

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR  
HOUSE BILLS 95 & 169

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

AN ACT

RELATING TO PENSIONS; AMENDING JUDICIAL RETIREMENT ACT AND  
MAGISTRATE RETIREMENT ACT PROVISIONS THAT ARE APPLICABLE TO  
CERTAIN MEMBERS BY CHANGING THE AGE AND SERVICE REQUIREMENTS  
FOR NORMAL RETIREMENT, DECREASING THE PENSION MULTIPLIER FOR  
SERVICE CREDIT EARNED AFTER JUNE 30, 2013, PROVIDING FOR  
TEMPORARY SUSPENSION OF, DECREASING OF AND DELAYING OF THE  
COST-OF-LIVING ADJUSTMENT AND INCREASING THE MAXIMUM PENSION  
BENEFIT; PROVIDING THAT CONTRIBUTIONS TO JUDICIAL AND  
MAGISTRATE RETIREMENT BE PROVIDED FROM THE GENERAL FUND;  
INCREASING CONTRIBUTIONS TO THE JUDICIAL AND MAGISTRATE  
RETIREMENT FUNDS; MAKING AN APPROPRIATION.

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

**SECTION 1.** Section 10-12B-3 NMSA 1978 (being Laws 1992,  
Chapter 111, Section 3, as amended) is amended to read:

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~~[bracketed material] = delete~~

1 "10-12B-3. JUDICIAL RETIREMENT FUND ESTABLISHED--  
2 ADMINISTRATION OF FUND--ACCOUNTING FUNDS.--

3 A. There is established in the state treasury the  
4 "judicial retirement fund". The fund is [~~comprised~~] composed  
5 of money received from [~~docket and jury fees of metropolitan~~  
6 ~~courts, district courts, the court of appeals and the supreme~~  
7 ~~court~~] employer and employee contributions and any investment  
8 earnings on [~~fees and~~] contributions. The board is the trustee  
9 of the fund and shall administer and invest the fund.  
10 Investment of the fund shall be conducted pursuant to the  
11 provisions of the Public Employees Retirement Act. The  
12 provisions of the Judicial Retirement Act shall be administered  
13 by the board. The board is authorized to promulgate rules.  
14 Expenses related to the investment of the fund and  
15 administration of the Judicial Retirement Act shall be paid  
16 from the fund.

17 B. For purposes of this section, the accounting  
18 funds shall be known as the "member contribution fund",  
19 "employer's accumulation fund", "retirement reserve fund" and  
20 "income fund". The maintenance of separate accounting funds  
21 shall not require the actual segregation of the assets of the  
22 fund.

23 C. The accounting funds provided for in this  
24 section are trust funds and shall be used only for the purposes  
25 provided for in the Judicial Retirement Act.

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1           D. The member contribution fund is the accounting  
2 fund in which shall be accumulated contributions of members and  
3 from which shall be made refunds and transfers of accumulated  
4 member contributions as provided in the Judicial Retirement  
5 Act. The member's court shall cause member contributions to be  
6 deducted from the salary of the member and shall remit the  
7 deducted member contributions to the association in accordance  
8 with procedures and schedules established by the association.  
9 The association may assess an interest charge and a penalty  
10 charge on any late remittance. Each member shall be deemed to  
11 consent and agree to the deductions made and provided for in  
12 this section. Contributions by members shall be credited to  
13 the members' individual accounts in the member contribution  
14 fund. A member's accumulated member contributions shall be  
15 transferred to the retirement reserve fund when a pension  
16 becomes payable.

17           E. The employer's accumulation fund is the  
18 accounting fund in which shall be accumulated the contributions  
19 paid by the state through the member's court. The state,  
20 through the member's court, shall remit its contributions to  
21 the association in accordance with procedures and schedules  
22 established by the association. The board may assess an  
23 interest charge and a penalty charge on any late remittance.

24           F. The retirement reserve fund is the accounting  
25 fund from which shall be paid all pensions to retired members

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1 and survivor beneficiaries and all residual refunds to refund  
2 beneficiaries of retired members and survivor beneficiaries.

3 G. Each year, following receipt of the report of  
4 the annual actuarial valuation, the excess, if any, of the  
5 reported actuarial present value of pensions being paid and  
6 likely to be paid to retired members and survivor beneficiaries  
7 and residual refunds likely to be paid to refund beneficiaries  
8 of retired members and survivor beneficiaries over the balance  
9 in the retirement reserve fund shall be transferred to the  
10 retirement reserve fund from the employer's accumulation fund.

11 H. The income fund is the accounting fund to which  
12 shall be credited all interest, dividends, rents and other  
13 income from investments of the fund, all gifts and bequests,  
14 all unclaimed member contributions and all other money the  
15 disposition of which is not specifically provided for in the  
16 Judicial Retirement Act. Expenses related to the  
17 administration of the Judicial Retirement Act shall be paid for  
18 from the income fund.

19 I. The association shall at least annually  
20 distribute all or a portion of the balance in the income fund  
21 to the member contribution fund, the retirement reserve fund  
22 and the employer's accumulation fund. Distribution rates shall  
23 be determined by the board and may vary for the respective  
24 accounting funds."

25 SECTION 2. Section 10-12B-5 NMSA 1978 (being Laws 1992,

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1 Chapter 111, Section 5, as amended) is amended to read:

2 "10-12B-5. SERVICE CREDIT--REINSTATEMENT OF FORFEITED  
3 SERVICE--PRIOR SERVICE--MILITARY SERVICE.--

4 A. Personal service rendered by a member shall be  
5 credited to the member's service credit account in accordance  
6 with board rules and regulations. Service shall be credited to  
7 the nearest month. In no case shall any member be credited  
8 with a year of service for less than twelve months of service  
9 in any calendar year or more than a month of service for all  
10 service in any calendar month or more than a year of service  
11 for all service in any calendar year.

12 B. Service credit shall be forfeited if a member  
13 leaves office and withdraws the member's accumulated member  
14 contributions. A member or former member who is a member of a  
15 state system or the educational retirement system who has  
16 forfeited service credit by withdrawal of member contributions  
17 may reinstate the forfeited service credit by repaying the  
18 amount withdrawn plus compound interest from the date of  
19 withdrawal to the date of repayment at a rate set by the board.  
20 Withdrawn member contributions may be repaid in increments of  
21 one year in accordance with procedures established by the  
22 board. Full payment of each one-year increment shall be made  
23 in a single lump-sum amount in accordance with procedures  
24 established by the board.

