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SENATE BILL 136

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Cisco McSorley

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO JUDICIAL NOMINATING PROCEDURE; SETTING TERMS FOR CERTAIN MEMBERS OF JUDICIAL NOMINATING COMMISSIONS OR COMMITTEES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "Judicial Nominating Commissioner's Term Act".

Section 2. DEFINITIONS.--As used in the Judicial Nominating Commissioner's Term Act:

A. "appointed member" means a person appointed to the commission or a committee by an appointing authority;

B. "appointing authority" means the governor, the speaker of the house of representatives, the president pro tempore of the senate or the president of the state bar and the judges on the commission or committee who are required by

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1 the constitution of New Mexico to appoint members to the
2 commission or a committee;

3 C. "commission" means the appellate judges
4 nominating commission;

5 D. "committee" means the district court judges
6 nominating committee or the metropolitan court judges
7 nominating committee; and

8 E. "judge" means a justice of the supreme court,
9 a judge of the court of appeals or a district court or a
10 metropolitan court judge.

11 Section 3. APPELLATE JUDGES NOMINATING COMMISSION--
12 MEMBERS--TERM LENGTH AND LIMITATIONS--APPOINTMENT.--

13 A. Terms of the appointed members of the
14 commission shall be:

15 (1) for a period of six years from the date
16 of appointment; and

17 (2) staggered.

18 B. An appointed member of the commission shall be
19 appointed to serve for one term only or a total of six years.

20 C. An appointed member of the commission who is
21 judge shall serve no more than two six-year terms or until he
22 vacates his judicial position, whichever is shorter.

23 D. Following the effective date of the Judicial
24 Nominating Commissioner's Term Act, terms of appointed members
25 shall be staggered by lot drawn by the appointing authorities

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1 prior to making the initial appointments so that the terms of
2 no more than four appointed members end in the same year.

3 E. No person who has served six years or more on
4 the commission prior to the effective date of the Judicial
5 Nominating Commissioner's Term Act may be appointed to a term
6 on the commission following the effective date of that act. A
7 person who has served fewer than six years on the commission
8 may be appointed to serve a four- or two-year term or to
9 complete a vacated position, but in no case may serve more
10 than six years total.

11 F. Upon appointment of a member to the commission,
12 the appointing authority shall submit to the chairman of the
13 commission the name of the person appointed.

14 Section 4. DISTRICT COURT JUDGES COMMITTEE AND
15 METROPOLITAN COURT JUDGES COMMITTEE-- MEMBERS-- TERM LENGTH AND
16 LIMITATIONS-- APPOINTMENT. --

17 A. Terms of the appointed members of a committee
18 shall be:

- 19 (1) for a period of six years from the date
- 20 of appointment; and
- 21 (2) staggered.

22 B. An appointed member of a committee shall be
23 appointed to serve for only one term or a total of six years.

24 C. Appointed judicial members of a committee shall
25 serve no more than two six-year terms or until the judge

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1 vacates his judicial position, whichever is shorter.

2 D. Following the effective date of the Judicial
3 Nominating Commissioner's Term Act, terms of appointed members
4 shall be staggered by lot drawn by the appointing authorities
5 prior to making the initial appointments so that the terms of
6 no more than four appointed members end in the same year.

7 E. No person who has served six years or more on a
8 committee prior to the effective date of the Judicial
9 Nominating Commissioner's Term Act may be appointed to a term
10 on the committee following the effective date of that act. A
11 person who has served fewer than six years on either the
12 district court judges nominating committee or the metropolitan
13 court judges nominating committee may be appointed to serve a
14 four- or two-year term or to complete a vacated position, but
15 in no case may serve more than six years total.

16 F. Upon appointment of a member to a committee,
17 the appointing authority shall submit to the chairman of the
18 committee the name of the person appointed.

19 Section 5. COMMISSION AND COMMITTEES-- GENERAL
20 PROVISIONS-- ATTENDANCE-- REMOVAL. --

21 A. The chairman of the commission or a committee
22 may recommend to the members of that commission removal of a
23 member who fails to attend a substantial number of meetings of
24 the commission.

25 B. A person who holds a federal or state elected

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1 office or is employed by a governmental entity shall not be
2 appointed to the commission or a committee.

3 C. No member of the commission or a committee is
4 eligible for consideration as a nominee for a position as
5 judge for six years after leaving the commission or a
6 committee.

7 D. Every effort shall be made by the appointing
8 authorities to ensure that commission and committee
9 appointments substantially reflect the gender and cultural
10 diversity of the jurisdiction from which the appointment is
11 being made.

12 E. An appointee to the commission or a committee
13 shall be required to attend training provided by the New
14 Mexico judicial education center or other agency as determined
15 by the chief justice of the supreme court to familiarize the
16 new members of the commission or committee with the duties,
17 responsibilities, rules and procedures of the commission or
18 committee of which the appointee is a member.

19 F. Members of the commission or a committee not
20 employed by a state agency shall be reimbursed pursuant to the
21 provisions of the Per Diem and Mileage Act by the
22 administrative office of the courts pursuant to a voucher
23 submitted by the chairman of the commission or committee on
24 which the member serves.

25 G. Upon appointment of a member to the commission

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1 or a committee, the chairman of the commission or committee
2 shall have published in a newspaper of general circulation in
3 the state and in a publication of general circulation among
4 state bar members the name and term of the new appointment.
5 The state bar shall publish the names and terms of members of
6 the commission and the committees annually.

7 Section 6. COMMISSION AND COMMITTEES--DECLARATION OF
8 CANDIDACY FOR MEMBERSHIP POSITIONS--QUALIFICATIONS.--

9 A. A person who wishes to be considered for a
10 membership position on the commission or a committee may
11 submit his resume and a cover letter describing the
12 qualifications for service on the commission or committee to
13 one or more appointing authorities for consideration for the
14 next available position on the commission or committee for
15 which the person wishes to be considered.

16 B. To be considered as a candidate for a
17 membership position on the commission or a committee, a person
18 shall be a registered voter in the district in which the
19 appointment would be made, shall have no felony convictions
20 and shall have been a resident of the state for the three
21 consecutive years immediately prior to consideration.

22 C. To be considered as a candidate for an attorney
23 commission or committee position, a person shall be licensed
24 to practice law in the state.

25 Section 7. EMERGENCY.--It is necessary for the public

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1 peace, health and safety that this act take effect
2 immediately.

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1 FORTY-FOURTH LEGISLATURE

SB 136/a

2 FIRST SESSION, 1999

3
4 February 4, 1999

5 Mr. President:

6
7 Your RULES COMMITTEE, to whom has been referred

8
9 SENATE BILL 136

10
11 has had it under consideration and reports same with

12 recommendation that it DO PASS, amended as follows:

13
14 1. On page 4, line 20, after "REMOVAL" insert "--PUBLIC
15 MEETINGS".

16
17 2. On page 6, between lines 6 and 7, insert the following new
18 subsection:

19
20 "H. All proceedings and deliberations, including all
21 discussion and voting carried out by any and all of these
22 commissions shall be held in public with no allowance for
23 executive sessions or secret votes.".,

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FORTY-FOURTH LEGISLATURE
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and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Gloria Howes, Co-Chair

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Campos

Excused: Romero

Absent: None

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FIRST SESSION, 1999

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