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FISCAL IMPACT REPORT

ORIGINAL DATE 1-30-09

SPONSOR Lovejoy LAST UPDATED _____ HB _____

SHORT TITLE Legislative Vacancies and County Commissions SB 254

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 254 amends NMSA Section 2-8D-4 of the 2002 Senate Redistricting Act (2-8D-1 et seq.) relating to vacancies occurring in the office of state senator to provide that if a vacancy occurs in a senate district situated within two or more counties, and a board of county commissioners submits the name of a member of that board to the Governor for consideration for appointment to fill that vacancy, that board of county commissioners must also submit at least one additional name of a person who is not a member of that board.

The bill also amends NMSA Section 2-7C-5 of the 1991 House Redistricting Act (2-7C-1 et seq.) to impose the same requirement on a board of county commissioners submitting names to the Governor for consideration for appointment to fill a vacancy in the office of state representative, if the representative district is situated within an area composed of two or more counties.

SIGNIFICANT ISSUES

The Attorney General's Office explains that current law requires that each board of county commissioners for each county within a senate or representative district which is situated within two or more counties submit names to the Governor for appointment if a vacancy occurs in one

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of those offices. The Governor must appoint a person to fill the vacancy from the list provided. This bill would give the Governor a greater choice in filling the vacancy, if the board of county commissioners chooses to submit the name of one of their members for consideration.

The bill would have no impact on vacancies occurring in senate or representative districts wholly within the exterior boundaries of only one county. In those situations the vacancy is filled by appointment of the board, which is not prohibited from appointing one of its own members.

EO/mt