

FISCAL NOTE

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Bill/Resolution No.: HB 1131 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 12/30/94

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, and cities.

Narrative:

See Attached Sheet.

- State fiscal effect in dollar amounts:

	<u>1993-95</u> <u>Biennium</u>		<u>1995-97</u> <u>Biennium</u>		<u>1997-99</u> <u>Biennium</u>	
	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>	<u>General</u> <u>Fund</u>	<u>Special</u> <u>Funds</u>
Revenues:	0	0	5,552,308	0	5,552,308	0
Expenditures:	0	0	0	0	0	0

- What, if any, is the effect of this measure on the appropriation for your agency or department:

- For rest of 1993-95 biennium: 0
- For the 1995-97 biennium: 0
- For the 1997-99 biennium: 0

- County and City fiscal effect in dollar amounts:

	<u>1993-95</u> <u>Biennium</u>		<u>1995-97</u> <u>Biennium</u>		<u>1997-99</u> <u>Biennium</u>	
	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>	<u>Counties</u>	<u>Cities</u>
	0	0	(4,998,648)	0	(4,998,648)	0

If additional space is needed, attach a supplemental sheet.

Signed Keith E. Nelson

Typed Name Keith E. Nelson

Date Prepared: 01/06/95

Department Supreme Court

Phone Number 328-4216

Narrative: (HB 1131)

HB No. 1131, in summary, would impose a 10% assessment fee in addition to the fine, costs, or administration fee presently permitted in criminal cases by state law and would transfer county revenue derived from bond forfeitures, court administration fees, and court costs to the state general fund. Estimates concerning revenue generated from court costs, court administration fees, and bond forfeitures are based upon a 1991 survey of county revenues. While dated, these are the only available statistics upon which to make estimates. An additional limitation concerning revenue generated from court costs is noted below.

Court Costs

HB No. 1131 transfers, from the counties to the state general fund, revenue derived from court costs. Court costs assessed in county court in 1991 amounted to approximately \$216,566. Assuming this figure has remained relatively constant and assuming that county judges elected to district judge offices in 1994 continue the practice of imposing court costs, a transfer of this cost revenue to the state general fund would amount to \$433,132 (\$216,566 x 2) for the 1995/97 biennium and a similar amount for the 1997-99 biennium.

\*Note: The historical practice in district court has been to de-emphasize the assessment of court costs in criminal cases, while relying more on imposition of fines.

Court Administration

HB No. 1131 would transfer, from the counties to the state general fund, revenue derived from court administration fees. Court administration fees assessed in 1991 amounted to \$949,490. Assuming this figure has remained relatively constant and that assessment practices will continue, a transfer of this fee revenue to the state general fund would amount to \$1,898,980 (\$949,490 x 2) for the 1995/97 biennium and a similar amount for the 1997/99 biennium.

Additional Assessment Fee

HB No. 1131 requires the assessment of a fee in addition to any fine, administrative fee, or costs actually imposed. The assessment fee must be in an amount equal to 10% of the fine, administrative fee, or costs. Fine revenue deposited in the common schools trust fund during FY 1994 amounted to \$1,285,746. Based upon this figure and the above figures concerning the yearly revenue generated from administration fees and court costs, the total revenue generated by the additional assessment fee and deposited in the state general fund would amount to approximately \$553,660 for the 1995/97 biennium and a similar amount for the 1997/99 biennium.

Note: The \$553,660 figure is arrived at as follows - fines (FY 1994) \$1,285,746 + 1991 administration fee \$1,265,987\*\* + 1991 court costs \$216,566 x .10 x 2. (\*\*The figure used here for 1991 administration fees [\$1,265,987] is higher than that received by the counties in 1991 for administration fees [\$949,490]. The larger number would be the approximate total fees assessed in 1991, upon which the new 10% additional fee would apparently be assessed. The smaller number [\$949,490] is 75% of the total administration fee assessed and which the counties currently retain.)

#### Bond Forfeitures

HB No. 1131 would transfer from the county to the state general fund, revenues generated from bond forfeitures. Bond forfeitures received by the county in 1991 amounted to approximately \$1,333,268. Assuming this figure remains constant, a transfer of this revenue to the state general fund would amount to \$2,666,536 for the 1995/97 biennium and a similar amount for the 1997/99 biennium.

#### Totals

Total estimated biennial revenues to the state general fund resulting from HB No. 1131 would be as follows: \$2,666,536 (bond forfeiture transfer) + \$433,132 (court costs transfer) + \$1,898,980 (administration fee transfer) + \$553,660 (new additional assessment fee) = \$5,552,308. The revenue lost to the counties would be approximately \$4,998,648; the difference in revenue to the general fund and revenue loss to the counties being attributable to the 10% additional assessment fee, which would be a new source of revenue for the state general fund.