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FISCAL IMPACT REPORT

ORIGINAL DATE 01/18/13

SPONSOR Cook LAST UPDATED _____ HB 42

SHORT TITLE City Ordinance Violation Appeals SB _____

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Unknown*	Unknown	Unknown	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

*See 'other substantive issues' section.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

New Mexico Municipal League

SUMMARY

Synopsis of Bill

House Bill 42 substitutes Court of Appeals for Supreme Court, in the text of Section 35-15-11 (allowing a municipality to appeal from district court decisions in cases involving violation of municipal ordinances).

SIGNIFICANT ISSUES

Section 35-15-11 currently directs that appeals from municipal court on the validity of ordinances first go to district court, and then directly to the Supreme Court. This system of appeals from municipal court predates the creation of the court of appeals, which is the intermediate appellate court in New Mexico. The amendment would direct that appeals from municipal court would still first go through district court, but then through the court of appeals.

According to the Administrative Office of the Courts, New Mexico's two-tee appeal system works well, and is the accepted system in virtually all other states for virtually all types of appeals. There is no reason to not provide parties challenging municipal ordinances with the court of appeals' efficiencies, especially when the reason for the current system is that it has not been updated since the court of appeals was created.

OTHER SUBSTANTIVE ISSUES

Because the number of appeals of municipal ordinances routed to the Supreme Court was not provided it is difficult to know what the impact on staffing needs of the Court of Appeals may be. Further, it is unknown whether the expansion of the duties of the Court of Appeals will impact the Court's need for funding in the future.

NCJ/svb