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FISCAL IMPACT REPORT

SPONSOR Martinez, K. **ORIGINAL DATE** 02/15/09
LAST UPDATED _____ **HB** 529
SHORT TITLE Judicial Standards Commission Members **SB** _____
ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Minimal See Below	Minimal See Below		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

Bernalillo County Metropolitan Court (BCMC)

SUMMARY

Synopsis of Bill

House Bill 529 amends NMSA 1978, § 34-10-1 to provide for a municipal judge to sit on the judicial standards commission and to provide for an additional public member, increasing the membership from eleven members to thirteen. Additionally, the proposed amendments in House Bill 529 provide the term commencement and expiration dates for the two new positions.

As proposed in House Bill 529, the judicial standards commission will be composed of the following members: 2 justices or judges, 1 magistrate judge, 1 municipal judge, 2 lawyers, and 7 citizens.

The amendment to the statute will become effective upon certification by the Secretary of State (SOS) that Article 6, Section 32 of the New Mexico Constitution has been amended as proposed in HJR12.

FISCAL IMPLICATIONS

The AOC states that there are no fiscal impacts anticipated for the judiciary. The new commission members will incur addition travel and per diem expenses, and the commission will incur additional administrative expenses.

SIGNIFICANT ISSUES

The Judicial Standards Commission is an independent commission created in 1968 by an amendment to the New Mexico Constitution. The commission investigates allegations of misconduct by judges, conducts hearings, and recommends sanctions to the state Supreme Court.

The membership of the commission is set forth in both the state constitution and Section 34-10-1, and currently includes eleven positions as follows:

- 6 public members, who are qualified voters and are not justices, judges, magistrates, or lawyers
- 2 lawyers
- 2 judges (including justices)
- 1 magistrate

HB 529 amends Section 34-10-1 to add two more positions to the commission, for a total of thirteen members, as follows:

- 1 municipal judge
- 1 qualified voter, who is not a justice, judge, magistrate, municipal judge, or lawyer

The bill also clarifies that the public member may not be a municipal judge.

HB 529 includes a new section stating that the effective date of this provision coincides with certification by the SOS that the constitution has been amended to provide for the expansion of the commission, as described above.

ADMINISTRATIVE IMPLICATIONS

The SOS should be able to handle the enforcement of the provisions in this bill as part of ongoing responsibilities.

COMPANIONSHIP

HJR 12 is related to House Bill 529 by proposing to amend Article VI, Sec. 32 of the New Mexico Constitution to change the number of commissioners from eleven to thirteen, adding an additional citizen member, and adding the position of municipal judge to the commission composition. Additionally, HJR 12 provides that the proposed Constitutional amendment contained therein “shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose”.

DW/svb