

FORTY-NINTH LEGISLATURE  
FIRST SESSION, 2009

SB 428/a

March 4, 2009

Madam President:

Your **CORPORATIONS AND TRANSPORTATION COMMITTEE**, to whom has been referred

**SENATE BILL 428**

has had it under consideration and reports same **WITHOUT RECOMMENDATION**, amended as follows:

1. On page 9, lines 22 and 23, strike "at least five years of employee and employer contributions" and insert in lieu thereof "the full actuarial present value of the accrued benefits as determined by the authority".
2. On page 14, line 2, strike "No" and insert in lieu thereof "On or after July 1, 2009, no".
3. On page 14, line 2, strike "shall obtain" and insert in lieu thereof "who has obtained".
4. On page 14, line 3, after "1978", insert "may enroll with the authority".
5. On page 16, lines 22 through 24, strike Paragraph (4) in its entirety.
6. Renumber the succeeding paragraphs accordingly.
7. On page 18, line 1, remove the brackets and line-through.
8. On page 18, strike lines 7 through 10 in their entirety.
9. On page 18, line 21, strike the ending quotation mark.
10. On page 18, between lines 21 and 22, insert the following new subsection:

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"C. A member who obtains service credit pursuant to this section and who enrolls in the retiree health care authority shall make contributions to the retiree health care fund pursuant to Subsection C of Section 10-7C-15 NMSA 1978.".

11. On page 18, line 22 through page 25, line 17, strike Section 5 in its entirety and insert in lieu thereof the following new section:

"Section 5. Section 10-11-7 NMSA 1978 (being Laws 1987, Chapter 253, Section 7, as amended) is amended to read:

"10-11-7. CREDITED SERVICE--PURCHASE OF SERVICE.--

A. A member who entered a uniformed service of the United States may purchase service credit for periods of active duty in the uniformed services subject to the following conditions:

(1) the member pays the association the purchase cost determined according to Subsection E of this section;

(2) the member has five or more years of service credit acquired as a result of personal service rendered in the employ of an affiliated public employer;

(3) the aggregate amount of service credit purchased pursuant to this subsection does not exceed five years reduced by any period of service credit acquired for military service pursuant to any other provision of the Public Employees Retirement Act;

(4) service credit may not be purchased for periods of service in the uniformed services that are used to obtain or increase a benefit from another retirement program; and

(5) the member must not have received a discharge or separation from uniformed service under other than honorable conditions.

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B. A member who was a civilian prisoner of war captured while in service to the United States as an employee of the federal government or as an employee of a contractor with the federal government may purchase service credit for the period of internment as a civilian prisoner of war, provided that:

(1) the member provides proof of employment with the federal government or as a contractor to the federal government in a form acceptable to the association;

(2) the member provides proof of the period of internment in a form acceptable to the association;

(3) the member has at least five years of service credit acquired as a result of personal service rendered in the employ of an affiliated public employer;

(4) the aggregate amount of service credit purchased pursuant to this subsection does not exceed five years reduced by any period of service credit acquired for military service pursuant to any other provision of the Public Employees Retirement Act;

(5) service credit may not be purchased for periods of service in internment as a civilian prisoner of war if such periods are used to obtain or increase a benefit from another retirement program; and

(6) the member pays the association the purchase cost determined according to Subsection E of this section.

C. A member who was employed by a utility company, library, museum, transit company or nonprofit organization administering federally funded public service programs, which utility company, library, museum, transit company or nonprofit organization administering federally funded public service programs or federally funded public service programs administered by a nonprofit organization are subsequently taken over by an affiliated public employer, or a member who was employed by an entity created

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pursuant to a joint powers agreement between two or more affiliated public employers for the purpose of administering or providing drug or alcohol addiction treatment services irrespective of whether the entity is subsequently taken over by an affiliated public employer, may purchase credited service for the period of employment subject to the following conditions:

(1) the member pays the association the purchase cost determined according to Subsection E of this section;

(2) the member has five or more years of credited service acquired as a result of personal service rendered in the employ of an affiliated public employer; and

(3) the aggregate amount of credited service purchased pursuant to this subsection does not exceed five years.

