



<b>LFC Requester:</b>	<b>Simon</b>
-----------------------	--------------

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2023 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

**Original**      x   **Amendment**            
**Correction**           **Substitute**          

**Date Prepared:** 02/20/23  
**Bill No:** SB492

**Sponsor:** Muñoz  
**Short Title:**    EDUCATIONAL RETIREES  
RETURNING TO WORK

**Agency Name and Code**  
**Number:**            PED - 924  
**Person Writing**    Gregory Frostad  
**Phone:** (505) 470-5752    **Email:** gregory.frostad@ped.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	N/A	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

**Synopsis:** Senate Bill 492 (SB492) amends [Section 22-11-25.1 NMSA 1978, Return to Employment](#), to extend the number of months that a retired Educational Retirement Board (ERB) member may return to employment without a suspension of their retirement benefits from 36

consecutive or nonconsecutive months to 60 consecutive or nonconsecutive months.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 16, 2023.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

New Mexico, like many states across the country, faces a persistent educator workforce crisis. The October, 2022 [New Mexico Educator Vacancy Report](#) counted 1,344 educator vacancies, with 690 teacher vacancies included in this total. Last year there were 1,048 teacher vacancies, indicating an overall decrease of 358 vacancies, or 34 percent, and in the 2020 Report, there were 571 teacher vacancies. SB492 may serve to decrease these vacancies by lowering the barriers between qualified educators and the classroom. Current statute allows retired ERB members to return to work and continue receiving benefits for up to three years, and SB492 would extend this limit to five years.

Employees become members of the ERB system after serving in a variety of “local administrative units,” including public schools, school districts, charter schools, universities, community colleges, the New Mexico School for the Deaf, and the New Mexico School for the Blind and Visually Impaired. Many ERB members are educators, but many are also custodians, maintenance staff, food service personnel, and other administrative and operational positions. SB492 would allow any ERB member to return to work in any capacity for up to five years.

### **PERFORMANCE IMPLICATIONS**

Having more certified teachers in classrooms will improve the educational outcomes for New Mexico students.

### **ADMINISTRATIVE IMPLICATIONS**

None.

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

Relates to:

[SB20, Educational Retirement Board Changes](#), which amends the Educational Retirement Act to align with federal law the age by which distribution of pension benefits must begin.

[HB189, Educational Retirement Changes](#), which allows ERB contracts to exceed four years to design, develop, implement and operate the pension administration system of the board; allows eligible employees of Southeast New Mexico College to participate in alternative retirement plans offered by ERB; and amends statute to align with federal law the age by which distribution of pension benefits must begin.

### **TECHNICAL ISSUES**

None.

### **OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

None.

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

None.

**AMENDMENTS**

None.