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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/10/11

SPONSOR Martinez, W.K. LAST UPDATED \_\_\_\_\_ HJR 18

SHORT TITLE Members on Judicial Standards Commission, CA SB \_\_\_\_\_

ANALYST Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	Agencies	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$104.0		SOS	Nonrecurring	General Fund
		\$0.5-\$1.0	\$0.5-\$1.0	JSC	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Response Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Bill

House Joint Resolution 18 adds two members to the Judicial Standards Commission (JSC).

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

The membership of the JSC 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 or justices
- 1 magistrate

## **House Joint Resolution 18 – Page 2**

HJR 18 proposes to amend the constitution to add two more positions to the JSC for a total of thirteen members as follows:

- 1 municipal judge
- 1 additional public member, who is a qualified voter and is not a justice, judge, magistrate, or lawyer

### **FISCAL IMPLICATIONS**

According to the AOC, the new JSC members could incur additional travel and per diem expenses, and the JSC could incur additional administrative expenses.

According to the SOS in 2010, the Constitutional Amendments placed on the ballot are very costly. The previous 2008 General Election had 5 Constitutional Amendments that cost the State of New Mexico over \$520,000. Each amendment cost approximately \$104,000. These amendments have to be published in English and Spanish in a major recognized newspaper in every county statewide.

### **SIGNIFICANT ISSUES**

The JSC is a constitutional body; therefore the state constitution must be amended in order to implement changes to the composition of the JSC.

According to the AGO in 2009, the content of HJR 18 does not raise any significant constitutional or legal concerns other than to propose amendment to the New Mexico Constitution to change the composition of the JSC. In 1967, upon creation of Article VI, Sec.32 the JSC was comprised of nine members: 2 justices or judges, 2 lawyers, and 5 citizens. In 1998 the composition of the JSC was amended to increase the number of members to eleven commissioners: 2 justices or judges, 1 magistrate judge, 2 lawyers, and 6 citizens. The proposed amendment in House Joint Resolution 18 would create the following composition of thirteen members: 2 justices or judges, 1 magistrate judge, 1 municipal judge, 2 lawyers, and 7 citizens.

### **ADMINISTRATIVE IMPLICATIONS**

Agencies affected by this bill can handle the provisions of this resolution with existing staff as part of ongoing responsibilities.

DW/bym