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SENATE BILL 713

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO JUDICIAL NOMINATING PROCEDURE; SETTING TERMS FOR  
CERTAIN MEMBERS OF JUDICIAL NOMINATING COMMISSIONS OR  
COMMITTEES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"Judicial Nominating Commissioner's Term Act".

Section 2. DEFINITIONS.--As used in the Judicial  
Nominating Commissioner's Term Act:

A. "appointed member" means a person appointed to  
the commission or a committee by an appointing authority;

B. "appointing authority" means the governor, the  
speaker of the house of representatives, the president pro  
tempore of the senate or the president of the state bar and  
the judges on the commission or committee who are required by

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1 the constitution of New Mexico to appoint members to the  
2 commission or a committee;

3 C. "commission" means the appellate judges  
4 nominating commission;

5 D. "committee" means the district court judges  
6 nominating committee or the metropolitan court judges  
7 nominating committee; and

8 E. "judge" means a justice of the supreme court,  
9 a judge of the court of appeals or a district court or a  
10 metropolitan court judge.

11 Section 3. APPELLATE JUDGES NOMINATING COMMISSION--  
12 MEMBERS-- TERM LENGTH AND LIMITATIONS-- APPOINTMENT. --

13 A. Terms of the appointed members of the  
14 commission shall be:

15 (1) for a period of six years from the date  
16 of appointment; and

17 (2) staggered.

18 B. An appointed member of the commission shall be  
19 appointed to serve for one term only or a total of six years.

20 C. Appointed judicial members of the commission  
21 shall serve no more than two six-year terms or until the judge  
22 vacates his judicial position, whichever is shorter.

23 D. Following the effective date of the Judicial  
24 Nominating Commissioner's Term Act, terms of appointed members  
25 shall be staggered by lot drawn by the appointing authorities

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1 prior to making the initial appointments so that the terms of  
2 no more than four appointed members end in the same year.

3 E. No person who has served six years or more on  
4 the commission prior to the effective date of the Judicial  
5 Nominating Commissioner's Term Act may be appointed to a term  
6 on the commission following the effective date of that act. A  
7 person who has served fewer than six years on the appellate  
8 judges nominating commission may be appointed to serve a four-  
9 or two-year term or to complete a vacated position, but in no  
10 case may serve more than six years total.

11 F. Upon appointment of a member to the commission,  
12 the appointing authority shall submit to the chairman of the  
13 commission the name of the person appointed.

14 Section 4. DISTRICT COURT JUDGES COMMITTEE AND  
15 METROPOLITAN COURT JUDGES COMMITTEE-- MEMBERS-- TERM LENGTH AND  
16 LIMITATIONS-- APPOINTMENT. --

17 A. Terms of the appointed members of a committee  
18 shall be:

- 19 (1) for a period of six years from the date
- 20 of appointment; and
- 21 (2) staggered.

22 B. An appointed member of the committee shall be  
23 appointed to serve for only one term or a total of six years.

24 C. Appointed judicial members of a committee shall  
25 serve no more than two six-year terms or until the judge

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1 vacates his judicial position, whichever is shorter.

2 D. Following the effective date of the Judicial  
3 Nominating Commissioner's Term Act, terms of appointed members  
4 shall be staggered by lot drawn by the appointing authorities  
5 prior to making the initial appointments so that the terms of  
6 no more than four appointed members end in the same year.

7 E. No person who has served six years or more on  
8 the committee prior to the effective date of the Judicial  
9 Nominating Commissioner's Term Act may be appointed to a term  
10 on the committee following the effective date of that act. A  
11 person who has served fewer than six years on either the  
12 district court judges nominating committee or the metropolitan  
13 court judges nominating committee may be appointed to serve a  
14 four- or two-year term or to complete a vacated position, but  
15 in no case may serve more than six years total.

16 F. Upon appointment of a member to a committee,  
17 the appointing authority shall submit to the chairman of the  
18 committee the name of the person appointed.

19 Section 5. COMMISSION AND COMMITTEES-- GENERAL  
20 PROVISIONS-- ATTENDANCE-- REMOVAL. --

21 A. The chairman of the commission or a committee  
22 may recommend to the members of that commission removal of a  
23 member who fails to attend a substantial number of meetings of  
24 the commission.

25 B. A person who holds a federal or state elected

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1 office or is employed by a governmental entity shall not be  
2 appointed to the commission or a committee.

3 C. No member of the commission or a committee is  
4 eligible for consideration as a nominee for a position as  
5 judge for six years after leaving the commission or a  
6 committee.

7 D. Every effort shall be made by the appointing  
8 authorities to ensure that commission and committee  
9 appointments substantially reflect the gender and cultural  
10 diversity of the jurisdiction from which the appointment is  
11 being made.

12 E. An appointee to the commission or a committee  
13 shall be required to attend training provided by the New  
14 Mexico judicial education center or other agency as determined  
15 by the chief justice of the supreme court to familiarize the  
16 new members of the commission or committee with the duties,  
17 responsibilities, rules and procedures of the commission or  
18 committee of which the appointee is a member.

19 F. Members of the commission or a committee not  
20 employed by a state agency shall be reimbursed pursuant to the  
21 provisions of the Per Diem and Mileage Act by the  
22 administrative office of the courts pursuant to a voucher  
23 submitted by the chairman of the commission or committee on  
24 which the member serves.

25 G. Upon appointment of a member to the commission

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1 or a committee, the chairman of the commission or committee  
2 shall have published in a newspaper of general circulation in  
3 the state and in a publication of general circulation among  
4 state bar members the name and term of the new appointment.  
5 The state bar shall publish the names and terms of members of  
6 the commission and the committees annually.

7 Section 6. COMMISSION AND COMMITTEES--DECLARATION OF  
8 CANDIDACY FOR MEMBER POSITIONS--QUALIFICATIONS.--

9 A. A person who wishes to be considered for a  
10 position on the commission or a committee may submit his  
11 resume and a cover letter describing the qualifications for  
12 service on the commission or committee to one or more  
13 appointing authorities for consideration for the next  
14 available position on the commission or committee for which  
15 the person wishes to be considered.

16 B. To be considered as a candidate for a position  
17 on the commission or a committee, a person shall be a  
18 registered voter in the district in which the appointment  
19 would be made, shall have no felony convictions and shall have  
20 been a resident of the state for the three consecutive years  
21 immediately prior to consideration.

22 C. To be considered as a candidate for an attorney  
23 commission or committee position a person shall be licensed to  
24 practice law in the state.

25 Section 7. EMERGENCY.--It is necessary for the public

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1 peace, health and safety that this act take effect  
2 immediately.

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