

**FIRST ENGROSSMENT
with House 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; and to amend and reenact subsection 1 of section 11-17-04, sections 27-02-02,
4 27-05-03, 27-11-17, 27-11-22, and 27-12-04 of the North Dakota Century Code, relating to
5 filing fees, salaries of supreme and district court judges, and attorney license fees.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

13 Subdivision 1.

14 SUPREME COURT

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

23 Subdivision 2.

24 DISTRICT COURTS

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1	Salaries and wages	\$21,518,136
2	Operating expenses	7,851,086
3	Equipment	654,954
4	Judges retirement	<u>959,232</u>
5	Total all funds	\$30,983,408
6	Less estimated income	<u>384,089</u>
7	Total general fund appropriation	\$30,599,319

8 Subdivision 3.

9 JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

10	Judicial conduct commission and disciplinary board	\$ <u>460,000</u>
11	Total all funds	\$ 460,000
12	Less estimated income	<u>360,000</u>
13	Total general fund appropriation	\$ 100,000
14	Grand total general fund appropriation	\$37,315,338
15	Grand total special funds appropriation	\$ 753,052
16	Grand total all funds appropriation	\$38,068,390

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

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

27 **SECTION 4. EXEMPTION.** The supreme court equipment appropriation contained in
28 section 1 of chapter 24 of the 1993 Session Laws is not subject to section 54-44.1-11, and
29 \$75,565 of the unexpended funds from this appropriation are available for the purchase of a
30 photocopier during the biennium beginning July 1, 1997, and ending June 30, 1999.

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

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

6 1. The clerk of the district court shall charge and collect the following fees in civil
7 cases:

8 a. For filing a case for decision that is not a small claims action, eighty dollars.

9 (1) ~~Ten~~ Fifteen dollars of this fee must be paid by the clerk of court to the
10 state treasurer for deposit in the civil legal services fund.

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

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

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

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

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

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

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

1 **SECTION 7. AMENDMENT.** Section 27-02-02 of the 1995 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **27-02-02. Salaries of judges of supreme court.** The annual salary of each judge of
4 the supreme court is ~~seventy-five~~ seventy-nine thousand ~~nine~~ seven hundred ~~thirty-six~~
5 seventy-one dollars through June 30, ~~1996~~ 1998, and ~~seventy-seven~~ eighty-two thousand ~~four~~
6 one hundred ~~forty-eight~~ sixty-four dollars thereafter. The chief justice of the supreme court is
7 entitled to receive an additional two thousand ~~one~~ two hundred ~~thirty-six~~ fifty dollars per annum
8 through June 30, ~~1996~~ 1998, and two thousand ~~one~~ three hundred ~~eighty-four~~ eighteen dollars
9 per annum thereafter.

10 **SECTION 8. AMENDMENT.** Section 27-05-03 of the 1995 Supplement to the North
11 Dakota Century Code is amended and reenacted as follows:

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

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

24 **27-11-17. Fee payable by all applicants for admission to bar - Disposition of fees.**
25 The state bar board shall receive a fee to be determined from time to time by the state bar
26 board with the approval of the supreme court of an amount not to exceed fifty dollars from each
27 applicant for admission to the bar of this state who submits to examination by the state bar
28 board and shall receive a fee to be determined from time to time by the state bar board with the
29 approval of the supreme court of an amount not to exceed ~~two~~ four hundred dollars from each
30 applicant for admission to the bar of this state who seeks admission upon motion in accordance

1 with state law or supreme court rule. All such fees received must be deposited and disbursed
2 in accordance with section 54-44-12.

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

5 **27-11-22. Annual licenses to practice law and to serve on certain courts -**

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

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

20 **27-12-04. Moneys payable from state bar fund to state bar association.** The state
21 bar association of North Dakota, out of the state bar fund, ~~annually shall~~ must receive one
22 hundred dollars of each annual license fee for the operation of the attorney discipline board,
23 and eighty percent of the remaining amount of the annual license fees paid by licensed
24 members, for the purpose of paying for the printing and distribution of the annual report and
25 proceedings of ~~said~~ the association and for the payment of other necessary expenses of the
26 association. ~~Such sum~~ These sums must be paid quarterly to the association by the state bar
27 board upon vouchers drawn in accordance with section 54-44-12.