

2021 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2244

2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Fort Union Room, State Capitol

SB 2244
1/27/2021 AM

relating to civil process fees and commissions on collections

Chair Klein opened the hearing at 10:15 a.m. All members were present. Senators Klein, Larsen, Burckhard, Vedaa, Kreun, and Marcellais.

Discussion Topics:

- Traffic fee amounts
- Child support

Senator Kreun introduced the bill and testified in favor [10:15].

Corporal Ron Nord, Civil Process Division testified in favor and submitted testimony #3541 [10:17].

Donell Presky, ND Association of Counties and Law Enforcement testified in favor.

Jim Fleming, Director of Child Support Division of North Dakota testified in opposition and submitted testimony #3687 [10:37].

Additional written testimony: #3308

Chair Klein ended the hearing at 10:59 a.m.

Isabella Grotberg, Committee Clerk

Testimony to:

Senate IBL SB2244

January 27, 2021

Cpl. Ron Nord, Civil Process Division

Grand Forks County Sheriff's Office

Good morning Chairman Lefor and committee members, my name is Cpl. Ron Nord from the Grand Forks County Sheriff's Department. I've been in Law Enforcement for over 34 years in the State of North Dakota.

I'm testifying in support of Senate Bill 2244 for the various reasons. This bill seeks to align North Dakota's civil fees with that of our surrounding states, as well as recognize continued increases in the cost to provide this responsibility in our communities as mileage and salaries have increased while the fees have held steady.

When compared to other states that surround North Dakota, North Dakota is trailing everyone with comparison of fees for the same civil papers, for example:

- The basic summons & complaint papers- MN/\$45-60, SD/\$50-60, MT/\$50-100, and ND is \$20
- Writ of Execution, such as Forcible Eviction- MN/\$110-180, SD/\$95-100, MT/\$70-100, and ND is \$40
- 3-Day Notice to Evict- MN/\$60, SD/\$50-60, MT/\$50-65, and ND is \$20
- When it comes to charging commission on Sheriff's Sales, North Dakota again is coming last: MN/5-7%, SD/6%, MT/5% and ND is 1%.

The last time that fees were changed in North Dakota was 2001 and has not been touched since.

The Sheriff's in North Dakota are mandated by law, 11-15-03 section 8, Duties of the Sheriff to "Serve all process or notices in the manner prescribed by law". If the Sheriff does not fulfill this duty, they are held accountable to the courts and liable for funds or assets if so directed to collect or gather from the order.

It is sad to hear that Civilian process servers are telling their customers to go to the local Sheriff's Departments to get papers served, as it would be cheaper than what the Civilian process server can serve the papers. A private investigator provided me this information. North Dakota Sheriff's Offices should not be competing with other community businesses for work, that is why the fees should be comparable to those who do the same work.

As the Chairman of the North Dakota Civil Process Board, we give two classes each year to Officers regarding Serving Civil Process in North Dakota called "Sheriff's In-service" the first thing we tell the Officers attending is "Serving Civil Papers can kill you"! I know this all too well, as I was the deputy in Grand Forks that was shot on May 27, 2020. People's attitudes and behavior towards Law Enforcement has deteriorated and are becoming more violent and extreme. When the Sheriff's Office receives an order from the court, we must carry out the order. It is our job!

I ask you to give SB 2244 a Do Pass Recommendation.

Testimony
Senate Bill 2244 - Department of Human Services
Senate Industry, Business, and Labor Committee
Senator Jerry Klein, Chairman

January 27, 2021

Chairman Klein and members of the Industry, Business, and Labor Committee, I am Jim Fleming, the director of the Child Support Division of the North Dakota Department of Human Services and I appear today to seek an amendment to Senate Bill 2244 that would expand Child Support's exemption from sheriff's fees.

