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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/28/2020

SPONSOR Candelaria LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Designee on Appellate Judges Commission, CA SJR 2

ANALYST Rabin

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	\$125,000 - \$150,000	NFI	\$125,000 - \$150,000	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of Joint Resolution

Senate Joint Resolution 2 proposes to amend Article 6, Section 35 of the Constitution of New Mexico to allow the option of a designee to serve on the appellate judges nominating commission in the place of the Dean of the University of New Mexico (UNM) School of Law. Because it is a constitutional amendment, the proposed change would be submitted to voters in the next general election.

### FISCAL IMPLICATIONS

Under Section 1-16-4 NMSA 1978, the Secretary of State (SOS) is required to print the full text of each proposed constitutional amendment, in both Spanish and English, in an amount equal to ten percent of the registered voters in the state. SOS is also constitutionally required to publish the full text of each proposed constitutional amendment once a week for four weeks preceding the election in newspapers in every county in the state. The estimated cost per constitutional amendment is \$125 thousand - \$150 thousand, depending upon the number and length of the constitutional amendments, number of registered voters, and whether additional ballot printing systems are needed.

**SIGNIFICANT ISSUES**

The language in Article 6, Section 35 of the Constitution of New Mexico establishes that the Dean of the UNM School of Law is assigned the position of chairman over the appellate judge nominating committee. The chair, who assumes the responsibility of final arbiter over all functions of the committee, must also ensure that membership is represented according to the requirements laid forth in Article 6. Furthermore, Article 6, Section 36 and 37 build on the Dean's responsibilities by establishing that the provisions set in Section 35 also apply to the district court judges nominating committee and the metropolitan court judges nominating committee.

According to Article 6, Section 33 the regular retention schedule for each judge is as follows: every eighth year for appellate judges, every sixth year for district court judges and every fourth year for metro court judges. It is further required that each of the nominating committees convene and submit a recommendation by majority within 30 days of a judge's vacancy due to death, resignation or removal.

The Dean of the UNM School of Law convened nine nominating committee meetings in relation to nine separate vacancies in the month of January 2019 alone. From October 2019 through January 2020, 17 nominating committee meetings were convened.

According to the *Inventory of Statutory Executive Boards and Commissions* published by the Legislative Council Service in 2018, in addition to chairing the judicial nomination commissions, the Dean of the UNM School of Law must also serve on the Public Service Law Advisory Committee, the Public Defender Commission, and the Sentencing Commission.

ER/sb