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SENATE JOINT MEMORIAL 39

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

INTRODUCED BY

MICHAEL S. SANCHEZ

A JOINT MEMORIAL

REQUESTING THAT THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION SEEK WRITTEN TAX ADVICE FROM THE INTERNAL REVENUE SERVICE REGARDING ALLOWING MEMBERS WHO WERE CIVILIAN PRISONERS OF WAR TO PURCHASE SERVICE CREDIT.

WHEREAS, Senate Bill 514, introduced this legislative session, proposes to amend the Public Employees Retirement Act to allow certain persons who are former civilian prisoners of war to purchase up to five years of Public Employees Retirement Act service credit for the period of internment as a civilian prisoner of war; and

WHEREAS, in existing law, a member of the public employees retirement association who entered an armed service of the United States may purchase credited service for periods of active duty; and

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1 WHEREAS, the current policy of the state recognizes those
2 who have served their country under hardship and danger,
3 disrupting work time or development of a career without
4 contribution in either time or money toward a retirement plan;
5 and

6 WHEREAS, civilian prisoners of war captured while in
7 service to the United States while employed by a contractor of
8 the federal government should be allowed to purchase credited
9 service under the Public Employees Retirement Act on the same
10 basis as members who were in the United States armed services;
11 and

12 WHEREAS, concern has been raised that the qualified status
13 of the Public Employees Retirement Act as a governmental plan is
14 in jeopardy if service credit is granted to civilian employees
15 of private contractors with the federal government; and

16 WHEREAS, if a plan fails to meet the qualification
17 requirements, the tax advantages to the plan and its members
18 could be lost during the period the qualification requirements
19 are not met; and

20 WHEREAS, the exception to the rule that Public Employees
21 Retirement Act service credit must be rendered to an affiliated
22 public employer or to an entity taken over by an affiliated
23 public employer is for military service, thus protecting persons
24 serving in the military from losing employment benefits; and

25 WHEREAS, civilian prisoners of war have no such protection;

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 6, 1997
6

7 Mr. President:
8

9 Your RULES COMMITTEE, to whom has been referred
10

11 SENATE JOINT MEMORIAL 39
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS.
15

16 Respectfully submitted,
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20 _____
21 Gloria Howes, Chairman
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25 Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Altamirano, Gorham

Absent: None

SJ039RU1

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 17, 1997

Mr. Speaker:

Your TAXATION AND REVENUE COMMITTEE, to whom has
been referred

SENATE JOINT MEMORIAL 39

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

Respectfully submitted,

Jerry W. Sandel, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HTRC/SJM 39

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

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Lovejoy, Porter

Absent: None

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Underscored material = new
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