

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: _____ Amendment to: Eng. SB 2068

Requested by Legislative Council Date of Request: 3-13-97

- 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.

- 2. State fiscal effect in dollar amounts:

	<u>1995-97</u> <u>Biennium</u>		<u>1997-99</u> <u>Biennium</u>		<u>1999-2001</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	-\$25,200	0	-\$25,200	0
Expenditures:	0	0	0	0	0	0

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

- a. For rest of 1995-97 biennium: _____ 0
- b. For the 1997-99 biennium: _____ 0
- c. For the 1999-2001 biennium: _____ 0

- 4. County, City, and School District fiscal effect in dollar amounts:

<u>1995-97</u> <u>Biennium</u>			<u>1997-99</u> <u>Biennium</u>			<u>1999-2001</u> <u>Biennium</u>		
<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School</u> <u>Districts</u>
0	0	0	0	0	0	0	0	0

If additional space is needed, attach a supplemental sheet.

Signed Keith E. Nelson

Typed Name Keith E. Nelson

Date Prepared: 3/13/97

Department Judicial Branch

Phone Number 328-4216

Fiscal Note Narrative for Eng.SB 2068, as amended:

Eng. Senate Bill No. 2068 (Section 2), as passed by the Senate, would clarify that a defendant who removes a small claims action must pay the applicable fee for filing an answer (\$50). House amendments to the bill remove the language requiring payment of the answer fee. Under present law (NDCC 11-17-04), the counties retain answer fee revenue. However, beginning July 1, 1997, answer fee revenue will be deposited in the state general fund. Therefore, the fiscal effect of Senate Bill No. 2068, should it be enacted, will be upon the state general fund.

A survey of seven counties that represent approximately 70% of small claims filings provides an estimate that approximately 4% of small claims actions are removed to district court. 6300 small claims actions were filed in 1995 (1996 filing statistics are not yet available). Assuming an approximate removal rate of 4%, about 252 small claims actions are removed to district court. Under Eng. Senate Bill No. 2068, as amended, this would result in a potential loss of approximately \$12,600 in answer fee revenue per year or \$25,200 per biennium.