NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

#### FISCAL IMPACT REPORT

SPONSOR:	Rainaldi	DATE TYPED:	2/05/03	НВ	
SHORT TITLE: Replace Court Transcript Fee				SB	106a/SJC
		ANALYST:			Hayes

## **APPROPRIATION**

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

#### **SOURCES OF INFORMATION**

Responses Received From

Administrative Office of the Courts (AOC) LFC files

### **SUMMARY**

Synopsis of SJC Amendment

On page 2, line 4 of SB 106, the Senate Judiciary Committee Strikes the word "docket."

#### Synopsis of Original Bill

- 1. Senate Bill 106 amends Sections 34-2-5 and 34-2-6 NMSA 1978 in order to delete language regarding the filing of a skeleton transcript and a motion to docket and affirm in both the Supreme and the Court of Appeals.
- 2. Senate Bill 106 also amends language in Sections 34-2-5 and 34-2-6 NMSA 1978 which will allow for the filing of a motion to docket and dismiss an appeals for failure to file a docketing statement of the issues.

#### Significant Issues

In summary, SB106 deletes language regarding procedures for filing a skeleton transcript which are no longer utilized by the Supreme Court or the Court of Appeals (#1). Instead, new language

## Senate Bill 106 -- Page 2

is inserted to update the statute and better reflect the process currently used by the appellate courts (#2).

# PERFORMANCE IMPLICATIONS

The judiciary believes that amending the statute to clarify current procedures of the Supreme Court and Court of Appeals will enhance the efficiency of case disposition in cases where an appellant decides not to pursue an appeal. Since both courts are implementing performance-based budgeting (PBB) in FY04 and since both of them have A PBB measure tracking *case clearance rate*, adoption of this bill could have a positive impact on the measure's outcome. Without the amended language, the Supreme Court and Court of Appeals may experience delays in disposing of cases where appellants decide to abandon their appeals.

# **TECHNICAL ISSUES**

AOC suggests the following:

On page 2, line 5, the phrase "failure to file a docket statement of the issues" should be changed so that the word "docket" is deleted and the phrase reads "failure to file a statement of the issues." Pursuant to Supreme Court Rule 12-208(A), an appellant must file a document called a "statement of the issues" when docketing a direct appeal in the Supreme Court, and must file a document called a "docketing statement" when docketing a direct appeal in the Court of Appeals.

CMH/yr