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## FISCAL IMPACT REPORT

SPONSOR:     Rainaldi     DATE TYPED:     2/05/03     HB                                     

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

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