25 C. Service credit that a member would have earned

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1 if the member had not elected to be excluded from membership  
2 may be purchased if the member pays the purchase cost  
3 determined pursuant to the provisions of Subsection F of this  
4 section.

5 D. A member who during a term of office enters a  
6 uniformed service of the United States shall be given service  
7 credit for periods of service in the uniformed services subject  
8 to the following conditions:

9 (1) the member returns to office within ninety  
10 days following termination of the period of intervening service  
11 in the uniformed services or the affiliated employer certifies  
12 in writing to the association that the member is entitled to  
13 reemployment rights under the Uniformed Services Employment and  
14 Reemployment Rights Act of 1994;

15 (2) the member retains membership in the  
16 association during the period of service in the uniformed  
17 services;

18 (3) free service credit shall not be given for  
19 periods of intervening service in the uniformed services  
20 following voluntary reenlistment. Service credit for such  
21 periods shall only be given after the member pays the  
22 association the sum of the contributions that the person would  
23 have been required to contribute had the person remained  
24 continuously employed throughout the period of intervening  
25 service following voluntary reenlistment, which payment shall

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1 be made during the period beginning with the date of  
2 reemployment and whose duration is three times the period of  
3 the person's intervening service in the uniformed services  
4 following voluntary reenlistment, not to exceed five years;

5 (4) service credit shall not be given for  
6 periods of intervening service in the uniformed services that  
7 are used to obtain or increase a benefit from another state  
8 system or the retirement program provided under the Educational  
9 Retirement Act; and

10 (5) the member must not have received a  
11 discharge or separation from uniformed service under other than  
12 honorable conditions.

13 Notwithstanding any provision of this plan to the  
14 contrary, contributions, benefits and service credit with  
15 respect to qualified military service will be provided in  
16 accordance with Section 414(u) of the Internal Revenue Code of  
17 1986, as amended.

18 E. A member who entered uniformed service of the  
19 United States may purchase service credit for periods of active  
20 duty in the uniformed services, subject to the following  
21 conditions:

22 (1) the member pays the purchase cost  
23 determined pursuant to the provisions of Subsection F of this  
24 section;

25 (2) the member has [~~five or more~~] the

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1 applicable minimum number of years of service credit accrued  
2 according to the provisions of the Judicial Retirement Act;

3 (3) the aggregate amount of service credit  
4 purchased pursuant to the provisions of this subsection does  
5 not exceed five years, reduced by any period of service credit  
6 acquired for military service under any other provision of the  
7 Judicial Retirement Act;

8 (4) service credit may not be purchased for  
9 periods of service in the uniformed services that are used to  
10 obtain or increase a benefit from another retirement program;  
11 and

12 (5) the member must not have received a  
13 discharge or separation from uniformed service under other than  
14 honorable conditions.

15 F. The purchase cost for each year of service  
16 credit purchased pursuant to the provisions of this section  
17 shall be the increase in the actuarial present value of the  
18 pension of the member under the Judicial Retirement Act as a  
19 consequence of the purchase, as determined by the association.  
20 Full payment shall be made in a single lump-sum amount in  
21 accordance with procedures established by the board. Except as  
22 provided in Subsection G of this section, seventy-five percent  
23 of the purchase cost shall be considered to be employer  
24 contributions and shall not be refunded to the member in the  
25 event of cessation of membership.

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1           G. A member shall be refunded, after retirement and  
2 upon written request filed with the association, the portion of  
3 the purchase cost of service credit purchased pursuant to the  
4 provisions of this section that the association determines to  
5 have been unnecessary to provide the member with the maximum  
6 pension applicable to the member. The association shall not  
7 pay interest on the portion of the purchase cost refunded to  
8 the member.

9           H. At any time prior to retirement, a member may  
10 purchase service credit in monthly increments, subject to the  
11 following conditions:

12                   (1) the member has [~~at least five~~] the  
13 applicable minimum number of years of service credit acquired  
14 as a result of personal service rendered under the Judicial  
15 Retirement Act;

16                   (2) the aggregate amount of service credit  
17 purchased pursuant to this subsection does not exceed one year;

18                   (3) the member pays full actuarial present  
19 value of the amount of the increase in the member's pension as  
20 a consequence of the purchase, as determined by the  
21 association;

22                   (4) the member pays the full cost of the  
23 purchase within sixty days of the date the member is informed  
24 of the amount of the payment; and

25                   (5) the purchase of service credit under this

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1 subsection cannot be used to exceed the pension maximum."

2 SECTION 3. Section 10-12B-8 NMSA 1978 (being Laws 1992,  
3 Chapter 111, Section 8, as amended) is amended to read:

4 "10-12B-8. AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL  
5 RETIREMENT.--

6 A. For an individual who initially became a member  
7 prior to July 1, 2005, the age and service credit requirements  
8 for retirement provided for in the Judicial Retirement Act are:

9 (1) age [~~sixty-four~~] sixty-five years or older  
10 and five or more years of service credit; or

11 (2) age sixty years or older and fifteen or  
12 more years of service credit.

13 B. For an individual who initially became a member  
14 [~~on or~~] after [~~July 1~~] June 30, 2005 but before June 30, 2013,  
15 the age and service credit requirements for retirement provided  
16 for in the Judicial Retirement Act are:

17 (1) age [~~sixty-four~~] sixty-five years or older  
18 and five or more years of service credit; or

19 (2) age [~~fifty-five~~] sixty years or older and  
20 [~~sixteen~~] fifteen or more years of service credit.

21 C. For an individual who initially becomes a member  
22 on or after July 1, 2013, the age and service requirements  
23 provided for in the Judicial Retirement Act are:

24 (1) age sixty-five years and eight or more  
25 years of service credit; or

1                    (2) age sixty years and fifteen or more years  
2 of service credit.

3                    [~~G-~~] D. If a member leaves office for any reason,  
4 other than removal pursuant to Article 6, Section 32 of the  
5 constitution of New Mexico, before meeting the age and service  
6 credit requirements for retirement pursuant to the provisions  
7 of this section and if that member leaves [~~his~~] the member  
8 contributions on deposit in the fund, that member may apply for  
9 retirement when that member meets the age and service credit  
10 requirements for retirement pursuant to the provisions of the  
11 Judicial Retirement Act or provisions of the Public Employees  
12 Retirement Reciprocity Act.

13                    [~~D-~~] E. No member shall be eligible to receive a  
14 pension pursuant to the provisions of the Judicial Retirement  
15 Act while still in office."

