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FISCAL IMPACT REPORT

SPONSOR	<u>Rainaldi</u>	ORIGINAL DATE	<u>1/23/08</u>	HB	<u></u>
		LAST UPDATED	<u></u>	SB	<u>239</u>
SHORT TITLE	<u>Election of Supreme Court Chief Justice</u>			ANALYST	<u>C. Sanchez</u>

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Supreme Court (SC)

SUMMARY

Synopsis of Bill

SB 239 changes the date upon which the five justices of the Supreme Court elect a chief justice. Currently, Section 34-2-1 requires this election to occur once every two years, in early January of odd-numbered years. Under the current statute, the next chief justice election will be in January 2009. The only impact of this bill will be to change the time of the election to early April of every even-numbered year. The first effective application of SB 239 would be in April 2010.

FISCAL IMPLICATIONS

This bill has no fiscal impact; it simply changes the date on which the chief justice election occurs.

SIGNIFICANT ISSUES

SB 239 presents no significant issues. According to the AOC, changing the date of the chief justice election will have a beneficial impact on the operation of the Supreme Court. Electing the chief justice in April of even-numbered years, just after the end of a 30-day legislative session, will allow the newly elected chief justice to be involved in the preparation of the next budget and legislative initiatives from the beginning of the legislative cycle. At present, with the chief justice election occurring in January of odd-numbered years, the newly elected chief justice must immediately prepare to address the entire legislature regarding the state of the judiciary, as well as assuming immediate responsibility for the judiciary's legislative initiatives. These include a complicated budget with priorities determined beginning the preceding April, although that process involved the former chief justice. Moving the chief justice election to April

following the conclusion of a 30-day legislative session allows the chief justice to better serve the needs of the judiciary.

PERFORMANCE IMPLICATIONS

Electing the chief justice in April of each year following a 30-day legislative session could benefit the efficient and effective operation of the New Mexico Supreme Court.

ADMINISTRATIVE IMPLICATIONS

A foreshortened term may occur for the chief justice to be elected in January 2009, since SB 239 will change the term of that chief justice so that a new chief justice is elected in April 2010 instead of January 2011.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The election of the chief justice will continue to occur in January of odd-numbered years, at the start of a 60-day legislative session.

CS/jp