1	HOUSE BILL 280		
2	43rd LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997		
3	INTRODUCED BY		
4	MARY HELEN GARCIA		
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9			
10	AN ACT		
11	RELATING TO EDUCATION; AMENDING THE EDUCATIONAL RETIREMENT ACT		
12	TO ALLOW PROVISIONAL MEMBERS TO ACQUIRE EARNED SERVICE CREDIT		
13	FOR CERTAIN PERIODS OF EMPLOYMENT.		
14			
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:		
16	Section 1. Section 22-11-17 NMSA 1978 (being Laws 1967,		
17	Chapter 16, Section 141, as amended) is amended to read:		
18	"22-11-17. PROVISIONAL MEMBERSHIP		
19	A. A provisional member shall be covered by the		
20	provisions of the Educational Retirement Act but shall have the		
21	option to exempt himself from its coverage. A provisional		
22	member exempting himself from the provisions of the Educational		
23	Retirement Act shall not be entitled to the benefits or coverage		
24	under any other state retirement program except as otherwise		
25	provided in this section. This section shall not affect any		
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rights a provisional member may have under the provisions of the federal Social Security Act. This option to exempt must be exercised within one year of employment according to the regulations adopted by the board. Any provisional member exempting himself pursuant to this section shall be entitled to a refund of any contributions made pursuant to the Educational Retirement Act prior to the exercise of the exemption.

B. A provisional member not exempt from the coverage of the Educational Retirement Act shall have the right to earned service-credit for periods of employment subsequent to July 1, 1957 and prior to July 1, 1961, provided that all contributions at the rates in effect during that period of employment are paid. If a provisional member chooses to make the contributions for that period, the local administrative unit employing a member during that period shall pay the employer's contribution at the rate in effect during that period of employment. Contributions prior to July 1, 1961 by both the provisional member and the local administrative unit shall bear interest at the rate of three percent a year from July 1, 1961 until paid.

C. A provisional member exempt from the coverage of the provisions of the Educational Retirement Act shall have the right to revoke the exemption at any time; however, within the first two weeks following the beginning of each school year, such provisional member shall be informed by the local <u>administrative unit</u> in writing of his right to revoke the

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<u> Underscored material = new</u> [bracketed material] = delete 1

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1	exemption and shall sign a statement to the effect that he does		
2	or does not wish to revoke the exemption. A copy of such		
3	statement shall be kept <u>by the local administrative unit</u> in the		
4	personnel file of the provisional member. <u>Any provisional</u>		
5	member who revokes his exemption from coverage shall have the right to acquire earned service-credit for periods of employment		
6			
7	<u>during which the exemption or exemptions were in force, under</u>		
8	<u>the following conditions:</u>		
9	(1) both the member and the administrative unit		
10	contributions, at the rates in effect during the periods of		
11	<pre>employment and applied to the earnings of the member during such periods, shall be paid to the fund, together with interest, at a rate equal to the actuarial assumption rate by the board; (2) member and administrative unit contributions, together with interest, may both be paid by the member; or (3) if the member tenders payment of his contributions, together with interest, the local administrative</pre>		
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19	<u>unit by whom he was employed may, but shall not be obligated to.</u>		
20	<u>pay the administrative unit contributions, together with</u>		
21	<u>interest; and</u> (4) the right of a member to acquire earned		
22			
23	service-credit in accordance with this subsection shall expire		
24	<u>on June 30, 2001.</u>		
24 25	D. A provisional member employed by the board, the		
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department of education, the New Mexico school for the deaf, the 1 northern New Mexico state school, the New Mexico school for the 2 visually handicapped, the New Mexico girls' school, the New 3 Mexico boys' school or the Los Lunas mental hospital shall have 4 the option of qualifying for coverage under either the 5 Educational Retirement Act or the public employees retirement 6 association of New Mexico. This option shall be exercised by 7 filing a written election with both the educational retirement 8 director and the [director] executive secretary of the public 9 employees retirement association of New Mexico. This election 10 shall be made within six months after employment and shall be 11 irrevocable regardless of subsequent employment or reemployment 12 in any administrative unit enumerated in this subsection. Until 13 this election is made, the provisional member shall be covered 14 and shall be required to make contributions under the 15 Educational Retirement Act." 16

