

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: _____ Amendment to: HB 1131

Requested by Legislative Council Date of Request: 02/15/95

1. 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

2. 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	4,910,429.44	0	4,910,429.44	0
Expenditures:						

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

- a. For rest of 1993-95 biennium: _____ 0
- b. For the 1995-97 biennium: _____ 0
- c. For the 1997-99 biennium: _____ 0

4. 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	(4,910,429.44)	0	(4,910,429.44)	0

If additional space is needed, attach a supplemental sheet.

Signed Keith E. Nelson

Typed Name Keith E. Nelson

Date Prepared: 02/15/95

Department Supreme Court

Phone Number 328-4216

Narrative: (HB 1131 as amended)

HB No. 1131 as amended would increase the administration fee presently permitted in criminal cases from up to 25% to up to 30% of the maximum allowable fine and would transfer 80% of county revenue derived from bond forfeitures, court administration fees, and court costs to the state general fund. Estimates concerning revenue generated from court costs, increased 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

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, total revenue from court costs would amount to \$433,132 ($\$216,566 \times 2$) 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.

Increased Court Administration Fee

HB No. 1131 as amended would increase the administration fee from up to 25% to up to 30%. The approximate total fees assessed in 1991 amounted to \$1,265,987. If it is assumed that all administrative fees were assessed at 25% of the maximum allowable fine, then the \$1,265,987 figure would represent approximately 25% of the total fines subject to assessment. Therefore, total fines subject to assessment would be $\$1,265,987 \times 4$ or \$5,063,948. If the administration fee is increased to up to 30% and assuming that all administrative fees are assessed at 30% of maximum fines, then total revenue generated would be approximately \$1,519,184.40 per year ($\$5,063,948 \times .30$) or \$3,038,368.80 for the 1995/97 biennium and a similar amount for the 1997/99 biennium.

Bond Forfeitures

Bond forfeitures received by the counties in 1991 amounted to approximately \$1,333,268. Assuming this figure remains constant, total revenue from bond forfeitures would amount to \$2,666,536 for the 1995/97 biennium and a similar amount for the 1997/99 biennium.

Totals and 80/20 Division

Total estimated biennial revenues resulting from assessment of court costs, the increased administration fee, and bond forfeitures would be as follows: \$2,666,536 (bond forfeitures) + \$433,132 (court costs) + \$3,038,368.80 (increased administration fees) = \$6,138,036.80. Under HB No. 1131, as amended, this total figure would be divided 80/20 between the state general fund and the counties. State general fund revenues would amount to approximately \$4,910,429.44 ($\$6,138,036.80 \times .80$) per biennium. The counties would retain the remainder - \$1,227,607.36 ($\$6,138,036.80 \times .20$).

Note: Apparent error in HB No. 1131, as amended, may affect this fiscal note.

Section 1 of the amended bill would transfer 80% of all forfeitures to the state general fund (page 1, lines 20-21). However, Section 3 of the amended bill (page 2, lines 26-29 and page 3, lines 1-3) appears to require that all forfeited bail bonds be deposited in the state general fund. The vast majority of the bond forfeitures discussed in this narrative are non-criminal traffic appearance ("bail") bonds that have been forfeited. Consequently, there may be a conflict between Section 1, which requires transfer of 80% of bond forfeitures, and Section 3, which appears to require that all bond forfeitures be transferred to the state general fund. The latter course of action would obviously result in more revenue to the general fund than is estimated as resulting from transfer of 80% of bond forfeitures. The "Except as otherwise provided by law" language in Section 3, lines 22-23, appears limited to the first sentence - i.e., those revenues deposited in the state school fund rather than the state general fund.