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HOUSE BILL 197

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

INTRODUCED BY

R. DAVID PEDERSON

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

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

Section 2. APPROPRIATION. -- Sixty-six thousand four

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1 hundred dollars (\$66,400) is appropriated from the general
2 fund to the magistrate retirement fund for expenditure in
3 fiscal year 1999 and subsequent fiscal years to pay for the
4 increase in the amount of pension for magistrates. Any
5 unexpended or unencumbered balance remaining at the end of any
6 fiscal year shall not revert to the general fund.

7 Section 3. EFFECTIVE DATE. --The effective date of the
8 provisions of this act is July 1, 1998.

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 9, 1998

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8 Mr. Speaker:

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10 Your JUDICIARY COMMITTEE, to whom has been referred

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

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

21
22 2. On page 1, strike line 25 and on page 2, strike lines 1
23 through 6 and in lieu thereof insert the following sections:

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

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"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

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4 the member's annual salary for purposes of determining the amount
5 of the member's contribution. The provisions of this section are
6 mandatory, and the member shall have no option concerning the pick
7 up or to the receipt of the contributed amounts directly instead
8 of having the amounts paid by the employer to the retirement
9 system. Implementation occurs upon authorization by the board.
10 In no event may implementation occur other than at the beginning
11 of a pay period applicable to the member."

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

14 "10-12C-11. EMPLOYER CONTRIBUTIONS. --

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

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

25 3. Renumber the succeeding section accordingly.,

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4 and thence referred to the APPROPRIATIONS AND FINANCE
5 COMMITTEE.

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7 Respectfully submitted,

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11 _____
12 Thomas P. Foy, Chairman

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14 Adopted _____ Not Adopted _____
15 (Chief Clerk) (Chief Clerk)

16
17 Date _____

18 The roll call vote was 11 For 0 Against

19 Yes: 11

20 Excused: King, Sanchez

21 Absent: None

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