

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 3, after "reenact" insert "subsection 1 of section 11-17-04,", replace the third "and" with a comma, and after "27-05-03" insert ", 27-11-17, 27-11-22, and 27-12-04"

Page 1, line 4, after "to" insert "filing fees," and after "judges" insert ", and attorney license fees"

Page 1, line 14, replace "4,721,870" with "4,644,087"

Page 1, line 15, replace "1,511,006" with "1,490,790"

Page 1, line 19, replace "6,722,981" with "6,624,982"

Page 1, line 21, replace "6,714,018" with "6,616,019"

Page 2, line 2, replace "8,132,820" with "7,851,086"

Page 2, line 5, replace "31,265,142" with "30,983,408"

Page 2, line 7, replace "30,881,053" with "30,599,319"

Page 2, after line 7, insert:

"Subdivision 3."

Page 2, line 9, replace "Salaries and wages" with "Judicial conduct commission and disciplinary board" and replace "394,078" with "460,000"

Page 2, remove lines 10 and 11

Page 2, line 12, replace "523,629" with "460,000"

Page 2, line 13, replace "72,000" with "360,000"

Page 2, line 14, replace "451,629" with "100,000"

Page 2, line 15, replace "38,046,700" with "37,315,338"

Page 2, line 16, replace "465,052" with "753,052"

Page 2, line 17, replace "38,511,752" with "38,068,390"

Page 2, after line 31, insert:

"SECTION 5. COURT AUTOMATION. The supreme court and the district courts may not require any county to spend county funds on computer equipment relating to the automation of the court system."

Page 3, replace lines 1 through 3 with:

"SECTION 6. AMENDMENT. Subsection 1 of section 11-17-04 of the North Dakota Century Code is amended and reenacted as follows:

1. The clerk of the district court shall charge and collect the following fees in civil cases:
 - a. For filing a case for decision that is not a small claims action, eighty dollars.
 - (1) ~~Ten~~ Fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund.
 - (2) For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14 and fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - (3) For all other filings, ~~fifty~~ sixty-five dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - b. For filing an answer to a case that is not a small claims action, fifty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.
 - c. For filing a small claims action in district court, ten dollars.
 - d. For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, five dollars.
 - e. For preparing, certifying, issuing, or transmitting any document, five dollars; or such lesser fee as may be set by a schedule to be promulgated by the state court administrator.
 - f. For filing a motion or an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury."

Page 3, after line 24, insert:

"SECTION 9. AMENDMENT. Section 27-11-17 of the North Dakota Century Code is amended and reenacted as follows:

27-11-17. Fee payable by all applicants for admission to bar - Disposition of fees. The state bar board shall receive a fee to be determined from time to time by the state bar board with the approval of the supreme court of an amount not to exceed fifty dollars from each applicant for admission to the bar of this state who submits to examination by the state bar board and shall receive a fee to be determined from time to time by the state bar board with the approval of the supreme court of an amount not to exceed ~~two~~ four hundred dollars from each applicant for admission to the bar of this state who seeks admission upon motion in accordance with state law or supreme court rule. All such fees received must be deposited and disbursed in accordance with section 54-44-12.

SECTION 10. AMENDMENT. Section 27-11-22 of the North Dakota Century Code is amended and reenacted as follows:

27-11-22. Annual licenses to practice law and to serve on certain courts - Requirement - Issuance - Fees. Every person who has an unrevoked certificate of admission to the bar of this state and who desires to engage in the practice of law, or who is to serve as a judge of a court of record, shall secure an annual license from the state bar board on or before January first of each year. The secretary-treasurer of the board shall issue the license upon compliance with the rules adopted or approved by the supreme court to assure the professional competence of attorneys, and upon payment of a fee established by the state bar association at its annual meeting, by a majority vote of its members in attendance at the meeting, not to exceed ~~two~~ four hundred ~~fifty~~ dollars. The license is valid for the calendar year for which it is issued. Issuance of an annual license to practice law may not be conditioned upon payment of any surcharge, assessment, or fee in excess of the maximum fee established by this section. This section does not prohibit imposition of a reasonable fee for filing and processing reports of compliance with continuing education requirements.

SECTION 11. AMENDMENT. Section 27-12-04 of the North Dakota Century Code is amended and reenacted as follows:

27-12-04. Moneys payable from state bar fund to state bar association. The state bar association of North Dakota, out of the state bar fund, ~~annually shall~~ must receive one hundred dollars of each annual license fee for the operation of the attorney discipline board, and eighty percent of the remaining amount of the annual license fees paid by licensed members, for the purpose of paying for the printing and distribution of the annual report and proceedings of said the association and for the payment of other necessary expenses of the association. ~~Such sum~~ These sums must be paid quarterly to the association by the state bar board upon vouchers drawn in accordance with section 54-44-12."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - JUDICIAL BRANCH

HOUSE - This amendment makes the following changes:

