

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

That the House recede from its amendments as printed on pages 1004-1012 of the Senate Journal and pages 1109-1117 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 3, replace the first "and" with "to declare legislative intent;"; after "sections" insert "11-10-02, 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 "the consolidation of the positions of register of deeds and clerk of district court, fees charged by the clerk of district court," and after "judges" insert ", and attorney license fees; and to provide an effective date"

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 "7,906,299"

Page 2, after line 2, insert:

"Clerk of court consolidation funding	100,000"
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Page 2, line 5, replace "31,265,142" with "31,138,621"

Page 2, line 7, replace "30,881,053" with "30,754,532"

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 "225,000"

Page 2, line 14, replace "451,629" with "235,000"

Page 2, line 15, replace "38,046,700" with "37,605,551"

Page 2, line 16, replace "465,052" with "618,052"

Page 2, line 17, replace "38,511,752" with "38,223,603"

"SECTION 5. COURT AUTOMATION RESTRICTED. 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.

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

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

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

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 ~~Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.~~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

In counties having a population of six thousand or less, the register of deeds shall perform the functions of the clerk of the district court ~~must be the register of deeds,~~ unless the board of county commissioners adopts a resolution separating the offices no less than thirty days before petitions for nomination to county offices may first be filed for the primary election. In a county having a population of more than six thousand, the offices of clerk of district court and register of deeds may be combined into an office of register of deeds if the board of county commissioners, following consultation with the supreme court, adopts a resolution combining the offices no less than thirty days before petitions for nominations to county offices may first be filed for the primary election. For a county which that has properly initiated the option and it is funded by the legislative assembly pursuant to section 11-17-11, and the office of the clerk of court is funded by the legislative assembly, the board of county commissioners may provide for the functions of the register of deeds' services in any appropriate manner ~~deeds, which may include functions of the clerk of district court and other functions as determined by the board of county commissioners.~~ Counties having a population of six thousand or less and exercising the option provided in section 11-17-11 may contract with the state court administrator for the provision of shared funding for register of deeds' services.

The required officers must be chosen by the qualified electors of the respective counties at the general election in each even-numbered year, except the register of deeds, county auditor, treasurer, sheriff, state's attorney, and clerk of the district court, who must be chosen in 1966 and every four years thereafter, the members of the board of county commissioners, who must be chosen in the manner prescribed in section 11-11-02, and the county coroner, who must be chosen in the manner prescribed in section 11-19.1-03. The clerk of district court elected pursuant to this section is not subject to election in any future general election that occurs after the start of the state biennium after the county has properly initiated the option and the legislative assembly has provided appropriations pursuant to section 11-17-11.

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

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

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. Any fees collected under this paragraph which exceed \$400,000 in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general 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.
 - (3) For all other filings, ~~fifty~~ forty-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.
2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof.

SECTION 9. AMENDMENT. Section 11-17-04 of the North Dakota Century Code as amended by section 8 of this Act is amended and reenacted as follows:

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

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) 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. Any fees collected under this paragraph which exceed \$400,000 in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general 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, ~~forty-five~~ 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.
2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof."

Page 3, after line 24, insert:

"SECTION 12. 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~~ is entitled to 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 one hundred 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 13. 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 14. 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 ~~eighty~~, for operation of the lawyer discipline system, fifty dollars of each license fee beginning January 1, 1998, and seventy-five dollars of each license fee beginning January 1, 1999. Eighty percent of the remaining amount of the annual license fees paid by licensed members; must be paid to the state bar association for the purpose of paying for the printing administering and distribution of the annual report and proceedings of said operating 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.

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - JUDICIAL BRANCH

CONFERENCE COMMITTEE - This amendment makes the following changes:

Supreme Court charges:

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	REMOVE NEW .5 FTE COMPUTER PROGRAMMER	REMOVE EXISTING .5 FTE COMPUTER PROGRAMMER	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$4,721,870		\$ (35,260)	\$ (42,523)	\$ (77,783)	\$4,644,087	\$4,644,087	
Operating expenses	1,511,006	\$ (20,216)			(20,216)	1,490,790	1,490,790	
Equipment	132,700					132,700	132,700	
Judges retirement	337,405					337,405	337,405	
Dispute resolution options	<u>20,000</u>					<u>20,000</u>	<u>20,000</u>	
Total all funds	\$6,722,981	\$ (20,216)	\$ (35,260)	\$ (42,523)	\$ (97,999)	\$6,624,982	\$6,624,982	\$ 0
Less estimated income	<u>8,963</u>					<u>8,963</u>	<u>8,963</u>	
General fund	\$6,714,018	\$ (20,216)	\$ (35,260)	\$ (42,523)	\$ (97,999)	\$6,616,019	\$6,616,019	\$ 0
FTE	45.50		(0.50)	(0.50)	(1.00)	44.50	44.50	0.00

