

1 HOUSE BILL 106

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC PENSIONS; INCREASING THE MAXIMUM AMOUNT OF  
12 PENSION THAT A MEMBER IS PERMITTED TO EARN PURSUANT TO THE  
13 PUBLIC EMPLOYEES RETIREMENT ACT.  
14

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

16 SECTION 1. Section 10-11-26.3 NMSA 1978 (being Laws 1994,  
17 Chapter 128, Section 4, as amended) is amended to read:

18 "10-11-26.3. STATE GENERAL MEMBER COVERAGE PLAN 3--AMOUNT  
19 OF PENSION--FORM OF PAYMENT A.--Under state general member  
20 coverage plan 3:

21 A. for a member with age and service requirements  
22 provided under Paragraph (1) or (3) of Subsection A of Section  
23 10-11-26.2 NMSA 1978, the amount of pension under form of  
24 payment A is equal to three percent of final average salary  
25 multiplied by service credit. The amount shall not exceed

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1 [ninety] one hundred percent of the final average salary; and

2 B. for a member with age and service requirements  
3 provided under Paragraph (2) of Subsection A of Section  
4 10-11-26.2 NMSA 1978, the amount of pension under form of  
5 payment A is equal to two and one-half percent of the final  
6 average salary multiplied by service credit. The amount shall  
7 not exceed [ninety] one hundred percent of the final average  
8 salary."

9 SECTION 2. Section 10-11-29 NMSA 1978 (being Laws 1987,  
10 Chapter 253, Section 29, as amended) is amended to read:

11 "10-11-29. STATE POLICE MEMBER, CORRECTIONAL OFFICER  
12 MEMBER AND PROBATION AND PAROLE OFFICER MEMBER COVERAGE PLAN  
13 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under state police  
14 member, correctional officer member and probation and parole  
15 officer member coverage plan 1, the amount of pension under  
16 form of payment A is equal to three percent of final average  
17 salary multiplied by credited service. The amount shall not  
18 exceed [ninety] one hundred percent of the final average  
19 salary."

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

22 "10-11-38.3. JUVENILE CORRECTIONAL OFFICER MEMBER  
23 COVERAGE PLAN 2--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under  
24 juvenile correctional officer member coverage plan 2, the  
25 amount of pension under form of payment A is equal to three

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

4 SECTION 4. Section 10-11-46 NMSA 1978 (being Laws 1987,  
5 Chapter 253, Section 46, as amended) is amended to read:

6 "10-11-46. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 1--  
7 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general  
8 member coverage plan 1, the amount of pension under form of  
9 payment A is equal to two percent of the final average salary  
10 multiplied by credited service. The amount shall not exceed  
11 [~~ninety~~] one hundred percent of the final average salary."

12 SECTION 5. Section 10-11-52 NMSA 1978 (being Laws 1987,  
13 Chapter 253, Section 52, as amended) is amended to read:

14 "10-11-52. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 2--  
15 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general  
16 member coverage plan 2:

17 A. for a member with age and service requirements  
18 provided in Subsection A of Section 10-11-51 NMSA 1978, the  
19 amount of pension under form of payment A is equal to two and  
20 one-half percent of the final average salary multiplied by  
21 credited service. The amount shall not exceed [~~ninety~~] one  
22 hundred percent of the final average salary; and

23 B. for a member with age and service requirements  
24 provided in Subsection B of Section 10-11-51 NMSA 1978, the  
25 amount of pension under form of payment A is equal to two

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

4 SECTION 6. Section 10-11-55.3 NMSA 1978 (being Laws 1993,  
5 Chapter 58, Section 3, as amended) is amended to read:

6 "10-11-55.3. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 3--  
7 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general  
8 member coverage plan 3:

9 A. for a member with age and service requirements  
10 provided under Subsection A of Section 10-11-55.2 NMSA 1978,  
11 the amount of pension under form of payment A is equal to three  
12 percent of the final average salary multiplied by credited  
13 service. The amount shall not exceed [~~ninety~~] one hundred  
14 percent of the final average salary; and

15 B. for a member with age and service requirements  
16 provided under Subsection B of Section 10-11-55.2 NMSA 1978,  
17 the amount of pension under form of payment A is equal to two  
18 and one-half percent of the final average salary multiplied by  
19 credited service. The amount shall not exceed [~~ninety~~] one  
20 hundred percent of the final average salary."