16                    **SECTION 4.** Section 10-12B-9 NMSA 1978 (being Laws 1992,  
17 Chapter 111, Section 9, as amended) is amended to read:

18                    "10-12B-9. AMOUNT OF PENSION.--The amount of monthly  
19 pension is equal to:

20                    A. in the case of a former or current judge or  
21 justice, an amount equal to one-twelfth of:  
22                    seventy-five percent  
23                    of salary received            X                    number of years of  
24                    during last year in                    service, not exceeding  
25                    office prior to                    ten years, divided

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1 retirement by ten;

2 B. in the case of a new judge or justice who  
3 initially became a member prior to July 1, 2005:

4 (1) for service credit earned on or before  
5 June 30, 2013, an amount equal to one-twelfth of:

6 seventy-five (number of years of  
7 percent of salary service, not  
8 received during X .05 X exceeding fifteen  
9 last year in office years, plus five  
10 prior to retirement years); ~~or~~ and

11 (2) for service credit earned on and after  
12 July 1, 2013, an amount equal to one-twelfth of the salary  
13 received during the last year in office prior to retirement  
14 multiplied by the product of three and one-half percent times  
15 the sum of the number of years of service; provided that a  
16 pension calculated pursuant to this subsection shall not exceed  
17 eighty-five percent of one-twelfth of the salary received  
18 during the last year in office;

19 C. in the case of a new judge or justice who  
20 initially became a member ~~on or~~ after ~~July 1~~ June 30, 2005  
21 but before June 30, 2013:

22 (1) for service credit earned on or before  
23 June 30, 2013, an amount equal to one-twelfth of the salary  
24 received during the last year in office prior to retirement  
25 multiplied by the product of three and seventy-five hundredths

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1 percent times the sum of the number of years of service;  
 2 provided that a pension calculated pursuant to this subsection  
 3 shall not exceed seventy-five percent of one-twelfth of the  
 4 salary received during the last year in office; and

5 (2) for service credit earned on and after  
 6 July 1, 2013, an amount equal to one-twelfth of the salary  
 7 received during the last year in office prior to retirement  
 8 multiplied by the product of three and one-half percent times  
 9 the sum of the number of years of service; provided that a  
 10 pension calculated pursuant to this subsection shall not exceed  
 11 eighty-five percent of one-twelfth of the salary received  
 12 during the last year in office; or

13 D. in the case of a new judge or justice who  
 14 initially becomes a member on or after July 1, 2013, an amount  
 15 equal to one-sixtieth of the greatest aggregate amount of  
 16 salary paid a member for sixty consecutive, but not necessarily  
 17 continuous, months of service credit multiplied by the product  
 18 of three and one-half percent times the sum of the number of  
 19 years of service; provided that a pension calculated pursuant  
 20 to this subsection shall not exceed eighty-five percent of one-  
 21 sixtieth of the greatest aggregate amount of salary paid a  
 22 member for sixty consecutive, but not necessarily continuous,  
 23 months of service credit."

24 SECTION 5. Section 10-12B-10 NMSA 1978 (being Laws 1992,  
 25 Chapter 111, Section 10, as amended) is amended to read:

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1 "10-12B-10. MEMBER CONTRIBUTIONS--TAX TREATMENT.--

2 A. On and after July 1, 2013, members, while in  
3 office, shall contribute ten and one-half percent of salary to  
4 the member contribution fund [~~pursuant to the following~~  
5 ~~schedule:~~

6 ~~(1) prior to July 1, 2005, five and one-half~~  
7 ~~percent of salary;~~

8 ~~(2) from July 1, 2005 through June 30, 2006,~~  
9 ~~six and one-half percent of salary; and~~

10 ~~(3) on and after July 1, 2006, seven and one-~~  
11 ~~half percent of salary, except that for members whose annual~~  
12 ~~salary is greater than twenty thousand dollars (\$20,000):~~

13 ~~(a) from July 1, 2009 through June 30,~~  
14 ~~2011, the member contribution rate shall be nine percent of~~  
15 ~~salary;~~

16 ~~(b) from July 1, 2011 through June 30,~~  
17 ~~2012, the member contribution rate shall be ten and three-~~  
18 ~~fourths percent of salary; and~~

19 ~~(c) from July 1, 2012 through June 30,~~  
20 ~~2013, the member contribution rate shall be nine percent of~~  
21 ~~salary].~~

22 B. Upon implementation, the state, acting as  
23 employer of members covered pursuant to the provisions of the  
24 Judicial Retirement Act, shall, solely for the purpose of  
25 compliance with Section 414(h) of the Internal Revenue Code of

1 1986, pick up for the purposes specified in that section member  
 2 contributions required by this section for all annual salary  
 3 earned by the member. Member contributions picked up pursuant  
 4 to the provisions of this section shall be treated as employer  
 5 contributions for purposes of determining income tax  
 6 obligations under the Internal Revenue Code of 1986; however,  
 7 such picked-up member contributions shall be included in the  
 8 determination of the member's gross annual salary for all other  
 9 purposes under federal and state laws. Member contributions  
 10 picked up pursuant to the provisions of this section shall  
 11 continue to be designated member contributions for all purposes  
 12 of the Judicial Retirement Act and shall be considered as part  
 13 of the member's annual salary for purposes of determining the  
 14 amount of the member's contribution. The provisions of this  
 15 section are mandatory, and the member shall have no option  
 16 concerning the pickup or concerning the receipt of the  
 17 contributed amounts directly instead of having the amounts paid  
 18 by the employer to the retirement system. Implementation  
 19 occurs upon authorization by the board. In no event may  
 20 implementation occur other than at the beginning of a pay  
 21 period applicable to the member."

22 **SECTION 6.** Section 10-12B-11 NMSA 1978 (being Laws 1992,  
 23 Chapter 111, Section 11, as amended) is amended to read:

24 "10-12B-11. EMPLOYER CONTRIBUTIONS.--

25 A. From July 1, 2013 through June 30, 2014, the

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1 member's court shall contribute [~~the following amounts~~] twenty-  
2 eight and seventy-two hundredths percent of salary for each  
3 member in office to the fund.

