

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 239

HOUSE BILL NO. 1232
(LaGrave, Miedema, Orange, Kermott, Kingsbury)

RETIREMENT OF JUDGES DUE TO DISABILITY

AN ACT to amend and reenact section 27-05-03.1 and section 27-05-03.2 of the North Dakota Century Code, relating to retirement of supreme court judges and district court judges because of mental or physical disability.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 27-05-03.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-03.1. RETIREMENT FOR MENTAL OR PHYSICAL DISABILITY OF SUPREME COURT JUDGES AND DISTRICT COURT JUDGES.) Whenever a judge of the supreme court or a judge of the district court of this state shall become unable, because of mental or physical disability, to perform the judicial duties of his office during the remainder of the term for which he shall have been elected or appointed and shall make a written application to the chief justice or acting chief justice of the supreme court for his retirement, setting forth the nature and extent of such disability, the supreme court judges and the district court judges shall make such investigation as they deem advisable. If two-thirds of the supreme court judges and the district court judges thereby determine that disability exists and that the performance of his judicial duties is thereby substantially impaired and that the impairment will not likely be remedied, the chief justice or acting chief justice, by written order to be filed in the office of the secretary of state, shall thereupon direct the retirement of the judge. The order shall specify the effective date of the retirement and thereby create a vacancy in the office which shall be filled by appointment as provided by law. A copy of the order shall be transmitted to the department of accounts and purchases. If the disability renders the judge unable to make or direct the making of the application, it may be made by a legally appointed guardian of the judge.

SECTION 2. AMENDMENT.) Section 27-05-03.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-03.2. JUDICIAL RETIREMENT SALARY PAYABLE TO JUDGE

RETIRED FOR MENTAL OR PHYSICAL DISABILITY.) If a judge of the supreme court or a judge of the district court retires under the provisions of section 27-05-03.1 he shall receive the compensation allotted to his office for the remainder of his said term and thereafter judicial retirement salary as provided for in section 27-17-01, regardless of his age at that time.

Approved March 27, 1973

CHAPTER 240

HOUSE BILL NO. 1230
(Hartl, Atkinson, Fleming, Kretschmar)

COMPENSATION OF COURT REPORTERS

AN ACT to amend and reenact section 27-06-02 of the North Dakota Century Code, relating to salary and expenses of court reporter.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 27-06-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-06-02. SALARY AND EXPENSES OF COURT REPORTER.) Each court reporter shall receive a salary not to exceed twelve thousand five hundred 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 set by each district court judge involved and shall be prorated among the respective counties of each judicial district on the basis of the ratio of the population of each county to the total population of the judicial district according to the last federal decennial census. 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 to 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 44-08-04. 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 amounts provided by section 54-06-09 and shall be in itemized form showing the mileage traveled, the days when and how traveled, and the purposes 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 February 25, 1973

CHAPTER 241

HOUSE BILL NO. 1231
(Hartl, Atkinson, Fleming, Kretschmar)

FEES FOR TRANSCRIPTS

AN ACT to amend and reenact section 27-06-08 of the North Dakota Century Code, relating to fees for transcripts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 27-06-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-06-08. FEES FOR TRANSCRIPTS.) For the preparation of a transcript, a court reporter shall be entitled to receive compensation at the rate of seventy-five cents per page for the original, twenty cents per page for the first copy, and ten cents per page for each additional copy. A page shall consist of not less than twenty-five lines written on paper at least eight and one-half inches by eleven inches in size, prepared for binding on the left side, with margins of not more than one and three-fourths inch on the left nor three-eighths inch on the right. Type shall be standard pica with ten letters to the inch. Questions and answers shall each begin a new line. Indentations for speakers or paragraphs shall not be more than ten spaces from the left margin. Pages shall be numbered consecutively. Transcripts shall be indexed as to witnesses and exhibits. Such compensation shall be paid by the party requesting the transcript or by the county chargeable with the costs of the action, when the transcript is ordered prepared, by the judge, at such county's expense.

