

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 195

H. B. No. 797
(Judiciary Committee)

ASSIGNMENT OF DISTRICT COURT JUDGES TO OTHER DISTRICTS

AN ACT

To amend and reenact section 27-0225 and subsection 3 of section 27-0522 of the North Dakota Revised Code of 1943, relating to assignment of district court judges to other districts; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 27-0225 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0225. SUPREME COURT MAY CALL SPECIAL TERMS FOR DISTRICT COURTS; COURT MAY DESIGNATE JUDGE TO PRESIDE.) The supreme court, whenever in its judgment the ends of justice require, may:

1. Order a special term of the district court to be called in any county in this state and may designate any one of the district judges in this state to call and preside at such term; and
2. Designate any district judge to serve in any other district of this state at such places and for such period as the supreme court shall in its order direct, and the district judge so designated shall have all the powers and authority in the district to which he shall be assigned as are possessed by the district judges in such district, subject to such restrictions as may be prescribed by the order of assignment by the supreme court.

§ 2. AMENDMENT.) Subsection 3 of section 27-0522 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

3. When designated by the supreme court to perform duties in another district as authorized by section 27-0225; or

§ 3. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1951.

CHAPTER 196

S. B. No. 98
(Day, Knudson, Shure and Duffy)

SALARIES OF JUDGES OF SUPREME AND DISTRICT COURTS

AN ACT

To amend and reenact sections 27-0202 and 27-0503 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to salaries of judges of the supreme court and district courts.

Re It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 27-0202 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0202. SALARIES OF JUDGES OF SUPREME COURT.) Each judge of the supreme court shall receive an annual salary of seven thousand five hundred dollars.

§ 2. AMENDMENT.) Section 27-0503 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0503. SALARIES AND EXPENSES OF DISTRICT JUDGES.) Each district judge of this state shall receive an annual salary of six thousand dollars and his actual traveling expenses, which shall include subsistence while holding court inside his own district but outside the county in which he resides. Such salary and expenses shall be payable monthly in the manner provided by law.

Approved February 27, 1951.

CHAPTER 197

S. B. No. 65
(Legislative Research Committee)

COURT REPORTERS, SALARY AND EXPENSE

AN ACT

To amend and reenact section 27-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to salaries and expenses of district court reporters.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 27-0602 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0602. SALARY AND EXPENSE OF COURT REPORTERS.) Each court reporter shall receive a salary of four thousand dollars per annum, payable in equal monthly installments by the counties constituting the judicial district in which such reporter is employed. Such salary shall be apportioned according and in proportion to the number of suits entered and commenced in the district court of the respective counties of such district in the preceding year. The presiding judge of each judicial district, on the first day of January of each year, or as soon thereafter as may be, shall apportion the amount of such salary to be paid by each county in his district on the basis aforesaid, and the county auditors of the respective counties in such judicial district shall issue to the order of such court reporter a warrant for the amount shown to be due by such apportionment. As reimbursement for expenses incurred in the performance of official duties outside of the county where the district court chambers are situated, the court reporter shall receive for actual living expenses a sum not to exceed four dollars per day for meals, and in addition thereto actual lodging expenses not to exceed four dollars per day, and actual transportation expenses. Such sums shall be paid monthly by the county wherein such court reporter is attending to such official duties, when approved by the board of county commissioners, upon itemized statements submitted by him and supported by sub-vouchers or receipts as provided by section 21-0501. Claims for actual transportation expense shall not exceed the amounts provided by section 54-0609 and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, and verified by affidavit. No claim for actual living expenses or actual transportation expenses shall be approved for payment to a court reporter by the board of county commissioners unless such claim shall have been first approved by the district judge.

Approved February 27, 1951.

CHAPTER 198

H. B. No. 544
(Legislative Research Committee)

BAILIFFS OF DISTRICT COURTS; APPOINTMENT; SALARY

AN ACT

To amend and reenact section 27-0609 of the North Dakota Revised Code of 1943, relating to bailiffs of district courts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 27-0609 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0609. BAILIFFS OF DISTRICT COURTS: APPOINTMENT; SALARY.) The district court at each term thereof shall appoint a sufficient number of competent bailiffs to wait on the jury and the court during the term. Such bailiffs shall be allowed for their services six dollars per day to be paid by the county.

Approved January 31, 1951.

