

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 227

H. B. No. 129—(Graham and Brickner)

PRACTICE FOREIGN ATTORNEYS IN NORTH DAKOTA

AN ACT

Amending and reenacting Section 27-1127 of the North Dakota Revised Code of 1943 relating to the practice of foreign attorneys in this state and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 27-1127 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1127. FOREIGN ATTORNEYS MAY PRACTICE IN THIS STATE, WHEN.] Any member of the bar of another state actually engaged in any cause or matter pending in any court in this state may be permitted by such court to appear in and conduct such cause or matter while retaining his residence in another state and without having complied with the provisions of this chapter designating the persons entitled to practice law in this state; provided that such right to appear in the courts of this state shall terminate immediately whenever such person is disbarred from appearing in the courts of his own state.

§ 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 22, 1947.

CHAPTER 228

S. B. No. 151—(Shure, Day, Page, Brunsdale and Strelbel)

FILING FEES SUPREME, DISTRICT AND COUNTY COURTS**AN ACT**

To amend and reenact Sections 27-0305, 27-0306, Subsection 1 of Section 11-1704, 11-1705 and 27-0740 and 27-0741 of the North Dakota Revised Code of 1943, relating to filing fees in the supreme, district and county courts, defining the object and purpose for which the funds are to be used by the state bar association of North Dakota; providing a savings clause and declaring and emergency.

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

§ 1. AMENDMENT.] That Section 27-0305 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0305. FEES TO BE CHARGED AND COLLECTED BY THE CLERK OF THE SUPREME COURT.] The clerk of the supreme court shall charge and collect in advance a fee of fifteen dollars upon the filing in the supreme court of the record in any cause upon appeal, or upon the filing in such court of a petition in any cause seeking the exercise of the original jurisdiction thereof.

§ 2. AMENDMENT.] That Section 27-0306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0306. FEES TO BE DEPOSITED MONTHLY WITH STATE TREASURER AND BAR ASSOCIATION OF THE STATE OF NORTH DAKOTA.] The clerk of the supreme court shall keep an accurate account of all fees received by him and shall deposit ten dollars of such fees monthly with the state treasurer and five dollars shall be remitted by him to the secretary-treasurer of the bar association of North Dakota.

§ 3. AMENDMENT.] That Subsection 1 of Section 11-1704 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. For the filing of an action, including an action transferred from another county, and for all things in connection therewith which are not hereinafter provided for, seven dollars and fifty cents;

§ 4. AMENDMENT.] That Section 11-1705 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

11-1705. CLERK TO KEEP FEE BOOK: MONTHLY REPORT TO COUNTY AUDITOR; PENALTY.] The clerk of the district court shall keep as a public record in his office a book to be provided by the county in which he shall enter all money received by him as fees for services rendered as such clerk. Within three days after the close of each calendar month and also at the close of his term of office, such clerk shall file with the county auditor a statement under oath showing the amount of fees which he has received as such officer since the date of his last report, and within three days thereafter he shall deposit with the county treasurer the total sum of such fees, except such fees as he is authorized expressly to retain. A clerk of court who shall neglect or omit to charge or collect the appropriate fees provided for in this chapter, or who shall fail or neglect to keep a record of the same, or to make a correct statement thereof to the county auditor, with intent to evade any provision of this chapter, shall be guilty of a misdemeanor. The county treasurer shall remit monthly from the funds so received to the secretary-treasurer of the bar association of North Dakota two dollars and fifty cents for each action filed in the district court including an action transferred from another county.

§ 5. AMENDMENT.] That Section 27-0740 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0740. FILING FEES FOR ESTATES AND GUARDIANSHIPS: AMOUNT; WHEN AND WHERE TO BE PAID.] Before a petition for letters testamentary, of administration, or of guardianship is filed in a county court of this state, the petitioner, or someone on his behalf, shall pay a filing fee of seven dollars and fifty cents into the county treasury of the county in which the court is located.

§ 6. AMENDMENT.] That Section 27-0741 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0741. RECEIPTS FOR FILING FEES FOR ESTATES AND GUARDIANSHIPS: EXECUTION; FILING; FEES TO BE REMITTED MONTHLY TO BAR ASSOCIATION OF NORTH DAKOTA.] When a filing fee for an estate or for a guardianship is paid to the treasurer of the proper county, he shall execute therefor duplicate receipts one of which shall be filed with the county auditor and one with the judge of the county court. The county treasurer, from the funds so received, shall remit monthly to the secretary-treasurer of the bar association of North Dakota, two dollars and fifty cents of the filing fee for each estate and guardianship.

§ 7. USE OF FUNDS.] All funds received by the state bar association of North Dakota as herein provided shall be used for legal research and education, and supervision and improvement of the judicial system of the state of North Dakota.

§ 8. SAVINGS CLAUSE.] If any provision of this Act shall be held invalid, the remainder of this Act shall not be affected thereby.

§ 9. 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, 1947.

CHAPTER 229

S. B. No. 253—(Judiciary Committee)

POWERS SUPREME COURT TO FIX TERMS OF DISTRICT COURTS

AN ACT

Empowering the Supreme Court of North Dakota to fix the terms of the District Courts of North Dakota, and repealing Sections 27-0509, 27-0510, 27-0511, 27-0512, 27-0513 and 27-0514 of the North Dakota Revised Code of 1943.

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

§ 1. That the Supreme Court of North Dakota is hereby empowered to fix the terms of all of the District Courts of the State of North Dakota, and to promulgate rules and regulations in respect thereto.

§ 2. REPEAL.] That Sections 27-0509, 27-0510, 27-0511, 27-0512, 27-0513 and 27-0514 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 21, 1947.