4 [~~(1) prior to July 1, 2005, nine percent of~~  
5 ~~salary for each member in office;~~

6 [~~(2) from July 1, 2005 through June 30, 2006,~~  
7 ~~ten and one-half percent of salary for each member in office;~~  
8 ~~and~~

9 [~~(3) on and after July 1, 2006, twelve percent~~  
10 ~~of salary for each member in office, except that for members~~  
11 ~~whose annual salary is greater than twenty thousand dollars~~  
12 ~~(\$20,000):~~

13 [~~(a) from July 1, 2009 through June 30,~~  
14 ~~2011, the member's court contribution rate shall be ten and~~  
15 ~~one-half percent of salary for each member in office;~~

16 [~~(b) from July 1, 2011 through June 30,~~  
17 ~~2012, the member's court contribution rate shall be eight and~~  
18 ~~three-fourths percent of salary for each member in office; and~~

19 [~~(c) from July 1, 2012 through June 30,~~  
20 ~~2013, the member's court contribution rate shall be ten and~~  
21 ~~one-half percent of salary for each member in office.~~

22 B. ~~Thirty-eight dollars (\$38.00) from each civil~~  
23 ~~case docket fee paid in the district court, twenty-five dollars~~  
24 ~~(\$25.00) from each civil docket fee paid in metropolitan court~~  
25 ~~and ten dollars (\$10.00) from each jury fee paid in~~

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1 ~~metropolitan court shall be paid by the court clerk to the~~  
2 ~~employer's accumulation fund.]~~

3 B. On and after July 1, 2014, the member's court  
4 shall contribute thirty-one and seventy-two hundredths percent  
5 of salary for each member in office to the fund."

6 SECTION 7. Section 10-12B-15 NMSA 1978 (being Laws 1992,  
7 Chapter 111, Section 15) is amended to read:

8 "10-12B-15. COST-OF-LIVING ADJUSTMENT.--~~[A yearly cost-~~  
9 ~~of-living adjustment shall be made to each pension]~~

10 A. A qualified pension recipient is eligible for a  
11 cost-of-living adjustment payable pursuant to the provisions of  
12 the Judicial Retirement Act [as provided in the Public  
13 Employees Retirement Act] as follows:

14 (1) beginning July 1, 2013 and continuing  
15 through June 30, 2015, there shall not be a cost-of-living  
16 adjustment applied to a pension payable pursuant to the  
17 Judicial Retirement Act; and

18 (2) beginning on May 1, 2015 and no later than  
19 each May 1 thereafter, the board shall certify to the  
20 association the actuarial funded ratio of the fund as of June  
21 30 of the preceding calendar year. On each July 1 following  
22 the board's certification of the funded ratio, the  
23 cost-of-living adjustment, if any, applied to a pension payable  
24 pursuant to the Judicial Retirement Act shall be determined as  
25 follows:

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1                   (a) if the funded ratio of the fund, as  
2 certified by the board pursuant to this subsection, is greater  
3 than or equal to seventy percent, the amount of pension payable  
4 shall be increased two percent. The amount of the increase  
5 applied pursuant to this subparagraph shall be determined by  
6 multiplying the amount of the pension inclusive of all prior  
7 adjustments by two percent; and

8                   (b) if the funded ratio of the fund, as  
9 certified by the board pursuant to this subsection, is less  
10 than seventy percent, the amount of pension payable shall not  
11 include a cost-of-living increase; provided, however, that if,  
12 pursuant to the provisions of this subparagraph, the cost-of-  
13 living adjustment is suspended for the two consecutive fiscal  
14 years immediately prior to the most recent certification by the  
15 board of the funded ratio: 1) the amount of pension payable in  
16 the fiscal year immediately following the two-year suspension  
17 shall be increased two percent regardless of the certified  
18 funded ratio; and 2) the provisions of this subparagraph shall  
19 apply without exception in the next succeeding fiscal year if  
20 the funded ratio certified by the board is less than seventy  
21 percent.

22                   B. Pursuant to the Judicial Retirement Act, a  
23 qualified pension recipient is:

24                   (1) a normal retired member who:

25                   (a) retires before June 30, 2014 and has

1 been retired for at least two full calendar years from the  
2 effective date of the latest retirement prior to July 1 of the  
3 year in which the pension is being adjusted;

4 (b) retires between July 1, 2014 and  
5 June 30, 2015 and has been retired for at least three full  
6 calendar years from the effective date of the latest retirement  
7 prior to July 1 of the year in which the pension is being  
8 adjusted;

9 (c) retires between July 1, 2015 and  
10 June 30, 2016 and has been retired for at least four full  
11 calendar years from the effective date of the latest retirement  
12 prior to July 1 of the year in which the pension is being  
13 adjusted; or

14 (d) retires after July 1, 2016 and has  
15 been retired for at least seven full calendar years from the  
16 effective date of the latest retirement prior to July 1 of the  
17 year in which the pension is being adjusted;

18 (2) a normal retired member who is at least  
19 sixty-five years of age and has been retired for at least one  
20 full calendar year from the effective date of the latest  
21 retirement prior to July 1 of the year in which the pension is  
22 being adjusted;

23 (3) a disability retired member who has been  
24 retired for at least one full calendar year from the effective  
25 date of the latest retirement prior to July 1 of the year in

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1 which the pension is being adjusted;

2 (4) a survivor beneficiary who has received a  
3 survivor pension for at least two full calendar years; or

4 (5) a survivor beneficiary of a deceased  
5 retired member who otherwise would have been retired at least  
6 two full calendar years from the effective date of the latest  
7 retirement prior to July 1 of the year in which the pension is  
8 being adjusted.

9 C. A qualified pension recipient may decline an  
10 increase in a pension by giving the association written notice  
11 of the decision to decline the increase at least thirty days  
12 prior to the date the increase would take effect."

13 SECTION 8. Section 10-12C-3 NMSA 1978 (being Laws 1992,  
14 Chapter 118, Section 3, as amended) is amended to read:

15 "10-12C-3. MAGISTRATE RETIREMENT FUND ESTABLISHED--  
16 ADMINISTRATION OF FUND--ACCOUNTING FUNDS.--

17 A. There is established in the state treasury the  
18 "magistrate retirement fund". The fund is [~~comprised~~] composed  
19 of money received from [~~docket fees of magistrate courts~~]  
20 employer and member contributions and any investment earnings  
21 on fees and contributions. The board is the trustee of the  
22 fund and shall administer and invest the fund. Investment of  
23 the fund shall be conducted pursuant to the provisions of the  
24 Public Employees Retirement Act. The provisions of the  
25 Magistrate Retirement Act shall be administered by the board.

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1 The board is authorized to promulgate rules. Expenses related  
2 to the investment of the fund and administration of the  
3 Magistrate Retirement Act shall be paid from the fund.

4 B. For purposes of this section, the accounting  
5 funds shall be known as the "member contribution fund",  
6 "employer's accumulation fund", "retirement reserve fund" and  
7 "income fund". The maintenance of separate accounting funds  
8 shall not require the actual segregation of the assets of the  
9 fund.