Approved March 19, 1973

CHAPTER 242

SENATE BILL NO. 2286
(Holand)SALARIES OF JUDGES OF COUNTY COURTS
OF INCREASED JURISDICTION

AN ACT to amend and reenact section 27-08-08 of the North Dakota Century Code, relating to salaries paid to judges of county courts of increased jurisdiction and raising such salaries.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 27-08-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-08-08. SALARIES OF JUDGES OF COUNTY COURTS OF INCREASED JURISDICTION - AMOUNT, PAYMENT.) A county judge of a county court of this state having increased jurisdiction shall receive the following salary: thirteen thousand five hundred dollars in counties having a population not exceeding ten thousand inhabitants; fourteen thousand dollars in counties having a population exceeding ten thousand inhabitants but not exceeding eighteen thousand inhabitants; seventeen thousand dollars in counties having a population exceeding eighteen thousand inhabitants but not exceeding forty thousand inhabitants; and nineteen thousand dollars in counties having a population exceeding forty thousand inhabitants. Such salary shall be payable by the county in equal monthly installments and shall be full remuneration for all official duties including all fees collected for official acts as judge of the county court, except fees charged for performing marriage ceremonies. All fees collected for official acts as judge of the county court, except fees charged for performing marriage ceremonies, shall be deposited by the court into the county treasury of the county in which the court is located.

Approved March 28, 1973

CHAPTER 243

HOUSE BILL NO. 1347
(Winkjer)

SELECTION OF JURORS

AN ACT to amend and reenact subsection 2 of section 27-09.1-06 of the North Dakota Century Code relating to the selection of jurors for the master jury wheel.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 2 of section 27-09.1-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Unless all the names on the master list are to be placed in the master jury wheel pursuant to subsection 1, the names or identifying numbers of prospective jurors to be placed in the master jury wheel shall be selected by the jury commission at random from the master list in the following manner: The total number of names on the master list shall be divided by the number of names to be placed in the master jury wheel; the whole number next larger than the quotient shall be the "key number", except that the key number shall never be less than two. A "starting number" for making the selection shall then be determined by a random method from the numbers from one to the key number, both inclusive. The required number of names shall then be selected from the master list by taking in order the first name on the master list corresponding to the starting number and then successively the names appearing in the master list at intervals equal to the key number recommencing if necessary at the start of the list until the required number of names has been selected. Upon recommencing at the start of the list, or if additional names are subsequently to be selected for the master jury wheel, names previously selected from the master list shall be disregarded in selecting the additional names. The jury commission may use an electronic or mechanical system or device in carrying out its duties.

Approved March 10, 1973

CHAPTER 244

HOUSE BILL NO. 1058
(Fleming)

JURY SERVICE FOR EIGHTEEN-YEAR-OLDS

AN ACT to amend and reenact subsection 2 of section 27-09.1-08 of the North Dakota Century Code, relating to disqualification of jurors and lowering the age to eighteen.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 2 of section 27-09.1-08 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. A prospective juror is disqualified to serve on a jury if he:
 - a. Is not a citizen of the United States and a resident of the state and county;
 - b. Is not at least eighteen years old;
 - c. Is unable to read, speak, and understand the English language;
 - d. Is incapable, by reason of his physical or mental disability, of rendering satisfactory jury service; but a person claiming this disqualification may be required to submit a physician's certificate as to the disability, and the certifying physician is subject to inquiry by the court at its discretion; or
 - e. Has lost the right to vote because of imprisonment in the penitentiary (section 12-06-27) or conviction of a criminal offense which by special provision of law disqualified him for such service.

Approved March 12, 1973

CHAPTER 245

SENATE BILL NO. 2382
(Solberg, Nething)

COMPENSATION FOR STATE BAR BOARD

AN ACT to amend and reenact section 27-11-11 of the North Dakota Century Code, relating to compensation of members of the state bar board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 27-11-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-11-11. COMPENSATION OF MEMBERS OF STATE BAR BOARD.)
Each member of the state bar board shall receive twenty-five dollars per day for the actual time devoted by him to the duties of his office, and, in addition thereto, shall receive the actual expenses incurred by him in attending to his duties while away from his place of residence.