A little more than two years ago, the Department opened a dialogue with the North Dakota Association of Counties with the hope of extending the exemption from sheriff's fees in public assistance cases to apply to all cases being enforced by Child Support. Some counties at that time did not charge fees to Child Support in any cases. However, given the difference among the counties in the current billing practices of sheriffs, we agreed it would be best to first update the law to make billing practices more consistent statewide and to reflect the current expectations of state's attorneys in child support cases. Child Support is very grateful for the support of North Dakota's county sheriffs in establishing and enforcing child support, and we did not pursue legislation this session to eliminate the fee, but the proposed 250% increase in sheriff's fees compels us to testify on this bill.

Child Support is exempt from many fees charged by the state or political subdivisions, including county recorders. North Dakota Century Code Section 50-09-30. Clerks of court do not charge filing fees for the state or political subdivisions. North Dakota Century Code Section 27-05.2-03. Child Support is exempt from sheriff's fees in public assistance cases, but still pays fees in non-public assistance cases. North Dakota Century Code Section 14-08.1-04.

For the current biennium, the total fees that Child Support pays to sheriffs in North Dakota are estimated at just under \$17,000 per biennium, which would grow to

roughly \$42,500 under Senate Bill 2244. This is not an increase that is included in the proposed budget for Child Support in House Bill 1012. Considering that the state assumed responsibility for county administration of child support in 2007 at a property tax savings of many millions of dollars per year for counties, we thought two years ago and still think it would be reasonable to ask for Child Support to be exempt from all sheriff's fees, and therefore request consideration of the attached amendment.

Thank you, Mr. Chairman, and I would be glad to respond to any questions the committee may have.

PROPOSED AMENDMENTS TO SENATE BILL 2244

Page 1, line 1, replace the second “and” with a comma

Page 1, line 1, after “11-15-08” insert “, and 14-08.1-04”

Page 2, after line 24, insert:

“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 A sheriff may not charge ~~and~~ or collect service of process fees ~~consistent with~~ under section 11-15-07 from the child support agency.”

Renumber accordingly

LARRY J. RICHARDS

ATTORNEY AT LAW

711 N. Washington Street #202

Grand Forks, ND 58203

Tel: (701) 795-5100

larry.richards@lawyer.com

January 25, 2021

To: Senator Jerry Klein
Chairman, North Dakota Senate Committee on
Industry, Business and Labor

From: Larry Richards, Attorney at Law

RE: Testimony Regarding Senate Bill No. 2244—County Fees for Civil Process

I have reviewed this proposed bill and wanted to express some concern...or at least to make sure you are aware of the consequences of this proposed legislation.

First, let me start by saying that I do not oppose a modest increase in how much the various Sheriff's Department charge for civil service process. I note that it has been quite awhile since they have been increased.

However, I do want to make you aware that some counties are "doubling up" the fees in various categories. For instance, when the Sheriff is requested to levy and execute a writ, they now charge \$40.00 under subdivision 5, but they also charge \$20.00 for every person that is served with the levy or writ under subdivision 1.

So, for instance, if a Judge issues a Writ of Restitution for a landlord to recover an apartment with four individuals occupying it, some Sheriff Departments--like Grand Forks County--charges \$20.00 for serving each individual in the apartment plus the \$40.00 levy fee, which means the landlord pays the Sheriff \$120.00 to do this. Now, with the proposed increases under this bill, this same landlord would now be paying \$280.00 for this same service. For proof that this is a common interpretation of the statute, I have attached a Writ showing the fees when there are just two individuals in an apartment.

Anyway, if that is your intent, I guess "so be it", but I just wanted to make sure you understand how things can get added up quickly.

Finally, please note that, while I am an attorney, I present this testimony in my individual capacity. I do not present this testimony on behalf on any individual, corporation or other entity. I have not and will not receive any compensation for the presentation of this testimony.

Thank you for your time and consideration as well as your service to the State of North Dakota

Sincerely,



Larry J. Richards
Attorney at Law



Grand Forks County Sheriff Return of Service



STATE OF NORTH DAKOTA
County of Grand Forks

Received from LARRY RICHARDS

ss. In Court: District

IRET Properties

Case No: 18-2019-CV-[REDACTED]

Plaintiff:

Sheriff's Sheriff No: [REDACTED]

vs

Return Execution No: [REDACTED]

[REDACTED]

Civil No: [REDACTED]

State of North Dakota
County of Grand Forks

ss.