10 C. The accounting funds provided for in this  
11 section are trust funds and shall be used only for the purposes  
12 provided for in the Magistrate Retirement Act.

13 D. The member contribution fund is the accounting  
14 fund in which shall be accumulated contributions of members and  
15 from which shall be made refunds and transfers of accumulated  
16 member contributions as provided in the Magistrate Retirement  
17 Act. The member's court shall cause member contributions to be  
18 deducted from the salary of the member and shall remit the  
19 deducted member contributions to the association in accordance  
20 with procedures and schedules established by the association.  
21 The association may assess an interest charge and a penalty  
22 charge on any late remittance. Each member shall be deemed to  
23 consent and agree to the deductions made and provided for in  
24 this section. Contributions by members shall be credited to  
25 the members' individual accounts in the member contribution

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1 fund. A member's accumulated member contributions shall be  
2 transferred to the retirement reserve fund when a pension  
3 becomes payable.

4 E. The employer's accumulation fund is the  
5 accounting fund in which shall be accumulated the contributions  
6 paid by the state through the administrative office of the  
7 courts. The state, through the administrative office of the  
8 courts, shall remit its contributions to the association in  
9 accordance with procedures and schedules established by the  
10 association. The board may assess an interest charge and a  
11 penalty charge on any late remittance.

12 F. The retirement reserve fund is the accounting  
13 fund from which shall be paid all pensions to retired members  
14 and survivor beneficiaries and all residual refunds to refund  
15 beneficiaries of retired members and survivor beneficiaries.

16 G. Each year, following receipt of the report of  
17 the annual actuarial valuation, the excess, if any, of the  
18 reported actuarial present value of pensions being paid and  
19 likely to be paid to retired members and survivor beneficiaries  
20 and residual refunds likely to be paid to refund beneficiaries  
21 of retired members and survivor beneficiaries over the balance  
22 in the retirement reserve fund shall be transferred to the  
23 retirement reserve fund from the employer's accumulation fund.

24 H. The income fund is the accounting fund to which  
25 shall be credited all interest, dividends, rents and other

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1 income from investments of the fund, all gifts and bequests,  
 2 all unclaimed member contributions and all other money the  
 3 disposition of which is not specifically provided for in the  
 4 Magistrate Retirement Act. Expenses related to the  
 5 administration of the Magistrate Retirement Act shall be paid  
 6 for from the income fund.

7 I. The association shall at least annually  
 8 distribute all or a portion of the balance in the income fund  
 9 to the member contribution fund, the retirement reserve fund  
 10 and the employer's accumulation fund. Distribution rates shall  
 11 be determined by the board and may vary for the respective  
 12 accounting funds."

13 SECTION 9. Section 10-12C-5 NMSA 1978 (being Laws 1992,  
 14 Chapter 118, Section 5, as amended) is amended to read:

15 "10-12C-5. SERVICE CREDIT--REINSTATEMENT OF FORFEITED  
 16 SERVICE--PRIOR SERVICE--MILITARY SERVICE.--

17 A. Personal service rendered by a member shall be  
 18 credited to the member's service credit account in accordance  
 19 with board rules and regulations. Service shall be credited to  
 20 the nearest month. In no case shall any member be credited  
 21 with a year of service for less than twelve months of service  
 22 in any calendar year or more than a month of service for all  
 23 service in any calendar month or more than a year of service  
 24 for all service in any calendar year.

25 B. Service credit shall be forfeited if a member

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1 leaves office and withdraws the member's accumulated member  
2 contributions. A member or former member who is a member of  
3 another state system or the educational retirement system who  
4 has forfeited service credit by withdrawal of member  
5 contributions may reinstate the forfeited service credit by  
6 repaying the amount withdrawn plus compound interest from the  
7 date of withdrawal to the date of repayment at a rate set by  
8 the board. Withdrawn member contributions may be repaid in  
9 increments of one year in accordance with procedures  
10 established by the board. Full payment of each one-year  
11 increment shall be made in a single lump-sum amount in  
12 accordance with procedures established by the board.

13 C. Service credit that a member would have earned  
14 if the member had not elected to be excluded from membership  
15 may be purchased if the member pays the purchase cost  
16 determined pursuant to the provisions of Subsection F of this  
17 section.

18 D. A member who during a term of office enters a  
19 uniformed service of the United States shall be given service  
20 credit for periods of service in the uniformed services subject  
21 to the following conditions:

22 (1) the member returns to office within ninety  
23 days following termination of the period of intervening service  
24 in the uniformed services or the affiliated employer certifies  
25 in writing to the association that the member is entitled to

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1 reemployment rights under the Uniformed Services Employment and  
2 Reemployment Rights Act of 1994;

3 (2) the member retains membership in the  
4 association during the period of service in the uniformed  
5 services;

6 (3) free service credit shall not be given for  
7 periods of intervening service in the uniformed services  
8 following voluntary reenlistment. Service credit for such  
9 periods shall only be given after the member pays the  
10 association the sum of the contributions that the person would  
11 have been required to contribute had the person remained  
12 continuously employed throughout the period of intervening  
13 service following voluntary reenlistment, which payment shall  
14 be made during the period beginning with the date of  
15 reemployment and whose duration is three times the period of  
16 the person's intervening service in the uniformed services  
17 following voluntary reenlistment, not to exceed five years;

18 (4) service credit shall not be given for  
19 periods of intervening service in the uniformed services that  
20 are used to obtain or increase a benefit from another state  
21 system or the retirement program provided under the Educational  
22 Retirement Act; and

23 (5) the member must not have received a  
24 discharge or separation from uniformed service under other than  
25 honorable conditions.

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1           Notwithstanding any provision of this plan to the  
2 contrary, contributions, benefits and service credit with  
3 respect to qualified military service will be provided in  
4 accordance with Section 414(u) of the Internal Revenue Code of  
5 1986, as amended.

6           E. A member who entered a uniformed service of the  
7 United States may purchase service credit for periods of active  
8 duty in the uniformed services, subject to the following  
9 conditions:

10                       (1) the member pays the purchase cost  
11 determined pursuant to the provisions of Subsection F of this  
12 section;

13                       (2) the member has [~~five or more~~] the  
14 applicable minimum number of years of service credit accrued  
15 according to the provisions of the Magistrate Retirement Act;

16                       (3) the aggregate amount of service credit  
17 purchased pursuant to the provisions of this subsection does  
18 not exceed five years, reduced by any period of service credit  
19 acquired for military service under any other provision of the  
20 Magistrate Retirement Act;

21                       (4) service credit may not be purchased for  
22 periods of service in the uniformed services that are used to  
23 obtain or increase a benefit from another retirement program;  
24 and

25                       (5) the member must not have received a

1 discharge or separation from uniformed service under other than  
2 honorable conditions.