Approved March 8, 1973

CHAPTER 246

HOUSE BILL NO. 1049

(Jenkins, Berg, Ganser, Gronneberg, Meyer, Rivinius, Rundle)
(From Legislative Council Study)

JUDGES' RETIREMENT

AN ACT to provide for membership in the public employees' retirement system for supreme and district court judges; to provide for the gradual discontinuance of the present judges' retirement program; to create and enact subsection 13 of section 54-52-01 and section 54-52-06.1 of the North Dakota Century Code, relating to the public employees' retirement system and the amount of a judge's contribution and matching contribution thereto; to amend and reenact section 27-02-02.1 of the North Dakota Century Code, relating to additional compensation for supreme and district court judges; to amend and reenact subsections 2 and 3 of section 27-17-01, relating to judicial retirement salary; to amend and reenact subsections 2 and 12 of section 54-52-01 and sections 54-52-02, 54-52-05, 54-52-06, 54-52-10, 54-52-11, and 54-52-13 of the North Dakota Century Code, relating to the public employees' retirement system; to provide a statement of legislative intent; and providing an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. IMMEDIATE WITHDRAWAL OF PRESENT ACTIVE JUDGES
FROM JUDGES' RETIREMENT FUND - STATUS OF NEWLY ELECTED JUDGES.)

1. From and after the effective date of this Act, each judge of the supreme or district court serving on the effective date of this Act and each former judge of the supreme or district court, not receiving judicial retirement salary, may elect to withdraw his previous contributions made pursuant to chapter 27-17, and thereafter not participate in a judicial retirement program provided for by law. This option shall cease to be available and may not be exercised after June 30, 1975. If a judge selects this option, he shall be entitled to receive the combined total of the following sums;
 - a. The entire amount of his previous contributions made pursuant to chapter 27-17, to be calculated to the date of election under this subsection;

plus

- b. An amount calculated by applying the vesting schedule set forth in section 54-52-11 to an amount equal to sixty percent of the judge's individual contributions as calculated in subdivision a, plus earnings thereon as calculated in subdivision c; plus
- c. An amount calculated by applying the figure .05625 to the periodic annual or partial annual balances in the individual judge's account during his years of service prior to selecting the option provided by this subsection. The figure applied pursuant to this subdivision shall be compounded annually.

The total amounts received pursuant to this section shall not be considered taxable income for the purposes of chapter 57-38, and may be treated as an additional adjustment reducing the amount of taxable income in addition to those provided in section 57-38-01.2. Selection of the option provided by this subsection shall be made in writing to the director of the department of accounts and purchases.

- 2. After the effective date of this Act, any person elected or appointed to the office of judge of the supreme court, or judge of the district court for the first time shall, from and after the date he qualifies and takes office, be a participating member of the public employees' retirement system. Any person so elected or appointed shall not be eligible for membership in or for receipt of benefits from the retirement program provided by chapter 27-17 of the Century Code. As used in this subsection, the phrase "for the first time" shall mean a person elected or appointed, who, after the effective date of this Act, does not hold office as a judge of the supreme court or the district court at the time of his election or appointment.

SECTION 2. AMENDMENT.) Section 27-02-02.1 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-02-02.1. ADDITIONAL COMPENSATION - SUPREME AND DISTRICT COURT JUDGES.) In addition to the judicial salaries provided by sections 27-02-02 and 27-05-03 of this Code, each judge of the supreme court shall receive as additional salary the sum of ten thousand dollars annually, and each district court judge shall receive as additional salary the sum of ten thousand dollars annually, payable in equal monthly payments.

SECTION 3. AMENDMENT.) Subsections 2 and 3 of section 27-17-01 of the 1971 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

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 proportion that his years of service bear to the years of service otherwise required for retirement at such age. Any judge who has not served at least ten years on reaching his seventy-third birthday shall not be deemed to have waived retirement benefits under this chapter, provided he retires at the expiration of his present term.
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 to judges of the classification the retired judge had at the time he retired, provided that prior to retirement he was reelected as a judge of either the supreme or district court following the effective date of this Act, but in no event shall his judicial retirement salary be computed upon a judicial salary less than the one he last received prior to reelection. The amendment to this section shall not be construed to affect supreme or district court judges who shall have retired prior to the effective dates of this Act, or who shall retire during or at the end of their term of office which commenced prior to the effective date of this Act. As used in this subsection, the word "reelected" shall also include election of a former district judge to the supreme court, and election of a former supreme court judge to the district court.