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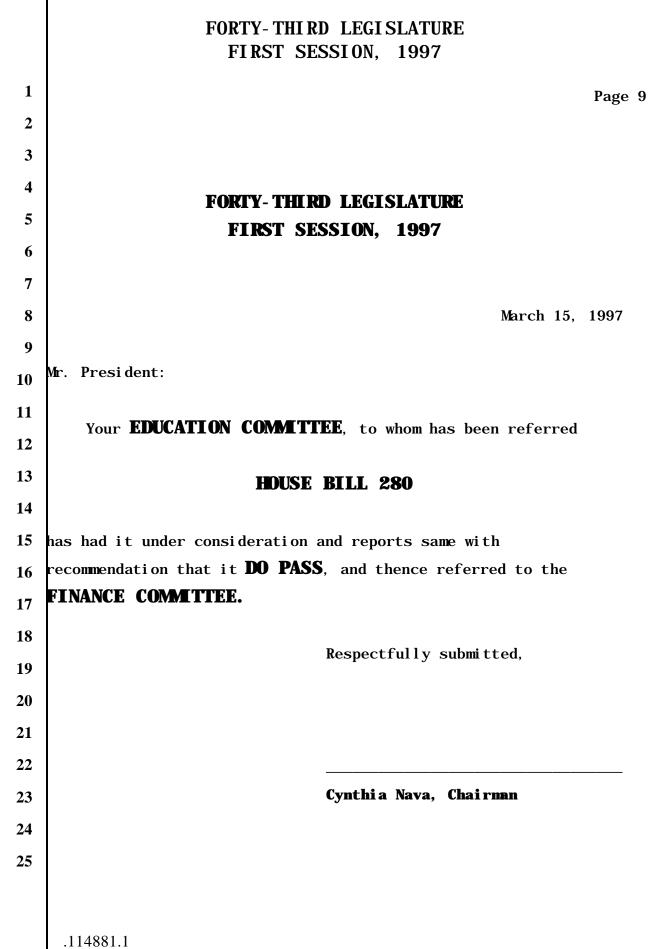
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	State of New Mexico			
	House of Representatives			
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3	FORTY- THI RD LEGI SLATURE			
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5	FIRST SESSION, 1997			
6				
7				
8	February 14, 1997			
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11	Mr. Speaker:			
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13	Your EDUCATION COMMITTEE, to whom has been referred HOUSE BILL 280			
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16	has had it under consideration and reports same with			
17	recommendation that it DO PASS , and thence referred to the			
18	APPROPRIATIONS AND FINANCE COMMITTEE.			
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20	Respectfully submitted,			
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24	Samuel F. Vigil, Chairman			
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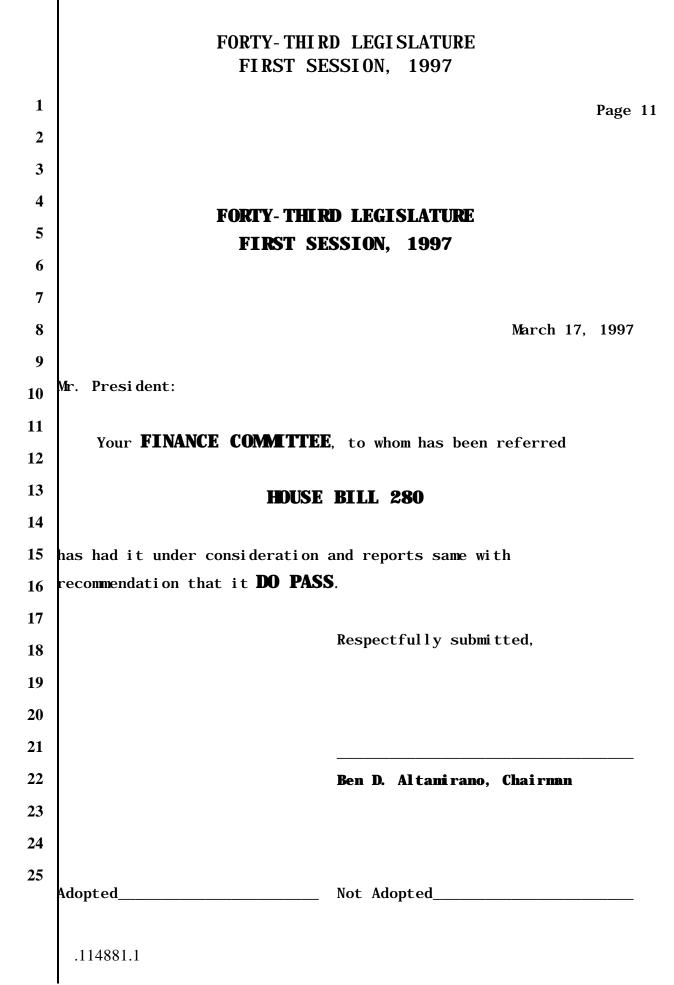
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6 7	The voll	coll wate was 9 For 0 Against		
	Yes:	call vote was <u>8</u> For <u>0</u> Against		
Ũ		McSherry, Miera, Nicely, Weeks, S.M.	Williams	
-	Absent:	None		
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	State of New Mexico House of Representatives		
	FORTY- THI RD LEGI SLATURE		
1	FIRST SESSION, 1997		
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4	March 3, 1997		
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6	Mr. Speaker:		
7			
8	Your APPROPRIATIONS AND FINANCE COMMITTEE, to		
	whom has been referred		
10			
11	HOUSE BILL 280		
12	has had it under consideration and reports some with		
13	has had it under consideration and reports same with recommendation that it DO PASS.		
14			
15	Respectfully submitted,		
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19 20	Max Coll, Chairman		
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	FORTY-THIRD LEGISLATURE FIRST SESSION, 1997		
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3		(Chief Clerk) (Chief Clerk)	
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5		Date	
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7		all vote was <u>8</u> For <u>4</u> Against	
Ũ	Yes: No:	8 Bird, Buffett, Marquardt, Pearce	
9		Abeyta, Garcia, M. H., Knowles, Townsend, Wallace	
10	Absent:	None	
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	The roll call vote was <u>6</u>	For <u>0</u> Against		
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1	No: O Excused: Boitano, Duran, G	Corham Rawson		
2	Absent: None	ior nam, wawson		
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6	Date	
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	The roll call vote was <u>6</u> For <u>1</u> Against	
10	Yes: 6 No: Lyons	
11	Excused: Aragon, Campos, Carraro, McKibben	
12	Absent: None	
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