

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/10

SPONSOR Adair LAST UPDATED _____ HB _____

SHORT TITLE Bipartisan Redistricting Commission SJR 13

ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$100.0 - \$500.0*		\$100.0 - \$500.0*	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications below for estimated amounts

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General (AGO)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 13 proposes to amend Article 4, Section 3 of the New Mexico Constitution by adding clarifying language only. Senate Joint Resolution 13 proposes to amend Article 20 of the New Mexico Constitution by adding a new section establishing a bipartisan redistricting commission to determine congressional and state legislative boundaries following each federal decennial census or as otherwise required.

FISCAL IMPLICATIONS

The AGO notes that establishing a new eight-member commission in the current economic environment raises fiscal concerns. Pursuant to Section 2(K) the new commission would have unlimited authority to hire staff, consultants and legal counsel, adding substantial cost to a legislative budget facing serious shortfalls.

The AOC states there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

According to the AGO, Senate Joint Resolution 13 raises a significant legal issue in Section 2(K) with the wording that states, “The Commission shall have sole authority to determine whether the New Mexico attorney general or counsel hired or selected by the independent redistricting commission shall represent the state in the legal defense of a redistricting plan.” This language is in direct conflict with the statutory language creating the duties of the attorney general in NMSA 1978, Section 8-5-2 (B). This provision gives the attorney general authority to prosecute or defend all actions and proceedings in any court or tribunal in which the state may be a party. This sole litigation authority in the attorney general dovetails with the further authority of the attorney general in Section 8-5-2 (A) that states the attorney general must represent the state in all appeals. To avoid this conflict, the wording of Senate Joint Resolution 13 creating the new commission, could retain language giving it authority to hire legal counsel to assist it in its duties, but delete the wording giving the legal counsel sole authority to pursue litigation.

The AOC notes that there appears to be conflicting deadlines in the text of Senate Joint Resolution 13. Section 2.A. of the resolution calls for the establishment of the Commission by February 28 of the year following each federal decennial census and Section 2.D. calls for the selection of the co-chairs by February 15th of the same year.

GH/mew