

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2232

Introduced by

Senators Goetz, Kinnoin, Tallackson

Representatives Carlson, Nichols, Svedjan

1 A BILL for an Act to amend and reenact subsection 1 of section 11-17-04, sections 11-26-04,
2 26.1-02-19, 28-20.1-05, 35-18-04, 35-21-05, 43-01-19, and 57-22-32 of the North Dakota
3 Century Code, relating to the fees to be charged by the clerk of the district court.

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

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

- 7 1. The clerk of the district court shall charge and collect the following fees in civil
8 cases:
- 9 a. For filing a case for decision ~~that~~ in district court which is not neither a small
10 claims action nor an action to collect a debt not exceeding the jurisdictional
11 limits of the small claims court, eighty dollars.
- 12 (1) Ten dollars of this fee must be paid by the clerk of court to the state
13 treasurer for deposit in the civil legal services fund.
- 14 (2) For the filing of a petition for dissolution of marriage, annulment, or
15 separation from bed and board, fifty dollars of this fee must be paid by
16 the clerk of court to the state treasurer for deposit in the displaced
17 homemaker account created by section 14-06.1-14.
- 18 (3) For all other filings, fifty dollars of this fee must be paid by the clerk of
19 court to the state treasurer for deposit in the state general fund.
- 20 b. For filing an answer to a case that is ~~not~~ neither a small claims action nor an
21 action to collect a debt not exceeding the jurisdictional limits of the small
22 claims court, fifty dollars. The clerk shall deposit this fee with the state
23 treasurer for deposit in the general fund in the state treasury.

c. For filing a case in the small claims action in district court as defined in chapter 27-08.1, ten dollars.

d. For filing a case for decision in district court to collect a debt not exceeding the jurisdictional limits of the small claims court or an answer to such a case, thirty dollars, ten dollars of which must be paid by the clerk of court to the state treasurer for deposit in the civil services fund.

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

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

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

SECTION 2. AMENDMENT. Section 11-26-04 of the North Dakota Century Code is amended and reenacted as follows:

11-26-04. Meetings of board, when held - Fees. Whenever a debtor or creditor calls for assistance upon the debt adjustment board of the county within which the debtor resides and pays to the clerk of the district court a filing fee as prescribed in subdivision ~~d~~ e of subsection 1 of section 11-17-04, ~~such~~ the clerk shall call a meeting of the debtor and the debtor's creditors with the board at the earliest possible date. The clerk shall notify the members of the board and the debtor and creditors of the time and place of such meeting. If a debtor requesting a meeting makes and files an affidavit stating that the debtor is financially unable to pay the fee provided for in this section, the payment ~~thereof shall be~~ is waived.

SECTION 3. AMENDMENT. Section 26.1-02-19 of the North Dakota Century Code is amended and reenacted as follows:

26.1-02-19. Fees. Any person filing a foreign decree shall pay a filing fee as prescribed in subdivision ~~d~~ e of subsection 1 of section 11-17-04 to the clerk of court. Fees for docketing, transcriptions, or other enforcement proceedings are as provided for decrees of the district court.

1 **SECTION 4. AMENDMENT.** Section 28-20.1-05 of the 1995 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **28-20.1-05. Fees.** Any person filing a foreign judgment shall pay to the clerk of court a
4 filing fee as prescribed in subdivision ~~d~~ e of subsection 1 of section 11-17-04. Fees for
5 docketing, transcription, or other enforcement proceedings must be as provided for judgments
6 of the district court of any county of this state.

7 **SECTION 5. AMENDMENT.** Section 35-18-04 of the 1995 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **35-18-04. Clerk of court - Filing - Record - Fee.** The clerk of the district court with
10 whom the lien statement and proof of service are filed shall endorse on those filings the date
11 and hour of filing and shall keep a record of all lien statements filed in the county, and of any
12 orders, or responses relating to any orders, by the district court. The clerk shall establish and
13 maintain a system for indexing, filing, or recording which is sufficient to enable users of the
14 records to obtain adequate information. The clerk shall collect a fee as prescribed in
15 subdivision ~~d~~ e of subsection 1 of section 11-17-04 for filing and indexing each lien.

16 **SECTION 6. AMENDMENT.** Section 35-21-05 of the 1995 Supplement to the North
17 Dakota Century Code is amended and reenacted as follows:

18 **35-21-05. Fee - Recordation - Certified copies as evidence.** If the presiding officer
19 is the clerk of the district court, the clerk may charge a fee as prescribed in subdivision ~~d~~ e of
20 subsection 1 of section 11-17-04 to be paid in advance by the applicant. If the officer is the
21 clerk of the district court, the clerk shall record the notice, affidavit, and undertaking in a
22 recording system provided for that purpose. If the officer is the register of deeds, the officer
23 shall record the ~~same~~ notice, affidavit, and undertaking in the book of miscellaneous records.
24 The register of deeds may charge a fee as provided by section 11-18-05. Certified copies of
25 the documents are prima facie evidence, in the courts of this state, of the matters therein
26 contained.

27 **SECTION 7. AMENDMENT.** Section 43-01-19 of the 1995 Supplement to the North
28 Dakota Century Code is amended and reenacted as follows:

29 **43-01-19. County officers may certify abstracts.** ~~The provisions of this~~ This chapter
30 ~~do~~ does not prevent the register of deeds, county treasurer, or clerk of court from certifying to
31 abstracts of title to lands from the records of their respective offices. Each ~~such~~ officer,

1 however, is liable on ~~his~~ the officer's official bond for the faithful performance of all acts
2 performed by ~~him~~ the officer as ~~such~~ abstracter. If the officer certifying the abstract is the clerk
3 of court, the clerk shall charge and collect a fee as prescribed in subdivision e f of subsection 1
4 of section 11-17-04.

5 **SECTION 8. AMENDMENT.** Section 57-22-32 of the 1995 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **57-22-32. Collection from tax debtor who moves to another county - Duty of**
8 **county auditor.** Upon the removal of a delinquent tax debtor from the county, collection must
9 be made from the debtor in the manner following:

- 10 1. In case of the removal of any delinquent tax debtor from the county in which the
11 debtor's personal property was taxed to any other county in this state, ~~it is the duty~~
12 ~~of~~ the assessor immediately ~~to~~ shall make a proper effort to ascertain the place of
13 the debtor's destination and ~~to~~ report the same place to the county auditor.
14 ~~Thereupon, the~~ The county auditor shall ~~make out~~ prepare and forward to the clerk
15 of the district court of the county to which the tax debtor has removed a statement
16 of the amount of ~~such~~ the delinquent taxes, including penalties and costs that may
17 have attached, specifying the value of property on which ~~said~~ the taxes were
18 levied.
- 19 2. On receipt of ~~any such~~ the statement, the clerk of the district court receiving the
20 ~~same statement~~ shall issue a warrant to the sheriff of the county, and ~~such the~~
21 sheriff shall proceed immediately to collect the ~~same taxes~~ in the manner in which
22 the sheriff collects delinquent taxes in the county. The sheriff shall collect from the
23 tax debtor an additional sum as prescribed in subdivision e f of subsection 1 of
24 section 11-17-04 for each warrant. ~~Such~~ The sum must be paid to ~~such the~~
25 as the fee for issuing ~~said~~ the warrant, and all taxes ~~thus~~ collected must be
26 remitted by the sheriff to the treasurer of the county to which the taxes belong,
27 together with the original statement of account, and if any taxes remain unpaid a
28 statement must be made of the reason ~~therefor~~, and proper entries must be made
29 on the tax lists of the county where the tax was levied.