

**HOUSE BILL NO. 1207**

Introduced by

Representatives DeKrey, Disrud, Kingsbury, Kretschmar, Maragos

1 A BILL for an Act to amend and reenact section 27-05.2-04 of the North Dakota Century Code,  
2 relating to receipt of fees and other moneys by clerks of district court and the creation of a  
3 special fund; to provide for a continuing appropriation; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 27-05.2-04 of the 1999 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **27-05.2-04. (Effective ~~January 1, 2001~~, through December 31, 2002) Clerk to keep**  
8 **record of fees - Monthly report to county auditor or state treasurer - Continuing**

9 **appropriation.** The clerk of the district court shall keep a public record of all money received  
10 as fees for services rendered as clerk. Within three days after the close of each calendar  
11 month, and also at the close of the clerk's term of office for a clerk who has not become a state  
12 employee under subsection 3 or 4 of section 27-05.2-02, the clerk shall file with the county  
13 auditor a statement under oath showing the amount of fees received as clerk since the date of  
14 the clerk's last report and within three days thereafter the clerk shall deposit with the county  
15 treasurer the total sum of such fees which must be used for facilities, except fees that the clerk  
16 is directed to deposit with the state treasurer or is authorized expressly to retain. Within three  
17 days after the close of each calendar month, a clerk who has become a state employee under  
18 subsection 3 or 4 of section 27-05.2-02 shall file with the state treasurer a statement under oath  
19 showing the amount of fees received by the clerk since the date of the clerk's last report.  
20 Within three days thereafter, the clerk shall deposit with the state treasurer the total sum of fees  
21 required to be deposited in the general fund or in a designated special fund. The clerk shall  
22 forward to the county treasurer any fees received under section 27-05.2-03 which are not  
23 required to be deposited in the state general fund or a designated special fund. Those fees  
24 must be used for facilities. ~~The clerk may establish a special account in the Bank of North~~

1 ~~Dakota or in a banking institution designated as a depository of public funds under chapter~~  
2 ~~21-04~~ A special court receivables fund is established in the state treasury for purposes of  
3 depositing any money received by the clerk which is not required to be deposited in the state  
4 general fund, a designated different special fund, or the county treasury and which is received  
5 as bail or restitution, or otherwise received pursuant to an order of the court. ~~The clerk shall~~  
6 make payments from the special account Moneys in the special fund are appropriated to the  
7 judicial branch on a continuing basis for purposes of refunding bail, forwarding restitution  
8 amounts to the entitled recipient, or otherwise making payments as directed by an order of the  
9 court. To facilitate making payments from the special fund, the clerk may establish a special  
10 account in the Bank of North Dakota or in a banking institution designated as a depository of  
11 public funds under chapter 21-04. If money deposited as bail is forfeited, the clerk shall submit  
12 the appropriate sum to the state treasurer for deposit in the state general fund. If the clerk is  
13 unable to make payments from the special account because the address of the recipient is  
14 unknown or the recipient cannot otherwise be located, the clerk shall dispose of the deposited  
15 money in accordance with chapter 47-30.1.

16 **(Effective January 1, 2003) Clerk to keep record of fees - Monthly report to county**  
17 **auditor or state treasurer - Continuing appropriation.** A clerk of the district court providing  
18 clerk services in accordance with subsection 2 or 6 of section 27-05.2-02 shall keep a public  
19 record of all money received as fees for services rendered as clerk. Within three days after the  
20 close of each calendar month, the clerk shall file with the county auditor a statement under oath  
21 showing the amount of fees received as clerk since the date of the clerk's last report and within  
22 three days thereafter the clerk shall deposit with the county treasurer the total sum of such fees  
23 which must be used for facilities, except fees that the clerk is directed to deposit with the state  
24 treasurer or is authorized expressly to retain. Within three days after the close of each calendar  
25 month, a clerk who has become a state employee under subsection 3 or 4 of section  
26 27-05.2-02 shall file with the state treasurer a statement under oath showing the amount of fees  
27 received by the clerk since the date of the clerk's last report. Within three days thereafter, the  
28 clerk shall deposit with the state treasurer the total sum of fees required to be deposited in the  
29 general fund or in a designated special fund. The clerk shall forward to the county treasurer  
30 any fees received under section 27-05.2-03 which are not required to be deposited in the state  
31 general fund or a designated special fund. Those fees must be used for facilities. ~~The clerk~~

1 ~~may establish a special account in the Bank of North Dakota or in a banking institution~~  
2 ~~designated as a depository of public funds under chapter 21-04~~ A special court receivables  
3 fund is established in the state treasury for purposes of depositing any money received by the  
4 clerk which is not required to be deposited in the state general fund, a ~~designated~~ different  
5 special fund, or the county treasury and which is received as bail or restitution, or otherwise  
6 received pursuant to an order of the court. ~~The clerk shall make payments from the special~~  
7 ~~account~~ Moneys in the special fund are appropriated to the judicial branch on a continuing  
8 basis for purposes of refunding bail, forwarding restitution amounts to the entitled recipient, or  
9 otherwise making payments as directed by an order of the court. To facilitate making payments  
10 from the special fund, the clerk may establish a special account in the Bank of North Dakota or  
11 in a banking institution designated as a depository of public funds under chapter 21-04. If  
12 money deposited as bail is forfeited, the clerk shall submit the appropriate sum to the state  
13 treasurer for deposit in the state general fund. If the clerk is unable to make payments from the  
14 special account because the address of the recipient is unknown or the recipient cannot  
15 otherwise be located, the clerk shall dispose of the deposited money in accordance with  
16 chapter 47-30.1.

17           **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.