension that equals ninety percent of the final  
25 average salary pursuant to Subsection A of this section, that

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1 member shall receive two percent of the final average salary  
2 multiplied by credited service for each year thereafter;  
3 provided that the total amount earned pursuant to this section  
4 shall not exceed a total of one hundred percent of the final  
5 average salary."

6 SECTION 7. APPLICABILITY.--The provisions of this act  
7 apply to credited service earned on or after the effective date  
8 of this act.

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