Defendant:

I, Andy Schneider, Sheriff of Grand Forks County, hereby certify and return that the following documents in the above entitled action came into my hands for service on: 09/09/19

Writ of Restitution

The disposition of the service of true and correct copies of the above listed documents is as follows:

Corporal Ron Nord and Sgt. Kelly Mclean served said Writ of Restitution on [REDACTED] on 9/10/19 by posting to the door of 2300 Library Lane #114 Grand Forks, ND. No Trespassing was posted, locks changed, and all secure.

Judgment Amount: [REDACTED]
Interest Total: [REDACTED]
Accrued Cost: [REDACTED]

Judgment Amount Received: [REDACTED]
Minus Total Fee

Check Amount: [REDACTED]

Check Payable To: [REDACTED]

Sheriff's Fees

Service:	\$40.00	Levy:	[REDACTED]
Mileage:	\$15.00	Writ:	\$40.00
Postage:	[REDACTED]	Co Comm:	[REDACTED]
Copies:	\$4.00	Cancellation:	[REDACTED]
Admin:	\$5.00	Misc:	[REDACTED]
Total Fee:	\$104.00		

Balance Due: [REDACTED]

Dated at Grand Forks, North Dakota, 09/10/19

Andy Schneider
Sheriff of Grand Forks County, North Dakota

Service documents will be moved to electronic storage 15 days after notice of service is provided.

2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2244
1/27/2021 PM

relating to civil process fees and commissions on collections

Chair Klein called the meeting to order at 2:08 p.m. All members were present. Senators Klein, Larsen, Burckhard, Vedaa, Kreun, Marcellais.

Discussion Topics:

- Tax increases
- Tenant costs
- Landlord costs

Senator Kreun moved to adopt Amendment 21.0708.01001 Title.02000 [14:10].

Senator Marcellais seconded the motion [14:10].

[14:10]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Senator Shawn Vedaa	Y

Motion passed: 6-0-0

Senator Kreun moved a DO PASS AS AMENDED [14:11].

Senator Marcellais seconded the motion [14:11].

[14:31]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	N
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Senator Shawn Vedaa	Y

Motion passed: 5-1-0

Senator Kreun will carry the bill [14:31].

Chair Klein closed the hearing at 2:32 p.m.

Isabella Grotberg, Committee Clerk

January 27, 2021

SL
1/27

PROPOSED AMENDMENTS TO SENATE BILL NO. 2244

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "11-15-08" insert ", and 14-08.1-04"

Page 1, line 2, after "collections" insert "and to sheriff's fees from the child support agency"

Page 2, after line 24, insert:

"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."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2244: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "11-15-08" insert ", and 14-08.1-04"

Page 1, line 2, after "collections" insert "and to sheriff's fees from the child support agency"

Page 2, after line 24, insert:

"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."

Renumber accordingly

2021 HOUSE POLITICAL SUBDIVISIONS

SB 2244

2021 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee
Room JW327B, State Capitol

SB 2244
3/12/2021

Relating to civil process fees and commissions on collections and to sheriff's fees from the child support agency

Chairman Dockter: (9:00). Opened the hearing.

Representatives	Vote
Representative Jason Dockter	P
Representative Brandy Pyle	P
Representative Mary Adams	P
Representative Claire Cory	P
Representative Sebastian Ertelt	P
Representative Clayton Fegley	A
Representative Patrick Hatlestad	P
Representative Mary Johnson	A
Representative Lawrence R. Klemin	P
Representative Donald Longmuir	P
Representative Dave Nehring	P
Representative Marvin E. Nelson	P
Representative Nathan Toman	P

Discussion Topics:

- Executing any writ
- Increase of fees

Sen. Kreun: Introduced the bill.

Ron Nord, Grand Forks Sheriff Dept. In support.

Donnell Preskey, Association of Counties: In support. No written testimony.

Jim Fleming, Director ND State Child Support: In support, testimony #8886.

Craig Enderle, Legislative Chair for the North Dakota Collectors Association: In opposition, testimony # 8916.

