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SENATE BILL 121

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

INTRODUCED BY

RICHARD M ROMERO

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; ALLOWING VOCATIONAL  
EDUCATION TEACHERS TO PURCHASE PRIVATE SECTOR VOCATIONAL  
EMPLOYMENT SERVICE-CREDIT.

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  
allowed without contribution;

Underscored material = new  
[bracketed material] = delete

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

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

21 (4) employed:  
22 (a) in any public school or public  
23 institution of higher learning in another state, territory or  
24 possession of the United States;

25 (b) in any United States military

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1 dependents' school operated by a branch of the armed forces of  
2 the United States;

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

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

10 (e) in a skill or trade in the private  
11 sector if the member is a vocational education teacher; provided  
12 that the state board of education shall certify to the board  
13 that the vocational employment the member proposes to purchase  
14 is applicable to his teaching duties; and provided further that  
15 the allowed service-credit shall not exceed two years.

16 B. The member or employer under Paragraph (4) of  
17 Subsection A of this section shall contribute to the fund for  
18 each year of allowed service-credit desired an amount equal to  
19 twelve percent of the member's annual salary at the time payment  
20 is made if the member is employed or twelve percent times the  
21 member's annual salary during the member's last year of  
22 employment if the member is not employed at the time of payment.  
23 Contributions paid for the member who is not employed shall bear  
24 interest at the average rate earned by the fund during the five-  
25 fiscal-year period immediately preceding the date of payment.

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

15 C. No member shall be certified to have acquired  
16 allowed service-credit:

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

21 (2) in excess of ten years for any other  
22 combination of Paragraphs (1) through (4) of Subsection A of  
23 this section.

24 D. The provisions of this section are made  
25 applicable to the services described prior to as well as after

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the effective date of the Educational Retirement Act."

1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
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5 February 19, 1997  
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7 Mr. President:  
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9 Your EDUCATION COMMITTEE, to whom has been referred  
10

11 SENATE BILL 121  
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13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, and thence referred to the  
15 FINANCE COMMITTEE.  
16

17 Respectfully submitted,  
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23 Cynthia Nava, Chairman  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 5 For 4 Against

Yes: 5

No: Boitano, Duran, Gorham, Rawson

Excused: Garcia

Absent: None

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