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## FISCAL IMPACT REPORT

SPONSOR Wirth DATE TYPED 02/07/05 HB 254

SHORT TITLE Court of Review for Human Rights Appeals SB \_\_\_\_\_

ANALYST McSherry

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	NFI	NFI	Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with Senate Bill 174 (see below).

#### SOURCES OF INFORMATION

LFC Files  
 Administrative Office of the Courts (AOC)  
 Human Rights Commission (HRC)

### SUMMARY FOR THE CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE

#### Synopsis of Bill

House Bill 254 amends Section 28-1-13 NMSA 1978 to change appellate jurisdiction from the Supreme Court to the Court of Appeals in appeals cases filed under the Human Rights Act.

#### Significant Issues

House Bill 254 is sponsored by the Corrections Oversight, Courts and Justice Committee.

The Court of Appeals has jurisdiction for direct appeals in most other administrative appeals already. According to the AOC, the proposed changes in House Bill 254 would make the procedure for appeals filed under the Human Rights Act more consistent with the procedures currently in place for other administrative appeals.

House Bill 254 conflicts with Senate Bill 174 which extends the 30 day requirement to 90 days.

## **PERFORMANCE IMPLICATIONS**

The AOC asserts that the proposed changes would enhance the efficiency of the disposition of human rights cases because the Court of Appeals utilizes a fast-track calendar.

## **FISCAL IMPLICATIONS**

Minimally impact may be experienced by both the Court of Appeals and Supreme Court as the human rights cases formerly assigned to the Supreme Court would rather be heard by the Court of Appeals.

## **ADMINISTRATIVE IMPLICATIONS**

Proposed changes would create a new area of jurisdiction within the Court of Appeals. However, the AOC asserts that the number of appeals per year filed under the Human Rights Act is small enough that the change in jurisdiction will have a minimal significant impact on the overall caseload and operations of the Court.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 254 provides that an aggrieved party must file Notice of Appeal to the District Court within 30 days of commissions order. Proposed legislation, Senate Bill 174 would extend the 30 day requirement to 90 days.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

The Supreme Court, rather than the Court of Appeals, would continue to be the appellate court for Human Rights cases.

The AOC asserts that if this legislation is not enacted the appellate courts will potentially experience some delays in disposing of cases arising under the Human Rights Act. AOC also states that an inconsistency in the procedures for pursuing administrative appeals. This inconsistency in procedures can cause confusion among litigants and attorneys and may create a danger that litigants will be deprived of their right to appeal due to a failure to follow the proper appellate procedure applicable to their particular case.

## **POSSIBLE QUESTIONS**

1. Why was the jurisdiction of Human Rights cases originally assigned to the Supreme Court rather than the Court of Appeals?

EM/sb:yr