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HOUSE BILL 405

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; PROVIDING FOR RETURN TO
EMPLOYMENT; CONTINUING 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 Subsection D of this
section, 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
employee or independent contractor by a local administrative

underscored material = new
[bracketed material] = delete

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

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

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

21 D. A retired member who was retired on or before
22 January 1, 2001 and has not since suspended retirement
23 benefits and become reemployed by a local administrative unit
24 may begin employment at a local administrative unit and shall
25 not be required to suspend retirement benefits."

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