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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/07

SPONSOR Park LAST UPDATED \_\_\_\_\_ HB 350

SHORT TITLE Create Court of Appeals Building Commission SB \_\_\_\_\_

ANALYST Hanika Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 102

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Defender Department (PDD)

Administrative Office of the Courts (AOC)

General Services Department (GSD)

### SUMMARY

#### Synopsis of Bill

House Bill 350 creates a commission within the judicial branch to oversee the design, construction and maintenance of a Court of Appeals building.

### FISCAL IMPLICATIONS

It is assumed that any travel and per diem expenses of Commission members be paid from existing court budgets. Members of the commission will receive reimbursement only as provided in the Per Diem and Mileage Act and will receive no other compensation. HB 350 voids any contract relating to the construction, equipment or maintenance of the court of appeals building made in violation of that rule.

### SIGNIFICANT ISSUES

The Commission is to be composed of the chief judge of the court of appeals, the chief clerk of

the court of appeals; one member of the Supreme Court appointed by the chief justice of the Supreme Court; and two public members with architectural or engineering expertise appointed by the chief judge of the court of appeals.

The Commission will provide for the design, construction, maintenance, repair, cleaning, heating, cooling and lighting of the court of appeals building and subject to legislative appropriation, hire employees as necessary.

The creation of this commission will ensure that the Supreme Court is kept informed about and have oversight with respect to the design, construction and maintenance of the Court of Appeals Annex at UNM, as a justice is a member of the commission. It will also ensure that individuals with expertise in architecture and engineering are available to provide guidance to the Court of Appeals on issues related to the design, construction and maintenance of the Annex, since two members of the commission are required to possess such expertise.

### **PERFORMANCE IMPLICATIONS**

There is a Supreme Court Building Commission that oversees that facility. The Judicial Branch of government is exempt from the Property Control Division of the GSD. The Judicial Branch is represented on the Capitol Buildings Planning Commission, which is chaired by the Secretary of General Services, and planning related to court facilities in Santa Fe and Albuquerque is within the purview of that commission.

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

Duplicates SB 102

### **OTHER SUBSTANTIVE ISSUES**

The Court of Appeals is the intermediate appellate court in the state of New Mexico. It sits between district courts and certain administrative agencies, which are below it, and the New Mexico Supreme Court, which is above it. Its jurisdiction covers the entire state. The Court of Appeals currently reviews appeals in all cases, except criminal cases involving sentences of death or life imprisonment, appeals from the Public Regulation Commission, and cases involving habeas corpus. The Court's caseload is about 900 cases per year.

The Court has two offices, one in Santa Fe and one in Albuquerque. At this time, the Court's ten judges are located as follows: six judges headquartered in Santa Fe and four judges headquartered in Albuquerque. The Santa Fe office is in the Supreme Court Building and is the main location of the clerk's office, the prehearing division, and the mediation office. The Albuquerque office is located adjacent to the University Of New Mexico School Of Law.

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

Court of Appeals facilities would fall under jurisdiction of the Supreme Court, as head of the Judicial Branch.

AHO/nt:yr