

**FIRST ENGROSSMENT
with Conference Committee Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2002

Introduced by

Appropriations Committee

(At the request of the Supreme Court)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch;
2 to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century
3 Code; to declare legislative intent; to amend and reenact sections 11-10-02, 11-17-04,
4 27-02-02, 27-05-03, 27-11-17, 27-11-22, and 27-12-04 of the North Dakota Century Code,
5 relating to the consolidation of the positions of register of deeds and clerk of district court, fees
6 charged by the clerk of district court, salaries of supreme and district court judges, and attorney
7 license fees; and to provide an effective date.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
10 funds as may be necessary, are hereby appropriated out of any moneys in the general fund in
11 the state treasury, not otherwise appropriated, and from special funds derived from federal
12 funds and other income, to the judicial branch for the purpose of defraying the expenses of its
13 various divisions, for the biennium beginning July 1, 1997, and ending June 30, 1999, as
14 follows:

15 Subdivision 1.

16	SUPREME COURT	
17	Salaries and wages	\$ 4,644,087
18	Operating expenses	1,490,790
19	Equipment	132,700
20	Judges retirement	337,405
21	Dispute resolution options	<u>20,000</u>
22	Total all funds	\$ 6,624,982
23	Less estimated income	<u>8,963</u>
24	Total general fund appropriation	\$ 6,616,019

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1 Subdivision 2.

2 DISTRICT COURTS

3	Salaries and wages	\$21,518,136
4	Operating expenses	7,906,299
5	Clerk of court consolidation funding	100,000
6	Equipment	654,954
7	Judges retirement	<u>959,232</u>
8	Total all funds	\$31,138,621
9	Less estimated income	<u>384,089</u>
10	Total general fund appropriation	\$30,754,532

11 Subdivision 3.

12 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

13	Judicial conduct commission and disciplinary board	\$ <u>460,000</u>
14	Total all funds	\$ 460,000
15	Less estimated income	<u>225,000</u>
16	Total general fund appropriation	\$ 235,000
17	Grand total general fund appropriation	\$37,605,551
18	Grand total special funds appropriation	\$ 618,052
19	Grand total all funds appropriation	\$38,223,603

20 **SECTION 2. APPROPRIATION.** There is hereby appropriated any funds received by
21 the supreme court, district courts, and judicial conduct commission and disciplinary board, not
22 otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the
23 purpose as designated in the federal acts or private gifts, grants, and donations for the period
24 beginning July 1, 1997, and ending June 30, 1999.

25 **SECTION 3. TRANSFERS.** The director of the office of management and budget and
26 the state treasurer shall make such transfers of funds between line items of appropriation for
27 the judicial branch of government as may be requested by the supreme court upon a finding by
28 the court that the nature of the duties of the court and its staff requires the transfers to carry on
29 properly the functions of the judicial branch of government.

30 **SECTION 4. EXEMPTION.** The supreme court equipment appropriation contained in
31 section 1 of chapter 24 of the 1993 Session Laws is not subject to section 54-44.1-11, and

1 \$75,565 of the unexpended funds from this appropriation are available for the purchase of a
2 photocopier during the biennium beginning July 1, 1997, and ending June 30, 1999.

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

6 **SECTION 6. LEGISLATIVE INTENT.** It is the intent of the fifty-fifth legislative
7 assembly that counties use the provisions of chapters 11-10.2, 11-10.3, and 54-40.3 to
8 combine or share the services of clerks of district court and that the judicial branch budget for
9 the 1999-2001 biennium and future bienniums include funding necessary to efficiently fund
10 administration of the district courts.

11 **SECTION 7. AMENDMENT.** Section 11-10-02 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **11-10-02. Number and election of county officers.** Each organized county, unless it
14 has adopted one of the optional forms of county government provided by the code or has
15 combined or separated the functions of county offices or redesignated offices as elective or
16 appointive pursuant to chapter 11-10.2 or 11-10.3, must have the following officers:

- 17 1. One county auditor.
- 18 2. One register of deeds ~~in counties having a population of more than six thousand.~~
- 19 3. One clerk of the district court, except as otherwise provided by this section.
- 20 4. One state's attorney.
- 21 5. One sheriff.
- 22 6. One county treasurer.
- 23 7. One coroner.
- 24 8. ~~Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.~~
- 25 9. A board of county commissioners consisting of three or five members as provided
26 in this title.

