

FISCAL NOTE
Requested by Legislative Council
01/30/2009

Amendment to: HB 1296

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill increases the jurisdiction of small claims court to include cases involving claims of \$10,000 or less. Small claims court currently may only handle cases when the amount claimed by the plaintiff or defendant does not exceed \$5,000.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 of this bill would result in an increase in the number of cases filed in small claims court. The increase in small claims cases would be primarily offset by a reduction in cases filed in district court. The increase in small claims court cases and decrease in district court cases can not be determined. However, a transfer of cases to small claims court would result in a reduction of general and special fund revenue collections and increase county revenue collections. In 2007, there were 4,893 cases filed in small claims court. The amendment ties the maximum dollar amount for the counterclaim rule to the dollar amount for filing cases in small claims court.

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.*

Pursuant to North Dakota Century Code Section 27-05.2-03, the filing fee for a small claims action is \$10, which is credited to the county treasurer. The filing fee for district court civil cases is \$80, of which a portion goes the civil legal services fund and the remainder is deposited in the state general fund. The transfer of cases from district court to small claims court would decrease general and special fund revenue collections and increase county revenue collections. The impact on revenues can not be determined.

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.*

The impact on expenditures is expected to be minimal.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

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