

FISCAL NOTE

Requested by Legislative Council

02/13/2003

Amendment to: HB 1329

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues			(\$698,180)		(\$699,000)	
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB 1329 would allow a business or third party to whom a claim is assigned to bring an action on behalf of one or more businesses and against one or more defendants in the same action for a \$10 filing fee. Currently these cases are heard on an individual basis in district court for an \$80 filing fee.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

An estimate of the cost of this bill was derived at by getting information from the clerk of court in Burleigh County relating to the total number of collection cases filed in district court in two separate months (she used July, 2002 and January 2003). She then went through these to find out how many had been filed by collection agencies that were for amounts under \$5,000 (the total amount that can be filed in small claims court). Based on her analysis, 60% of collection cases filed would qualify for small claims court.

We pulled the total collection cases statewide from our Unified Case Management System and applied the 60% estimate. The details follow:

8,311 Total Collections Cases filed in District Court in 2002
x 60% Estimate of collection agencies with claims less than \$5,000
4,987 Estimate of total cases

x \$80 Current civil filing fee in District Court
398,960 Total collected in one year

4,987 Estimate of total cases
x \$10 Fee for small claims court
49,870 Total that would be collected for these cases in small claims

349,090 Estimate of reduction in general fund revenue for one year
698,180 Estimate of reduction in general fund revenue for biennium

Due to time constraints we were only able to gather information for this analysis from one county.

This analysis does not consider the number of cases that are not filed in district court currently, due to the \$80 filing fee. These cases will probably be filed if the filing fee were only \$10. There is no way to estimate this number of additional cases.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name: Ted Gladden
Phone Number: 3284216

Agency: Supreme Court
Date Prepared: 02/13/2003