

AN ACT

RELATING TO MAGISTRATE RETIREMENT; INCREASING MEMBER AND
EMPLOYER CONTRIBUTIONS.

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

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

"10-12C-10. MEMBER CONTRIBUTIONS--TAX TREATMENT.--

A. Members, while in office, shall contribute the
following amounts to the member contribution fund:

(1) through June 30, 2006, six and one-half
percent of salary; and

(2) on and after July 1, 2006, seven and
one-half percent of salary.

B. Upon implementation, the state, acting as
employer of members covered pursuant to the provisions of the
Magistrate Retirement Act, shall, solely for the purpose of
compliance with Section 414(h) of the Internal Revenue Code of
1986, pick up for the purposes specified in that section
member contributions required by this section for all annual
salary earned by the member. Member contributions picked up
pursuant to the provisions of this section shall be treated as
employer contributions for purposes of determining income tax
obligations under the Internal Revenue Code of 1986; however,
such picked-up member contributions shall be included in the

determination of the member's gross annual salary for all other purposes under federal and state laws. Member contributions picked up pursuant to the provisions of this section shall continue to be designated member contributions for all purposes of the Magistrate Retirement Act and shall be considered as part of the member's annual salary for purposes of determining the amount of the member's contribution. The provisions of this section are mandatory, and the member shall have no option concerning the pick up or concerning the receipt of the contributed amounts directly instead of having the amounts paid by the employer to the retirement system. Implementation occurs upon authorization by the board. In no event may implementation occur other than at the beginning of a pay period applicable to the member."

Section 2. Section 10-12C-11 NMSA 1978 (being Laws 1992, Chapter 118, Section 11, as amended) is amended to read:

"10-12C-11. EMPLOYER CONTRIBUTIONS.--

A. The state, through the administrative office of the courts, shall contribute the following amounts to the fund:

(1) through June 30, 2006, ten percent of salary for each member in office; and

(2) on and after July 1, 2006, eleven percent of salary for each member in office.

B. Twenty-five dollars (\$25.00) from each civil

case docket fee paid in magistrate court and ten dollars (\$10.00) from each civil jury fee paid in magistrate court shall be paid by the court clerk to the employer's accumulation fund."

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2005. _____