

# JUDICIAL BRANCH OF GOVERNMENT

## CHAPTER 205

H. B. No. 703  
(Wheeler)

### SALARY AND EXPENSE OF COURT REPORTERS

#### AN ACT

To amend and reenact section 27-0602 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to salary and expense of court reporters.

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

**§ 1. Amendment.)** Section 27-0602 of the 1953 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 six 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 expense allowances in accordance with the provisions of section 44-0804. 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. Claims for transportation expenses 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 living expenses or 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 March 7, 1957.

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## CHAPTER 206

H. B. No. 654  
(Burk)

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### COUNTY COURTS OF INCREASED JURISDICTION

#### AN ACT

To amend and reenact sections 27-0801 and 27-0803 of the North Dakota Revised Code of 1943, relating to establishing or abolishing county courts of increased jurisdiction.

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

§ 1. **Amendment.)** Section 27-0801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**27-0801. Elections To Establish Or Abolish County Courts Of Increased Jurisdiction.)** Whenever the board of county commissioners of any county of this state shall receive a petition:

1. Which shall contain the names of not less than ten percent of the total vote cast for the office of governor at the last election in such county;
2. Praying for the submission to the voters of the county of the question whether the county court of such county shall have increased jurisdiction, or, if the county already has increased jurisdiction, the question whether the increased jurisdiction of the county court of such county shall be abolished; and
3. Showing, by affidavit of at least three of the petitioners, that the petitioners are qualified voters of the county and, if the question to be submitted is as to the increasing of the jurisdiction of the county court of such county, that the population of such county is more than two thousand inhabitants,

such board shall cause such question to be submitted to the voters of the county at the next general election, or may call

a special election to determine such question. An election for the purpose of abolishing the increased jurisdiction of the county court of a county shall not be held more often than once in six years.

§ 2. Amendment.) Section 27-0803 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**27-0803. Vote Required To Establish Or Abolish County Courts Of Increased Jurisdiction.)** The question of increasing the jurisdiction of a county court of this state or of abolishing the increased jurisdiction of such a court, in order to be carried when submitted to the voters of the county for determination at an election, shall receive a majority of the votes cast at such election on said proposition.

Approved March 7, 1957.

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## CHAPTER 207

S. B. No. 200  
(Brooks and Knudson)

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### ATTORNEYS' LICENSE FEE

#### AN ACT

To amend and reenact sections 27-1122 and 27-1204 of the North Dakota Revised Code of 1943, as amended, relating to annual license fees to practice law, providing for distribution of such fees, and declaring an emergency.

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

§ 1. Amendment.) Section 27-1122 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

**27-1122. Annual Licenses To Practice Law: Requirement Of; Issuance Of; Fees For.)** Every person who has an unrevoked certificate of admission to the bar of this state and who desires to engage in the practice of law therein, on or before the first day of January of each calendar year, shall secure an annual license to practice from the state bar board. Such license shall be issued by the secretary-treasurer of such board upon payment of a fee of twenty dollars and shall be good for one year from and after the first day of January of the year for which it is issued.

§ 2. **Amendment.**) Section 27-1204 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

**27-1204. Moneys Payable From State Bar Fund To Bar Association Of State Of North Dakota.)** The bar association of the state of North Dakota, out of the state bar fund, annually shall receive fifty percent of the annual license fees paid by licensed members, for the purpose of paying for the printing and distribution of the annual report and proceedings of said association and for the payment of other necessary expenses of the association. Such sum shall be paid quarterly into the treasury of the said association by the secretary-treasurer of the state bar board upon vouchers drawn by the president and secretary-treasurer of said association.

§ 3.) The provisions of this Act as to payment from the state bar fund shall be retroactive to January 1, 1957 and quarterly payments after the effective date of this Act shall be adjusted accordingly.

§ 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 12, 1957.

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## CHAPTER 208

S. B. No. 50  
(Erickstad)

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### COMPENSATION OF JUVENILE COMMISSIONERS

#### AN ACT

To amend and reenact section 27-1603 of the North Dakota Revised Code of 1943 as amended by chapter 202 of the North Dakota Session Laws of 1955, relating to juvenile commissioners and their compensation.

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

§ 1. **Amendment.**) Section 27-1603 of the North Dakota Revised Code of 1943 as amended by chapter 202 of the North Dakota Session Laws of 1955, 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 not to exceed \$10.00 per day for the time actually and necessarily employed in the duties of his office, or upon a salary basis. In no event shall the salary paid the said juvenile commissioner exceed the monthly salary of the county auditor of the county which the juvenile commissioner serves, unless the juvenile commissioner serves more than one county, in which case the maximum monthly salary allowable shall be based upon the total population of all of the counties served by the juvenile commissioner and shall not exceed the salary which a county auditor would receive in a county having the total population of the combined counties. 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 the amount fixed for the compensation of the juvenile commissioner.

Approved March 9, 1957.

## CHAPTER 209

S. B. No. 279  
(Knudson)

## CHILD'S RESIDENCE FOR POOR RELIEF PURPOSES

## AN ACT

To amend and reenact section 27-1623 of the North Dakota Revised Code of 1943 relating to juvenile courts and providing that the juvenile court may make an order directing the county of a child's residence for poor relief purposes to support such child.

