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SENATE BILL 776

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; REMOVING CERTAIN EMPLOYEES
OF THE NEW MEXICO ACTIVITIES ASSOCIATION FROM THE DEFINITION OF
"REGULAR MEMBER" AS USED IN THE EDUCATIONAL RETIREMENT ACT.

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

Section 1. Section 22-11-2 NMSA 1978 (being Laws 1967,
Chapter 16, Section 126, as amended) is amended to read:

"22-11-2. DEFINITIONS. -- As used in the Educational
Retirement Act:

A. "member" means any employee, except for a
participant coming within the provisions of the Educational
Retirement Act;

B. "regular member" means:

(1) a person regularly employed as a teaching,
nursing or administrative employee of a state educational

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1 institution, except for:

2 (a) a participant; or

3 (b) all employees of a general hospital
4 or outpatient clinics thereof operated by a state educational
5 institution named in Article 12, Section 11 of the constitution
6 of New Mexico;

7 (2) a person regularly employed as a teaching,
8 nursing or administrative employee of a junior college or
9 community college created pursuant to Chapter 21, Article 13
10 NMSA 1978;

11 (3) a person regularly employed as a teaching,
12 nursing or administrative employee of a technical and vocational
13 institute created pursuant to the Technical and Vocational
14 Institute Act;

15 (4) a person regularly employed as a teaching,
16 nursing or administrative employee of the New Mexico boys'
17 school, the New Mexico girls' school, the Los Lunas medical
18 center or a school district or as a certified school instructor
19 of a state institution or agency providing an educational
20 program and holding a standard or substandard certificate issued
21 by the state board;

22 (5) a person regularly employed by the
23 department of education or the board holding a standard or
24 substandard certificate issued by the state board at the time of
25 commencement of such employment;

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1 (6) a member classified as a regular member in
2 accordance with the regulations of the board; or

3 [~~(7) a person regularly employed by the New~~
4 ~~Mexico activities association holding a standard certificate~~
5 ~~issued by the state board at the time of commencement of such~~
6 ~~employment; or~~

7 ~~(8)]~~ (7) a person regularly employed by a
8 regional education cooperative holding a standard certificate
9 issued by the state board at the time of commencement of such
10 employment;

11 C. "provisional member" means a person not eligible
12 to be a regular member but who is employed by a local
13 administrative unit designated in Subsection B of this section;
14 provided, however, that employees of a general hospital or
15 outpatient clinics thereof operated by a state educational
16 institution named in Article 12, Section 11 of the constitution
17 of New Mexico are not provisional members;

18 D. "local administrative unit" means an employing
19 agency however constituted that is directly responsible for the
20 payment of compensation for the employment of members or
21 participants;

22 E. "beneficiary" means a person having an insurable
23 interest in the life of a member or a participant designated by
24 written instrument duly executed by the member or participant
25 and filed with the director to receive a benefit pursuant to the

1 Educational Retirement Act that may be received by someone other
2 than the member or participant;

3 F. "employment" means employment by a local
4 administrative unit that qualifies a person to be a member or
5 participant;

6 G. "service employment" means employment that
7 qualifies a person to be a regular member;

8 H. "provisional service employment" means employment
9 that qualifies a person to be a provisional member;

10 I. "prior employment" means employment performed
11 prior to the effective date of the Educational Retirement Act
12 that would be service employment or provisional service
13 employment if performed thereafter;

14 J. "service credit" means that period of time with
15 which a member is accredited for the purpose of determining his
16 eligibility for and computation of retirement or disability
17 benefits;

18 K. "earned service credit" means that period of time
19 during which a member was engaged in employment or prior
20 employment with which he is accredited for the purpose of
21 determining his eligibility for retirement or disability
22 benefits;

23 L. "allowed service credit" means that period of
24 time during which a member has performed certain nonservice
25 employment with which he may be accredited, as provided in the

1 Educational Retirement Act, for the purpose of computing
2 retirement or disability benefits;

3 M. "retirement benefit" means an annuity paid
4 monthly to members whose employment has been terminated by
5 reason of their age;

6 N. "disability benefit" means an annuity paid
7 monthly to members whose employment has been terminated by
8 reason of a disability;

9 O. "board" means the educational retirement board;

10 P. "fund" means the educational retirement fund;

11 Q. "director" means the educational retirement
12 director;

13 R. "medical authority" means a medical doctor within
14 the state or as provided in Subsection D of Section 22-11-36
15 NMSA 1978 either designated or employed by the board to examine
16 and report on the physical condition of applicants for or
17 recipients of disability benefits;

18 S. "actuary" means a person trained and regularly
19 engaged in the occupation of calculating present and projected
20 monetary assets and liabilities under annuity or insurance
21 programs;

22 T. "actuarial equivalent" means a sum paid as a
23 current or deferred benefit that is equal in value to a regular
24 benefit, computed upon the basis of interest rates and mortality
25 tables;

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1 U. "contributory employment" means employment for
2 which contributions have been made by both a member and a local
3 administrative unit pursuant to the Educational Retirement Act;

4 V. "qualifying state educational institution" means
5 the university of New Mexico, New Mexico state university, New
6 Mexico institute of mining and technology, New Mexico highlands
7 university, eastern New Mexico university and western New Mexico
8 university;

9 W. "participant" means:

10 (1) a person regularly employed as a faculty or
11 professional employee of a qualifying state educational
12 institution who first becomes employed with such an educational
13 institution on or after July 1, 1991 and who elects, pursuant to
14 Section 22-11-47 NMSA 1978, to participate in the alternative
15 retirement plan; and

16 (2) a person regularly employed who performs
17 research or other services pursuant to a contract between a
18 qualifying state educational institution and the United States
19 government or any of its agencies who elects, pursuant to
20 Section 22-11-47 NMSA 1978, to participate in the alternative
21 retirement plan, provided that the research or other services
22 are performed outside the state;

23 X. "salary" means the compensation or wages paid to
24 a member or participant by any local administrative unit for
25 services rendered; and

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Y. "alternative retirement plan" means the retirement plan provided for in Sections 22-11-47 through 22-11-52 NMSA 1978. "