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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/10

SPONSOR Martinez, K. LAST UPDATED \_\_\_\_\_ HJR 10

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

ANALYST Wilson

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

	Agency	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	JSC	\$5.0-\$10.0	\$2.0-\$3.0	\$7.0-\$13.0	Recurring	General Fund
	SOS	\$104.0			Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Department of Finance & Administration (DFA)  
 Judicial Standards Commission (JSC)

### SUMMARY

#### Synopsis of Bill

House Joint Resolution 10 amends Article 6, Section 32 of the Constitution of New Mexico to provide for one municipal judge and an additional public citizen to serve on the JSC.

The amendment proposed shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to the date that may be called for that purpose.

### FISCAL IMPLICATIONS

The SOS notes placing a Constitutional Amendments on the ballot is very costly. The previous 2008 General Election had 5 Constitutional Amendments that cost the State of New Mexico over

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\$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.

The cost per amendment may be lower if there are other amendments and there may be an economy of scale.

The new JSC members will incur additional travel and per diem expenses, and the JSC will incur additional administrative expenses.

### **SIGNIFICANT ISSUES**

The JSC is a constitutional body; therefore the state constitution must be amended in order to implement the composition of the 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 (including justices)
- 1 magistrate

### **ADMINISTRATIVE IMPLICATIONS**

The JSC can handle the provisions of this resolution as part of ongoing responsibilities

### **RELATIONSHIP**

The SJC notes HJR 12 was introduced in the 2009 regular session to amend Article 6, Section 32 of the New Mexico Constitution to change the number of JSC members from eleven to thirteen by adding a public member and a municipal judge. However, HJR 12 failed to pass the forty-ninth legislature, first session.

### **TECHNICAL ISSUES**

The AOC suggests changing the word “chairman” for “chair” and altering references to judicial members to state “the justice’s, judge’s or magistrate’s” duties and salary, as opposed to “his” duties and salary.

DW/svb