

**LFC Requester:**

**Joseph Simon**

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original** \_\_\_\_\_ **Amendment** \_\_\_\_\_  
**Correction** \_\_\_\_\_ **Substitute**  X

**Date Prepared:**  2/3/2024

**Bill No:**  SB 87

**Sponsor:**  SHPAC Substitute

**Agency Name and Code Number:**  305 – New Mexico Department of Justice

**Short Title:**  Law Enforcement Retirement Changes

**Person Writing Analysis:**  Rose Bryan   
**Phone:**  505-537-7676   
**Email:**  legisfir@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

Senate Bill 87 add three new subsections to § 10-11-8 NMSA which currently describes normal retirement for public employees as well as the effects that a return to public employment after retirement will have on pension payments. SB 87 would create a new exception to § 10-11-8(C) which suspends a retired public employee’s pension payments if they return to work with an affiliated public employer.

Specifically, the new § 10-11-8(J) would allow retired public employees (“members”) of any kind who retired prior to December 31, 2023 to return to work in any of the positions listed below and receive both their pension payments and their salary for up to 36 months on the condition that the retired member and their employer make contributions to PERA even though the retired member is not accruing additional service credit. The length of time the retired member can be subsequently employed is not limited but they can only receive up to 36 months of pension payments while reemployed.

This exception is limited to retired members hired into positions with a vacancy rate of 10% or higher with the following titles:

- a) Adult correctional officer;
- b) Adult detention officer;
- c) Courthouse security officer;
- d) Emergency medical dispatcher;
- e) Emergency medical technician;
- f) Firefighter;
- g) Juvenile correctional officer;
- h) Juvenile detention officer;
- i) Municipal police officer;
- j) Public safety telecommunicator;
- k) Sheriff’s deputy; or
- l) State police officer.

The proposed § 10-11-8(K) lists information the affiliated public employer who hires the retired member must track and document, including the monthly vacancy rate for each employment

position. This subsection also mandates that any layoffs due to budget restrictions apply to reemployed retired members first.

The proposed § 10-11-8(L) defines each of the positions listed above as qualified for the exception described in The proposed § 10-11-8(J).

### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

### **SIGNIFICANT ISSUES**

None.

### **PERFORMANCE IMPLICATIONS**

None.

### **ADMINISTRATIVE IMPLICATIONS**

None to this office.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Substitution for the original SB 87 sponsored by Sen. Craig Brandt. The language of Sen. Brandt's SB 87 would have allowed retired public employees who previously worked in public safety/law enforcement positions to return to public employment in any position and receive both their pension and salary.

### **TECHNICAL ISSUES**

None.

### **OTHER SUBSTANTIVE ISSUES**

There is no indication of where, if anywhere, the affiliated public employer described in subsection K may eventually report the documented information or who has the authority to request disclosure of that information.

### **ALTERNATIVES**

None.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

### **AMENDMENTS**