3 F. The purchase cost for each year of service  
4 credit purchased pursuant to the provisions of this section  
5 shall be the increase in the actuarial present value of the  
6 pension of the member under the Magistrate Retirement Act as a  
7 consequence of the purchase, as determined by the association.  
8 Full payment shall be made in a single lump-sum amount in  
9 accordance with procedures established by the board. Except as  
10 provided in Subsection G of this section, seventy-five percent  
11 of the purchase cost shall be considered to be employer  
12 contributions and shall not be refunded to the member in the  
13 event of cessation of membership.

14 G. A member shall be refunded, after retirement and  
15 upon written request filed with the association, the portion of  
16 the purchase cost of service credit purchased pursuant to the  
17 provisions of this section that the association determines to  
18 have been unnecessary to provide the member with the maximum  
19 pension applicable to the member. The association shall not  
20 pay interest on the portion of the purchase cost refunded to  
21 the member.

22 H. At any time prior to retirement, a member may  
23 purchase service credit in monthly increments, subject to the  
24 following conditions:

- 25 (1) the member has [~~at least five~~] the

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1 applicable minimum number of years of service credit acquired  
2 as a result of personal service rendered under the Magistrate  
3 Retirement Act;

4 (2) the aggregate amount of service credit  
5 purchased pursuant to this subsection does not exceed one year;

6 (3) the member pays full actuarial present  
7 value of the amount of the increase in the member's pension as  
8 a consequence of the purchase, as determined by the  
9 association;

10 (4) the member pays the full cost of the  
11 purchase within sixty days of the date the member is informed  
12 of the amount of the payment; and

13 (5) the purchase of service credit under this  
14 subsection cannot be used to exceed the pension maximum."

15 SECTION 10. Section 10-12C-8 NMSA 1978 (being Laws 1992,  
16 Chapter 118, Section 8) is amended to read:

17 "10-12C-8. AGE AND SERVICE CREDIT REQUIREMENTS FOR NORMAL  
18 RETIREMENT.--

19 A. For a magistrate who was a member on June 30,  
20 2013, the age and service credit requirements for retirement  
21 provided for in the Magistrate Retirement Act are:

22 (1) age [~~sixty-four~~] sixty-five years or older  
23 and five or more years of service credit;

24 (2) age sixty years or older and fifteen or  
25 more years of service credit; or

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1 (3) any age and twenty-four or more years of  
 2 service credit.

3 B. For a magistrate who initially became a member  
 4 on or after July 1, 2013, the age and service requirements for  
 5 normal retirement provided for in the Magistrate Retirement Act  
 6 are:

7 (1) age sixty-five years or older and eight or  
 8 more years of service credit;

9 (2) age sixty years and fifteen or more years  
 10 of service credit; and

11 (3) any age and twenty-four or more years of  
 12 service credit.

13 ~~[B.]~~ C. If a member leaves office for any reason,  
 14 other than removal pursuant to Article 6, Section 32 of the  
 15 constitution of New Mexico before meeting the age and service  
 16 credit requirements for retirement pursuant to the provisions  
 17 of this section and if that member leaves ~~[his]~~ the member  
 18 contributions on deposit in the fund, that member may apply for  
 19 retirement when that member meets the age and service credit  
 20 requirements for retirement pursuant to the provisions of the  
 21 Magistrate Retirement Act or provisions of the Public Employees  
 22 Retirement Reciprocity Act. ~~[if enacted by the second session~~  
 23 ~~of the fortieth legislature of the state of New Mexico.~~

24 ~~G.]~~ D. No member shall be eligible to receive a  
 25 pension pursuant to the provisions of the Magistrate Retirement

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1 Act while still in office."

2 SECTION 11. Section 10-12C-9 NMSA 1978 (being Laws 1992,  
3 Chapter 118, Section 9) is amended to read:

4 "10-12C-9. AMOUNT OF PENSION.--

5 A. For a magistrate who was a member on June 30,  
6 2013:

7 (1) for service credit earned on or before  
8 June 30, 2013, the amount of pension is equal to one-twelfth  
9 of:

10 seventy-five percent

11 of salary received (number of years of  
12 during last year in X .05 X service, not exceeding  
13 office prior to fifteen years, [+]  
14 retirement plus five years); and

15 (2) for service credit earned on and after  
16 July 1, 2013, the amount of pension is equal to one-twelfth of  
17 the salary received during the last year in office prior to  
18 retirement multiplied by the product of three and one-half  
19 percent times the sum of the number of years of service;  
20 provided that a pension calculated pursuant to this subsection  
21 shall not exceed eighty-five percent of one-twelfth of the  
22 salary received during the last year in office.

23 B. For a magistrate who initially became a member  
24 on or after July 1, 2013, the amount of pension is equal to  
25 one-sixtieth of the greatest aggregate amount of salary paid a

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1 member for sixty consecutive, but not necessarily continuous,  
 2 months of service credit multiplied by the product of three and  
 3 one-half percent times the sum of the number of years of  
 4 service; provided that a pension calculated pursuant to this  
 5 subsection shall not exceed eighty-five percent of one-sixtieth  
 6 of the greatest aggregate amount of salary paid a member for  
 7 sixty consecutive, but not necessarily continuous, months of  
 8 service credit."

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

11 "10-12C-10. MEMBER CONTRIBUTIONS--TAX TREATMENT.--

12 A. Members, while in office, shall contribute [~~the~~  
 13 ~~following amounts~~] ten and one-half percent of salary to the  
 14 member contribution fund

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

17 ~~(2) on and after July 1, 2006, seven and one-~~  
 18 ~~half percent of salary, except that for members whose annual~~  
 19 ~~salary is greater than twenty thousand dollars (\$20,000):~~

20 ~~(a) from July 1, 2009 through June 30,~~  
 21 ~~2011, the member contribution rate shall be nine percent of~~  
 22 ~~salary;~~

23 ~~(b) from July 1, 2011 through June 30,~~  
 24 ~~2012, the member contribution rate shall be ten and three-~~  
 25 ~~fourths percent of salary; and~~

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1 occurs upon authorization by the board. In no event may  
 2 implementation occur other than at the beginning of a pay  
 3 period applicable to the member."

