

LFC Requester:	Joseph Simon
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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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** _____

Date 1/20/24
Bill No: HB 154

Sponsor: Rep. William "Bill" R. Rehm
Short Title: Public Retirees Returning to Work

Agency Name and Code Office of the State Engineer 550
Number: _____
Person Writing Nat Chakeres
Phone: (505) 231-4459 **Email** Nat.chakeres@ose.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with SB 87 and SB 123

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 154 would amend various subsections of Section 10-11-8 NMSA 1978 of the Public Employees Retirement Act to exempt retired state employees employed in certain positions with a public employer from the requirements normally imposed on retired state employees, allowing these employees to work in these positions following retirement while continuing to receive their pension.

10-11-8(C): The amendment to this subsection, if passed, would except retired members who are employed in the positions listed in proposed new subsection (J) from the requirements normally imposed on a retired member before the member may be employed by an affiliated public employer following retirement.

10-11-8(D): The amendment to this subsection, if passed, would ensure that the proposed new subsections (J) and (K) do not apply to the classes of retired members enumerated in subsection (D).

10-11-8(J): This amendment, if passed, would add a new subsection enumerating a list of positions that a retired member may be employed in following retirement and continue to receive their pension, provided that the retired member meets the requirements laid out in proposed new subsection (K). The listed positions include certain types of certified law enforcement officers, municipal detention officers, water resource professionals, and operators of public water supply or wastewater facilities. The exception provided under proposed new subsection (J) would also apply to any other position, provided that the retired member retired as a certified law enforcement officer.

10-11-8(K): This amendment, if passed, would add a new subsection laying out requirements that a retired member must meet to qualify to work in the excepted positions enumerated in proposed new subsection (J).

FISCAL IMPLICATIONS

No significant fiscal implications.

SIGNIFICANT ISSUES

HB 154 would make it easier for various state agencies to find qualified and experienced

candidates for hard-to-fill vacant positions for the roles enumerated in proposed new subsection (J) by allowing the agencies to hire previously retired state employees.

The Office of the State Engineer employs approximately 160 employees in the Water Resources Professional job series – over a majority of the positions in the agency. The prerequisites for these positions are demanding, and the agency has difficulty competing with private industry, including the oil and gas sector, for qualified staff. Enabling the agency to employ certain retired persons in hard-to-fill water resource professional positions would give the agency needed flexibility to meet its staffing needs.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

No administrative implications.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Partially duplicative and partially conflicting with SB 87, which also seeks to amend Section 10-11-8 NMSA 1978 and contains provisions similar to the proposed new subsections (J) and (K). SB 87 contains nearly identical language to these proposed new subsections but extends to fewer types of positions (it includes only the law enforcement positions listed in HB 154) and imposes slightly different requirements and limitations on retired members subsequently employed in the listed positions.

Partially duplicative and partially conflicting with SB 123, which also seeks to amend Section 10-11-8 NMSA 1978 and contains provisions similar to the proposed new subsections (J) and (K). SB 123 contains similar language to these proposed new subsections but instead of applying based on the position the retired member is hired into, SB 123 applies based on the position the retired member retired from. It also is limited in application to law enforcement positions and does not apply to positions related to water.

TECHNICAL ISSUES

No technical issues.

OTHER SUBSTANTIVE ISSUES

No other substantive issues.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The agencies seeking to fill the positions listed in 10-11-8(J) would likely find it more difficult to hire experienced and qualified candidates than if this bill were passed.

AMENDMENTS

None.