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FISCAL IMPACT REPORT

SPONSOR Cervantes ORIGINAL DATE 3/8/19
LAST UPDATED _____ HB _____
SHORT TITLE Designee on Appellate Judges Commission, CA SJR 19
ANALYST Torres

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

University of New Mexico (UNM)

SUMMARY

Synopsis of Joint Resolution

Senate Joint Resolution 19 proposes to amend Article 6, Section 35 of the Constitution of New Mexico to allow the option of a designee to serve on the appellate judges nominating commission in the place of the Dean of the University of New Mexico (UNM) School of Law. Because it is a constitutional amendment, the proposed change would be submitted to voters in the next general election.

FISCAL IMPLICATIONS

The amendment will have at most a minimal fiscal impact on the printing of the amendment on the proposed change in the next general election.

SIGNIFICANT ISSUES

The language in Article 6, Section 35 of the Constitution of New Mexico establishes that the Dean of the UNM School of Law is assigned the position of chairman over the appellate judge nominating committee. The chair, who assumes the responsibility of final arbiter over all functions of the committee, must also ensure that membership is represented according to the requirements laid forth in Article 6. Furthermore, Article 6, Section 36 and 37 build on the

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Dean's responsibilities by establishing that the provisions set in Section 35 also apply to the district court judges nominating committee and the metropolitan court judges nominating committee.

According to Article 6, Section 33 the regular retention schedule for each judge is as follows: every eighth year for appellate judges, every sixth year for district court judges and every fourth year for metro court judges. It is further required that each of the nominating committees convene and submit a recommendation by majority within 30 days of a judge's vacancy due to death, resignation or removal.

The Dean of UNM School of Law convened nine nominating committee meetings in relation to nine separate vacancies in the month of January 2019 alone. More vacancies are pending with meetings scheduled out through March of 2019.

According to the *Inventory of Statutory Executive Boards and Commissions* in 2018 by the Legislative Finance Committee, in addition to chairing the judicial nomination commissions, the Dean of the UNM School of Law must also serve on the Public Service Law Advisory Committee, the Public Defender Commission and the Sentencing Commission.

IT/sb