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## FISCAL IMPACT REPORT

**SPONSOR** Maestas **ORIGINAL DATE** 02/01/12 **LAST UPDATED** 02/15/12 **HB** HJR 26/aSJC  
**SHORT TITLE** Independent Public Defender Dept., CA **SB** \_\_\_\_\_  
**ANALYST** Chabot

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

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$104.0		\$104.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to House Joint Resolution 27 changes the qualifications of the chief public defender and the members of the public defender commission to those provided by law.

#### Synopsis of Original Bill

House Joint Resolution 26 proposes amending Article 6 of the New Mexico Constitution to establish the public defender department as an independent state agency. The chief public defender will be appointed for six years by the public defender commission which will also appoint the chief public defender whenever the position becomes vacant. The commission shall not interfere with the discretion or profession judgment or advocacy of the department. The commission will consist of eleven members: two appointed by the governor, two by the Chief Justice of the Supreme Court, three by the dean of the University of New Mexico Law School, two by the president of the state bar, one by the Speaker of the House of Representatives, and one by the President pro tempore of the Senate.

The joint resolution requires the amendment to be placed on the ballot during the next general election or any special election called prior to that election.

**FISCAL IMPLICATIONS**

The SOS reports that in accordance with Section 1-16-4 NMSA 1978, upon receipt of the certified proposed constitutional amendment or other question from the Secretary of State, the county clerk shall include it in the proclamation to be issued and shall publish the full text of each proposed constitutional amendment or other question in accordance with the constitution of New Mexico.

Although the county clerk includes the proposed amendments in the clerk's proclamation, it is the responsibility of the State to pay for the costs associated with the publication per Section 1-16-13 NMSA 1978, including printing samples of the text of each constitutional amendment in both Spanish and English in an amount equal to ten percent of the registered voters of the state. There are currently 1.7 million registered voters in the state. Voters whose election mail is returned as undeliverable will be sent the proper notice under federal law in 2012, and if they do not vote in the next two federal elections, may be purged in 2015. Under these timelines, the voter roll is expected to increase until the purge in 2015.

The SOS reports that in 2010, the publication cost was \$520,000 for 5 constitutional amendments, or approximately \$104,000 per amendment. Although the SOS is continually seeking ways to reduce publication costs, it believes the 2010 figure is a reasonable projection for 2012 costs, given the increasing number of voter registrations.

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