4 SECTION 13. Section 10-12C-11 NMSA 1978 (being Laws 1992,  
 5 Chapter 118, Section 11, as amended) is amended to read:

6 "10-12C-11. EMPLOYER CONTRIBUTIONS.--~~[A.]~~ The state,  
 7 through the administrative office of the courts, shall  
 8 contribute ~~[the following amounts]:~~

9 A. from July 1, 2013 through June 30, 2014, twenty-  
 10 four and seventy-seven hundredths percent of salary for each  
 11 member in office to the fund

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

14 ~~(2) on and after July 1, 2006, eleven percent~~  
 15 ~~of salary for each member in office, except that for members~~  
 16 ~~whose annual salary is greater than twenty thousand dollars~~  
 17 ~~(\$20,000):~~

18 ~~(a) from July 1, 2009 through June 30,~~  
 19 ~~2011, the state contribution rate shall be nine and one-half~~  
 20 ~~percent of salary for each member in office;~~

21 ~~(b) from July 1, 2011 through June 30,~~  
 22 ~~2012, the state contribution rate shall be seven and three-~~  
 23 ~~fourths percent of salary for each member in office; and~~

24 ~~(c) from July 1, 2012 through June 30,~~  
 25 ~~2013, the state contribution rate shall be nine and one-half~~

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1 ~~percent of salary for each member in office.~~

2 ~~B. Twenty-five dollars (\$25.00) from each civil~~  
3 ~~case docket fee paid in magistrate court and ten dollars~~  
4 ~~(\$10.00) from each civil jury fee paid in magistrate court~~  
5 ~~shall be paid by the court clerk to the employer's accumulation~~  
6 ~~fund]; and~~

7 B. on and after July 1, 2014, twenty-eight and  
8 seventy-seven hundredths percent of salary for each member in  
9 office to the fund."

10 SECTION 14. Section 10-12C-14 NMSA 1978 (being Laws 1992,  
11 Chapter 118, Section 14) is amended to read:

12 "10-12C-14. COST-OF-LIVING ADJUSTMENT.-- [~~A yearly~~  
13 ~~cost-of-living adjustment shall be made to each pension]~~

14 A. A qualified pension recipient is eligible for a  
15 cost-of-living adjustment payable pursuant to the provisions of  
16 the Magistrate Retirement Act [as provided in the Public  
17 Employees Retirement Act] as follows:

18 (1) beginning July 1, 2013 and continuing  
19 through June 30, 2015, there shall not be a cost-of-living  
20 adjustment applied to a pension payable pursuant to the  
21 Magistrate Retirement Act; and

22 (2) beginning on May 1, 2015 and no later than  
23 each May 1 thereafter, the board shall certify to the  
24 association the actuarial funded ratio of the fund as of  
25 January 31 of the calendar year in which the board certifies

1 the funded ratio. On each July 1 following the board's  
2 certification of the funded ratio, the cost-of-living  
3 adjustment, if any, applied to a pension payable pursuant to  
4 the Magistrate Retirement Act shall be determined as follows:

5 (a) if the funded ratio of the fund, as  
6 certified by the board pursuant to this subsection, is greater  
7 than or equal to seventy percent, the amount of pension payable  
8 shall be increased two percent. The amount of the increase  
9 applied pursuant to this subparagraph shall be determined by  
10 multiplying the amount of the pension inclusive of all prior  
11 adjustments by two percent; and

12 (b) if the funded ratio of the fund, as  
13 certified by the board pursuant to this subsection, is less  
14 than seventy percent, the amount of pension payable shall not  
15 include a cost-of-living increase; provided, however, that if,  
16 pursuant to the provisions of this subparagraph, the cost-of-  
17 living adjustment is suspended for the two consecutive fiscal  
18 years immediately prior to the most recent certification by the  
19 board of the funded ratio: 1) the amount of pension payable in  
20 the fiscal year immediately following the two-year suspension  
21 shall be increased two percent regardless of the certified  
22 funded ratio; and 2) the provisions of this subparagraph shall  
23 apply without exception in the next succeeding fiscal year if  
24 the funded ratio certified by the board is less than seventy  
25 percent.

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1           B. Pursuant to the Magistrate Retirement Act, a  
2 qualified pension recipient is:

3                   (1) a normal retired member who:

4                           (a) retires on or before June 30, 2014  
5 and has been retired for at least two full calendar years from  
6 the effective date of the latest retirement prior to July 1 of  
7 the year in which the pension is being adjusted;

8                           (b) retires between July 1, 2014 and  
9 June 30, 2015 and has been retired for at least three full  
10 calendar years from the effective date of the latest retirement  
11 prior to July 1 of the year in which the pension is being  
12 adjusted;

13                           (c) retires between July 1, 2015 and  
14 June 30, 2016 and has been retired for at least four full  
15 calendar years from the effective date of the latest retirement  
16 prior to July 1 of the year in which the pension is being  
17 adjusted; or

18                           (d) retires after July 1, 2016 and has  
19 been retired for at least seven full calendar years from the  
20 effective date of the latest retirement prior to July 1 of the  
21 year in which the pension is being adjusted;

22                           (2) a normal retired member who is at least  
23 sixty-five years of age and has been retired for at least one  
24 full calendar year from the effective date of the latest  
25 retirement prior to July 1 of the year in which the pension is

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1 being adjusted;

2 (3) a disability retired member who has been  
3 retired for at least one full calendar year from the effective  
4 date of the latest retirement prior to July 1 of the year in  
5 which the pension is being adjusted;

6 (4) a survivor beneficiary who has received a  
7 survivor pension for at least two full calendar years; or

8 (5) a survivor beneficiary of a deceased  
9 retired member who otherwise would have been retired at least  
10 two full calendar years from the effective date of the latest  
11 retirement prior to July 1 of the year in which the pension is  
12 being adjusted.

13 C. A qualified pension recipient may decline an  
14 increase in a pension by giving the association written notice  
15 of the decision to decline the increase at least thirty days  
16 prior to the date the increase would take effect."

17 SECTION 15. Section 35-6-1 NMSA 1978 (being Laws 1968,  
18 Chapter 62, Section 92, as amended) is amended to read:

19 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF  
20 "CONVICTED".--

21 A. Magistrate judges, including metropolitan court  
22 judges, shall assess and collect and shall not waive, defer or  
23 suspend the following costs:

24 docket fee, criminal actions under Section 29-5-1 NMSA  
25 1978 . . . . . \$ 1.00;

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1 docket fee, to be collected prior to docketing any other  
2 criminal action, except as provided in Subsection B  
3 of Section 35-6-3 NMSA 1978 . . . . . 20.00.

