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HOUSE BILL 22

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John A. Heaton

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; PROVIDING FOR RETURN TO  
EMPLOYMENT; CONTINUING RETIREMENT BENEFITS.

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

Section 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001,  
Chapter 283, Section 2) is amended to read:

"22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS CONTINUED--  
ADMINISTRATIVE UNIT CONTRIBUTIONS.--

A. Except as provided in Subsection D of this  
section beginning January 1, 2002 and continuing until January  
1, 2012, a retired member may begin employment at a local  
administrative unit and shall not be required to suspend  
retirement benefits if the member has not been employed as an  
employee or independent contractor by a local administrative  
unit for at least twelve consecutive months from the date of

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1 retirement to the commencement of employment or reemployment  
2 with a local administrative unit. If the retired member  
3 returns to employment without first completing twelve  
4 consecutive months of retirement, the retired member shall  
5 remove himself from retirement.

6 B. A retired member who returns to employment  
7 during retirement pursuant to Subsection A or D of this section  
8 is entitled to continue to receive retirement benefits but is  
9 not entitled to acquire service credit or to acquire or  
10 purchase service credit in the future for the period of the  
11 retired member's reemployment with a local administrative unit.

12 C. A retired member who returns to employment  
13 during retirement pursuant to Subsection A or D of this section  
14 shall not make contributions to the fund as specified in the  
15 Educational Retirement Act; however, the local administrative  
16 unit's contributions as specified in that act shall be paid  
17 to the fund as if the retired member was a non-retired  
18 employee.

19 D. Beginning July 1, 2003 and continuing until  
20 January 1, 2012, a retired member who retired on or before  
21 January 1, 2001 and who has not been employed as an employee or  
22 independent contractor by a local administrative unit for at  
23 least ninety days may begin employment at a local  
24 administrative unit without suspending retirement benefits if  
25 the retired member was not employed by a local administrative

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1 unit for an additional twelve or more consecutive months after  
2 the initial date of retirement."

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