SECTION 4. AMENDMENT.) Subsection 2 of section 54-52-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * 2. "Eligible employee" shall mean all permanent employees who meet all of the eligibility requirements set by this chapter and who are twenty-one years or more of age, and shall include appointive and elective officials at their sole election, provided that judges of the supreme and district courts eligible under subsection 2 of section 1 of this Act shall be eligible employees and shall participate in the public employees' retirement system;

SECTION 5. AMENDMENT.) Subsection 12 of section 54-52-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. "Wages" and "salaries" shall mean the actual dollar compensation paid to or for an employee for his services; and

SECTION 6.) Subsection 13 of section 54-52-01 of the 1971 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

*NOTE: Subsection 2 of section 54-52-01 was also amended by section 60 of House Bill No. 1420, chapter 120.

13. "Public employees' retirement system" shall mean the retirement plan and program established by this chapter.

SECTION 7. AMENDMENT.) Section 54-52-02 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-02. FORMULATION OF PLAN - EXCLUSION OF EMPLOYEES COVERED BY PLANS IN EXISTENCE.) All departments, boards, institutions, commissions, or agencies of the state of North Dakota, the Garrison conservancy district, district health units, the supreme court, and the district courts, hereinafter referred to as agency, shall participate in a retirement system which will provide for the payment of benefits to state employees or to their beneficiaries thereby enabling the employees to care for themselves and their dependents and which by its provisions will improve state employment, reduce excessive personnel turnover and offer career employment to a high grade men and women. Employees presently covered by a pension plan or retirement plan to which the state is contributing, except social security, shall not be eligible for duplicate coverage.

SECTION 8. AMENDMENT.) Section 54-52-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 54-52-05. MEMBERSHIP FEE AND ASSESSMENTS.) Every eligible permanent state, county, city, or noncertified school district employee concurring in the plan shall so state in writing, and all future eligible employees shall be participating members. Each member shall pay to the treasurer of the retirement fund a membership fee to be fixed by the retirement board in an amount not exceeding five dollars, which shall be paid into the administrative expense and benefit fund in the case of state employees, to the county administrative expense and benefit fund in the case of county employees, to the city administrative expense and benefit fund in the case of city employees, and to the school district expense and benefit fund in the case of noncertified school district employees. An eligible employee shall be a permanent employee who has been employed by the state, county, city, or school district for five months, has reached age twenty-one, and is employed for more than twenty hours per week for more than five months each year. Except as provided for in section 54-52-06.1, each member shall be assessed and required to pay monthly four percent of the monthly salary or wage paid to him, and such assessment shall be deducted and retained out of such salary in equal monthly installments.

SECTION 9. AMENDMENT.) Section 54-52-06 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-06. EMPLOYER'S CONTRIBUTION TO RETIREMENT PLAN.) Except as provided for in section 54-52-06.1, each agency, county, city, or school district shall match four percent of the monthly salary or wage of a participating member, but not to exceed a matching payment in excess of five hundred dollars annually.

*NOTE: Section 54-52-05 was also amended by section 59 of House Bill No. 1420, chapter 120.

Each agency, county, city, or school district shall pay such contribution into the retirement fund from its funds appropriated for payroll and salary or any other funds available for such purposes.

SECTION 10.) Section 54-52-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-52-06.1. CONTRIBUTION BY SUPREME AND DISTRICT COURT JUDGES - EMPLOYER CONTRIBUTION.) Each judge of the supreme or district court who is a member of the public employees' retirement system shall be assessed and required to pay monthly five percent of the monthly salary paid to him, and such assessment shall be deducted and retained out of his salary in equal monthly installments. The state shall match five percent of the monthly salary of a supreme or district court judge who is a participating member of the system, which matching contribution shall be paid from its funds appropriated for salary, or from any other funds available for such purposes.