Darin Neugebauer, Owner of Credit Bureau of Bismarck, Inc. In opposition, testimony #8669.

Todd Kranda, Lobbyist NDCA. In opposition but does support a smaller increase than requested.

Additional written testimony:

#8909, 8908, 8620.

Vice Chairman Pyle: (10:27).

Carmen Hickle, Committee Clerk

Testimony
Engrossed Senate Bill 2244 - Department of Human Services
House Political Subdivisions Committee
Representative Jason Dockter, Chairman

March 12, 2021

Chairman Dockter and members of the Political Subdivisions Committee, I am Jim Fleming, the director of the Child Support Division of the North Dakota Department of Human Services and I appear today to support Engrossed Senate Bill 2244.

A little more than two years ago, the Department opened a dialogue with the North Dakota Association of Counties with the hope of extending the exemption from sheriff's fees in public assistance cases to apply to all cases being enforced by Child Support. Some counties at that time did not charge fees to Child Support in any cases. However, given the difference among the counties in the current billing practices of sheriffs, we agreed it would be best to first update the law to make billing practices more consistent statewide and to reflect the current expectations of state's attorneys in child support cases. Child Support is very grateful for the support of North Dakota's county sheriffs in establishing and enforcing child support, and we did not pursue legislation this session to eliminate the fee, but the original proposed 250% increase in sheriff's fees in Senate Bill 2244 as introduced compelled us to seek an amendment to the bill in the Senate, which is attached for your reference.

Child Support is exempt from many fees charged by the state or political subdivisions, including county recorders. North Dakota Century Code Section 50-09-30. Clerks of court do not charge filing fees for the state or political subdivisions. North Dakota Century Code Section 27-05.2-03. Child Support is exempt from sheriff's fees in public assistance cases, but still pays fees in non-public assistance cases. North Dakota Century Code Section 14-08.1-04.

For the current biennium, the total fees that Child Support pays to sheriffs in North Dakota are estimated at just under \$17,000 per biennium, which would have grown to roughly \$42,500 under the original version of Senate Bill 2244. Considering that the state assumed responsibility for county administration of child support in 2007 at a property tax savings of many millions of dollars per year for counties, we thought two years ago and still think it would be reasonable for Child Support to be exempt from all sheriff's fees, but we appreciate the Senate amendment retaining the current fee of \$20 to Child Support for serving legal process and we support the bill as amended.

Thank you, Mr. Chairman, and I would be glad to respond to any questions the committee may have.

PROPOSED AMENDMENTS TO SENATE BILL 2244

Page 1, line 1, replace the second “and” with a comma

Page 1, line 1, after “11-15-08” insert “, and 14-08.1-04”

Page 2, after line 24, insert:

“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~~ A sheriff may not charge ~~and~~ or collect service of process fees ~~consistent with~~ under section 11-15-07 from the child support agency.”

Renumber accordingly

**TESTIMONY IN OPPOSITION OF
SENATE BILL NO. 2244**

March 9, 2021

To: Representative Jason Dockter, Chairman of the House of Political Subdivisions

From: Craig Enderle, Legislative Chair, North Dakota Collectors Association

Dear Chairman, Dockter, and members of the House Political Subdivisions

My name is Craig Enderle, and I am the Legislative Chair for the North Dakota Collectors Association (NDCA). Our membership is comprised of 13 North Dakota based collection agencies that provide debt collection services to every industry within the State.

I am here today to express our opposition to SB 2244. Our association conducted a study to investigate the fiscal impact of this amendment and how it could impact all ND creditors and consumers. Here is what we found:

