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AN ACT

RELATING TO EDUCATIONAL RETIREMENT; PROVIDING FOR RETURN TO EMPLOYMENT.

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 Subsections B and E 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 unit for at least twelve consecutive months from the date of retirement to the commencement of employment or reemployment with a local administrative unit. If the retired member returns to employment without first completing twelve consecutive months of retirement, the retired member shall remove himself from retirement.

B. A retired member who was retired on or before January 1, 2001, has not since suspended or been required to suspend retirement benefits pursuant to the Educational Retirement Act and is reemployed by a local administrative

1 unit may continue employment at the local administrative  
2 unit and shall not be required to suspend retirement  
3 benefits.

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

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

18 E. Beginning July 1, 2003 and continuing until  
19 January 1, 2012, a retired member who retired on or before  
20 January 1, 2001 and who has not been employed as an employee  
21 or independent contractor by a local administrative unit for  
22 at least ninety days may begin employment at a local  
23 administrative unit without suspending retirement benefits  
24 if the retired member was not employed by a local  
25 administrative unit for an additional twelve or more

