



LFC Requester: Simon

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 01/27 /25

Bill No: SB133

Agency Name and Code: PED - 924

Sponsor: Wirth

PED Lead Analyst: Steven Heil

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Short Title: EDUCATIONAL RETIREES

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Title: RETURNING TO WORK

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: [House Bill 141](#), the current version of the General Appropriation Act of 2025, proposes a total appropriation of approximately \$31.5 million to the Educational Retirement Board (ERB).

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 133 (SB133) would amend [Section 22-11-25.1 NMSA 1978, Return to Employment](#), to increase the maximum annual salary allowable for retirees who return to employment without suspension of retirement benefits from \$15 thousand to \$25 thousand.

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 20, 2025.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

This proposed cap corresponds to substantially less than the current, minimum, full-time salary for educational assistants (\$30 thousand), and for teachers at licensure level I (\$50 thousand), level II (\$60 thousand), and level III (\$70 thousand). Statute allows retired ERB members to return to work under other specific conditions and continue receiving benefits for up to three years, a provision which SB133 would not change. Retirees may also return to work above the maximum threshold annual salary under certain conditions with suspended retirement benefits

New Mexico, like many states across the country, faces a persistent educator workforce crisis. The [October 2024 New Mexico Educator Vacancy Report](#) counted 1,259 educator vacancies, with 737 teacher vacancies included in this total. SB133 may serve to decrease these vacancies by lowering the barriers between qualified educators and the classroom.

Employees become members of the Educational Retirement Board (ERB) system after serving in any of 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.

PERFORMANCE IMPLICATIONS

By lifting the cap on salary for allowing them to receive retirement benefits, HB133 may encourage retirees to return to work part-time as teachers, administrators, or educational assistants. Student access to part-time, experienced, qualified educators in public schools may increase as a result.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to:

- House Bill 110, Interstate Teacher Mobility Compact, which propose enactment of the Compact that would provide for streamlined teacher licensure through reciprocity among member states.
- House Bill 201, Raise School Employee Minimum Wage.
- House Bill 251, Ed. Retirement Beneficiary Changes, which provides for new options related to designation of retirement beneficiaries for educational retirement members.
- House Bill 254, Ed. Retirees Returning to Work Time Period, which raises the length of time a retiree may work before suspension of benefits from thirty-six to eighty-four months.
- Senate Bill 75, Educational Retirement Changes, which proposes to allow unclaimed retirement benefits to be deposited back into the educational retirement fund and extends eligibility to receive annuity adjustments for disabled retirees.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.