27 In counties having a population of six thousand or less, the register of deeds shall perform the
28 functions of the clerk of the district court ~~must be the register of deeds~~, unless the board of
29 county commissioners adopts a resolution separating the offices no less than thirty days before
30 petitions for nomination to county offices may first be filed for the primary election. In a county
31 having a population of more than six thousand, the offices of clerk of district court and register

1 of deeds may be combined into an office of register of deeds if the board of county
2 commissioners, following consultation with the supreme court, adopts a resolution combining
3 the offices no less than thirty days before petitions for nominations to county offices may first be
4 filed for the primary election. For a county ~~which~~ that has properly initiated the option ~~and it is~~
5 ~~funded by the legislative assembly~~ pursuant to section 11-17-11, and the office of the clerk of
6 court is funded by the legislative assembly, the board of county commissioners may provide for
7 the functions of the register of deeds' services in any appropriate manner deeds, which may
8 include functions of the clerk of district court and other functions as determined by the board of
9 county commissioners. Counties having a population of six thousand or less and exercising the
10 option provided in section 11-17-11 may contract with the state court administrator for the
11 provision of shared funding for register of deeds' services. The required officers must be
12 chosen by the qualified electors of the respective counties at the general election in each
13 even-numbered year, except the register of deeds, county auditor, treasurer, sheriff, state's
14 attorney, and clerk of the district court, who must be chosen in 1966 and every four years
15 thereafter, the members of the board of county commissioners, who must be chosen in the
16 manner prescribed in section 11-11-02, and the county coroner, who must be chosen in the
17 manner prescribed in section 11-19.1-03. The clerk of district court elected pursuant to this
18 section is not subject to election in any future general election that occurs after the start of the
19 state biennium after the county has properly initiated the option and the legislative assembly
20 has provided appropriations pursuant to section 11-17-11.

21 **SECTION 8. AMENDMENT.** Section 11-17-04 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **11-17-04. Fees to be charged by the clerk of the district court.**

- 24 1. The clerk of the district court shall charge and collect the following fees in civil
25 cases:
- 26 a. For filing a case for decision that is not a small claims action, eighty dollars.
- 27 (1) ~~Ten~~ Fifteen dollars of this fee must be paid by the clerk of court to the
28 state treasurer for deposit in the civil legal services fund. Any fees
29 collected under this paragraph which exceed \$400,000 in any biennium
30 must be paid by the clerk of court to the state treasurer for deposit in
31 the state general fund.

- 1 (2) For the filing of a petition for dissolution of marriage, annulment, or
2 separation from bed and board, fifty dollars of this fee must be paid by
3 the clerk of court to the state treasurer for deposit in the displaced
4 homemaker account created by section 14-06.1-14.
- 5 (3) For all other filings, ~~fifty~~ forty-five dollars of this fee must be paid by the
6 clerk of court to the state treasurer for deposit in the state general fund.
- 7 b. For filing an answer to a case that is not a small claims action, fifty dollars.
8 The clerk shall deposit this fee with the state treasurer for deposit in the
9 general fund in the state treasury.
- 10 c. For filing a small claims action in district court, ten dollars.
- 11 d. For filing any matter authorized to be filed in the office of the clerk of court
12 other than under subdivision a, b, or c, five dollars.
- 13 e. For preparing, certifying, issuing, or transmitting any document, five dollars; or
14 such lesser fee as may be set by a schedule to be promulgated by the state
15 court administrator.
- 16 f. For filing a motion or an answer to a motion to modify an order for alimony,
17 property division, child support, or child custody, thirty dollars. The clerk shall
18 deposit this fee with the state treasurer for deposit in the general fund of the
19 state treasury.
- 20 2. Section 27-01-07 applies to fees charged under this section. The clerk of court
21 may not charge or collect any fee, prescribed by this or any other section, from the
22 state or an agency thereof or from a political subdivision or agency thereof.
- 23 **SECTION 9. AMENDMENT.** Section 11-17-04 of the North Dakota Century Code as
24 amended by section 8 of this Act is amended and reenacted as follows:
- 25 **11-17-04. Fees to be charged by the clerk of the district court.**
- 26 1. The clerk of the district court shall charge and collect the following fees in civil
27 cases:
- 28 a. For filing a case for decision that is not a small claims action, eighty dollars.
- 29 (1) Fifteen dollars of this fee must be paid by the clerk of court to the state
30 treasurer for deposit in the civil legal services fund. Any fees collected
31 under this paragraph which exceed \$400,000 in any biennium must be

1 paid by the clerk of court to the state treasurer for deposit in the state
2 general fund.

3 (2) For the filing of a petition for dissolution of marriage, annulment, or
4 separation from bed and board, fifty dollars of this fee must be paid by
5 the clerk of court to the state treasurer for deposit in the displaced
6 homemaker account created by section 14-06.1-14 and fifteen dollars
7 of this fee must be paid by the clerk of court to the state treasurer for
8 deposit in the state general fund.

9 (3) For all other filings, ~~forty-five~~ sixty-five dollars of this fee must be paid
10 by the clerk of court to the state treasurer for deposit in the state
11 general fund.

