

Introduced by

Senators Kreun, Elkin, Larson

Representatives Heinert, Klemin, O'Brien

1 | A BILL for an Act to amend and reenact sections 11-15-07, ~~11-15-08~~, and 14-08.1-04 of the
2 | North Dakota Century Code, relating to civil process fees and commissions on collections and
3 | to sheriff's fees from the child support agency.

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

5 | **SECTION 1. AMENDMENT.** Section 11-15-07 of the North Dakota Century Code is
6 | amended and reenacted as follows:

7 | **11-15-07. County fees.**

8 | The sheriff shall charge and collect the following fees on behalf of the county:

- 9 | 1. For serving a summons, writ of attachment, writ of execution, subpoena, notice of
10 | motion, or other notice or order of the court, order of replevin, injunctive order,
11 | citation, or any other mesne process and making a return thereon, in addition to the
12 | actual incurred costs of postage and long-distance telephone calls a total of
13 | ~~twenty~~~~fifty~~~~thirty~~ dollars for each person served.
- 14 | 2. For making a return of not-found, ~~twenty~~~~fifty~~~~thirty~~ dollars.
- 15 | 3. For taking and filing a bond in claim and delivery or any other undertaking to be
16 | furnished and approved by the sheriff, twenty dollars.
- 17 | 4. For making a copy of any process, bond, or paper, other than as is herein provided,
18 | two dollars per page.
- 19 | 5. For levying or executing any writ, ~~forty~~~~eighty~~~~fifty~~ dollars.
- 20 | 6. For calling an inquest to appraise any goods and chattels that the sheriff may be
21 | required to have appraised, twenty-five dollars, and each appraiser is entitled to
22 | receive one hundred dollars to be taxed as costs.
- 23 | 7. For advertising a sale by means of a sheriff's notice of sale, in addition to any
24 | publishing fees, twenty dollars.

- 1 8. For making a deed to land sold on execution or under an order of sale, twenty dollars.
- 2 9. For issuing a certificate of redemption when property has been redeemed from a sale
- 3 under execution or upon the foreclosure of a mortgage, twenty dollars.
- 4 10. For selling real or personal property under foreclosure of any lien or mortgage,
- 5 seventy-five dollars.
- 6 11. For boarding prisoners, a sum to be determined by the board of county
- 7 commissioners, by resolution in advance, which sum must be per meal for meals
- 8 actually served, and may not be less than two dollars for breakfast, two dollars and
- 9 fifty cents for dinner, and three dollars and fifty cents for supper.

10 ~~SECTION 2. AMENDMENT. Section 11-15-08 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~

12 ~~11-15-08. Commissions collected by sheriff.~~

13 ~~1. Except as provided in section 11-15-09, the sheriff is entitled to collect commissions~~
14 ~~on behalf of the county on all moneys received and disbursed by the sheriff on an~~
15 ~~execution, order of sale, order of attachment, requisition in claim and delivery, or~~
16 ~~decree for the sale of real or personal property as follows:~~

17 ~~a. On the first one thousand dollars, seventy-five dollars.~~

18 ~~b. On all moneys in excess of one thousand dollars, one three percent.~~

19 ~~2. Except as provided in subsection 3, if no sale is held under subsection 1, the sheriff~~
20 ~~may not collect a commission.~~

21 ~~3. If personal property is taken by the sheriff on an execution, under a requisition in~~
22 ~~claim and delivery, or under a writ of attachment and applied in satisfaction of the debt~~
23 ~~without sale, the sheriff is entitled to collect the commission specified in subsection 1~~
24 ~~based upon the appraised value of the property. The sheriff shall deliver the~~
25 ~~commissions to the county treasurer under section 11-15-14.~~

26 **SECTION 2. AMENDMENT.** Section 14-08.1-04 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **14-08.1-04. Duty of child support agency - Sheriff's fees.**

29 The child support agency shall commence any appropriate action or proceeding under
30 sections 14-08.1-02 and 14-08.1-03. Except for public assistance cases as determined by the

Sixty-seventh
Legislative Assembly

- 1 child support agency, a sheriff may charge and collect from the child support agency service of
- 2 process fees ~~consistent with section 11-15-07~~of twenty dollars.