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

**§ 1. Amendment.)** Section 27-1623 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**27-1623. Support Of Children.)** When it shall appear, upon the hearing in any proceeding under the provisions of this chapter, that any person named in the petition, who is legally liable for the support of such child, is able to contribute to the support of such child, the juvenile court shall enter its order requiring such person to pay to the person appointed or to the institution to which such child may be committed, other than the state training school, a reasonable sum for such support. The court, from time to time, may make such alteration in the allowance as shall appear reasonable and proper. Should the court find that such person cannot contribute to the support of the child, it shall then make an order determining the county of the residence of such child for poor relief purposes and directing payment for the support of such child to be made by such county. Prior to entering such order for the support of a child by a county in the state, the court shall give notice to the county welfare board of such county of its intention to enter such order; such board shall have twenty days thereafter in which to present evidence to the court that the residence of such child for poor relief purposes is not in the county which the court has determined. The court after hearing such evidence shall enter its prior order or make a new determination of the residence of such child, as the facts may warrant.

Approved March 13, 1957.



## CHAPTER 210

H. B. No. 631

(Beede, Muggli, Burk and Van Sickle)

## JUDGES' RETIREMENT

## AN ACT

To amend and reenact sections 27-1701 and 27-1702 of the 1953 Supplement to the North Dakota Revised Code of 1943, providing for the retirement of justices of the supreme court and judges of the district court; providing for an assessment on salaries of such judges; providing for the withdrawal of a portion of the amount so assessed on retirement from office without becoming eligible for retirement salary; and repealing section 27-1704 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to retirement allowances for judges, and declaring an emergency.

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

§ 1. **Amendment.**) Section 27-1701 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**27-1701. Retirement Of Supreme Court Judges And District Court Judges.)**

1. Every judge of the supreme court or of the district court, including one who has served or shall have served in either or both capacities, shall, at the time he ceases to be such judge and regardless of his age at that time and without further payment by him into the judicial retirement fund, acquire a vested right to the judicial retirement salary herein provided for, payable upon application therefor at any time after he has attained any of the retirement ages with years of service, as follows:
  - 65 and 20 years of service, or
  - 66 and 18 years of service, or
  - 67 and 16 years of service, or
  - 68 and 14 years of service, or
  - 69 and 12 years of service, or
  - 70 and 10 years of service.
2. If such judge shall have served fewer than the years of service above required for any given retirement age, he shall be entitled to receive judicial retirement salary only in the proportion that his years of service bear to the years of service otherwise required for retirement at such age.

3. The amount of judicial retirement salary payable to a retired judge under subsection 1, of this section shall be equal to fifty percent of the annual salary payable from time to time to judges of the classification the retired judge last had prior to making his application for judicial retirement salary, but in no event shall his judicial retirement salary be computed upon a judicial salary less than the one he last received while in office.
4. The judicial retirement salary payable under this section shall be paid to the retired judge during the remainder of his natural life and shall be paid by the state auditor, within thirty days after receiving application therefor, in the same manner as salaries are paid to judges of the district court and judges of the supreme court, except that judicial retirement salaries shall not be subject to judicial retirement assessment.

§ 2. Amendment.) Section 27-1702 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**27-1702. Retention Of Assessments From Judges' Salaries: Withdrawal Of Sums So Retained.)**

1. Every judge of the supreme court or of the district court shall be subject to a judicial retirement assessment in the amount of five percent of his salary during the first twenty years of his service as such judge, from and after the effective date of this section, which amount shall be deducted, withheld and retained by the state of North Dakota. In computing the period of assessment, every judge shall be credited with all previous years in which judicial retirement assessments have been deducted and withheld from his salary.
2. In lieu of receiving judicial retirement salary under this chapter, a judge of the supreme court or a judge of the district court, or in the event of his death, his widow or legal representative, upon application to the state auditor at any time after he ceases to be such judge and without having made application for and received judicial retirement salary under this chapter, shall be entitled to receive the amount of judicial retirement assessments heretofore or hereafter deducted and withheld by the state of North Dakota. If such judge has received judicial retirement salary under this chapter, the amount of judicial retirement assessments deducted and withheld by the state of North Dakota in excess of judicial retirement salary received by such judge, shall be payable, in the event of his death, but not otherwise,



to his widow if living, otherwise to his legal representative.

3. If any former judge, after having withdrawn judicial retirement assessments withheld by the state of North Dakota, shall thereafter become a judge of the supreme court or of the district court of this state, he may, at his election, within one year after becoming such judge, reinstate his prior years of service by returning to the fund the amount withdrawn by him, with simple interest at the rate of four percent per annum from the time of such withdrawal.

**§ 3. Repeal.)** Section 27-1704 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

**§ 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 7, 1957.

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## CHAPTER 211

S. B. No. 58  
(Holand)

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### DESTRUCTION OF CERTAIN COURT RECORDS

#### AN ACT

To amend and reenact section 1 of chapter 117 of the North Dakota Session Laws of 1955, relating to the destruction of certain court records.

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

**§ 1. Amendment.)** Section 1 of chapter 117 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

**§ 1. Clerk Of Court To Destroy Certain Records.)** The clerks of the district courts and of county courts having increased jurisdiction are hereby authorized to remove from the files in their offices, and to destroy all files in civil actions in such courts in which judgment was entered or in which actions nothing has been filed of record for more than thirty years prior to the passage of this Act, or whenever the judgment in

such civil action shall have been entered or in which civil action nothing has been filed of record for more than thirty years. The clerk of any court of record may destroy shorthand notes that are on file in his office when such shorthand notes have been transcribed into any public record for five years or more. Such clerk may also destroy exhibits in any case which have been in his custody for thirty years or more.

Approved March 2, 1957.