4 Proceeds from this docket fee shall be transferred  
5 to the administrative office of the courts for  
6 deposit in the court facilities fund;

7 docket fee, twenty dollars (\$20.00) of which shall be  
8 deposited in the court automation fund [~~and~~],  
9 fifteen dollars (\$15.00) of which shall be deposited  
10 in the civil legal services fund and twenty-five  
11 dollars (\$25.00) of which shall be deposited in the  
12 general fund, to be collected prior to docketing any  
13 civil action, except as provided in Subsection A of  
14 Section 35-6-3 NMSA 1978 . . . . . 72.00;

15 jury fee, ten dollars (\$10.00) of which shall be deposited  
16 in the general fund, to be collected from the party  
17 demanding trial by jury in any civil action at the  
18 time the demand is filed or made . . . . . 25.00;

19 copying fee, for making and certifying copies of any  
20 records in the court, for each page copied by  
21 photographic process . . . . . 0.50.

22 Proceeds from this copying fee shall be transferred  
23 to the administrative office of the courts for  
24 deposit in the court facilities fund; and

25 copying fee, for computer-generated or electronically

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1 transferred copies, per page . . . . . 1.00.

2 Proceeds from this copying fee shall be transferred  
3 to the administrative office of the courts for  
4 deposit in the court automation fund.

5 Except as otherwise specifically provided by law, docket  
6 fees shall be paid into the court facilities fund.

7 B. Except as otherwise provided by law, no other  
8 costs or fees shall be charged or collected in the magistrate  
9 or metropolitan court.

10 C. The magistrate or metropolitan court may grant  
11 free process to any party in any civil proceeding or special  
12 statutory proceeding upon a proper showing of indigency. The  
13 magistrate or metropolitan court may deny free process if it  
14 finds that the complaint on its face does not state a cause of  
15 action.

16 D. As used in this subsection, "convicted" means the  
17 defendant has been found guilty of a criminal charge by the  
18 magistrate or metropolitan judge, either after trial, a plea of  
19 guilty or a plea of nolo contendere. Magistrate judges,  
20 including metropolitan court judges, shall assess and collect  
21 and shall not waive, defer or suspend the following costs:

22 (1) corrections fee, to be collected upon  
23 conviction from persons convicted of violating any provision of  
24 the Motor Vehicle Code involving the operation of a motor  
25 vehicle, convicted of a crime constituting a misdemeanor or a

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1 petty misdemeanor or convicted of violating any ordinance that  
2 may be enforced by the imposition of a term of imprisonment as  
3 follows:

4 in a county with a metropolitan court . . . . . \$10.00;

5 in a county without a metropolitan court . . . . . 20.00;

6 (2) court automation fee, to be collected upon  
7 conviction from persons convicted of violating any provision of  
8 the Motor Vehicle Code involving the operation of a motor  
9 vehicle, convicted of a crime constituting a misdemeanor or a  
10 petty misdemeanor or convicted of violating any ordinance that  
11 may be enforced by the imposition of a term of  
12 imprisonment . . . . . 10.00;

13 (3) traffic safety fee, to be collected upon  
14 conviction from persons convicted of violating any provision of  
15 the Motor Vehicle Code involving the operation of a motor  
16 vehicle . . . . . 3.00;

17 (4) judicial education fee, to be collected upon  
18 conviction from persons convicted of operating a motor vehicle  
19 in violation of the Motor Vehicle Code, convicted of a crime  
20 constituting a misdemeanor or a petty misdemeanor or convicted  
21 of violating any ordinance punishable by a term of  
22 imprisonment . . . . . 3.00;

23 (5) jury and witness fee, to be collected upon  
24 conviction from persons convicted of operating a motor vehicle  
25 in violation of the Motor Vehicle Code, convicted of a crime

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1 constituting a misdemeanor or a petty misdemeanor or convicted  
2 of violating any ordinance punishable by a term of  
3 imprisonment . . . . . 5.00;

4 (6) brain injury services fee, to be collected  
5 upon conviction from persons convicted of violating any  
6 provision of the Motor Vehicle Code involving the operation of  
7 a motor vehicle . . . . . 5.00;

8 and

9 (7) court facilities fee, to be collected upon  
10 conviction from persons convicted of violating any provision of  
11 the Motor Vehicle Code involving the operation of a motor  
12 vehicle, convicted of a crime constituting a misdemeanor or a  
13 petty misdemeanor or convicted of violating any ordinance that  
14 may be enforced by the imposition of a term of imprisonment as  
15 follows:

16 in a county with a metropolitan court . . . . . 24.00;

17 in any other county . . . . . 10.00.

18 E. Metropolitan court judges shall assess and collect  
19 and shall not waive, defer or suspend as costs a mediation fee  
20 not to exceed five dollars (\$5.00) for the docketing of small  
21 claims and criminal actions specified by metropolitan court  
22 rule. Proceeds of the mediation fee shall be deposited into  
23 the metropolitan court mediation fund."

24 SECTION 16. APPROPRIATION.--Two million six hundred  
25 sixty-seven thousand eighty-seven dollars (\$2,667,087) is

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1 appropriated from the general fund to the department of finance  
2 and administration for expenditure in fiscal year 2014 and  
3 subsequent fiscal years for distribution to the supreme court,  
4 court of appeals, district courts, Bernalillo county  
5 metropolitan court and administrative office of the courts to  
6 pay the increased employer contributions. Any unexpended or  
7 unencumbered balance remaining at the end of a fiscal year  
8 shall not revert to the general fund.

9 SECTION 17. APPROPRIATION.--

10 A. Fifteen million dollars (\$15,000,000) is  
11 appropriated from the general fund for expenditure in fiscal  
12 years 2014 through 2016 to improve the funded ratios of the  
13 judicial retirement fund and the magistrate retirement fund as  
14 follows:

15 (1) eleven million dollars (\$11,000,000) to the  
16 judicial retirement fund;

17 (2) four million dollars (\$4,000,000) to the  
18 magistrate retirement fund; and

19 (3) the total appropriation shall be divided and  
20 made in equal amounts in each of the three fiscal years. The  
21 fiscal year 2015 and fiscal year 2016 amounts are contingent  
22 upon funding by the legislature.

23 B. Any unexpended or unencumbered balance remaining  
24 at the end of fiscal year 2016 shall revert to the general  
25 fund.

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