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**HOUSE BILL 236**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Benjamin R. Rios**

**AN ACT**

**RELATING TO MAGISTRATE RETIREMENT; AMENDING SECTION 10-12C-16  
NMSA 1978 (BEING LAWS 1992, CHAPTER 118, SECTION 16) TO  
PROVIDE AN EXCEPTION TO SUSPENSION OF RETIREMENT BENEFITS IN  
CERTAIN CIRCUMSTANCES.**

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

**Section 1. Section 10-12C-16 NMSA 1978 (being Laws 1992,  
Chapter 118, Section 16) is amended to read:**

**"10-12C-16. SUSPENSION OR FORFEITURE OF BENEFITS. --**

**A. If a member retires and is subsequently  
employed by any employer covered by any state system or the  
educational retirement system, the retired member's pension  
shall be suspended effective the first day of the month  
following the month in which the subsequent employment begins.  
The suspended pension of a previously retired member shall**

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1 resume and be effective the first day of the month following  
2 the month in which the member leaves office or terminates the  
3 subsequent employment.

4 B. The right to receive a pension pursuant to the  
5 provisions of the Magistrate Retirement Act shall be forfeited  
6 if the member is removed from office pursuant to the  
7 provisions of Article 6, Section 32 of the constitution of New  
8 Mexico and the member's only entitlement from the fund shall  
9 be the refund of the member's own contributions.

10 C. The provisions of Subsection A of this section  
11 shall not apply to a retired member who is elected to serve a  
12 term as an elected official if the retired member files an  
13 irrevocable exemption from membership in any state system with  
14 the association within thirty days of taking office. Filing  
15 of an irrevocable exemption shall irrevocably bar the retired  
16 member from acquiring service credit for the period of  
17 exemption from the membership."