- In 2020, there were a total 27,776 civil filings within the State of North Dakota. That number does not represent the total number of summons and complaints issued – which we believe represents 45,000 cases. In addition, the service of a summons and complaint is often charged double if there is a co-defendant in the case. This means the cost would go up to \$100.00 per service, plus mileage. A conservative estimate of the proposed amendment under section 11-15-07 would increase the cost by \$1,575,000.00 annually.
- According to a study by Kaulkin Ginsberg on behalf of ACA international, collection agencies reported a total of \$219,938,145.00 in gross collections in 2020. The proposed increase will negatively impact our ability to collect these dollars. Such reductions would come in the form of increased cost of obtaining services and credit to all North Dakotans.
- The proposed increase will burden small claims plaintiffs who in 2020, brought a total of 3748 small claims cases in North Dakota.
- This bill may decrease the demand for Counties and increase the demand for National private processing firms for service.
- There has been no fiscal study conducted in North Dakota to support any increase or measure the negative impacts to the proposed increases under section 11-15-07 or 11-15-08.
- Our association does not agree that North Dakota should structure our fees based on what surrounding States are charging. In other testimony, there was information

provided to warrant such increases. What is missing is any budgetary data to indicate the need for any increase at all. Other examples did not include States such as Montana, which does not charge a commission as highlighted under section 11-15-08.

Our members support and work with each of the County Sheriff's on a daily basis. We believe they provide the best possible service to all North Dakota communities. For this reason, our association would like to support a possible amendment as follows:

Under section 11-15-07, increase the civil process s fee from \$20.00 to \$30.00. A total increase of \$10.00 per service.

Under section 11-15-07, increase the execution fee from \$40.00 to \$50.00. A total increase of \$10.00.

Under section 11-15-08, amend the increase from 1 percent to 1.5 percent. A total increase of .05 percent.

Sincerely,

Craig Enderle

TESTIMONY
SENATE BILL 2244
HOUSE STANDING COMMITTEE
REPRESENTATIVE JASON DOCKTER- CHAIRMAN
FEBRUARY 12, 2021 9:00 A.M.

Chairman Dockter and other members of the committee, my name is Darin Neugebauer and I am the owner of the Credit Bureau of Bismarck, Inc. I am here to ask for a reconsideration of the aforementioned bill because of the potential detrimental effect it may have on the State as it is currently written.

This would have a grievous impact on the banking, collection, and rental industries among any other that would involve a civil matter. If John Doe was wronged and wanted to go to small claims court, this substantial increase may make the difference for him as to whether or not he would pursue the matter.

If costs for a small business were to double, overnight, it would make it very difficult to continue doing business. It is similar to the pandemic we've been going through. Many businesses were forced to close as their customer base was lost overnight.

Is this what we wish to do, shrink the tax base of the state?

I am in agreement costs have risen and the Sheriffs of North Dakota may need an increase in those fees if able to be justified by each county. According to the Bismarck Tribune there is at least one county which may not need this.

Is it right to subsidize those who don't need it?

I wish to propose the following:

- Under 11-15-07, increase the civil process from \$20.00 to \$30.00. A 50% increase.
- Under 11-15-07, increase the execution fee from \$40.00 to \$50.00. A 20% increase.
- Under 11-15-08, amend the increase from 1 percent to 1.5 percent. A fifty percent increase.

I believe these increases would be palatable to all involved and am open to any questions you may have. Thank you for your consideration.



Pro
Collect
Services LLC

Professional
Collection
Specialists

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PO Box 389
Minot, ND 588702-0389
(701) 852-2127
(800) 203-6235 Toll Free
(701) 837-0417 Fax
KSchimetz@procollectnd.com

March 12, 2021

Testimony to:
Political Sub Division SB2244

Kathryn Schimetz, President/Owner
Procollect Services LLC
Box 389
Minot ND 58702
701-852-2127

Good Morning Chairman Dockter and committee members, my name is Kathryn Schimetz. I am President and Owner of Procollect Services in Minot and a member of the North Dakota Collector's Association. We have been in Business in the Minot community for the last 25 years.

I am testifying in opposition of Senate Bill 2244, for the various reasons.

