

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: _____ Amendment to: SB 2115

Requested by Legislative Council Date of Request: 03/16/95

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

Narrative:

Fiscal impact of SB 2115 as amended is unknown. (See Attached.)

- 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	Unknown	0	Unknown	0
Expenditures:	0	0	Unknown	0	Unknown	0

- 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: Unknown
- c. For the 1997-99 biennium: Unknown

- 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	Unknown	Unknown	Unknown	Unknown

If additional space is needed, attach a supplemental sheet.

Signed Keith E. Nelson

Typed Name Keith E. Nelson

Date Prepared: 03/20/95

Department Supreme Court

Phone Number 328-4216

Senate Bill 2115 amends NDCC 40-18-15.1, which governs contracts concerning revenue and expenses associated with municipal court cases transferred to district court when a defendant does not waive the right to a jury trial. The amendments to SB 2115 require that, in the absence of a contract on division of revenue and expenses, all revenue would be divided 20% to the city, 10% to the county, and 70% to the state general fund. Recent contract activity has resulted in approximately 32 contracts governing 40-18-15.1 transfers. In about half of these contracts, the state receives 70% of the revenues; in the other half the state receives 50%. In the 70% division, the state assumes jury expenses for the transferred cases. The city/county division ranges from 30-50%. We have no reliable fiscal data readily available concerning revenue generated from transferred cases, particularly with respect to revenue to the state general fund as that component of the contracts became effective on January 1, 1995. Consequently, a reliable fiscal estimate of SB 2115 as amended is not possible.

An additional complexity lies in not knowing how many defendants will fail to waive the right to jury trial, with the resulting transfer to district court. Furthermore, HB 1483, recently signed by the Governor, may reduce the number of transfers (and any resulting revenue) in requiring that the defendant affirmatively request a transfer. Under present law, transfers occur by default and as a consequence there may be more of them than would occur if the defendant must exercise the initiative to ask for the transfer.