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SENATE BILL 714

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; AMENDING A SECTION OF THE EDUCATIONAL RETIREMENT ACT CONCERNING RETIREES WHO RETURN TO WORK; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2005.

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, as amended by Laws 2003, Chapter 80, Section 1 and by Laws 2003, Chapter 145, Section 1) 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 and F of this section, beginning January 1, 2002 and continuing until January 1, 2012, a retired member may begin employment at

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1 a local administrative unit and shall not be required to
2 suspend retirement benefits if the member has not been employed
3 as an employee or independent contractor by a local
4 administrative unit for at least twelve consecutive months from
5 the date of retirement to the commencement of employment or
6 reemployment with a local administrative unit. If the retired
7 member returns to employment without first completing twelve
8 consecutive months of retirement, the retired member shall
9 remove himself from retirement.

10 B. A retired member who was retired on or before
11 January 1, 2001, has not since suspended or been required to
12 suspend retirement benefits pursuant to the Educational
13 Retirement Act and is reemployed by a local administrative unit
14 prior to July 1, 2006 may continue employment at the local
15 administrative unit and shall not be required to suspend
16 retirement benefits.

17 C. A retired member who returns to employment
18 during retirement pursuant to Subsection A, [~~or~~] B or E of this
19 section is entitled to continue to receive retirement benefits
20 but is not entitled to acquire service credit or to acquire or
21 purchase service credit in the future for the period of the
22 retired member's reemployment with a local administrative unit.

23 D. For a retired member who returns to employment
24 pursuant to [~~Subsections~~] Subsection A, [~~or~~] B or E of this
25 section, [~~shall not~~] effective the first day of the month

.161496.1

underscoring material = new
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1 following the month in which the retired member's earnings
2 total thirty thousand dollars (\$30,000) during a calendar year,
3 the retired member shall make contributions to the fund as
4 specified in the Educational Retirement Act; however, the local
5 administrative unit's contributions as specified in that act
6 shall be paid at all times to the fund as if the retired member
7 was a non-retired employee.

8 E. ~~[Beginning]~~ Except as provided in Subsection F
9 of this section, beginning July 1, 2003 and continuing until
10 January 1, 2012, a retired member who retired on or before
11 January 1, 2001 and who has not been employed as an employee or
12 independent contractor by a local administrative unit for at
13 least ninety days may begin employment at a local
14 administrative unit without suspending retirement benefits if
15 the retired member was not employed by a local administrative
16 unit for an additional twelve or more consecutive months after
17 the initial date of the retirement; provided that the ninety-
18 day period shall not include any part of a summer or other
19 scheduled break or vacation period.

20 F. On and after July 1, 2006, no retired member
21 shall begin employment pursuant to this section without
22 suspending retirement benefits unless the retired member is
23 employed as a teacher in a public school or an instructor in a
24 post-secondary educational institution."