CHAPTER 230

H. B. No. 92

(Benno, Baker, Severson, Arndt, Ekren, Larson, Westby,
Gackle of LaMoure, Wahl, Drawz, Hofstrand and Holand)

SALARIES JUDGES COUNTY COURTS INCREASED JURISDICTION—
APPOINTMENT AND SALARY CLERKS COUNTY COURTS

AN ACT

To amend and reenact Sections 27-0808 and 27-0812 of the North Dakota Revised Code of 1943; relating to the salaries of judges of county courts of increased jurisdiction and the appointment and salary of clerks of county courts in certain counties and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 27-0808 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0808. SALARIES OF JUDGES OF COUNTY COURTS OF INCREASED JURISDICTION: AMOUNT; PAYMENT.] A county judge of a county court of this state having increased jurisdiction, for all services rendered in any capacity, shall receive the salary he would receive if such court did not have increased jurisdiction and, in addition, the sum of one hundred dollars for each one thousand inhabitants or fraction thereof in such county, but in no case shall the total salary of such judge exceed the sum of three thousand two hundred dollars, except as otherwise provided by Section 11-1010. Such salary shall be payable by the county in equal monthly installments. In computing the salaries of such judges, the population of the respective counties shall be determined in the manner provided in Section 11-1010.

§ 2. AMENDMENT.] That Section 27-0812 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0812. COUNTY JUDGE MAY APPOINT CLERK OF COUNTY COURT IN CERTAIN COUNTIES.] In a county having a population of twenty-five thousand inhabitants or more, and having a county court with increased jurisdiction, the clerk of such county court, if one is appointed by the judge thereof, shall be the clerk of such court for all purposes. In such case, the clerk shall receive, as full compensation for his services, a salary as follows:

1. In a county having a population less than twenty-

eight thousand inhabitants, fifteen hundred dollars per year; and

2. In a county having a population of more than twenty-eight thousand inhabitants, eighteen hundred dollars per year.

Such salary shall be paid monthly by the county in the same manner as the salaries of other county officers are paid.

§ 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 13, 1947.

CHAPTER 231

S. B. No. 10

(Brant for Legislative Research Committee at the request of Office of State Examiner)

SALARIES AND EXPENSES COURT REPORTERS

AN ACT

To amend and reenact Section 27-0602 of the North Dakota Revised Code of 1943 as amended and reenacted by Chapter 216 of the Session Laws of North Dakota for the year 1945; providing for the salary and expenses of court reporters.

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

§ 1. AMENDMENT.] That Section 27-0602 of the North Dakota Revised Code of 1943, as amended and reenacted by Chapter 216 of the Session Laws of North Dakota for the year 1945, 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 three 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 five dollars per day and his 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 of the North Dakota Revised Code of 1943, and that all claims for actual transportation expense shall not exceed the amounts provided by Section 54-0609 of the North Dakota Revised Code of 1943, and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purpose thereof, and verified by his affidavit. Provided, however, that 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, 1947.

CHAPTER 232

S. B. No. 188—(Judiciary Committee)

SALARIES AND EXPENSES DISTRICT JUDGES

AN ACT

To amend and reenact Section 27-0503 of the North Dakota Revised Code of 1943, relating to the salaries and expenses of district judges.

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

§ 1. AMENDMENT.] That Section 27-0503 of the North Dakota Revised Code of 1943 be 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 five 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 March 7, 1947.

CHAPTER 233

S. B. No. 208—(Morgan, Strelbel, Conrad, Nelson of McKenzie and Brant)

SALARY CLERK SUPREME COURT

AN ACT

To amend and reenact Section 27-0303 of the North Dakota Revised Code of 1943, as amended by Section 12, Chapter 264, Session Laws 1945, relating to the salary of the clerk of the supreme court.

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

§ 1. AMENDMENT.] That Section 27-0303 of the North Dakota Revised Code of 1943, as amended by Section 12 of Chapter 264, Session Laws 1945, is hereby amended and reenacted to read as follows:

27-0303. SALARY OF CLERK OF SUPREME COURT.] The salary of the clerk of the supreme court, for each biennium, shall be the amount appropriated therefor by the legislative assembly, but in no event shall his salary exceed the sum of thirty-six hundred dollars per year.

Approved March 7, 1947.

CHAPTER 234

S. B. No. 187—(Judiciary Committee)

SALARIES JUDGES SUPREME COURT**AN ACT**

To amend and reenact Section 27-0202 of the North Dakota Revised Code of 1943, as amended by Chapter 33 of the Special Session Laws of North Dakota for 1944, relating to the salaries of Judges of the Supreme Court.

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

§ 1. AMENDMENT.] That Section 27-0202 of the North Dakota Revised Code of 1943, as amended by Chapter 33 of the Special Session Laws of North Dakota for 1944, be 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 six thousand five hundred dollars.

Approved March 7, 1947.

JUDICIAL PROCEDURE, CIVIL**CHAPTER 235**

S. B. No. 260—(Morgan and Day by request)

PURCHASE CERTAIN OFFICIAL N. D. SUPREME COURT REPORTS AND PUBLISHING RIGHTS, ETC.**AN ACT**

To authorize the Secretary of State to purchase from The Lawyers Cooperative Publishing Company of Rochester, New York, certain official North Dakota Supreme Court Reports and rights of publication of such Reports, granting the Secretary of State the right to terminate all prior contracts for the publication thereof, providing for the resale of the same, and making an appropriation therefor.

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

§ 1. That the Secretary of State is authorized and directed to purchase from The Lawyers Cooperative Publishing Company of Rochester, New York, in behalf of the State of