

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 248

S. B. No. 74

(Kee, Garaas, Luick, Hernet, Gefreh,
(O'Brien, Fiedler, Erickstad)

SALARIES OF JUDGES

AN ACT

To amend and reenact sections 27-0202, 27-0503, and 27-0808 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the salaries of judges of the supreme court, the salaries and expenses of judges of the district courts, and the salaries of judges of county courts of increased jurisdiction.

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

§ 1. Amendment.) Section 27-0202 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby 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 fourteen thousand dollars.

§ 2. Amendment.) Section 27-0503 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby 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 twelve thousand dollars and his actual travel expenses, which shall include mileage and subsistence while engaged in the discharge of his official duties outside the county in which his chambers are located. Such salary and expenses shall be payable monthly in the manner provided by law.

§ 3. Amendment.) Section 27-0808 of the 1957 Supplement to 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 following salary: six thousand five hundred dollars in counties having a population not exceeding 15,000 inhabitants; eight thousand dollars

in counties having a population exceeding 15,000 inhabitants but not exceeding 40,000 inhabitants; and nine thousand five hundred dollars in counties having a population exceeding 40,000 inhabitants. Such salary shall be payable by the county in equal monthly installments.

Approved February 19, 1959.

CHAPTER 249

H. B. No. 582
(Frank)

UNIFORM TRAFFIC COMPLAINT AND SUMMONS

AN ACT

To authorize a uniform complaint and summons for use in connection with violations of laws relating to the operation of motor vehicles, and to repeal section 27-0226 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the authority of the North Dakota supreme court to establish such a uniform complaint and summons form.

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

§ 1. Uniform Traffic Complaint and Summons.) There is hereby established a uniform complaint and summons which may be used in cases involving violations of statutes or ordinances relating to the operation or use of motor vehicles. Whenever the complaint and summons established by this Act is used, the provisions of section 29-0504 of the North Dakota Revised Code of 1943 relating to arrests without warrants shall not apply, and the magistrates or states attorneys shall not be required to make another complaint of the offense charged in the uniform complaint and summons. The uniform complaint and summons established herein shall be in substantially the following form:

State of North Dakota } In Court,
 } ss
County of } Before Hon.;

The undersigned, being duly sworn, upon his oath deposes and says that, on the.....day of.....19.....

.....
First Name Middle Name Last Name Street City State
did unlawfully operate a motor vehicle upon a public highway,
namely....., N E S W of.....
Location City

and did then and there commit the following offense:
MPH in
MPH Zone.....
.....
.....

All in violation of Sec..... of the N. D. R. C. of 1943 as amended and against the peace and dignity of the state of N. D.

Officer..... LET A WARRANT ISSUE HEREIN
Sworn to and subscribed before me this
..... day of 19..... States Attorney

Judge

Description of Defendant and Vehicle

Mo..... Day..... Yr..... Race..... Sex..... Wt..... Ht.....
Birth date
Hair..... Dr. Lic: State..... No..... Motor Vehicle:
PSC
Make..... Reg. No..... State..... Year..... ICC No.....

Claimed Conditions of the Violation

Slippery Surface—

.....RainSnowIce

Darkness—

.....NightFogSnow

Other Traffic Present—

.....CrossOncomingPedestrian
.....Same direction

In Accident—

.....Ped.VehicleIntersectionRight angle
.....Head onRear endRan off roadOther

Area:SchoolRuralBusinessIndustrial
.....Residential

Highway type:2 Lane4 Lane4 Lane Divided
.....GravelDirt

The State of North Dakota to the Above Named Defendant

You are hereby summoned to appear at the time and place designated below to answer to the charge above indicated to be made against you.....

Appearance

Before: City Mag—Justice of Peace—County Ct. A. M.
P. M.

Location Month Day Year Time
Dated this..... day of 19.....
Officer.....

Promise to Appear

I hereby consent and promise to appear at the time and place specified in the above summons, the receipt of a copy of which is hereby acknowledged, and I expressly waive earlier hearing.

