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FISCAL IMPACT REPORT

SPONSOR: Sanchez, M. DATE TYPED: 03/03/01 HB _____
 SHORT TITLE: Designation of Judicial Districts SB SJR 21
 ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Attorney General (AG)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 21 proposes an amendment to Article 6 of the Constitution of the State of New Mexico in order to repeal Section 25 regarding judicial districts. This section states:

Sec. 25. [Judicial districts designated; new counties to be allocated to districts.]

“The state shall be divided into eight judicial districts, as follows:

- First District. The counties of Santa Fe, Rio Arriba and San Juan.
- Second District. The counties of Bernalillo, McKinley and Sandoval.
- Third District. The counties of Dona Ana, Otero, Lincoln and Torrance.
- Fourth District. The counties of San Miguel, Mora and Guadalupe.
- Fifth District. The counties of Eddy, Chaves, Roosevelt and Curry.
- Sixth District. The counties of Grant and Luna.
- Seventh District. The counties of Socorro, Valencia and Sierra.
- Eighth District. The counties of Taos, Colfax, Union and Quay.

In case of the creation of new counties the legislature shall have power to attach them to any contiguous district for judicial purposes.”

The amendment proposed by SJR21 will be submitted to the people for their approval or rejection, as required, at the next general election or at any special election.

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Significant Issues

SJR21 is, in essence, a “clean up” bill; it attempts to address certain inconsistencies in Article 6 of the Constitution. The main conflict is with Sections 6 and 16 of Article 6 which state:

Sec. 12. [Judicial districts; district judges.]

“The state shall be divided into judicial districts as may be provided by law. One or more judges shall be chosen for each district as provided in this constitution. (As amended November 8, 1988.)”

Sec. 16. [District court; additional judges; redistricting.]

“The legislature may increase the number of district judges in any judicial district, and they shall be elected or appointed as other district judges for that district. At any session after the publication of the census of the United States in the year nineteen hundred and twenty, the legislature may rearrange the districts of the state, increase the number thereof, and make provision for a district judge for any additional district. (As amended November 8, 1988.)”

There are currently thirteen judicial districts in the State of New Mexico (see Sections 34-6-1, 34-6-4 to 34-6-16 NMSA 1978). By repealing Article 6, Section 25 as proposed in SJR21, the conflict in the Constitution is removed.

FISCAL IMPLICATIONS

There are no perceived fiscal implications.

ADMINISTRATIVE IMPLICATIONS

Removing constitutional conflicts and inconsistencies will assist lawmakers in any future redistricting process, thereby allowing for judicial districts to be restructured as needed without constitutional debates or controversy concerning what is permissible. By repealing Section 25 which defines each district by specific counties, the precedent will be Section 12 whereby “the state shall be divided into judicial districts as may be provided by law.” This allows for broader interpretation and formulation of districts.

RELATIONSHIP

SJR6 proposes that justices and judges be elected by the public, not appointed by the governor.

CMH/ar