CHAPTER 199

H. B. No. 673
(Rhode)

COMPENSATION OF JUVENILE COMMISSIONERS

AN ACT

To amend and reenact section 27-1603 of the North Dakota Revised Code of 1943 relating to compensation of juvenile Commissioners; and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Section 27-1603 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1603. JUVENILE COMMISSIONERS: COMPENSATION.) Each juvenile commissioner shall receive as full compensation for his services such amount as may be fixed and approved by one of the judges of the judicial district, either upon a per diem basis for

the time actually and necessarily employed in the duties of his office, or upon a salary basis. In no event, however, shall the amount paid exceed the monthly salary of the county auditor of the county in which the office of juvenile commissioner is maintained or more than ten dollars per day, if paid on a per diem basis. Such commissioner shall be paid mileage and expenses for trips made for investigation or to conduct hearings within the judicial district and away from the place where such commissioner maintains his office. Mileage shall be at the rate fixed by law for county officials. The salary or per diem and expenses shall be paid by the county or shall be equitably apportioned among the several counties of the judicial district by the judge or judges thereof. Such compensation shall be paid monthly by the county treasurers of such counties respectively, on bills duly made out and verified as other bills and accounts against the county are made out and verified, and upon the order of the judges of the judicial district. In a judicial district having not less than two cities with a population in excess of twenty thousand each, as determined by the last federal census, the judges of said judicial district may provide for the employment of a reporter or assistant at a monthly compensation to be fixed and approved by the judges of such judicial district, and not to exceed two hundred dollars per month.

§ 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1951.

CHAPTER 200

S. B. No. 119

(Day, Duffy, Page and Shure)

RETIREMENT ASSESSMENTS, SUPREME COURT AND DISTRICT COURT JUDGES; DUTIES OF DISTRICT JUDGES

AN ACT

To amend and reenact sections 2 and 3 of chapter 206 of the 1949 Session Laws of the state of North Dakota, pertaining to the retirement of supreme court and district court judges, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Sections 2 and 3 of chapter 206 of the

1949 Session Laws of the state of North Dakota are hereby amended and reenacted to read as follows:

§ 2. RETENTION OF ASSESSMENTS FROM JUDGES' SALARIES; WITHDRAWAL OF SUMS SO RETAINED.) Every judge of the supreme court and of the district court shall, from the effective date of this act, pay an assessment of five per cent of his salary into the general fund of the state, which said assessment shall be deducted from the salary of such judge and be retained by the state of North Dakota.

Any judge of the supreme court or of any of the district courts of the state of North Dakota, who shall be retired from office, without becoming eligible for retirement pay under the provisions of this act, within one year of such retirement from office, upon making written application therefor, shall be entitled to payment of the amount which has been so deducted and withheld and retained by the state as herein provided, without interest.

If any former judge, after having withdrawn such amount so paid and retained, while holding office as such judge of the supreme court or district court, shall thereafter become a judge of the supreme court or of a district court of this state, he shall return to the fund within one year after becoming such supreme court or district court judge the amount withdrawn by him, with simple interest at the rate of four percent from the time of such withdrawal.

If any judge of the supreme court or district court shall die before retirement as provided for in this act, his administrator or executor shall be entitled to apply for and receive payment of the amount so deducted and retained by the state, which claim shall be made within one year after the death of such judge shall be filed with the state auditor of the state of North Dakota.

When a judge of the supreme court or a judge of the district court has applied for and received retirement pay under the provisions of this act or any other provisions of the laws of this state providing for retirement pay, or has applied for and been retired because of permanent disability to perform the judicial duties of his office during the remainder of the term for which he shall have been elected and whose application has been granted, and who has received retirement pay by reason of such application, shall be deemed to have waived the right to apply for or receive any portion of the amount so deducted and withheld and in case of his death the same shall apply to his executor or administrator.

Any judge who shall have served a combined total of eighteen years as a district and supreme court judge, shall be eligible for retirement under the provisions of this act and shall receive the re-retirement salary hereinafter provided for.

A judge of the district court or of the supreme court who shall have served as such a combined total of eighteen years upon application for retirement shall be entitled to retirement pay under the provisions of this act upon reaching the age of seventy years provided that during the period interim his retirement and the time he reaches the age of seventy years he shall pay to the state of North Dakota each year an amount equal to five per cent of the salary which he was receiving at the time of his retirement.

§ 3. DUTIES OF RETIRED JUDGES) Upon the retirement of a judge of the supreme court or a judge of the district court, the supreme court may appoint him a commissioner of that court to aid and assist the court in the performance of such duties as may be assigned to him with his consent.

Any such retired judge shall also be eligible to serve as a referee in any civil case or other judicial proceeding when so designated by the court having power to appoint referees; he may also, when requested, serve as legal counsel in the office of the attorney general, in any executive department, commission or bureau of the state and for any committee of the legislative assembly.

§ 4. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 5, 1951.

JUDICIAL PROCEDURE, CIVIL

CHAPTER 201

S. B. No. 151

(Knudson, Spiekermeier, Kusler and Haag)

DEFENSE COUNSEL FOR LAW ENFORCEMENT OFFICERS

AN ACT

Relating to the defense of public peace officers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. STATE AND OTHER POLITICAL SUBDIVISIONS TO FURNISH COUNSEL TO DEFEND LAW ENFORCEMENT OFFICERS.) The state or any political subdivision of the state may furnish legal counsel to defend any law enforcement officer in any action brought against such officer to recover damages arising out of any act of such officer in good faith and in the performance of his official duties.

Approved February 28, 1951.