

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 947

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO PUBLIC EMPLOYEES RETIREMENT; PROVIDING THAT FORMER ELECTED OFFICIALS AND FORMER LEGISLATORS WHO ARE EMPLOYED BY AN AFFILIATED PUBLIC EMPLOYER MAY ELECT TO BECOME EXEMPT FROM MEMBERSHIP IN THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-11-3 NMSA 1978 (being Laws 1987, Chapter 253, Section 3, as amended) is amended to read:

"10-11-3. MEMBERSHIP--REQUIREMENTS--EXCLUSIONS--
TERMINATION.--

A. Except as may be provided for in the Volunteer Firefighters Retirement Act, the Judicial Retirement Act, the Magistrate Retirement Act, the Educational Retirement Act and the provisions of Sections 29-4-1 through 29-4-11 NMSA 1978 governing the state police pension fund, each employee and

.166533.1

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 elected official of every affiliated public employer shall be a
2 member of the association, unless excluded from membership in
3 accordance with Subsection B of this section.

4 B. The following employees and elected officials
5 are excluded from membership in the association:

6 (1) elected officials who file with the
7 association a written application for exemption from membership
8 within twenty-four months of taking office;

9 (2) elected officials who file with the
10 association a written application for exemption from membership
11 within twenty-four months of the date the elected official's
12 public employer becomes an affiliated public employer;

13 (3) former elected officials and former
14 legislators who file with the association a written application
15 for exemption from membership within ninety days of beginning
16 employment with an affiliated public employer, provided that a
17 former elected official or former legislator employed by an
18 affiliated public employer on July 1, 2007 may be exempted from
19 membership if an application for exemption is filed with the
20 association before September 30, 2007;

21 [~~3~~] (4) employees designated by the
22 affiliated public employer as seasonal or student employees;

23 [~~4~~] (5) employees who file with the
24 association a written application for exemption from membership
25 within thirty days of the date the employee's public employer

.166533.1

underscoring material = new
[bracketed material] = delete

1 becomes an affiliated public employer;

2 [~~(5)~~] (6) employees of an affiliated public
3 employer that is making contributions to a private retirement
4 program on behalf of the employee as part of a compensation
5 arrangement who file with the association a written application
6 for exemption within thirty days of employment, unless the
7 employee has previously retired under the provisions of the
8 Public Employees Retirement Act;

9 [~~(6)~~] (7) employees of an affiliated public
10 employer who have retired under and are receiving a pension
11 pursuant to the provisions of the Educational Retirement Act;
12 and

13 [~~(7)~~] (8) retired members who return to work
14 pursuant to Section 10-11-8 NMSA 1978 and are exempted from
15 membership by the provisions of that section.

16 C. Employees designated as seasonal and student
17 employees shall be notified in writing by their affiliated
18 public employer of the designation and the consequences of the
19 designation with respect to membership, service credit and
20 benefits. A copy of the notification shall be filed with the
21 association within thirty days of the date of employment.

22 D. An exemption from membership by an elected
23 official shall expire at the end of the term of office for
24 which filed.

25 E. Employees and elected officials who have

.166533.1

underscoring material = new
[bracketed material] = delete

1 exempted themselves from membership may subsequently withdraw
2 the exemption by filing a membership application. Membership
3 shall commence the first day of the first pay period following
4 the date the application is filed.

5 F. The membership of an employee or elected
6 official shall cease if the employee terminates employment with
7 an affiliated public employer or the elected official leaves
8 office and the employee or elected official requests and
9 receives a refund of member contributions."

10 Section 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2007.