

# JUDICIAL REMEDIES

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## CHAPTER 267

H. B. No. 672  
(Boustead, Unruh, Schaffer)

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### EMERGENCY CARE RENDERED BY FIREMEN, POLICEMEN, OR PEACE OFFICERS

#### AN ACT

To reduce civil liability of firemen, policemen or peace officers who render aid at the scene of an emergency while on duty.

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

**§ 1. Emergency Treatment by Firemen, Policemen or Peace Officers.)** Any fireman, policeman or peace officer who in good faith renders emergency care at the scene of an emergency in this state shall be expected to render only such emergency care as in his judgment is at the time indicated and shall not be liable for any civil damages for acts or omissions done in his good faith judgment except for damages occasioned by wanton acts of misconduct or negligence in rendering such emergency care.

Approved February 28, 1967.

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## CHAPTER 268

H. B. No. 841  
(Aamoth, Kelsch, Unruh)

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### PLAINTIFF'S UNDERTAKING IN ATTACHMENT

#### AN ACT

To amend and reenact section 32-08-06 of the North Dakota Century Code, relating to plaintiff's undertaking in attachment.

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

**§ 1. Amendment.)** Section 32-08-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**32-08-06. Plaintiff's Undertaking.)** The clerk must require a written undertaking on the part of the plaintiff with sufficient surety to the effect that if the defendant recovers judgment, or the attachment is set aside by the order of the court, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the sum named in the undertaking, which shall be set in the discretion of the court but in no case shall be less than five hundred dollars. If the attachment is set aside by order of the court, the defendant may bring an action upon such undertaking without first obtaining judgment against the plaintiff in the action in which such undertaking was given.

Approved March 14, 1967.

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CHAPTER 269

S. B. No. 223  
(Decker)

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EXPENSES OF DEFENDANT IN EMINENT DOMAIN  
PROCEEDINGS

AN ACT

To require any entity of this state to pay defendant's expenses in eminent domain proceedings which after having been commenced are withdrawn or dismissed.

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

**§ 1. Eminent Domain Proceedings—Costs of Defendant To Be Paid When Proceedings Withdrawn or Dismissed by Party Bringing the Proceedings.)** Whenever the state acting by and through its officers, departments or agencies, or any municipality or political subdivision of this state acting by and through their officers, departments or agencies, or any public utility, corporation, association or other entity which has been granted the power of eminent domain by the state, shall commence eminent domain proceedings against any land within this state and thereafter withdraws or has such proceedings dismissed without agreement of the defendant, the state, municipality, political subdivision, public utility, corporation, association, or entity commencing such eminent domain proceedings shall be liable for and pay to the owner of such land, all court costs, expenses, and fees including reasonable attorney fees as shall be determined by the court in which the proceedings were filed.

Approved March 14, 1967.

## CHAPTER 270

S. B. No. 278  
(Ringsak, Beck)

## SUPREME COURT WRITS TO LOWER COURTS

## AN ACT

To create section 32-34-01.1 of the North Dakota Century Code, relating to the issuance of a writ of mandamus by the supreme court to judges of inferior courts, and to amend and reenact section 32-34-02 of the North Dakota Century Code, relating to the issuance of such writs.

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

§ 1.) Section 32-34-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**32-34-01.1. Supreme Court Sua Sponte May Issue Writ to Judges of Inferior Courts.)** The supreme court sua sponte may issue a writ of mandamus to any district court judge or other inferior court judge to compel such judge to act upon any judicial matters which have been properly placed before such judge's court. Should such judge fail to act as directed by the writ he shall be liable for the punishment provided by this chapter.

§ 2. **Amendment.)** Section 32-34-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**32-34-02. When Issued.)** The writ must be issued in all cases when there is not a plain, speedy, and adequate remedy in the ordinary course of law. It must be issued upon affidavit upon the application of the party beneficially interested except those writs issued sua sponte by the supreme court.

Approved March 14, 1967.