

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6188

BILL NUMBER: SB 153

NOTE PREPARED: Nov 17, 2011

BILL AMENDED:

SUBJECT: Standing for Action Against Conservancy District.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & local

Summary of Legislation: This bill provides that a freeholder of property in a conservancy district may seek mandate or injunctive relief against the conservancy district board of directors for a violation of the board's powers or duties. (Current law grants standing only to an interested person adversely affected by an action committed or omitted by the board in violation of the board's powers or duties.)

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues: This bill could increase the number of petitions for relief that might be filed against a conservancy district board of directors by removing the requirement that a party be adversely affected in order to have standing for action. The number of petitions for relief may potentially be offset by a decrease in petitions that might have been filed by adversely affected persons who are not freeholders. To the extent that additional actions might be filed against conservancy districts court fee revenues may increase. Any increase would likely be small.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$5), judicial salaries fee (\$19), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

Fiscal Analyst: Kathy Norris, 317-234-1360.