

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2244
(Senators Kreun, Elkin, Larson)
(Representatives Heinert, Klemin, O'Brien)

AN ACT to amend and reenact sections 11-15-07, 11-15-08, and 14-08.1-04 of the North Dakota Century Code, relating to civil process fees and commissions on collections and to sheriff's fees from the child support agency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

11-15-07. County fees.

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

1. For serving a summons, writ of attachment, writ of execution, subpoena, notice of motion, or other notice or order of the court, order of replevin, injunctive order, citation, or any other mesne process and making a return thereon, in addition to the actual incurred costs of postage and long-distance telephone calls a total of ~~twenty~~thirty dollars for each person served.
2. For making a return of not-found, ~~twenty~~thirty dollars.
3. For taking and filing a bond in claim and delivery or any other undertaking to be furnished and approved by the sheriff, twenty dollars.
4. For making a copy of any process, bond, or paper, other than as is herein provided, two dollars per page.
5. For levying or executing any writ, ~~forty~~fifty dollars.
6. For calling an inquest to appraise any goods and chattels that the sheriff may be required to have appraised, twenty-five dollars, and each appraiser is entitled to receive one hundred dollars to be taxed as costs.
7. For advertising a sale by means of a sheriff's notice of sale, in addition to any publishing fees, twenty dollars.
8. For making a deed to land sold on execution or under an order of sale, twenty dollars.
9. For issuing a certificate of redemption when property has been redeemed from a sale under execution or upon the foreclosure of a mortgage, twenty dollars.
10. For selling real or personal property under foreclosure of any lien or mortgage, seventy-five dollars.
11. For boarding prisoners, a sum to be determined by the board of county commissioners, by resolution in advance, which sum must be per meal for meals actually served, and may not be less than two dollars for breakfast, two dollars and fifty cents for dinner, and three dollars and fifty cents for supper.

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

11-15-08. Commissions collected by sheriff.

1. Except as provided in section 11-15-09, the sheriff is entitled to collect commissions on behalf of the county on all moneys received and disbursed by the sheriff on an execution, order of sale, order of attachment, requisition in claim and delivery, or decree for the sale of real or personal property as follows:
 - a. On the first one thousand dollars, seventy-five dollars.
 - b. On all moneys in excess of one thousand dollars, ~~one~~two percent for personal property and one percent for real property.
2. Except as provided in subsection 3, if no sale is held under subsection 1, the sheriff may not collect a commission.
3. If personal property is taken by the sheriff on an execution, under a requisition in claim and delivery, or under a writ of attachment and applied in satisfaction of the debt without sale, the sheriff is entitled to collect the commission specified in subsection 1 based upon the appraised value of the property. The sheriff shall deliver the commissions to the county treasurer under section 11-15-14.

SECTION 3. AMENDMENT. Section 14-08.1-04 of the North Dakota Century Code is amended and reenacted as follows:

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

The child support agency shall commence any appropriate action or proceeding under sections 14-08.1-02 and 14-08.1-03. Except for public assistance cases as determined by the child support agency, a sheriff may charge and collect from the child support agency service of process fees ~~consistent with section 11-15-07~~of twenty dollars.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2244.

Senate Vote: Yeas 40 Nays 4 Absent 3

House Vote: Yeas 62 Nays 29 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State