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HOUSE BILL 41

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Dennis J. Kintigh

AN ACT

RELATING TO PENSIONS; AMENDING THE PUBLIC EMPLOYEES RETIREMENT  
ACT TO IMPOSE A MINIMUM AGE OF SIXTY-TWO YEARS OF AGE FOR  
LEGISLATORS TO RECEIVE PENSION BENEFITS UNDER THE LEGISLATIVE  
PENSION COVERAGE PLANS.

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

**SECTION 1.** Section 10-11-40 NMSA 1978 (being Laws 1987,  
Chapter 253, Section 40) is amended to read:

"10-11-40. STATE LEGISLATOR MEMBER COVERAGE PLAN 1--AGE  
AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under state  
legislator member coverage plan 1, the age and service  
requirements for normal retirement are:

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

B. age sixty-four years or older and eight or more

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1 years of credited service;

2 C. age sixty-three years or older and eleven or  
3 more years of credited service; or

4 D. age [~~sixty~~] sixty-two years or older and twelve  
5 or more years of credited service [~~or~~

6 ~~E. any age and fourteen or more years of credited~~  
7 ~~service]."~~

8 SECTION 2. Section 10-11-43.2 NMSA 1978 (being Laws 2003,  
9 Chapter 85, Section 8) is amended to read:

10 "10-11-43.2. STATE LEGISLATOR MEMBER COVERAGE PLAN 2--AGE  
11 AND SERVICE REQUIREMENTS FOR NORMAL RETIREMENT.--Under state  
12 legislator member coverage plan 2, the age and service  
13 requirements for normal retirement are:

14 A. age sixty-five years or older and five or more  
15 years of credited service; or

16 B. [~~any~~] age sixty-two years or older and ten or  
17 more years of credited service."

18 SECTION 3. TEMPORARY PROVISION--RETROACTIVE  
19 APPLICABILITY.--Effective July 1, 2012, pension payments to a  
20 member under legislator member coverage plan 1 or legislator  
21 member coverage plan 2 who does not meet the age and service  
22 requirement for normal retirement under Section 1 or 2 of this  
23 act shall be suspended and shall be reinstated upon the member  
24 meeting the age and service requirement for normal retirement  
25 under the applicable plan.

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SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2012.