21 SECTION 7. Section 10-11-55.9 NMSA 1978 (being Laws 1998,  
22 Chapter 106, Section 3, as amended) is amended to read:

23 "10-11-55.9. MUNICIPAL GENERAL MEMBER COVERAGE PLAN 4--  
24 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal general  
25 member coverage plan 4:

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1           A. for a member with age and service requirements  
2 provided under Subsection A of Section 10-11-55.8 NMSA 1978,  
3 the amount of pension under form of payment A is equal to three  
4 percent of the final average salary multiplied by credited  
5 service. The amount shall not exceed [~~ninety~~] one hundred  
6 percent of the final average salary; and

7           B. for a member with age and service requirements  
8 provided under Subsection B of Section 10-11-55.8 NMSA 1978,  
9 the amount of pension under form of payment A is equal to two  
10 and one-half percent of the final average salary multiplied by  
11 credited service. The amount shall not exceed [~~ninety~~] one  
12 hundred percent of the final average salary."

13           **SECTION 8.** 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 9.** 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.--Under municipal police  
25 member coverage plan 2:

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

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

13           **SECTION 10.** Section 10-11-70 NMSA 1978 (being Laws 1987,  
14 Chapter 253, Section 70, as amended) is amended to read:

15           "10-11-70. MUNICIPAL POLICE MEMBER COVERAGE PLAN 3--  
16 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police  
17 member coverage plan 3:

18           A. for a member with age and service requirements  
19 provided under Subsection A of Section 10-11-69 NMSA 1978, the  
20 amount of pension under form of payment A is equal to two and  
21 one-half percent of the final average salary multiplied by  
22 credited service. The amount shall not exceed [~~ninety~~] one  
23 hundred percent of the final average salary; and

24           B. for a member with age and service requirements  
25 provided under Subsection B 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  
2 percent of the final average salary multiplied by credited  
3 service. The amount shall not exceed [~~ninety~~] one hundred  
4 percent of the final average salary."

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

7 "10-11-76. MUNICIPAL POLICE MEMBER COVERAGE PLAN 4--  
8 AMOUNT OF PENSION--FORM OF [~~PENSION~~] PAYMENT A.--Under  
9 municipal police member coverage plan 4:

10 A. for a member with age and service requirements  
11 provided under Subsection A of Section 10-11-75 NMSA 1978, the  
12 amount of pension under form of payment A is equal to three  
13 percent of the final average salary multiplied by credited  
14 service. The amount shall not exceed [~~ninety~~] one hundred  
15 percent of the final average salary; and

16 B. for a member with age and service requirements  
17 provided under Subsection B of Section 10-11-75 NMSA 1978, the  
18 amount of pension under form of payment A is equal to two and  
19 one-half percent of the final average salary multiplied by  
20 credited service. The amount shall not exceed [~~ninety~~] one  
21 hundred percent of the final average salary."

22 SECTION 12. Section 10-11-82 NMSA 1978 (being Laws 1987,  
23 Chapter 253, Section 82, as amended) is amended to read:

24 "10-11-82. MUNICIPAL POLICE MEMBER COVERAGE PLAN 5--  
25 AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal police

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1 member coverage plan 5:

2 A. for a member with age and service requirements  
3 provided under Subsection A of Section 10-11-81 NMSA 1978, the  
4 amount of pension under form of payment A is equal to three and  
5 one-half percent of the final average salary multiplied by  
6 credited service. The amount shall not exceed [~~ninety~~] one  
7 hundred percent of the final average salary; and

8 B. for a member with age and service requirements  
9 provided under Subsection B of Section 10-11-81 NMSA 1978, the  
10 amount of pension under form of payment A is equal to three  
11 percent of the final average salary multiplied by credited  
12 service. The amount shall not exceed [~~ninety~~] one hundred  
13 percent of the final average salary."

