

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 120

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

RICHARD ROMERO

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; AMENDING SECTION 22-11-34
NMSA 1978 (BEING LAWS 1967, CHAPTER 16, SECTION 157, AS AMENDED)
TO PROVIDE THAT THE PURCHASE COST OF SERVICE-CREDIT SHALL BE
BASED UPON THE ACTUARIAL VALUE OF THE SERVICE PURCHASED.

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

Section 1. Section 22-11-34 NMSA 1978 (being Laws 1967,
Chapter 16, Section 157, as amended) is amended to read:

"22-11-34. ALLOWED SERVICE-CREDIT. --

A. A member shall be certified to have acquired
allowed service-credit for those periods of time when he was:

(1) employed prior to the effective date of the
Educational Retirement Act in any federal educational program
within New Mexico, including United States Indian schools and
civilian conservation corps camps. This service-credit shall be

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 allowed without contribution;

2 (2) engaged in military service that
3 interrupted his employment in New Mexico, if he returned to his
4 employment within eighteen months following honorable discharge.
5 This service-credit shall be allowed without contribution;

6 (3) engaged in United States military service
7 or the commissioned corps of the public health service from
8 which he was honorably discharged if he contributes to the fund
9 a sum equal to ten and one-half percent of his average annual
10 salary for that period of time for which he has acquired earned
11 service-credit under the Educational Retirement Act for each
12 year of service-credit he desires to purchase. Average annual
13 salary shall be determined in accordance with rules promulgated
14 by the board, but shall always be based upon actual salaries
15 earned by the member where the actual salaries can be
16 ascertained by the board. The employer's contributions for
17 service-credit shall not be paid by the employer. The purchase
18 of service-credit provided in this section shall be carried out
19 by the member [~~prior to July 1, 1992 or~~] within three years
20 after the date of the member's employment following service
21 [~~whichever is later~~]; or

22 (4) employed:

23 (a) in any public school or public
24 institution of higher learning in another state, territory or
25 possession of the United States;

.114335.1

Underscored material = new
[bracketed material] = delete

1 (b) in any United States military
2 dependents' school operated by a branch of the armed forces of
3 the United States;

4 (c) as provided in Paragraph (1) of this
5 subsection after the effective date of the Educational
6 Retirement Act; or

7 (d) in any private school or institution
8 of higher learning in New Mexico whose education program is
9 accredited or approved by the state board at the time of
10 employment.

11 B. The member or employer under Paragraph (4) of
12 Subsection A of this section shall contribute to the fund for
13 each year of allowed service-credit desired an amount equal to
14 [~~twelve percent of the member's annual salary at the time~~
15 ~~payment is made if the member is employed or twelve percent~~
16 ~~times the member's annual salary during the member's last year~~
17 ~~of employment if the member is not employed at the time of~~
18 ~~payment. Contributions paid for the member who is not employed~~
19 ~~shall bear interest at the average rate earned by the fund~~
20 ~~during the five fiscal year period immediately preceding the~~
21 ~~date of payment. Such interest shall run from the date the~~
22 ~~member last terminated employment to the date of payment] the
23 actuarial value of the service purchased as defined by the
24 board. Payment pursuant to Paragraph (4) of Subsection A of
25 this section may be made in installments, at the discretion of~~

.114335.1

Underscored material = new
[bracketed material] = delete

1 the board, over a period of not to exceed one year, and, if the
2 sum paid does not equal the amount required for any full year of
3 allowed service-credit, the member shall acquire allowed
4 service-credit for that period of time which is proportionate to
5 the payment made. Half credit may be allowed without
6 contribution for not more than ten years of the educational
7 service described by Subparagraph (a) of Paragraph (4) of
8 Subsection A of this section if that service was prior to June
9 13, 1953 and if the member was employed in New Mexico prior to
10 June 13, 1953 in any position covered by the Educational
11 Retirement Act or any law repealed thereby.

12 C. No member shall be certified to have acquired
13 allowed service-credit:

14 (1) under any single paragraph or the
15 combination of only Paragraphs (1) and (4) or only Paragraphs
16 (2) and (3) of Subsection A of this section in excess of five
17 years; or

18 (2) in excess of ten years for any other
19 combination of Paragraphs (1) through (4) of Subsection A of
20 this section.

21 D. The provisions of this section are made
22 applicable to the services described prior to as well as after
23 the effective date of the Educational Retirement Act."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

SB 120/a

February 19, 1997

Mr. President:

Your EDUCATION COMMITTEE, to whom has been referred

SENATE BILL 120

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 3, line 24, after the word "board" insert the
language "effective July 1, 2000.,"

The roll call vote on Amendment 1 was 8 For 1 Against

Yes: 8

No: Rawson

Excused: Garcia

Absent: None

and thence referred to the FINANCE COMMITTEE.

Underscored material = new
[bracketed material] = delete

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

%%%

Page 6

Respectfully submitted,

Cynthia Nava, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Garcia

Absent: None

S0120ED1

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE SB 120/a
FIRST SESSION, 1997

February 24, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 120, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. Strike Senate Education Committee Amendment 1.
2. On page 3, lines 14 through 22, remove brackets and line-
through.
3. On page 3, line 22, after "payment" insert a period and:

"Effective July 1, 2000, the member or employer under
Paragraph (4) of Subsection A of this section shall contribute to

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SFC/SB 120

Page 8

the fund for each year of allowed service-credit desired an amount
equal to".

Respectfully submitted,

Ben D. Altamirano, Chairman

Underscored material = new
[bracketed material] = delete

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SFC/SB 120

Page 9

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Ingle, Lyons, McKibben, Smith

Absent: None

S0120FC1

. 117496. 1

.114335.1

Underscored material = new
[bracketed material] = delete

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SFC/SB 120

Page 10

Underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE SB 120/a
FIRST SESSION, 1997

March 2, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 120, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. Strike Senate Finance Committee Amendment 3.
2. On page 3, line 22, after "payment" insert a period and "Effective July 1, 2001, the member or employer under Paragraph (4) of Subsection A of this section shall contribute to the fund for each year of allowed service-credit desired an amount equal to".

Underscored material = new
[bracketed material] = delete

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

%%%

Page 12

Respectfully submitted,

Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Ingle, Lyons, McKibben, Smith

Absent: None

S0120FC2

. 117876. 1

.114335.1

Underscored material = new
[bracketed material] = delete

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

%%%

Underscored material = new
[bracketed material] = delete

State of New Mexico
House of Representatives

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 17, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

SENATE BILL 120, as amended

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
TAXATION AND REVENUE COMMITTEE.**

Respectfully submitted,

Samuel F. Vigil, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HEC/SB 120, aa

Page 15

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: None

Excused: Beam, Miera, Nicely, Trujillo, S.M Williams

Absent: None

M \S0120

Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 21, 1997

1
2
3
4
5
6
7 **Mr. Speaker:**

8 Your TAXATION AND REVENUE COMMITTEE, to whom has
9 been referred

10
11 SENATE BILL 120, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15 Respectfully submitted,

16
17
18
19 _____
20 Jerry W. Sandal, Chairman
21
22
23
24
25

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SB 120

Page 17

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Crook, Gonzales, Lovejoy, Lujan, Parsons, Sandel

Absent: None

M \S0120

Underscored material = new
[bracketed material] = delete