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FISCAL IMPACT REPORT

ORIGINAL DATE 02/15/11

SPONSOR Martinez, K. LAST UPDATED _____ HB 285

SHORT TITLE Add Members to Judicial Standards Commission SB _____

ANALYST Sanchez, C.

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$5.0	\$5.0	\$10.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

The Judicial Standards Commission 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
- 2 judges (including justices)
- 1 magistrate

House Bill 285 – Page 2

HB 285 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

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

HB 285 includes a new section stating that the effective date of this provision coincides with certification by the secretary of state that the constitution has been amended to provide for the expansion of the commission, as described above.

FISCAL IMPLICATIONS

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

SIGNIFICANT ISSUES

The Judicial Standards Commission is a constitutional body therefore, the constitution must be amended in order to implement changes to the composition of the Commission. HB 285 is a companion to HJR 18, which proposes to amend Article 6, Section 32 of the Constitution in accordance with the changes set forth in HB 285.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/svb