14 SECTION 13. Section 10-11-88 NMSA 1978 (being Laws 1987,  
15 Chapter 253, Section 88, as amended) is amended to read:

16 "10-11-88. MUNICIPAL FIRE MEMBER COVERAGE PLAN 1--AMOUNT  
17 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
18 coverage plan 1, the amount of pension under form of payment A  
19 is equal to two percent of the final average salary multiplied  
20 by credited service. The amount shall not exceed [~~ninety~~] one  
21 hundred percent of the final average salary."

22 SECTION 14. Section 10-11-94 NMSA 1978 (being Laws 1987,  
23 Chapter 253, Section 94, as amended) is amended to read:

24 "10-11-94. MUNICIPAL FIRE MEMBER COVERAGE PLAN 2--AMOUNT  
25 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member

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1     ~~[contribution]~~ coverage plan 2:

2             A. for a member with age and service requirements  
3 provided under Subsection A of Section 10-11-93 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. The amount shall not exceed [~~ninety~~] one  
7 hundred percent of the final average salary; and

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

14             SECTION 15. Section 10-11-100 NMSA 1978 (being Laws 1987,  
15 Chapter 253, Section 100, as amended) is amended to read:

16             "10-11-100. MUNICIPAL FIRE MEMBER COVERAGE PLAN 3--AMOUNT  
17 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
18 coverage plan 3:

19             A. for a member with age and service requirements  
20 provided under Subsection A of Section 10-11-99 NMSA 1978, the  
21 amount of pension under form of payment A is equal to two and  
22 one-half percent of the final average salary multiplied by  
23 credited service. The amount shall not exceed [~~ninety~~] one  
24 hundred percent of the final average salary; and

25             B. for a member with age and service requirements

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

6 SECTION 16. Section 10-11-106 NMSA 1978 (being Laws 1987,  
7 Chapter 253, Section 106, as amended) is amended to read:

8 "10-11-106. MUNICIPAL FIRE MEMBER COVERAGE PLAN 4--AMOUNT  
9 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
10 coverage plan 4:

11 A. for a member with age and service requirements  
12 provided under Subsection A of Section 10-11-105 NMSA 1978, the  
13 amount of pension under form of payment A is equal to three  
14 percent of the final average salary multiplied by credited  
15 service. The amount shall not exceed [~~ninety~~] one hundred  
16 percent of the final average salary; and

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

23 SECTION 17. Section 10-11-112 NMSA 1978 (being Laws 1987,  
24 Chapter 253, Section 112, as amended) is amended to read:

25 "10-11-112. MUNICIPAL FIRE MEMBER COVERAGE PLAN 5--AMOUNT  
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1 OF PENSION--FORM OF PAYMENT A.--Under municipal fire member  
2 coverage plan 5:

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

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

15 SECTION 18. Section 10-11-115.3 NMSA 1978 (being Laws  
16 2003, Chapter 268, Section 4, as amended) is amended to read:

17 "10-11-115.3. MUNICIPAL DETENTION OFFICER MEMBER COVERAGE  
18 PLAN 1--AMOUNT OF PENSION--FORM OF PAYMENT A.--Under municipal  
19 detention officer member coverage plan 1, the amount of pension  
20 under form of payment A is equal to three percent of the final  
21 average salary multiplied by credited service. The amount  
22 shall not exceed [~~ninety~~] one hundred percent of the final  
23 average salary."

24 SECTION 19. APPLICABILITY.--The provisions of this act  
25 apply to credited service performed after the effective date of  
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1 this act. Any credited service performed or amount of pension  
2 earned prior to the effective date of this act shall not be  
3 calculated or adjusted to conform to the provisions of this  
4 act.

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