SECTION 11. AMENDMENT.) Section 54-52-10 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-10. ALLOCATION OF FUNDS.) For the purpose of internal accounting records of the board, and not for the purpose of the segregation of moneys on deposit, or investment, there shall be created:

1. An "employee account fund", consisting of the employee contribution plus credited earnings thereon;
2. "Vesting funds", consisting of three of each four dollars of agency, county, city, or school district contribution, plus credited earnings thereon, and four dollars and fifty cents of each five dollars of contribution for judges, plus credited earnings thereon;
3. An "administrative expense and benefit fund", consisting of one of each four dollars of agency contribution;
4. "County administrative expense and benefit funds", consisting of one of each four dollars of county contribution;
5. "City administrative expense and benefit funds", consisting of one of each four dollars of city contribution;
6. "School district administrative expense and benefit funds", consisting of one of each four dollars of school district contribution; and
7. A "judges' administrative expense and benefit fund", consisting of fifty cents of each five dollars of contribution made on behalf of a judge of the supreme

court or of the district court.

Any and all expenses incurred by or for the operation of the retirement plan shall be paid from the funds established by subsections 3, 4, 5, 6, and 7 of this section. From the funds established by subsections 3, 4, 5, 6, and 7 of this section the board shall have the authority to provide prior service benefits and that portion not needed for the payment of prior service benefits and administrative expenses may be credited annually to individual employee accounts in proportion of the member's contribution to the fund. The funds allocated in subsections 1 and 2 hereof shall constitute the "employees' retirement fund".

SECTION 12. AMENDMENT.) Section 54-52-11 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-11. VESTING - VESTING SCHEDULE OF AGENCY, COUNTY, CITY, OR SCHOOL DISTRICT CONTRIBUTION.) Upon severance of the employment of a participating member, either voluntarily or involuntarily, for any reason other than set forth in this section, the contribution of the participant plus credited earnings thereon shall be vested in him. Three out of every four dollars of agency, county, city, or school district contribution, and four dollars and fifty cents of each five dollars of contribution for judges shall be vested in the employee according to years of state, county, city, or school district employment including state, county, city, or school district employment prior to this chapter. The employees' vested interest in the "vesting fund" shall be as follows:

Years of State, County, City, Percentage of Vesting Fund Interest
or School District Employment

0 years through 3 years	None
Over 3 years through 7 years	20% plus credited earnings thereon
Over 7 years through 11 years	30% plus credited earnings thereon
Over 11 years through 15 years	40% plus credited earnings thereon
Over 15 years through 18 years	60% plus credited earnings thereon
Over 18 years through 20 years	80% plus credited earnings thereon
Over 20 years	100% plus credited earnings thereon

Except as otherwise herein provided, an employee's one hundred percent vesting fund interest plus credited earnings thereon shall be vested, and nonforfeitable, when the employee reaches the age of sixty-five, or is permanently disabled; and an employee's one hundred percent vesting fund interest shall be vested in the beneficiary of the employee in case of the employee's death. At the age of sixty-five, or less as may be determined by the board, all interests vested in an employee shall be available to him for payment of retirement benefits as may be provided for under this chapter, provided that a judge of the supreme or district court who does not make application for retirement under this chapter on or prior to his seventy-third birthday shall have all interest in the "vesting fund" divested, and shall be thereafter eligible only for return of the amounts contributed from his salary, plus credited earnings thereon. Amounts forfeited under the vesting fund interest shall be paid into respective administrative expense and benefit funds.

SECTION 13. AMENDMENT.) Section 54-52-13 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-13. DEPOSIT OF MONEYS.) All moneys including but not limited to, membership fees, employers' contributions, employees' contributions, grants, donations, legacies, and devises for the benefit of the fund, shall be deposited in the public employees' retirement fund with the state treasurer.

All of said moneys, not otherwise appropriated, are hereby appropriated for the purpose of making investments for the employees' retirement fund and to make payments to beneficiaries under the program.

