HOUSE BILL 332

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Eliseo Lee Alcon

AN ACT

RELATING TO MAGISTRATE RETIREMENT; CLARIFYING THAT A RETIRED MEMBER MAY FILE AN EXEMPTION FROM MEMBERSHIP UNDER THE MAGISTRATE RETIREMENT ACT.

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

SECTION 1. Section 10-12C-4 NMSA 1978 (being Laws 1992, Chapter 118, Section 4, as amended by Laws 2014, Chapter 39, Section 3 and by Laws 2014, Chapter 43, Section 3) is amended to read:

"10-12C-4. MEMBERSHIP.--[Every] Unless an irrevocable exemption is filed pursuant to Subsection C of Section 10-12C-16 NMSA 1978, every magistrate while in office shall become a member and shall be subject to the provisions of the Magistrate Retirement Act [provided, however, that a magistrate who, prior to July 1, 2014, applied for and received an

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1   exemption from membership shall not become a member until such

2   exemption ends]. A magistrate who is retired under any state

3   system or the educational retirement system shall:

4   A. pay the applicable member contributions and the

5   state, through the administrative office of the courts, shall

6   pay the applicable employer contributions as provided pursuant

7   to the Magistrate Retirement Act; and

8   B. not accrue a service credit and shall not be

9   eligible to purchase service credit nor to retire pursuant to

10 the Magistrate Retirement Act."

11   SECTION 2. Section 10-12C-8 NMSA 1978 (being Laws 1992,

12 Chapter 118, Section 8, as amended by Laws 2014, Chapter 39,

13 Section 5 and by Laws 2014, Chapter 43, Section 5) is amended

14 to read:

15   "10-12C-8. AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL

16 RETIREMENT.--

17   A. For a magistrate who was a member on June 30,

18 2014, the age and service credit requirements for retirement

19 provided for in the Magistrate Retirement Act are:

20   (1) age sixty-five years or older and five or

21 more years of service credit;

22   (2) age sixty years or older and fifteen or

23 more years of service credit; or

24   (3) any age and twenty-four or more years of

25 service credit.

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1   B.   For a magistrate who initially became a member

2   on or after July 1, 2014, the age and service requirements for

3   normal retirement provided for in the Magistrate Retirement Act

4   are:

5   (1)   age sixty-five years or older and eight or

6   more years of service credit;

7   (2)   age sixty years or older and fifteen or

8   more years of service credit; or

9   (3)   any age and twenty-four or more years of

10   service credit.

11   C.   Except for a member who is retired under any

12   state system or the educational retirement system, if a member

13   leaves office for any reason, other than removal pursuant to

14   Article 6, Section 32 of the constitution of New Mexico before

15   meeting the age and service credit requirements for retirement

16   pursuant to the provisions of this section and if that member

17   leaves the member contributions on deposit in the fund, that

18   member may apply for retirement when that member meets the age

19   and service credit requirements for retirement pursuant to the

20   provisions of the Magistrate Retirement Act or provisions of

21   the Public Employees Retirement Reciprocity Act.

22   D.   No member shall be eligible to receive a pension

23   pursuant to the provisions of the Magistrate Retirement Act

24   while [still in office] serving a term of office for which

25   service credit is accrued."

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SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.

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