

# CODE REVISION

## CHAPTER 110

S. B. No. 88—(Committee on State Affairs)

### RECODIFICATION ACT

An act providing for a recodification and revision of the laws of North Dakota; authorizing the Supreme Court to create a Code Revision Commission; defining its powers and duties; making an appropriation therefor.

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

§ 1. CODE REVISION COMMISSION CREATED.] That the Supreme Court of North Dakota is hereby authorized and directed forthwith to select and employ not more than three persons resident of the State and learned in the law, to be known as the Code Revision Commission.

§ 2. DUTIES OF CODE REVISION COMMISSION.] It shall be the duty of such commission, acting under the supervision and direction of the Supreme Court, to continue to date the annotations of the Constitution of this State, and to prepare, annotate, and index a complete set of rules of practice and procedure for all the courts of this State, including all proceedings in which quasi-judicial functions are exercised by administrative offices and departments of the State government and also including rules and regulations for admission to and disbarment from the practice of law, and to make a report as herein required.

§ 3. POWERS OF CODE REVISION COMMISSION.] It shall also be the duty of such commission to revise, annotate, and index the laws of this State, and in effecting such revision, it shall eliminate all statutes that have been repealed either directly or by implication, or that are inoperative or that are special and limited in their nature, to reconcile all inconsistencies, to eliminate duplication, to eliminate or restate all useless, contradictory and confusing words and language, to incorporate all amendments and statutes of general application, to harmonize the statutory and the declaratory law so far as possible, and to revise all laws wherever it may deem it necessary to make a perfect, complete and consistent code of laws.

§ 4. PREPARATION AND ADOPTION.] The work of said commission and the preparation and arrangement of said code and rules shall be so done, arranged, printed and bound in such an approved and modern manner and form with the purpose and to the end of producing and securing a code of laws and rules of practice and procedure that will best and most economically serve the people for

a maximum period of time. The proposed code of political, criminal and substantive law and a code of practice and procedure shall become effective when enacted by the legislature; and such rules and regulations for admission to and disbarment from the practice of law shall become effective when promulgated by the Supreme Court.

§ 5. AID TO COMMISSION ; SUPERVISION OF COURT.] The commission shall, under the supervision and control of the Supreme Court, employ such experts and clerical assistance, and may contract for such technical services as, in its discretion, are necessary to efficiently carry out the purposes of this act. The commission may accept the advisory assistance of the Judicial Council, or any committee thereof, and of the State bar association, or any committee thereof. The Supreme Court may designate one or more of the district judges of the State to assist the commission in preparing a set of rules of practice and procedure as hereinbefore provided; and in such event such judge or judges shall receive no salary or compensation from the funds appropriated by this act other than their necessary and actual traveling and living expenses while on such duty away from their place of residence, but shall receive their judicial salaries and expense allowance. The Supreme Court shall determine the compensation of all persons appointed or employed, except as herein provided, and have power to discharge any commissioner or employee, and to fill any vacancy in the commission or staff. Said commission shall be provided with suitable office space and equipment and shall be provided with all necessary copies of the existing codes and session laws, and may purchase all necessary office supplies.

§ 6. COMPLETION OF WORK.] The work of said commission shall be done as quickly and expeditiously as possible, commensurate with the best results to be obtained; provided, however, that the report of said commission shall be completed and available for filing and delivery to the members of the legislature not later than January 1, 1941. If the proposed revision code is enacted by the legislature, said commission shall continue until such code is printed and bound according to contract; provided, further, that, if in the opinion of the commission, it is feasible to have the laws adopted by the Legislative Assembly of 1941 included and incorporated into said revised code, such commission may continue until such work is fully completed.

§ 7. OATH OF OFFICE.] The members of said commission, before entering upon the duties of their office, shall subscribe to an oath of office to be prescribed by the Supreme Court and said oaths of office filed in the office of the Clerk of the Supreme Court.

§ 8. CONTRACTS.] The Supreme Court shall have control over the making of all contracts and over the disbursement of all monies appropriated by this act, and no contract shall be made or be binding

upon the State, or the commission, unless and until it has been reduced to writing, signed by the parties and approved by the Chief Justice of the Supreme Court.

§ 9. REPORT.] Not later than January 1, 1941, the Code Revision Commission shall determine upon a style of printing and binding to be used in the code and rules, if adopted, and it shall advertise for bids for the printing of the report to be made to the legislature of 1941. Such report shall contain or have appended the proposed code and rules, with temporary bindings, and shall contain a table indicating the place in such proposed code and rules where the existing laws may be found, and indicating the existing laws which are amended or repealed. The advertisement of bids for the printing of such report and for the binding and delivery of said code of laws and rules of practice and procedure, when and if adopted, shall be made in four principal newspapers of the State once a week for four successive weeks before the letting of a contract. The Code Revision Commission shall accept the lowest bid which, in its opinion, is the best bid consistent with quality of printing, paper, binding, expeditious service and to the best interests of the State and which is approved by the Supreme Court, and such printing is declared to be of a special nature and is not subject to the provisions of the printing laws of the State except as the Supreme Court may determine.

§ 10. APPROPRIATION.] There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of \$35,000.00, or so much thereof as may be necessary to carry out the provisions of this act; and such fund shall be known as the Code Revision Fund and shall be disbursed upon vouchers approved by the chairman of the Code Revision Commission and the Chief Justice of the Supreme Court.

Approved March 15, 1939.

## CHAPTER 111

S. B. No. 256—(Fredrickson)

## DISTRIBUTION STATE BAR FUNDS

An act to amend and re-enact Subdivision (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as amended by Chapter 143 of the Session Laws of North Dakota for 1933, relating to the distribution of State Bar Funds to the Bar Association of North Dakota and declaring an emergency.

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

§ 1. AMENDMENT.] That Subdivision (1) of Section 811 of the Supplement to the Compiled Laws of North Dakota for 1913, as amended by Chapter 143 of the Session Laws of North Dakota for 1933, be amended and re-enacted to read as follows:

§ 811. PROHIBITING UNLICENSED PRACTICE OF LAW.] No person shall be entitled to practice law or act as attorney or counsellor at law in this State unless such person shall secure first a certificate of admission to the bar. Such certificate shall be issued upon payment of the fee provided therefor, and in addition thereto the further payment of the annual license fee of ten dollars. Any member of the bar who has not first paid such license fee or any other person or corporation is hereby prohibited from engaging in the practice of law within the State; and upon so doing shall be guilty of a misdemeanor. The Clerk of the Supreme Court, in his ex-officio capacity, as the treasurer of said bar board, shall deposit all license fees with the State Treasurer to be by him kept in a fund known as the State Bar Fund, the same to be disbursed therefrom only in manner as follows, to-wit:

(1) To pay to the Bar Association of the State of North Dakota, the sum of six and 50/100 dollars for each licensed member of the bar. He shall also transfer to said association the sum of twenty-five hundred dollars (\$2500.00) from the State Bar Fund to said association immediately upon the taking effect of this act, to be used in defraying the necessary expenses of said association, including any expenses incurred in providing assistance to the Code Revision Commission.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency act, and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1939.