1. In numerous instances consumers are picking up their papers from the sheriff's office and we are being charged the full cost for the sheriff serving the papers. Having a deputy call a consumer to pick up papers from the sheriff's office and having a deputy actually go out and serve the papers should not cost the same amount of money.
2. In some instances, being on a level playing field with other states is fine, but, in this instance, I do not believe that applies because our sheriff's deputies do not typically have to drive as far to serve papers on consumers or consumers will pick up papers at our sheriff's offices, meaning there is no mileage attached.
3. I find it extraordinarily unusual that any organization would feel that they should have an increase in their fees of 250%. I as a collection agency owner, in many instances, must decrease my rates in order to retain my clients. We are not able to increase our fees, so in order for us to stay in business we must decrease expenses or increase revenue.
4. There was no fiscal note attached explaining why this increase is needed.

I ask that you give this a Do Not Pass Recommendation.

Thank you for your time and consideration.

TESTIMONY IN OPPOSITION
SB 2244
House Political Subdivisions

Chairman Dockter and members of the Political Subdivisions Committee, I am Kim Granfor, a registered lobbyist for the ND Collectors Association, in addition I am the Vice-President/COO of Hospital Services, Inc., a ND collection agency which is the wholly owned subsidiary of the North Dakota Hospital Association.

We appreciate law enforcement in everything they do. We understand that there has not been an increase in providing civil process fees for many years and we are not objecting to an increase. However, because there wasn't a fiscal note attached to this bill, we are unable to see the justification for a 250% increase.

Unfortunately, there are many debtors that do not pay voluntarily, and litigation becomes necessary to compel them to pay. If this bill passes with a 250% increase it could have the following impact:

- This proposed increase will cause the collection agency to raise their minimum dollar amount owed before litigation is commenced. This will cause the smaller balances to not be collected on behalf of the businesses that we represent.
 - The fee is collectible from the defendant (debtor) but we are not successful in recovering this from the defendant every time.
 - Collection Agencies collect for businesses in your communities that have the right to receive payment for the goods or services provided. This increase will cause a reduction in the recovery of their bad debt receivable.
- Although our industry does not have access to small claims court, this increase will impact citizens who are bringing small claims court actions. They too will be paying this large increase for service of summons and complaints.

The bottom line of SB 2244 is that a 250% increase is simply excessive.

I urge you to vote no on SB2240 or consider the amendment that has been brought by the ND Collectors Association which is a more reasonable increase.

Kim Granfor
HSI
PO Box 7340
Bismarck, ND 58507
701-471-4226 (cell)

Re: Opposition to SB No. 2244

Dear Committee;

My name is Brent Olsen and I live in district 7. I am also the COO of Credit Collections Bureau, a North Dakota based collection agency with three office locations.

I am writing to express my opposition to SB 2244.

While I agree some County Sheriffs departments need a fee increase, I strongly disagree every county needs an increase of 150 percent for this service. Under SB 2244, the following is being proposed:

Service of process will increase from \$20.00 to \$50.00, for each person served.

For levying or executing at writ, the fee will increase from \$40.00 to \$80.00.

The commission for collecting any amount under the levy would increase from 1 percent to 3 percent.

Agencies like CCB play an important role in the North Dakota economy.

Every dollar we invest collecting accounts creates a positive impact for every business and consumer in the State of North Dakota.

Unpaid funds lost are directly passed to each consumer the following year. We collect 9 million dollars of revenue every year for industries such as healthcare, utility, financial, etc.

Based on a preliminary analysis within our agency, SB 2244 would increase our operational costs by over \$31,000 annually to process the same numbers.

Some of that cost cannot be recovered and we would have no choice but to reduce the total investment we make to recover funds for our clients.

The remaining amount of costs are assessed directly back to the consumer. There are over 500 licensed agencies in the State of North Dakota. This will negatively impact our State.

For the above reasons, I am asking that you strongly consider the following fee increase:

Service of process increase from \$20.00 to \$30.00 for each person served.

Increasing the \$40.00 fee for levying or executing a writ to \$50.00.

The commission for collecting any amount under a levy would increase from 1 to 1.5 percent.

For the above reasons, I am asking that you oppose SB 2244 in current form and give good consideration for what I consider a reasonable fee increase.

Sincerely,

Brent Olsen
Chief Operations Officer

2021 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee
Room JW327B, State Capitol

SB 2244
3/18/2021

Relating to civil process fees and commissions on collections
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Chairman Dockter: (4:00). Opened for committee work.

