

AN ACT

RELATING TO PUBLIC EMPLOYEES; PROVIDING FOR PURCHASE OF SERVICE CREDIT FOR RETIREMENT PURPOSES BY CERTAIN PUBLIC EMPLOYEES FOR CERTAIN PRIOR EMPLOYMENT WITH THE UNITED STATES DEPARTMENT OF ENERGY.

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

Section 1. Section 10-11-141 NMSA 1978 (being Laws 1993, Chapter 29, Section 1, as amended) is amended to read:

"10-11-141. PURCHASE OF SERVICE CREDIT.--An affiliated public employer that assumes a firefighting function previously provided by the United States department of energy may, at the time of the assumption of the firefighting function, provide credited service for retirement board purposes to any employees who were previously employed by a firefighting unit of the United States department of energy at the Los Alamos area office in connection with the assumed firefighting function or were previously employed as security inspectors in a protective force of the United States department of energy at the Los Alamos area office. The credited service may be provided by the affiliated public employer subject to the following conditions:

A. the employee shall pay to the retirement board the difference between the actuarial present value of association benefits likely to be paid the employee computed

with and without the United States department of energy service;

B. the employee, within one year of the assumption of the governmental function, irrevocably forfeits all rights based upon employee contributions in and to the immediate vested or nonvested retirement benefits under the retirement program of the United States department of energy in which the employee was participating immediately prior to the assumption of the governmental function;

C. the payments made under Subsections A and B of this section shall be made in a lump sum. The employee may purchase service credit equivalent to the employee's service in a firefighting unit of the United States department of energy at the Los Alamos area office or as a security inspector or in a protective force of the United States department of energy at the Los Alamos area office. The employee shall make a written election concerning payment and payment shall be made not later than December 1, 1998, and any election made thereafter shall be void; and

D. the amount of service credit purchased pursuant to this section shall not exceed five years. "

Section 2. EFFECTIVE DATE-- CONTINGENCY-- INTERNAL SERVICE RULING. --The effective date of the provisions of this act is July 1, 1998 unless the public employees retirement association receives an unfavorable ruling relating to the

provisions of this act from the internal revenue service.            **HB 193**  
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