

AN ACT

RELATING TO COURTS; AUTHORIZING AN EXCEPTION TO SUSPENSION OF RETIREMENT BENEFITS FOR MAGISTRATES; CREATING ADDITIONAL JUDGESHIPS IN THE BERNALILLO COUNTY METROPOLITAN COURT; CREATING ADDITIONAL JUDGESHIPS IN THE MAGISTRATE COURTS; AMENDING SECTIONS OF THE NMSA 1978; MAKING APPROPRIATIONS.

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-- 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.

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

Section 2. Section 34-8A-8 NMSA 1978 (being Laws 1979, Chapter 346, Section 8, as amended) is amended to read:

"34-8A-8. METROPOLITAN COURT--BERNALILLO DISTRICT.--

A. The name of the metropolitan court in the Bernalillo metropolitan district shall be the "Bernalillo county metropolitan court".

B. The metropolitan court is an agency of the judicial department of state government. Personnel of the metropolitan court are subject to all laws and regulations applicable to state officers and agencies and state officers and employees, except where otherwise specifically provided by law.

C. There shall be nineteen judges of the Bernalillo county metropolitan court. "

Section 3. Section 35-1-6 NMSA 1978 (being Laws 1968, Chapter 62, Section 8, as amended) is amended to read:

"35-1-6. MAGISTRATE COURT--CHAVES DISTRICT.--There shall be three magistrates in Chaves magistrate district, divisions 1, 2 and 3 operating as a single court in Roswell. "

Section 4. Section 35-1-10 NMSA 1978 (being Laws 1968, Chapter 62, Section 12, as amended) is amended to read:

"35-1-10. MAGISTRATE COURT--DONA ANA DISTRICT.--There shall be five magistrates in Dona Ana magistrate district, divisions 1, 2, 3 and 4 operating as a single court in Las Cruces and division 5 in Anthony. The division 1, 2, 3 and 4 magistrates shall rotate riding circuit to Hatch on a regularly scheduled basis. "

Section 5. Section 35-1-27 NMSA 1978 (being Laws 1968, Chapter 62, Section 29, as amended) is amended to read:

"35-1-27. MAGISTRATE COURT--SAN JUAN DISTRICT.--There shall be four magistrates in San Juan magistrate district, division 1 in Aztec and divisions 2, 3 and 4 operating as a single court in Farmington. The division 4 magistrate shall ride circuit to Aztec as needed. "

Section 6. Section 35-1-29 NMSA 1978 (being Laws 1968, Chapter 62, Section 31, as amended) is amended to read:

"35-1-29. MAGISTRATE COURT--SANTA FE DISTRICT.--There

shall be four magistrates in Santa Fe magistrate district, divisions 1, 2, 3 and 4 operating as a single court in Santa Fe. One magistrate shall ride circuit to Pojoaque on a regularly scheduled basis. "

Section 7. Section 35-1-30 NMSA 1978 (being Laws 1968, Chapter 62, Section 32) is amended to read:

"35-1-30. MAGISTRATE COURT--SIERRA DISTRICT.--There shall be two magistrates in Sierra magistrate district with a court in Truth or Consequences. "

Section 8. TEMPORARY PROVISION--BERNALILLO COUNTY METROPOLITAN COURT--ELECTION--DRUG COURT--TRAFFIC COURT.--

A. The additional judges provided for the Bernalillo county metropolitan court in this act shall be appointed by the governor pursuant to Article 6 of the constitution of New Mexico, and the term of office for those judges shall begin on January 1, 1999.

B. Two of the additional judges provided for the Bernalillo county metropolitan court in this act shall preside over the operation of drug courts.

C. Two of the additional judges provided for the Bernalillo county metropolitan court in this act shall preside over the operation of traffic courts.

Section 9. TEMPORARY PROVISION--MAGISTRATES--ELECTION.--The additional magistrate judges provided for in this act shall be appointed by the governor, and the term of

office for those magistrate judges shall begin on January 1, 1999.

Section 10. APPROPRIATIONS. --

A. The following amounts are appropriated from the general fund to the following entities for expenditure in fiscal year 1999 for the specified purposes:

(1) four hundred ninety-one thousand five hundred sixteen dollars (\$491,516) to the Bernalillo county metropolitan court for the purpose of paying salaries and benefits and providing furniture, equipment and supplies for four judges and support staff;

(2) forty-two thousand two hundred twenty-eight dollars (\$42,228) to the administrative office of the courts for the purpose of paying salaries and benefits and providing furniture, equipment and supplies for one magistrate judge in the Chaves magistrate district;

(3) eighty-four thousand four hundred fifty-six dollars (\$84,456) to the administrative office of the courts for the purpose of paying salaries and benefits and providing furniture, equipment and supplies for two magistrate judges in the Dona Ana magistrate district;

(4) forty-two thousand two hundred twenty-eight dollars (\$42,228) to the administrative office of the courts for the purpose of paying salaries and benefits and providing furniture, equipment and supplies for one

magistrate judge in the Sierra magistrate district;

(5) forty-two thousand two hundred twenty-eight dollars (\$42,228) to the administrative office of the courts for the purpose of paying salaries and benefits and providing furniture, equipment and supplies for one magistrate judge in the San Juan magistrate district; and

(6) forty-two thousand two hundred twenty-eight dollars (\$42,228) to the administrative office of the courts for the purpose of paying salaries and benefits and providing furniture, equipment and supplies for one magistrate judge in the Santa Fe magistrate district.

B. Any unexpended or unencumbered balance remaining at the end of fiscal year 1999 shall revert to the general fund.

Section 11. EFFECTIVE DATE. --The effective date of the provisions of this act is January 1, 1999. _____