District court changes:

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	DECREASE INDIGENT DEFENSE COSTS	ADD FUNDING FOR CLERK OF COURT CONSOLIDATION	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$21,518,136					\$21,518,136	\$21,518,136	
Operating expenses	8,132,820	\$(81,734)	\$(144,787)	\$100,000	\$(226,521)	7,906,299	7,851,086	\$ 55,213
Clerk of court consolidation					100,000	100,000		100,000
Equipment	654,954					654,954	654,954	
Judges retirement	959,232					959,232	959,232	
Total all funds	\$31,265,142	\$(81,734)	\$(144,787)	\$100,000	\$(126,521)	\$31,138,621	\$30,983,408	\$155,213
Less estimated income	384,089					384,089	384,089	
General fund	\$30,881,053	\$(81,734)	\$(144,787)	\$100,000	\$(126,521)	\$30,754,532	\$30,599,319	\$155,213
FTE	190.50				0.00	190.50	190.50	0.00

Judicial Conduct Commission changes:

	CHANGE FUNDING FOR THE JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD TO A SINGLE LINE ITEM AND INCREASE OTHER FUNDS	REMOVE RISK MANAGEMENT PREMIUMS	ENGROSSED BILL	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$394,078		\$394,078	\$ (394,078)			
Operating expenses	119,551	\$ (2,151)	119,551	(119,551)			
Equipment	10,000		10,000	(10,000)			
Judicial Conduct Commission and Disciplinary Board				460,000	\$460,000	\$460,000	
Total all funds	\$523,629	\$ (2,151)	\$523,629	\$ (63,629)	\$460,000	\$460,000	\$ (135,000)
Less estimated income	72,000		72,000	153,000	225,000	360,000	
General fund	\$451,629	\$ (2,151)	\$451,629	\$ (216,629)	\$235,000	\$100,000	\$ 135,000
FTE	4.00			0.00	4.00	4.00	0.00

This amendment also:

- Adds a new Section 5 providing that neither the Supreme Court nor the district courts can require counties to purchase, with county funds, computer equipment relating to court automation.
- Removes the existing Section 5 which provided for maximum authorized FTE levels.
- Adds a new Section 6 providing legislative intent relating to counties combining or sharing the services of clerks of district court.
- Adds a new Section 7 which amends North Dakota Century Code Section 11-10-02 relating to the consolidation of the positions of register of deeds and clerk of district court.
- Adds new Sections 8 and 9 which amend North Dakota Century Code Section 11-17-04 relating to filing fees charged by the clerk of district court.
- Adds new Sections 12, 13, and 14 which amend North Dakota Century Code Sections 27-11-17, 27-11-22, and 27-12-04, relating to attorney license fees.

The amendment provides for the following filing fee changes:

	CURRENT DISTRIBUTION		PROPOSED DISTRIBUTION UNTIL 4-1-99		PROPOSED DISTRIBUTION AFTER 3-31-99	
	DIVORCE FILINGS	ALL OTHER FILINGS	DIVORCE FILINGS	ALL OTHER FILINGS	DIVORCE FILINGS	ALL OTHER FILINGS
Civil legal services fund	\$10	\$10	\$15	\$15	\$15	\$15
Displaced homemaker fund	50		50		50	
State general fund		50		45	15	65
Counties	<u>20</u>	<u>20</u>	<u>15</u>	<u>20</u>	<u>—</u>	<u>—</u>
Total filing fee	\$80	\$80	\$80	\$80	\$80	\$80

The filing fee revenues to be deposited in the civil legal services fund are limited to \$400,000 per biennium. Any fee revenues received after the \$400,000 limit is reached are to be deposited in the state general fund. It is anticipated that the additional \$5 will generate an additional \$131,805 during the 1997-99 biennium, bringing the total collections for the fund to \$395,415 for the 1997-99 biennium. Therefore, it is not anticipated that the \$400,000 limit will be exceeded during the 1997-99 biennium.

The proposed filing fee changes are projected to have the following revenue impacts:

	HOUSE VERSION	CONFERENCE COMMITTEE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Civil legal services fund	\$131,805	\$131,805	
Displaced homemaker fund			
State general fund	395,415	(46,875)	\$(442,290)
County revenues	<u>(527,220)</u>	<u>(84,930)</u>	<u>442,290</u>
Total	\$0	\$0	\$0