SECTION 14. APPROPRIATION AND TRANSFER.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum necessary to make the payments required under section 1 of this Act. The sums appropriated above shall, during the period commencing July 1, 1973, and ending June 30, 1975, be payable on order of the director of the department of accounts and purchases at such time or times as supreme or district court judges elect to withdraw pursuant to section 1 of this Act. In addition to other appropriations for defraying the expenses of the judicial department of state government, there is hereby appropriated the sums necessary to make the state matching salary contribution for supreme and district court judges coming under the public employees' retirement system pursuant to this Act during the period beginning July 1, 1973, and ending June 30, 1975. Such sum can be calculated by applying the figure .05 to the amount of salary payable to each judge covered under the public employees' retirement system during any portion of the period beginning July 1, 1973, and ending June 30, 1975.

SECTION 15. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the judicial retirement program provided by chapter 27-17 of this Code shall be phased out of existence, except to the extent that its continuance may be necessary to make payments to retired judges and future payments to judges serving on July 1, 1973, as required by law.

Approved March 26, 1973

CHAPTER 247

HOUSE BILL NO. 1369
(Fleming)

APPOINTMENT OF ALTERNATE
COUNTY JUSTICE

AN ACT to create and enact section 27-18-07 of the North Dakota Century Code, authorizing the board of county commissioners to appoint an alternate county justice.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 27-18-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

27-18-07. APPOINTMENT OF ALTERNATE COUNTY JUSTICE.) The board of county commissioners may appoint an alternate county justice to serve when the county justice elected or appointed under this chapter is temporarily unable to serve due to absence, conflict of interest, disqualification, or disability. An appointee shall possess, as nearly as is practicable, the qualifications of the county justice elected or appointed under the other provisions of this chapter. An alternate shall be compensated on a per diem basis at a rate set by the board. An appointment under this section shall terminate as provided in the resolution of appointment, or, if the appointment was for an indeterminate period, as provided by further resolution of the board.

Approved February 25, 1973

CHAPTER 248

HOUSE BILL NO. 1265
(Atkinson)

COMPENSATION FOR JUVENILE
COURT PERSONNEL

AN ACT to amend and reenact subsection 2 of section 27-20-05 of the North Dakota Century Code, relating to juvenile court personnel.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 2 of section 27-20-05 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Each juvenile supervisor shall receive as full compensation for his services such amount as may be fixed from time to time by the judge who appointed him, or by his successor, either upon a per diem basis not exceeding twenty-five dollars per day for the time actually and necessarily employed in the discharge of his duties, or upon a salary basis not exceeding fifteen thousand dollars per annum. In addition, the juvenile supervisor shall be paid the reasonable travel expenses for mileage and subsistence necessarily incurred in the discharge of his duties, in accordance with the amount allowed to county officials.

Approved March 11, 1973

CHAPTER 249

HOUSE BILL NO. 1214
(Stone)DUTY OF PARENTS TO PROVIDE
LEGAL COUNSEL

AN ACT to amend and reenact subsection 2 of section 27-20-26 of the North Dakota Century Code, relating to the definition of a needy person under the Uniform Juvenile Court Act, and creating a parent's duty to provide legal counsel for their children involved in proceedings under the Uniform Juvenile Court Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 2 of section 27-20-26 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. A needy person is one who at the time of requesting counsel is unable, without undue financial hardship, to provide for full payment of legal counsel and all other necessary expenses for representation. A child is not to be considered needy under this section if his parents or parent can, without undue financial hardship, provide full payment for legal counsel and other expenses of representation. Any parent entitled to the custody of a child involved in a proceeding under this chapter shall, unless undue financial hardship would ensue, be responsible for providing legal counsel and for paying other necessary expenses of representation for their child. The court may enforce performance of this duty by appropriate order. As used in this subsection, the word "parent" includes adoptive parents.

Approved March 11, 1973

CHAPTER 250

HOUSE BILL NO. 1236
(R. Christensen)

REQUIREMENT OF COURT ORDER
FOR DISPOSITION OF CHILD

AN ACT to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to court order requirement in disposition and adjudication of a child.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) A new section to chapter 27-20 of the North Dakota Century Code is hereby created and enacted to read as follows:

An order of disposition or other adjudication in a proceeding under this chapter, in those cases in which a child is removed from the home of a relative by birth, marriage or adoption for the reason that continuation in such home would be contrary to the welfare of such child, must specifically state that a continuation of the child in the home of the relative would be contrary to the welfare of the child.

Approved February 25, 1973