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SENATE BILL 400

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO CERTAIN PUBLIC POST-SECONDARY EDUCATIONAL  
INSTITUTIONS; PROVIDING THAT, EXCEPT AS OTHERWISE PROVIDED BY  
LAW, INDIVIDUALS EMPLOYED AS GRADUATE ASSISTANTS, TEACHING  
ASSISTANTS, RESEARCH ASSISTANTS AND PROJECT ASSISTANTS BY THE  
INSTITUTIONS SHALL BE CONSIDERED EMPLOYEES FOR ALL PURPOSES.

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

SECTION 1. A new section of Chapter 21, Article 1 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] ASSISTANTS CONSIDERED EMPLOYEES--  
EXCEPTIONS.--

A. Except as provided in Subsection B of this  
section and except as otherwise provided by law, an individual  
employed as a graduate assistant, a teaching assistant, a  
research assistant or a project assistant by a public post-

underscored material = new  
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1 secondary educational institution named in Article 12, Section  
2 11 of the constitution of New Mexico shall be considered an  
3 employee of that institution for all purposes.

4 B. Notwithstanding the provisions of Subsection A  
5 of this section, an individual referenced in that subsection  
6 shall not be considered a regular member pursuant to the  
7 Educational Retirement Act."

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