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FISCAL IMPACT REPORT

ORIGINAL DATE 2/16/2007

SPONSOR W. K. Martinez LAST UPDATED _____ HB 1141

SHORT TITLE Uniform Legislation Commission Members SB _____

ANALYST McOlash

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

House Bill 1141 amends Section 2-4-1 NMSA 1978 (being Laws 1967, Chapter 234, Section 1, as amended) to add as a member of the New Mexico Commission for the Promotion of Uniformity of Legislation in the United States anyone who has been designated as a Life Member by the National Conference of Commissioners on Uniform State Laws. The bill also amends the same section to allow members, except the two legislators and the Legislative Council Service Director, to be paid for expenses pursuant to the Per Diem and Mileage Act.

FISCAL IMPLICATIONS

NFI

SIGNIFICANT ISSUES

The National Conference of Commissioners on Uniform State Laws (NCCUSL), now 115 years old, provides states with non-partisan, well conceived and well-drafted legislation that brings clarity and stability to critical areas of the law. NCCUSL's work supports the federal system and facilitates the movement of individuals and the business of organizations with rules that are consistent from state to state (nccusl.org).

Uniform Law Commissioners must be lawyers, qualified to practice law. They are lawyer-legislators, attorneys in private practice, state and federal judges, law professors, and legislative

staff attorneys, who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas where uniformity is desirable and practical.

The NCCUSL has four categories of membership including:

SECTION 2.2 COMMISSIONERS. Commissioners are the Commissioners on Uniform State Laws appointed by authority of the several States of the United States of America, whose commissions authorize them to confer with Commissioners of other States. An individual holding such an appointment and commission from a State is a Commissioner even though also a Life Member. If in any State an appointing authority does not exist or fails to act, the President of the Conference may request the appointment of one or more Commissioners for that State by the president of the organization recognized as the organized bar of that State by the American Bar Association or, if there is more than one such organization, the integrated bar of that State. The term of a Commissioner appointed pursuant to the request may not exceed three years and is subject to earlier termination by the Executive Committee upon notice to the Commissioner and the appointing authority.

SECTION 2.3 ASSOCIATE MEMBERS. (a) The principal administrative officer of each state legislative reference bureau or other agency charged by law with the duty of drafting legislation at the request of the legislative or executive officers of the State, or an alternate named from within the bureau or agency by its principal administrative officer, is an Associate Member of the Conference. (b) An Associate Member has the privilege of the floor and is eligible to serve on and to chair any committee, including the Committee of the Whole, with right to vote in committee, but an Associate Member is not eligible to be an Officer or to participate in a vote by States or in other votes of the Conference.

SECTION 2.4 LIFE MEMBERS. (a) Upon recommendation of the Executive Committee and by the affirmative vote of two-thirds of the Commissioners present and voting at the session at which the recommendation is considered, the Conference may elect: (1) as a Life Member, an individual who has served the Conference as: (i) President of the Conference; (ii) a Commissioner for at least 20 years; or (iii) a Commissioner and as an Associate Member, Executive Director, Executive Secretary, or Legislative Director, for a combined period of at least 20 years; or (2) as a Life Member, an individual who has served the Conference as a Commissioner and who resigned to serve as Executive Director and who has served for a combined period of at least 15 years; or (3) as an Honorary Life Member, an individual who without having served the Conference as a Commissioner has served the Conference with distinction as Executive Director, Executive Secretary, or Legislative Director. (b) A Life Member may participate in all activities of the Conference and is eligible for any Office or committee as fully as a Commissioner, but is not eligible for election as President and may not participate in votes by States or in other votes of the Conference, except while serving as a Commissioner under Section 2.2 or while so authorized under the law of the appointing State. (c) An Honorary Life Member has the privilege of

the floor, and is eligible to serve as an advisory member of any Standing or Special Committee, but is not eligible to be an Officer or to vote. .

SECTION 2.9 ADVISORY MEMBERS. (a) The Executive Committee may appoint as advisory members of the Conference representatives from the American Bar Association, the American Law Institute, or governmental organization or agencies designated by the Executive Committee. The term of an advisory member may not exceed three years and is subject to earlier termination by the Executive Committee upon notice to the advisory member and the organization or agency represented. (b) An advisory member has the privilege of the floor at any annual or special meeting of the Conference during the term of the appointment and is eligible to serve as an advisory member of a Special Committee, but may not vote.

The NCCUSL recognizes the following Uniform Law Commissioners from New Mexico:

John P. Burton
Robert J. Desiderio
Thomas P. Foy, Sr.
Philip P. Larragoite
W. Ken Martinez
Cisco McSorley
Raymond G. Sanchez
Paula Tackett

Section 2-4 NMSA 1978 (being Laws 1967, Chapter 234, Section 1, as amended) created a New Mexico Commission for the Promotion of Uniformity of Legislation in the United States with designated membership of eight persons.

The Commission is charged with two general duties:

2-4-2. [Duties of commissioners.]

It shall be the duty of said commissioners to examine the subjects of marriage, divorce and other subjects of legislation concerning which uniform legislation throughout the United States is desirable; to confer with like commissioners from other states concerning such matters, and to use their best efforts in bringing about such uniformity of legislation on all subjects which they deem desirable.

2-4-3. [Report to legislature.]

Said commissioners shall report to the legislature from time to time, giving the result of their investigations, and making such recommendations with respect to the adoption of uniform legislation, as they may deem proper.