

1 SENATE BILL 184

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 John Arthur Smith

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10 AN ACT

11 RELATING TO EDUCATIONAL RETIREMENT; RESTRICTING RETURN TO
12 EMPLOYMENT FOR CERTAIN RETIREES; RECONCILING MULTIPLE
13 AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2003.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 Section 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001,
17 Chapter 283, Section 2, as amended by Laws 2003, Chapter 80,
18 Section 1 and by Laws 2003, Chapter 145, Section 1) is amended
19 to read:

20 "22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS CONTINUED FOR
21 CERTAIN MEMBERS--ADMINISTRATIVE UNIT CONTRIBUTIONS.--

22 A. Except as provided in Subsections B and E of
23 this section, beginning January 1, 2002 and continuing [~~until~~
24 ~~January 1, 2012~~] through June 30, 2008, a retired member may
25 begin employment at a local administrative unit and shall not

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1 be required to suspend retirement benefits if the member has
2 not been employed as an employee or independent contractor by a
3 local administrative unit for at least twelve consecutive
4 months from the date of retirement to the commencement of
5 employment or reemployment with a local administrative unit.

6 If the retired member returns to employment without first
7 completing twelve consecutive months of retirement, the retired
8 member shall remove himself from retirement.

9 B. A retired member who was retired on or before
10 January 1, 2001, has not since suspended or been required to
11 suspend retirement benefits pursuant to the Educational
12 Retirement Act and is reemployed by a local administrative unit
13 prior to July 1, 2008 may continue employment at the local
14 administrative unit and shall not be required to suspend
15 retirement benefits.

16 C. A retired member who returns to employment
17 during retirement pursuant to Subsection A, [~~or~~] B or E of this
18 section is entitled to continue to receive retirement benefits
19 but is not entitled to acquire service credit or to acquire or
20 purchase service credit in the future for the period of the
21 retired member's reemployment with a local administrative unit.

22 D. A retired member who returns to employment
23 pursuant to [~~Subsections~~] Subsection A, [~~or~~] B or E of this
24 section shall not make contributions to the fund as specified
25 in the Educational Retirement Act; however, the local

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1 administrative unit's contributions as specified in that act
2 shall be paid to the fund as if the retired member was a
3 nonretired employee.

4 E. Beginning July 1, 2003 and continuing ~~until~~
5 ~~January 1, 2012]~~ through June 30, 2008, a retired member who
6 retired on or before January 1, 2001 and who has not been
7 employed as an employee or independent contractor by a local
8 administrative unit for at least ninety days may begin
9 employment at a local administrative unit without suspending
10 retirement benefits if the retired member was not employed by a
11 local administrative unit for an additional twelve or more
12 consecutive months after the initial date of the retirement;
13 provided that the ninety-day period shall not include any part
14 of a summer or other scheduled break or vacation period.

15 F. A retired member who returns to employment with
16 a local administrative unit prior to July 1, 2008 and, pursuant
17 to the provisions of this section, is entitled to continue to
18 receive retirement benefits shall not be required to suspend
19 retirement benefits at any time in the future if the member
20 remains employed by the local administrative unit or is
21 employed by another local administrative unit; provided,
22 however, that if the member voluntarily suspends retirement
23 benefits at any time, the member shall be entitled to continue
24 to receive retirement benefits pursuant to the provisions of
25 this section only if the member would be eligible to do so

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1 based upon the effective date of the member's most recent
2 retirement."

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