12 b. For filing an answer to a case that is not a small claims action, fifty dollars.
13 The clerk shall deposit this fee with the state treasurer for deposit in the
14 general fund in the state treasury.

15 c. For filing a small claims action in district court, ten dollars.

16 d. For filing any matter authorized to be filed in the office of the clerk of court
17 other than under subdivision a, b, or c, five dollars.

18 e. For preparing, certifying, issuing, or transmitting any document, five dollars; or
19 such lesser fee as may be set by a schedule to be promulgated by the state
20 court administrator.

21 f. For filing a motion or an answer to a motion to modify an order for alimony,
22 property division, child support, or child custody, thirty dollars. The clerk shall
23 deposit this fee with the state treasurer for deposit in the general fund of the
24 state treasury.

25 2. Section 27-01-07 applies to fees charged under this section. The clerk of court
26 may not charge or collect any fee, prescribed by this or any other section, from the
27 state or an agency thereof or from a political subdivision or agency thereof.

28 **SECTION 10. AMENDMENT.** Section 27-02-02 of the 1995 Supplement to the North
29 Dakota Century Code is amended and reenacted as follows:

30 **27-02-02. Salaries of judges of supreme court.** The annual salary of each judge of
31 the supreme court is ~~seventy-five~~ seventy-nine thousand ~~nine~~ seven hundred ~~thirty-six~~

1 ~~seventy-one~~ dollars through June 30, ~~1996~~ 1998, and ~~seventy-seven~~ eighty-two thousand ~~four~~
2 one hundred ~~forty-eight~~ sixty-four dollars thereafter. The chief justice of the supreme court is
3 entitled to receive an additional two thousand ~~one~~ two hundred ~~thirty-six~~ fifty dollars per annum
4 through June 30, ~~1996~~ 1998, and two thousand ~~one~~ three hundred ~~eighty-four~~ eighteen dollars
5 per annum thereafter.

6 **SECTION 11. AMENDMENT.** Section 27-05-03 of the 1995 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **27-05-03. Salaries and expenses of district judges.** The annual salary of each
9 district judge is ~~seventy~~ seventy-three thousand ~~sixty-eight~~ six hundred ~~sixteen~~
10 June 30, ~~1996~~ 1998, and ~~seventy-one~~ seventy-five thousand ~~four~~ eight hundred ~~seventy-two~~
11 twenty-four dollars thereafter. Each district judge is entitled to travel expenses including
12 mileage and subsistence while engaged in the discharge of official duties outside the ~~county~~
13 city in which the judge's chambers are located. The salary and expenses are payable monthly
14 in the manner provided by law. A presiding judge of a judicial district is entitled to receive an
15 additional one thousand ~~six~~ seven hundred ~~fifty-six~~ forty-three dollars per annum, through
16 June 30, ~~1996~~ 1998, and one thousand ~~six~~ seven hundred ~~ninety-two~~ ninety-five dollars
17 thereafter.

18 **SECTION 12. AMENDMENT.** Section 27-11-17 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **27-11-17. Fee payable by all applicants for admission to bar - Disposition of fees.**

21 The state bar board ~~shall~~ is entitled to receive a fee to be determined ~~from time to time~~ by the
22 state bar board with the approval of the supreme court of an amount not to exceed one
23 hundred fifty dollars from each applicant for admission to the bar of this state who submits to
24 examination by the state bar board and ~~shall receive~~ a fee to be determined ~~from time to time~~
25 by the state bar board with the approval of the supreme court of an amount not to exceed ~~two~~
26 four hundred dollars from each applicant for admission to the bar of this state who seeks
27 admission upon motion in accordance with state law or supreme court rule. All ~~such~~ fees
28 received must be deposited and disbursed in accordance with section 54-44-12.

29 **SECTION 13. AMENDMENT.** Section 27-11-22 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **27-11-22. Annual licenses to practice law and to serve on certain courts -**

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

14 **SECTION 14. AMENDMENT.** Section 27-12-04 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **27-12-04. Moneys payable from state bar fund to state bar association.** The state
17 bar association of North Dakota, out of the state bar fund, ~~annually shall~~ must receive ~~eighty,~~
18 for operation of the lawyer discipline system, fifty dollars of each license fee beginning
19 January 1, 1998, and seventy-five dollars of each license fee beginning January 1, 1999.
20 Eighty percent of the remaining amount of the annual license fees paid by licensed members;
21 must be paid to the state bar association for the purpose of paying for the printing
22 administering and distribution of the annual report and proceedings of said operating the
23 association and for the payment of other necessary expenses of the association. Such sum
24 These sums must be paid quarterly to the association by the state bar board upon vouchers
25 drawn in accordance with section 54-44-12.

26 **SECTION 15. EFFECTIVE DATE.** Section 9 of this Act becomes effective on April 1,
27 1999.