

**NOTICE OF PERA RULEMAKING**

The Public Employees Retirement Association (“PERA”) will consider changes to its rules promulgated under the Public Employees Retirement Act (“PERA Act”). Changes are proposed for the following rules:

1. Rule 2.80.1000 NMAC - “Disability Retirement Benefits”;
2. Rule 2.80.700 NMAC - “Normal Retirement”;
3. Rule 2.80.900 NMAC - “Pre-Retirement Survivor Pensions”;
4. Rule 2.83.700 NMAC – “Retirement”;
5. Rule 2.83.800 NMAC - “Survivor Pension”;
6. Rule 2.84.700 NMAC – “Retirement”; and,
7. Rule 2.84.800 NMAC - “Survivor Pension”

Rule 2.80.1000 NMAC would be amended to allow a Doctor of Osteopathic Medicine, a Certified Nurse Practitioner or Physician’s Assistant to complete an examining physician’s statement for disability retirement applicants and to allow more time for applicants to obtain additional medical records requested by the disability review committee.

Rules 2.80.700 NMAC, 2.80.900 NMAC, 2.83.700 NMAC, 2.83.800 NMAC, 2.84.700 NMAC, and 2.84.800 NMAC would be amended to allow members to name a supplemental needs trust as a survivor beneficiary in response to the passage of House Bill 304 during the 2023 New Mexico legislative session and to ensure compliance with recent federal changes to the Internal Revenue Code which altered the age that a member of a qualified pension plan is required to take a distribution from their retirement. Each rule would be reformatted as necessary.

A formal rulemaking hearing will be held on September 12, 2023, at 9:00 a.m. in the Fabian Chavez Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico, 87507. The rulemaking hearing will also be accessible through Zoom. The Zoom access link will be published on PERA’s website listed below prior to the hearing. Oral comments will be taken at the public hearing. Final action on the rules will occur at the September 2023 meeting of the PERA Board which will be held in the Fabian Chavez Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico at a date and time specified in the Board’s Public Meeting Notice. The purpose of the rulemaking hearing is to obtain public input on the proposed amendment to the above-referenced rules. The public hearing allows members of the public an opportunity to submit data, testimony, and arguments on the proposed rule changes.

The purpose of the proposed rules change to the disability rule is to maintain a rigorous review process for disability applicants while addressing the current issues with access to health care in New Mexico. The purpose of the proposed rule change to the retirement rule is to align the rule with the requirements of House Bill 304 and allow members to name a supplemental needs trust as a survivor beneficiary and to identify the documents required by PERA for the same. The purpose of the proposed rule change to the benefit payment rule is to ensure that PERA rules relating to required distributions comply with what is required under federal law for all qualified retirement plans.

The authority for the proposed rule changes is, Section 10-11-130, NMSA 1978 of the PERA Act and Rule 20.80.200.10 NMAC, which authorizes the adoption and promulgation of rules and regulations necessary to carry out the purposes of the PERA Act.

Copies of the draft rules are available in PERA’s Office of General Counsel. Written comments, inquiries or requests for copies should be directed to Geraldine Garduno at PERA’s Office of General Counsel, 33 Plaza La Prensa, Santa Fe, N.M., 87507, or [geraldine.garduno@pera.nm.gov](mailto:geraldine.garduno@pera.nm.gov) or 505-476-9351. Written comments should be submitted by the close of business on September 12, 2023. The full text of the

proposed rule changes, as well as the Zoom access link for the public hearing, can be found here:  
<https://www.nmpera.org/about/rule-proposal/>.

Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Patricia Winter at 505-795-0712 or [patriciab.winter@pera.nm.gov](mailto:patriciab.winter@pera.nm.gov) at least one week prior to the public hearing, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Ms. Winter if a summary or other type of accessible format is needed.