Supreme Court changes:

| | 1997-99 AGENCY REQUEST | SENATE CHANGES | ENGROSSED BILL | REMOVE RISK MANAGEMENT PREMIUMS | REMOVE NEW .5 FTE COMPUTER PROGRAMMER | REMOVE EXISTING .5 FTE COMPUTER PROGRAMMER | HOUSE CHANGES | HOUSE VERSION |
|----------------------------|------------------------------|-------------------|-------------------|---------------------------------------|------------------------------------------------|--------------------------------------------------------|------------------|------------------|
| Salaries and wages | \$4,765,332 | \$ (43,462) | \$4,721,870 | | | | | \$4,644,087 |
| Operating expenses | 1,525,506 | (14,500) | 1,511,006 | \$ (20,216) | | | | 1,490,790 |
| Equipment | 132,700 | | 132,700 | | | | | 132,700 |
| Judges retirement | 342,416 | (5,011) | 337,405 | | | | | 337,405 |
| Dispute resolution options | 20,000 | | 20,000 | | | | | 20,000 |
| Total all funds | \$6,785,954 | \$ (62,973) | \$6,722,981 | \$ (20,216) | \$ (35,260) | \$ (42,523) | \$ (97,999) | \$6,624,982 |
| Less estimated income | 8,963 | | 8,963 | | | | | 8,963 |
| General fund | \$6,776,991 | \$ (62,973) | \$6,714,018 | \$ (20,216) | \$ (35,260) | \$ (42,523) | \$ (97,999) | \$6,616,019 |
| FTE | 45.50 | 0.00 | 45.50 | | (0.50) | (0.50) | (1.00) | 44.50 |

District court changes:

| | 1997-99 AGENCY REQUEST | SENATE CHANGES | ENGROSSED BILL | REMOVE RISK MANAGEMENT PREMIUMS | DECREASE INDIGENT DEFENSE COSTS | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|------------------------------|-------------------|-------------------|---------------------------------------|------------------------------------------|------------------|------------------|
| Salaries and wages | \$21,640,674 | \$ (122,538) | \$21,518,136 | | | | \$21,518,136 |
| Operating expenses | 8,178,820 | (46,000) | 8,132,820 | \$ (81,734) | \$ (200,000) | \$ (281,734) | 7,851,086 |
| Equipment | 654,954 | | 654,954 | | | | 654,954 |
| Judges retirement | 973,584 | (14,352) | 959,232 | | | | 959,232 |
| Total all funds | \$31,448,032 | \$ (182,890) | \$31,265,142 | \$ (81,734) | \$ (200,000) | \$ (281,734) | \$30,983,408 |
| Less estimated income | 384,089 | | 384,089 | | | | 384,089 |
| General fund | \$31,063,943 | \$ (182,890) | \$30,881,053 | \$ (81,734) | \$ (200,000) | \$ (281,734) | \$30,599,319 |
| FTE | 190.50 | 0.00 | 190.50 | | | 0.00 | 190.50 |

Judicial Conduct Commission changes:

| | 1997-99 AGENCY REQUEST | SENATE CHANGES | ENGROSSED BILL | REMOVE RISK MANAGEMENT PREMIUMS | CHANGE FUNDING FOR THE JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD TO A SINGLE LINE ITEM ¹ | HOUSE CHANGES | HOUSE VERSION |
|-------------------------------------------------------|------------------------------|-------------------|-------------------|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|
| Salaries and wages | \$394,078 | | \$394,078 | | \$(394,078) | \$(394,078) | |
| Operating expenses | 119,551 | | 119,551 | \$(2,151) | (117,400) | (119,551) | |
| Equipment | 13,000 | \$(3,000) | 10,000 | | (10,000) | (10,000) | |
| Judicial Conduct Commission and disciplinary board | | | | | 460,000 | 46,000 | \$460,000 |
| Total all funds | \$526,629 | \$(3,000) | \$523,629 | \$(2,151) | \$(61,478) | \$(63,629) | \$46,000 |
| Less estimated income | 72,000 | | 72,000 | | 288,000 | 288,000 | 360,000 |
| General fund | \$454,629 | \$(3,000) | \$451,629 | \$(2,151) | \$(349,478) | \$(351,629) | \$100,000 |
| FTE | 4.00 | | 4.00 | | | 0.00 | 4.00 |

¹ The change also reduces the general fund support by \$61,478 and increases the other funds by \$288,000 to a total of \$360,000. The other funds of \$360,000 are to be generated from a \$100 annual assessment on license fees to practice law in the state of North Dakota.

This amendment also:

- Adds a new Section 5 providing that neither the Supreme Court or the district courts can require counties to purchase, with county funds, computer equipment relating to court automation.
- Removes the current Section 5 which provided for the maximum authorized FTE levels.
- Adds a new Section 6 changing the distribution of the \$80 filing fee for a case that is not a small claims action. The following table shows the change in the distribution of the \$80 filing fee:

| | CURRENT DISTRIBUTION | | PROPOSED DISTRIBUTION | | CHANGE | |
|---------------------------|----------------------|-------------------|-----------------------|-------------------|-----------------|-------------------|
| | Divorce Filings | All other Filings | Divorce Filings | All other Filings | Divorce Filings | All other Filings |
| Civil legal services fund | \$10 | \$10 | \$15 | \$15 | \$ 5 | \$ 5 |
| Displaced homemaker fund | 50 | | 50 | | | |
| State general fund | <u>20</u> | <u>20</u> | 15 | 65 | 15 | 15 |
| County | | | <u> </u> | <u> </u> | <u>(20)</u> | <u>(20)</u> |
| Total filing fee | \$80 | \$80 | \$80 | \$80 | \$ 0 | \$ 0 |

The proposed change will have the following revenue impacts:

| | |
|---------------------------|------------------|
| Civil legal services fund | \$131,805 |
| State general fund | 395,415 |
| County revenues | <u>(527,220)</u> |
| Total | \$0 |

- Adds Sections 9, 10, and 11 relating to the maximum annual license fee to practice law in this state. The amendments increase the maximum annual license fee from \$250 to \$400. The amendments also provide that \$100 of the annual license fee is to be for the operation of the attorney discipline board.