

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 991-01
Bill No.: SB 0268
Subject: Civil Procedure; Courts; Landlords and Tenants; Administrative Law; Judges
Type: Original
Date: January 29, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(Up to \$100,000)	(Up to \$100,000)	(Up to \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Up to \$100,000)	(Up to \$100,000)	(Up to \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume in FY 00, there were about 69,000 cases where there was a potential for a trial de novo appeal. Under the bill, these cases would all have to be heard on the record (sound recorded) so that any appeal would be on the record. We are not sure how many, but a substantial proportion of these cases are already sound recorded. There were about 3,455 municipal certifications and trial de novo cases.

There will be a need to sound record more cases to preserve the record. However, there will be a reduction in the trials de novo. The increase in the number of formal appeals to the Court of Appeals will probably be slight. On balance, there will be some increase in cost, but it is not likely that the higher cost would reach \$100,000 in any one year.

Oversight assumes the cost could range up to \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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GENERAL REVENUE FUND

<u>Cost - State Courts</u>			
Additional sound recording	(Up to \$100,000)	(Up to \$100,000)	(Up to \$100,000)

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Up to \$100,000)</u>	<u>(Up to \$100,000)</u>	<u>(Up to \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would provide procedures for reviews of actions by commissioners, and eliminate civil trial de novo, except for small claims, and require that any appeal be on the record.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator

A handwritten signature in black ink, appearing to read "Jeanne Jarrett", with a stylized, cursive script.

Jeanne Jarrett, CPA
Director
January 29, 2001