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FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/13
 LAST UPDATED 03/13/13 HB 358/aSRC

SPONSOR Cook

SHORT TITLE Add Judicial Standards Commission Members SB

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$4.5	\$6.0	\$6.0	\$16.5	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Judicial Standards Commission (JSC)

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee amendment to House Bill 358 provides that of the seven appointments to the Judicial Standards Commission made by the Governor, no more than three of them may be of the same political party. The original bill provided that no more than four of the seven could be of the same political party.

Synopsis of Original Bill

The Judicial Standards Commission (JSC) 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

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- 2 judges (including justices)
- 1 magistrate

House Bill 358 (HB 358) 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

HB 358 also clarifies that the public member positions may not be a justice, judge, or municipal judge.

FISCAL IMPLICATIONS

The addition of 2 commission members will require the purchase of additional furniture for the meeting facility as well as additional funding for mileage and per diem. The total estimated cost will be \$6 thousand per year.

According to the JSC, enactment of HB 358 without funding the costs of the measure will greatly impact the Commission's ability to perform its primary functions of investigating and conducting trials of judicial misconduct and ethical violations.

SIGNIFICANT ISSUES

HJR 18 passed the 2011 Regular Session and the measure to add these two additional commissioners was placed on the ballot in the 2012 General Election as Constitutional Amendment 1. The measure was approved by the voters. HB 358 constitutes the enabling legislation to create the positions and define those positions initial terms of office.

NCJ/svb