



State of New Mexico

March 1, 2022

Michelle Lujan Grisham
Governor

HOUSE EXECUTIVE MESSAGE NO. 32

RECEIVED
22 MAR -1 PM 3:41
OFFICE OF
SECRETARY OF STATE

The Honorable Brian Egolf, Jr., Speaker of the House and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501

Dear Speaker Egolf and Members of the House:

I have this day SIGNED:

HOUSE BILL 13, as amended
HOUSE BILL 22, as amended
HOUSE BILL 43, as amended
HOUSE BILL 73, as amended
HOUSE BILL 104, as amended
HOUSE BILL 119
HOUSE BILL 132, as amended
HOUSE BILL 144, as amended
HOUSE BILL 148
HOUSE ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE
SUBSTITUT FOR HOUSE BILL 164, as amended
HOUSE BILL 180 with emergency clause

enacted by the Fifty-Fifth Legislature, Second Session, 2022.


Respectfully yours,

A handwritten signature in cursive script that reads "Michelle Lujan Grisham".
Michelle Lujan Grisham
Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 3:41 a.m. p.m.

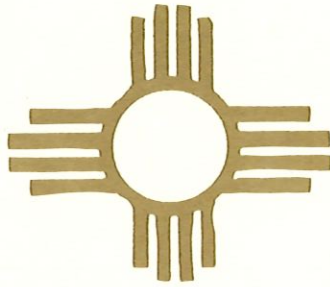
Date: March 2022

By 
Secretary of State

Time: _____ a.m. p.m.

Date: _____ 2022

By _____
Chief Clerk of the House



The Legislature of the State of New Mexico

55th **Legislature,** 2nd **Session**

LAWS 2022

CHAPTER

80

HOUSE BILL 73, as amended

Introduced by

REPRESENTATIVE JOY I. GARRATT
REPRESENTATIVE PHELPS ANDERSON
REPRESENTATIVE T. RYAN LANE
REPRESENTATIVE NATALIE R. FIGUEROA



CHAPTER

20

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; ALLOWING CERTAIN RETIREES
TO RETURN TO WORK WITHOUT A SUSPENSION OF RETIREMENT
BENEFITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-11-25.1 NMSA 1978 (being Laws
2001, Chapter 283, Section 2, as amended) is amended to read:

"22-11-25.1. RETURN TO EMPLOYMENT--BENEFITS--
CONTRIBUTIONS.--

A. Except as otherwise provided in Subsections B,
F, H and I of this section, until January 1, 2024, a retired
member who begins employment with a local administrative unit
at a level greater than one-quarter full-time employee,
regardless of salary level, is required to suspend the
member's retirement benefits until the end of that employment
unless the member has not rendered service to a local
administrative unit for at least twelve consecutive months
after the date of retirement.

B. Until January 1, 2024, a retired member who
retired on or before January 1, 2001, has not suspended or
been required to suspend retirement benefits pursuant to the
Educational Retirement Act and returns to employment with a
local administrative unit is not required to suspend the
member's retirement benefits.

1 C. A retired member who returns to employment with
2 a local administrative unit in accordance with this section
3 is entitled to receive retirement benefits during that
4 employment but is not entitled to acquire or purchase service
5 credit for that employment.

6 D. A retired member may return to employment with
7 a local administrative unit only if the member submits an
8 application to return to work, on a form prescribed by the
9 board, the board approves the application and the applicant
10 complies with other application rules promulgated by the
11 board.

12 E. A retired member who returns to employment
13 pursuant to Subsection A, B, F or I of this section shall
14 make nonrefundable contributions to the fund as would be
15 required by Section 22-11-21 NMSA 1978 if the retired member
16 were a non-retired employee. The local administrative unit
17 employing the retired member shall likewise make
18 contributions as would be required by that section.

19 F. Until January 1, 2024, a retired member who
20 retired on or before January 1, 2001, who suspended or was
21 required to suspend retirement benefits under the Educational
22 Retirement Act is not required to suspend the member's
23 retirement benefits if the retired member has not rendered
24 service to a local administrative unit for an additional
25 twelve or more consecutive months, not including any part of

1 a summer or other scheduled break or vacation period, after
2 the initial date of retirement.

3 G. A retired member who returns to employment with
4 a local administrative unit shall make contributions to the
5 retiree health care fund during the period of that employment
6 and in the amount specified in Section 10-7C-15 NMSA 1978.
7 The local administrative unit employing the retired member
8 shall likewise make contributions during the period of that
9 employment and in the amount specified in that section.

10 H. A retired member may return to employment with
11 a local administrative unit without a suspension of the
12 member's retirement benefits; provided that:

13 (1) the retired member has not rendered
14 service to a local administrative unit for at least ninety
15 days after the date of retirement;

16 (2) prior to the date of retirement, or
17 within ninety days after the date of retirement, the retired
18 member did not enter into any formal or informal agreement
19 with a local administrative unit or with any contractor
20 providing services to a local administrative unit to return
21 to employment; and

22 (3) the retired member earns a salary of
23 less than fifteen thousand dollars (\$15,000) per year.

24 I. A retired member may return to employment with
25 a local administrative unit without a suspension of the

1 member's retirement benefits; provided that:

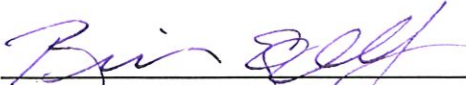
2 (1) the retired member has not rendered
3 service to a local administrative unit for at least ninety
4 days after the date of retirement; and

5 (2) the retired member returns to employment
6 for a period of no more than thirty-six consecutive or
7 nonconsecutive months pursuant to this subsection.

8 J. As used in this section:

9 (1) "rendered service" includes employment,
10 whether full or part time; substitute teaching; voluntarily
11 performing duties that would otherwise be, or in the past
12 have been, performed by a paid employee or independent
13 contractor; and performing duties as an independent
14 contractor or an employee of an independent contractor; and


15 (2) "local administrative unit" includes any
16 entity incorporated, formed or otherwise organized by, or
17 subject to the control of, a local administrative unit,
18 regardless of whether the entity is created for profit or
19 nonprofit purposes."



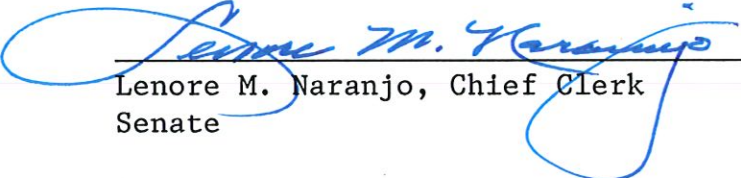
Brian Egolf, Speaker
House of Representatives



Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

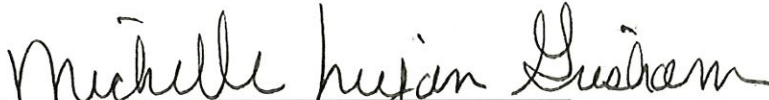


Howie C. Morales, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate

Approved by me this 1st day of March, 2022



Michelle Lujan Grisham, Governor
State of New Mexico