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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 1st Session, 2019**

**Bill Number** SB148                      **Sponsor** Brandt  
**Tracking Number** .211863.2              **Committee Referrals** SEC/SFC  
**Short Title** Former Officers as School Security Personnel  
**Analyst** Stiles    **Original Date** 1/22/19  
**Last Updated** \_\_\_\_\_

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**FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE**

**BILL SUMMARY**

Synopsis of Bill

Senate Bill 148 (SB148) would amend the Public Employees Retirement Act to allow retired law enforcement officers to receive annual cost of living adjustments (COLA) if employed as school security personnel employed by an Educational Retirement Board (ERB) employer.

**FISCAL IMPACT**

SB148 does not contain an appropriation.

Retired Public Employee Retirement Association (PERA) members receiving an annual pension of \$20 thousand or more receive a 2 percent annual, compounding cost of living adjustment (COLA). Under current law, the PERA is required to suspend annual COLAs of retired PERA members if they become employed by a school district, charter school, college, university, or other entity covered by ERB. SB148 would allow any retired law enforcement officer who is employed as school security personnel to continue to receive their annual COLA. PERA indicates the COLA suspension was enacted in 2013 as part of a pension solvency plan. PERA states that the reasoning at the time was that COLAs were intended to be paid during retirement and any retiree who returned to work was effectively no longer retired.

SB148 would increase benefit payments for retired law enforcement officers working as school security personnel. Analysis from PERA and ERB did not indicate how many retired law enforcement officers were currently employed by school districts or charter schools, so it is unknown how many retirees would immediately benefit from this bill.

According to PERA, retirees under the state police and corrections plan receive an average annual benefit of \$32,114 and retirees under the municipal police plan receive an average annual benefit of \$39,082. Assuming a retired law enforcement officer was receiving a \$32 thousand annual pension, the retiree would forgo a \$640 increase in pension benefits in the first year of employment

as school security personnel under current law. In the second year that would increase to \$1,293 and to \$1,959 in the third year. After 10 years of employment as a school security personnel, the retiree would be forgoing \$7,008 per year in pension payments. Forgoing these annual payments may be preventing some retired law enforcement personnel from seeking employment in public schools.

If SB148 is enacted, PERA would be required to increase benefits payments, potentially impacting the fund.

Article XX, Section 22 of the New Mexico Constitution provides that:

*“The legislature shall not enact any law that increases the benefits paid by the system in any manner or changes the funding formula for a retirement plan unless adequate funding is provided.”*

In their analysis of SB148, PERA said any fiscal impact on the retirement system was “undetermined.”

## **SUBSTANTIVE ISSUES**

Nationwide, there has been a trend to employ retired police officers as school security personnel. Virginia allows retired law officers to receive retirement during subsequent employment as school security officers. New York raised earning limitations in order to employ retired police officers. New Jersey hired retired police officers due to their expertise and knowledge. Research on the effectiveness of such measures is limited and conflicting. After the shooting in Parkland, Florida, evidence emerged showing the armed school resource officer did not intervene in the shooting. However, months later in Maryland, an armed school resource officer shot and killed a shooter who had shot two students in a crowded hallway and would have likely continued to shoot.

In the wake of high-profile school shootings, including a December 2017 shooting in Aztec, New Mexico, concern about student safety has sparked discussion about policies that could prevent future school violence. At the June 2018 LESC meeting in Aztec, some students who were present during the Aztec shooting indicated they would feel safer if there were armed security on campus. Retired police officers would already have the necessary training to act as armed security personnel in schools, making them ideal candidates for armed school security personnel.

SB148 would only allow retired police officers to continue to receive the COLA, while not granting the same benefit to other retirees with needed expertise.

## **RELATED BILLS**

SB14 would require PERA retirees employed by public schools to make contributions to the Educational Retirement Fund.

## **SOURCES OF INFORMATION**

- LESC Files
- Public Employee’s Retirement Association (PERA)