



The Legislature
of the
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 19

HOUSE BILL 16, as amended

Introduced by

REPRESENTATIVE JIM R. TRUJILLO AND
SENATOR JOHN M. SAPIEN



FOR THE INVESTMENTS OVERSIGHT COMMITTEE

Chapter 19

AN ACT

RELATING TO PUBLIC EMPLOYEES RETIREMENT; PROVIDING A RETIRED MEMBER WITH A ONE-TIME IRREVOCABLE OPTION TO DESELECT A DESIGNATED SURVIVOR PENSION BENEFICIARY.

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

Section 1. Section 10-11-116 NMSA 1978 (being Laws 1987, Chapter 253, Section 116, as amended) is amended to read:

"10-11-116. ELECTION OF FORM OF PAYMENT OF A PENSION.--

A. Except as otherwise provided in Section 10-11-136 NMSA 1978, a member may elect to have pension payments made under any one of the forms of payment provided in Section 10-11-117 NMSA 1978. The election of form of payment and naming of survivor pension beneficiary shall be made on a form furnished by and filed with the association prior to the date the first pension payment is made. An election of form of payment may not be changed after the date the first pension payment is made. If the member is married, the association shall obtain the consent of the member's spouse to the election of the form of payment and any designation of survivor pension beneficiary before the election or designation is effective. Except as provided in Subsection C or D of this section, a named survivor pension beneficiary may not be changed after the date the first

1 pension payment is made if form of payment B or C is elected.
2 Except as otherwise provided in Section 10-11-136 NMSA 1978,
3 payment shall be made:

4 (1) under form of payment A if the member is
5 not married at the time of retirement and if there is not a
6 timely election of another form of payment; or

7 (2) under form of payment C with the
8 member's spouse as survivor pension beneficiary if the member
9 is married at the time of retirement and there is not a timely
10 election of another form of payment.

11 B. The amount of pension under forms of payment B,
12 C and D shall have the same actuarial present value, computed
13 as of the effective date of the pension, as the amount of
14 pension under form of payment A.

15 C. A retired member who is being paid a pension
16 under form of payment B or C with the member's spouse as the
17 designated survivor pension beneficiary may, upon becoming
18 divorced from the named spouse and subject to an order of a
19 court as provided for in Section 10-11-136 NMSA 1978, elect to
20 have future payments made under form of payment A.

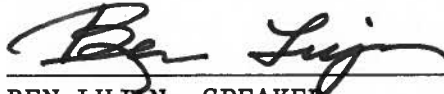
21 D. A retired member who is being paid a pension
22 under form of payment B or C with a living designated survivor
23 pension beneficiary other than the retired member's spouse or
24 former spouse may exercise a one-time irrevocable option to
25 deselect the designated beneficiary and elect to:

1 (1) designate another survivor pension
2 beneficiary, provided that:

3 (a) the retired member shall not have
4 an option to change from the current form of payment; and

5 (b) the amount of the pension under the
6 form of payment shall be recalculated and shall have the same
7 actuarial present value, computed as of the effective date of
8 the designation, as the amount of pension under form of
9 payment A; or

10 (2) have future payments made under form of
11 payment A."



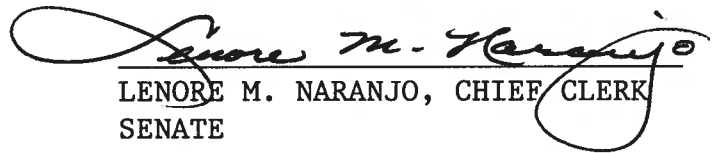
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 2nd day of March, 2010



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

3018 FEB 22 PM 3:40

RECEIVED

SECRETARY OF STATE
OFFICE OF

10:45 PM - 5

RECEIVED