

HOUSE BILL NO. 1088

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to create and enact three new sections to chapter 27-05.2 of the North Dakota
2 Century Code, relating to establishment of a court facilities improvement and maintenance fund
3 and court facilities improvement advisory committee; to amend and reenact section 27-05.2-03
4 of the North Dakota Century Code, relating to fees charged by the clerk of the district court; and
5 to provide a continuing appropriation.

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

7 **SECTION 1. AMENDMENT.** Section 27-05.2-03 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **27-05.2-03. Fees to be charged by the clerk of the district court.**

10 1. A clerk of the district court shall charge and collect the following fees in civil cases:

11 a. For filing a case for decision that is not a small claims action, ~~eighty~~ ninety
12 dollars.

13 (1) Fifteen dollars of this fee must be paid by the clerk of court to the state
14 treasurer for deposit in the civil legal services fund. Any fees collected
15 under this paragraph which exceed four hundred thousand dollars in
16 any biennium must be paid by the clerk of court to the state treasurer
17 for deposit in the state general fund.

18 (2) Ten dollars of this fee must be paid by the clerk of court to the state
19 treasurer for deposit in the court facilities improvement and
20 maintenance fund.

21 (3) For the filing of a petition for dissolution of marriage, annulment, or
22 separation from bed and board, fifty dollars of this fee must be paid by
23 the clerk of court to the state treasurer for deposit in the displaced
24 homemaker account created by section 14-06.1-14 and fifteen dollars

- 1 of this fee must be paid by the clerk of court to the state treasurer for
2 deposit in the state general fund.
- 3 ~~(3)~~ (4) For all other filings, sixty-five dollars of this fee must be paid by the
4 clerk of court to the state treasurer for deposit in the state general fund.
- 5 b. For filing an answer to a case that is not a small claims action, fifty dollars.
6 The clerk shall deposit this fee with the state treasurer for deposit in the
7 general fund in the state treasury.
- 8 c. For filing a small claims action in district court, ten dollars.
- 9 d. For filing any matter authorized to be filed in the office of the clerk of court
10 other than under subdivision a, b, or c, ten dollars.
- 11 e. For preparing, certifying, issuing, or transmitting any document, ten dollars; or
12 a lesser fee as may be set by the state court administrator.
- 13 f. For filing a motion or an answer to a motion to modify an order for alimony,
14 property division, child support, or child custody, thirty dollars. The clerk shall
15 deposit this fee with the state treasurer for deposit in the general fund of the
16 state treasury.
- 17 2. Section 27-01-07 applies to fees charged under this section. The clerk of court
18 may not charge or collect any fee, prescribed by this or any other section, from the
19 state or an agency thereof or from a political subdivision or agency thereof.

20 **SECTION 2.** A new section to chapter 27-05.2 of the North Dakota Century Code is
21 created and enacted as follows:

22 **Court facilities improvement and maintenance fund - Administration - Continuing**
23 **appropriation.** The court facilities improvement and maintenance fund is a special fund in the
24 state treasury. The state treasurer shall deposit in the fund fees collected under paragraph 2 of
25 subdivision a of subsection 1 of section 27-05.2-03. All moneys in the fund are appropriated on
26 a continuing basis to be used as provided in this chapter.

27 **SECTION 3.** A new section to chapter 27-05.2 of the North Dakota Century Code is
28 created and enacted as follows:

29 **Court facilities improvement advisory committee - Members.**

- 30 1. The court facilities improvement advisory committee consists of:

- 1 a. One member appointed by the North Dakota association of counties to
2 represent counties with a population fewer than seven thousand five hundred.
- 3 b. One member appointed by the North Dakota association of counties to
4 represent counties with a population of seven thousand five hundred or more.
- 5 c. One member, who shall serve as chairman of the committee, appointed by
6 the chief justice of the supreme court.
- 7 d. One member appointed by the state bar association of North Dakota.
- 8 e. One member appointed by the chairman of the legislative council.
- 9 2. The term of each member is three years. Initially, as determined by lot, one
10 member shall serve for one year, two members shall serve for two years, and two
11 members shall serve for three years. At the end of the member's term, the
12 appointing authority shall appoint a successor for a full three-year term. A member
13 may not serve more than two 3-year terms. A vacancy must be filled by the
14 appointing authority for the remainder of the term.
- 15 3. At the initial meeting of the committee, the committee shall adopt rules of operation
16 and procedure for the committee. The committee shall submit the rules to the
17 supreme court for approval. The rules of operation must provide that a quorum of
18 the committee consists of at least four members.
- 19 4. The members of the committee are entitled to reimbursement for travel and
20 expenses as provided by law for other state officers. Travel and expense costs
21 must be paid from funds from the court facilities improvement and maintenance
22 fund.
- 23 5. The supreme court shall provide staff services for the committee.

24 **SECTION 4.** A new section to chapter 27-05.2 of the North Dakota Century Code is
25 created and enacted as follows:

26 **Application for grants from court facilities improvement and maintenance fund.**
27 Moneys in the court facilities improvement and maintenance fund may be used by the court
28 facilities improvement advisory committee to make grants to counties to provide funds for court
29 facilities improvement and maintenance projects. The committee shall review applications to
30 determine if the purpose of a grant is consistent with the purposes of the fund and if the
31 proposed project is a necessary improvement to court facilities or essential to remodel or

Fifty-eighth
Legislative Assembly

1 maintain existing court facilities in the applicant county. A grant may be awarded to a county
2 only if the applicant county agrees to provide local funding for the project in an amount at least
3 equal to twenty-five percent of the total cost of the project. The committee shall ensure that at
4 least twenty-five percent of funds granted during a biennium are allocated to counties with a
5 population fewer than seven thousand five hundred. Grants dispersed under this section may
6 be used only to improve or provide essential remodeling or maintenance to facilities used for
7 chambers, courts, and court-related services.