

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 136

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; PROVIDING FOR RETURN TO  
EMPLOYMENT CONTINUED RETIREMENT BENEFITS; AMENDING THE  
EDUCATIONAL RETIREMENT ACT.

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

Section 1. Section 22-11-25.1 NMSA 1978 (being Laws 2001,  
Chapter 283, Section 2) is amended to read:

"22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS CONTINUED--  
ADMINISTRATIVE UNIT CONTRIBUTIONS.--

A. Except as provided in Section 22-11-25.2 NMSA  
1978, beginning January 1, 2002 and continuing until January 1,  
2012, a retired member may begin employment at a local  
administrative unit and shall not be required to suspend  
retirement benefits if the member has not been employed as an

underscored material = new  
[bracketed material] = delete

1 employee or independent contractor by a local administrative  
2 unit for at least twelve consecutive months from the date of  
3 retirement to the commencement of employment or reemployment  
4 with a local administrative unit. If the retired member  
5 returns to employment without first completing twelve  
6 consecutive months of retirement, the retired member shall  
7 remove himself from retirement.

8 B. A retired member who returns to employment  
9 during retirement pursuant to Subsection A of this section is  
10 entitled to continue to receive retirement benefits but is not  
11 entitled to acquire service credit or to acquire or purchase  
12 service credit in the future for the period of the retired  
13 member's reemployment with a local administrative unit.

14 C. A retired member who returns to employment  
15 shall not make contributions to the fund as specified in the  
16 Educational Retirement Act; however, the local administrative  
17 unit's contributions as specified in that act shall be paid  
18 to the fund as if the retired member was a non-retired  
19 employee. "

20 Section 2. A new section of the Educational Retirement  
21 Act, Section 22-11-25.2 NMSA 1978, is enacted to read:

22 "22-11-25.2. [NEW MATERIAL] IMMEDIATE RETURN TO  
23 EMPLOYMENT-- BENEFITS CONTINUED-- LOCAL ADMINISTRATIVE UNIT  
24 CONTRIBUTIONS. --

25 A. Beginning July 1, 2002 and continuing until July

underscored material = new  
[bracketed material] = delete

1 1, 2012, a retired member may begin employment at a local  
2 administrative unit and shall not be required to suspend  
3 retirement benefits if:

4 (1) the retired member has completed twenty-  
5 eight years of service with a local administrative unit; and

6 (2) the retired member holds a bachelor's  
7 degree plus forty-five credit hours or a master's degree.

8 B. A retired member who returns to employment  
9 during retirement pursuant to Subsection A of this section is  
10 entitled to continue to receive retirement benefits but is not  
11 entitled to acquire service credit or acquire or purchase  
12 service credit in the future for the period of the retired  
13 member's reemployment with a local administrative unit.

14 C. A retired member who returns to employment shall  
15 not make contributions to the fund as specified in the  
16 Educational Retirement Act; however, the local administrative  
17 unit's contributions as specified in that act shall be paid to  
18 the fund as if the retired member was a non-retired employee.

19 D. A retired member who begins employment at a  
20 local administrative unit pursuant to the provisions of this  
21 section shall not be paid more than sixty-five percent of his  
22 last salary as a non-retired employee. "