Representatives	Vote
Representative Jason Dockter	Y
Representative Brandy Pyle	Y
Representative Mary Adams	Y
Representative Claire Cory	Y
Representative Sebastian Ertelt	Y
Representative Clayton Fegley	Y
Representative Patrick Hatlestad	Y
Representative Dori Hauck	Y
Representative Mary Johnson	Y
Representative Lawrence R. Klemin	Y
Representative Donald Longmuir	Y
Representative Dave Nehring	Y
Representative Marvin E. Nelson	Y
Representative Nathan Toman	Y

Discussion Topics:

- Amendment
- Fees adjusted

Rep. Ertelt: Made a motion on a proposed amendment, replace increase of \$50 to up to \$30. Replace \$80 with up to \$50. Stay at 1%.

Rep. Toman: Second the motion.

Voice vote carried.

Vice Chairman Pyle: Made a motion to take out the “up to” language.

Rep. Nelson: Second the motion.

Voice vote carried.

Rep. Nelson: Made a do pass as twice amended.

Vice Chairman Pyle: Second the motion.

Representatives	Vote
Representative Jason Dockter	N
Representative Brandy Pyle	N
Representative Mary Adams	N
Representative Claire Cory	Y
Representative Sebastian Ertelt	N
Representative Clayton Fegley	N
Representative Patrick Hatlestad	N
Representative Dori Hauck	N
Representative Mary Johnson	Y
Representative Lawrence R. Klemin	Y
Representative Donald Longmuir	N
Representative Dave Nehring	N
Representative Marvin E. Nelson	Y
Representative Nathan Toman	N

4-10-0 failed.

Rep. Ertelt: Made a do not pass as amended motion.

Rep. Adams: Second the motion.

Representatives	Vote
Representative Jason Dockter	Y
Representative Brandy Pyle	Y
Representative Mary Adams	Y
Representative Claire Cory	N
Representative Sebastian Ertelt	Y
Representative Clayton Fegley	Y
Representative Patrick Hatlestad	Y
Representative Dori Hauck	Y
Representative Mary Johnson	N
Representative Lawrence R. Klemin	N
Representative Donald Longmuir	Y
Representative Dave Nehring	Y
Representative Marvin E. Nelson	N
Representative Nathan Toman	Y

10-4-0 carried.

Rep. Longmuir: Will carry the bill.

Chairman Dockter: (4:23). Closed for committee work

Carmen Hickle, Committee Clerk

March 18, 2021

Do 3/18/21
10/1

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2244

Page 1, line 1, remove ", 11-15-08,"

Page 1, line 12, replace "fifty" with "thirty"

Page 1, line 14, replace "fifty" with "thirty"

Page 1, line 19, replace "eighty" with "fifty"

Page 2, remove lines 10 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2244, as engrossed: Political Subdivisions Committee (Rep. Dockter, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO NOT PASS (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB
2244 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", 11-15-08,"

Page 1, line 12, replace "fifty" with "thirty"

Page 1, line 14, replace "fifty" with "thirty"

Page 1, line 19, replace "eighty" with "fifty"

Page 2, remove lines 10 through 25

Renumber accordingly

2021 CONFERENCE COMMITTEE

SB 2244

2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2244
4/13/2021
Conference Committee

relating to civil process fees and commissions on collections and to sheriff's fees from the child support agency

Senator Kreun opened the meeting at 9:36 a.m. All members were present. Senators Kreun, Burckhard, and D. Larsen. Representatives Hatlestad, Nehring and Longmuir.

Discussion Topics:

- North Dakota Sheriff's Association
- Taxpayer costs
- Value of property

Todd Kranda, Attorney testified to provide information [9:41].

Senator Burckhard moved to adjourn [9:59].

Representative Nehring seconded the motion [9:59].

Senator Kreun closed the meeting at 10:00 a.m.

Isabella Grotberg, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2244
4/15/2021
Conference Committee

relating to civil process fees and commissions on collections and to sheriff's fees from the child support agency

Senator Kreun opened the meeting at 9:32 a.m. All members were present. Senators Kreun, Burckhard, and Larsen. Representatives. Hatlestad, Nehring, and Longmuir.

