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SENATE BILL 128

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

MICHAEL S. SANCHEZ

AN ACT

RELATING TO MAGISTRATE RETIREMENT; INCREASING THE AMOUNT OF PENSION FOR MAGISTRATES; AMENDING A SECTION OF THE MAGISTRATE RETIREMENT ACT; MAKING AN APPROPRIATION.

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

Section 1. Section 10-12C-9 NMSA 1978 (being Laws 1992, Chapter 118, Section 9) is amended to read:

"10-12C-9. AMOUNT OF PENSION. -- The amount of pension is equal to one-twelfth of:

[seventy-five]	<u>eighty</u>	(number of years of
percent of salary		service, not
received during	X .05 X	exceeding fifteen
last year in office		years, [+] <u>plus</u>
prior to retirement		five years). "

Section 2. EFFECTIVE DATE. -- The effective date of the

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provisions of this act is July 1, 1998.

- 2 -

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 January 28, 1998

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8 Mr. President:

9
10 Your COMMITTEES' COMMITTEE, to whom has been referred

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12 SENATE BILL 128

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14 has had it under consideration and finds same to be GERMANE, in
15 accordance with constitutional provisions, and thence referred to the
16 JUDICIARY COMMITTEE.
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18
19 Respectfully submitted,

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24 _____
25 Manny M. Aragon, Chairman

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

S0128CC1

5 February 4, 1998

7 Mr. President:

9 Your JUDICIARY COMMITTEE, to whom has been referred

11 SENATE BILL 128

13 has had it under consideration and reports same with recommendation
14 that it DO PASS, amended as follows:

16
17 1. On page 1, lines 12 and 13, strike "AMENDING A SECTION OF THE
18 MAGISTRATE RETIREMENT ACT; MAKING AN APPROPRIATION." and insert in
19 lieu thereof "INCREASING CONTRIBUTION RATES; AUTHORIZING AN EXCEPTION
20 TO SUSPENSION OF RETIREMENT BENEFITS FOR MAGISTRATES; AMENDING
21 SECTIONS OF THE MAGISTRATE RETIREMENT ACT."

22
23 2. On page 1, between lines 24 and 25, insert the following new
24 sections:

25 "Section 2. Section 10-12C-10 NMSA 1978 (being Laws 1992,

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Chapter 118, Section 10) is amended to read:

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

A. Members, while in office, shall contribute [~~five~~] six and one-tenth percent of salary to the member contribution fund.

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

. 121422. 1

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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 to 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 3. Section 10-12C-11 NMSA 1978 (being Laws 1992, Chapter 118, Section 11) is amended to read:

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

A. The state, through the administrative office of the courts, shall contribute ~~[nine]~~ eleven and three-tenths percent of salary for each member in office to the fund.

B. Twenty-five dollars (\$25.00) from each civil case docket fee paid in magistrate or metropolitan court and ten dollars (\$10.00) from each civil jury fee paid in magistrate or metropolitan court shall be paid by the court clerk to the employer's accumulation

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fund. "

Section 4. 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 -- EXCEPTION. --

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

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

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5 C. The provisions of Subsection A of this section do not
6 apply to a retired member who is elected to serve as an elected
7 public official if the retired member files an irrevocable
8 exemption from membership in any other state retirement system.
9 The retired member shall file the irrevocable exemption with the
10 association within thirty days of beginning his duties as an
11 elected public official. The filing of an irrevocable exemption
12 from membership in any other state retirement system bars the
13 retired member from acquiring service credit for his service as an
14 elected public official. "".

15
16 3. Renumber the succeeding section accordingly.

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and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Tsosie

Absent: None

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