D. A member who was appointed to participate in a cooperative work study training program established jointly by a state agency and a state post-secondary educational institution may purchase credited service for the period of participation subject to the following conditions:

(1) the member pays the association the full actuarial present value of the amount of the increase in the employee's pension as a consequence of the purchase as determined by the association;

(2) the member pays the full cost of the purchase within sixty days of the date the member is informed of the amount of the payment;

(3) the member has five or more years of credited service acquired as a result of personal service rendered in the employ of an affiliated public employer; and

(4) the aggregate amount of credited service purchased pursuant to this subsection does not exceed five years.

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E. Except for service to be used under a state legislator coverage plan, the purchase cost for each month of credited service purchased pursuant to the provisions of this section is equal to the member's final average salary multiplied by the sum of the member contribution rate and employer contribution rate, determined in accordance with the coverage plan applicable to the member at the time of the written election to purchase. The purchase cost for each year of credited service to be used under a state legislator coverage plan is equal to three times the normal member contribution per year of credited service under the state legislator coverage plan applicable to the member. Full payment shall be made in a single lump sum within sixty days of the date the member is informed of the amount of the payment. The portion of the purchase cost derived from the employer contribution rate shall be credited to the employer's accumulation fund and shall not be paid out of the association in the event of cessation of membership. In no case shall a member be credited with a month of service for less than the purchase cost as defined in this section.

F. A member shall be refunded, upon written request filed with the association, the portion of the purchase cost of credited service purchased pursuant to this section that the association determines to have been unnecessary to provide the member with the maximum pension applicable to the member. The association shall not pay interest on the portion of the purchase cost refunded to the member.

G. A member of the magistrate retirement system who during the member's service as a magistrate was eligible to become a member of the public employees retirement system and elected not to become a member of that system may purchase service credit pursuant to the public employees retirement system for the period for which the magistrate elected not to become a public employees retirement system member, by paying the amount of the increase in the actuarial present value of the magistrate pension as a consequence of the purchase as determined by the association. Full payment shall be made in a single lump-sum amount in accordance with procedures established by the retirement board. Except as provided in

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Subsection F of this section, seventy-five percent of the purchase cost shall be considered to be employer contributions and shall not be refunded to the member in the event of cessation of membership.

H. At any time prior to retirement, any member may purchase service credit in monthly increments, subject to the following conditions:

(1) the member has at least five years of service credit acquired as a result of personal service rendered in the employ of an affiliated public employer;

(2) the aggregate amount of service credit purchased pursuant to this subsection does not exceed one year;

(3) the member pays full actuarial present value of the amount of the increase in the employee's pension as a consequence of the purchase as determined by the association;

(4) the member pays the full cost of the purchase within sixty days of the date the member is informed of the amount of the payment; and

(5) the purchase of service under this subsection cannot be used to determine the final average salary or the pension factor or be used to exceed the pension maximum.

I. A member who obtains service credit pursuant to this section and who enrolls in the retiree health care authority shall make contributions to the retiree health care fund pursuant to the Subsection C of Section 10-7C-15 NMSA 1978."

12. On page 28, line 17, remove the brackets and the line through "or".

13. On page 28, line 20, strike the semicolon and insert in lieu thereof a period, strike the remainder of the line and strike

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lines 21 through 23 in their entirety.

14. On page 28, between lines 23 and 24, insert the following new subsection:

"D. A member who obtains service credit pursuant to this section and who enrolls in the retiree health care authority shall make contributions to the retiree health care fund pursuant to Subsection C of Section 10-7C-15 NMSA 1978."

15. Reletter the succeeding subsection accordingly.,  
and thence referred to the **FINANCE COMMITTEE**.

Respectfully submitted,

\_\_\_\_\_  
Phil Griego, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 1 Against

Yes: 9

No: Boitano

Excused: None

Absent: None

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