Discussion Topics:

- Fees and dollar amounts
- Escalator clause

Senator Burckhard moved to adopt amendment 21.0708.02006 [9:36].

Representative Nehring seconded the motion [9:36].

Senators & Representatives	Vote
Senator Curt Kreun	Y
Senator Randy Burckhard	Y
Senator D. Larsen	Y
Representative Hatlestad	Y
Representative Nehring	Y
Representative Longmuir	Y

Motion passed: 6-0-0

Representative Nehring moved that the Senate recede and amend as follows [21.0708.02006]. [9:38].

Senator Burckhard seconded the motion [9:38].

Senators & Representatives	Vote
Senator Curt Kreun	Y
Senator Randy Burckhard	Y
Senator Richard Marcellais	Y
Representative Hatlestad	Y
Representative Nehring	Y
Representative Longmuir	Y

Motion passed: 6-0-0

Senator Kreun will carry in the Senate [9:38].

Representative Hatlestad will carry in the House [9:38].

Senator Kreun closed the meeting at 9:39 a.m.

Isabella Grotberg, Committee Clerk

April 14, 2021

SAC
1861
4/15

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2244

That the House recede from its amendments as printed on page 1022 of the Senate Journal and page 1217 of the House Journal and that Engrossed Senate Bill No. 2244 be amended as follows:

Page 1, line 12, replace "fifty" with "thirty"

Page 1, line 14, replace "fifty" with "thirty"

Page 1, line 19, replace "eighty" with "fifty"

Page 2, line 18, replace "three" with "two"

Page 2, line 18, after "percent" insert "for personal property and one percent for real property"

Renumber accordingly

**2021 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2244 as engrossed

Senate IBL Committee

Action Taken **SENATE accede to House Amendments**

- SENATE accede to House Amendments and further amend**
- HOUSE recede from House amendments**
- HOUSE recede from House amendments and amend as follows**

Unable to agree, recommends that the committee be discharged and a new committee be appointed

Vote to accept amendment 21.0708.02006

Motion Made by: Senator Burckhard Seconded by: Representative Nehring

Senators					Representatives				
			Yes	No				Yes	No
Kreun			x		Hatlestad			x	
Burckhard			x		Nehring			x	
D. Larsen			x		Longmuir			x	
Total Senate Vote					Total Rep. Vote				

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier n/a House Carrier n/a

LC Number 21.0708 . 02006 of amendment

LC Number _____ . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**2021 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2244 as engrossed

Senate IBL Committee

- Action Taken**
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendment.
 - HOUSE recede from House amendments and amend as follows
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Nehring Seconded by: Senator Burckhard

Senators					Representatives				
			Yes	No				Yes	No
Kreun			x		Hatlestad			x	
Burckhard			x		Nehring			x	
D. Larsen			x		Longmuir			x	
Total Senate Vote	3	0	0		Total Rep. Vote	3	0	0	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Kreun House Carrier Hatlestad

LC Number 21.0708 . 02006 of amendment

LC Number 21.0708 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.0708.02006
Senate Carrier: Kreun
House Carrier: Hatlestad

REPORT OF CONFERENCE COMMITTEE

SB 2244, as engrossed: Your conference committee (Sens. Kreun, Burckhard, D. Larsen and Reps. Hatlestad, Nehring, Longmuir) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1022, adopt amendments as follows, and place SB 2244 on the Seventh order:

That the House recede from its amendments as printed on page 1022 of the Senate Journal and page 1217 of the House Journal and that Engrossed Senate Bill No. 2244 be amended as follows:

Page 1, line 12, replace "fifty" with "thirty"

Page 1, line 14, replace "fifty" with "thirty"

Page 1, line 19, replace "eighty" with "fifty"

Page 2, line 18, replace "three" with "two"

Page 2, line 18, after "percent" insert "for personal property and one percent for real property"

Renumber accordingly

Engrossed SB 2244 was placed on the Seventh order of business on the calendar.