Dated this.....day of.....19.....
Defendant

§ 2. Repeal.) Section 27-0226 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 14, 1959.

CHAPTER 250

S. B. No. 291
(Committee on Delayed Bills
(By request)

REPLACING INCAPACITATED COUNTY JUDGES

AN ACT

To amend and reenact section 27-0723 of the North Dakota Revised Code of 1943, relating to change of judges in county courts when the original county judge is unable to act.

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

§ 1. Amendment.) Section 27-0723 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0723. Change of Judge; When Permitted; How Obtained; Authority and Duties of Other Judge.) If the judge of the county court of any county is disqualified, is necessarily absent from this state, or is ill and unable to act, he shall request in writing the county judge of an adjoining county to act in his place and stead; provided, however, that should the county judge become incapacitated or incompetent because of illness to the extent that he is unable to make a request in writing, then the district court having jurisdiction of said county shall in writing request the county judge of an adjoining county to act in the place and stead of the incapacitated county judge. When acting pursuant to such request, the county judge of such adjoining county shall possess all the powers and shall have all the jurisdiction of the county judge for whom he acts, and the judge so requested shall attend for the purpose of acting for such judge at such time as may be necessary.

Approved March 10, 1959.

CHAPTER 251

H. B. No. 556
(Strege, Stallman, Breum)

SELECTION OF JURORS

AN ACT

To amend and reenact section 27-0909 of the North Dakota Revised Code of 1943, relating to the method of selection of jurors.

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

§ 1. Amendment.) Section 27-0909 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-0909. Governing Bodies of Organized County Subdivisions to Select Names Apportioned; Method of Selection.) At the time and place designated in the notice provided for in section 27-0908, the board of supervisors of the township, or the city council or board of city commissioners of the city, or the board of trustees of the village, as the case may be, shall meet and select from the names of the resident taxpayers of such township, city, or village three times as many names as are apportioned to the township, city, or village by the county commissioners and the township, city, or village clerk or auditor, at such meeting, shall write each name so selected on a separate ticket and shall record the list of the names so written and selected in a book to be kept for that purpose. Such board then shall compare the names on such tickets with such recorded list of names to satisfy itself that such tickets are correct. The tickets thereafter shall be folded, placed in a box or some other receptacle, and shaken up, and one of the members of the board shall select by lot from the tickets in such box or receptacle the proper number of names apportioned to his township, city, or village. The clerk or auditor then shall record in a book to be kept for that purpose such names in the order in which they were drawn. No governing body of any subdivision shall select therefrom any person to serve as a juror who has served on the regular panel as a juror from such political subdivision during the preceding five years.

Approved March 4, 1959.

CHAPTER 252

S. B. No. 221
(Wartner and Garaas)

JUDICIAL COUNCIL

AN ACT

To amend and reenact sections 27-1501, 27-1502 and 27-1510 of the North Dakota Revised Code of 1943, relating to making retired judges of the supreme and district courts members of the judicial council and limiting state bar fund payment for their mileage expenses to travel within the state.

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

§ 1. **Amendment.)** Section 27-1501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1501. Judicial Council Established.) There shall be maintained a judicial council consisting of:

1. All judges of the supreme and district courts of the state;
2. One judge of the county court to be chosen by the supreme court;
3. The attorney general;
4. The dean of the school of law of the university;
5. Five members of the bar who are engaged in the practice of law who shall be chosen by the executive committee of the state bar association; and
6. All retired judges of the supreme and district courts of the state.

§ 2. **Amendment.)** Section 27-1502 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1502. Term of Office; Vacancy; How Filled.) The judges of the supreme and district courts, the attorney general, and the dean of the school of law in the university shall hold office as members of the council during the time they occupy their respective official positions. The retired judges of the supreme and district courts shall hold office as members of the council during retirement from their respective official positions. The term of office of the county judge chosen by the supreme court, and of the members of the bar, shall be two years, commencing on the first Monday of January of odd numbered years. A vacancy shall be filled by the authority originally selecting the member.

§ 3. Amendment.) Section 27-1510 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

27-1510. Compensation; Expenses.) No member of the council shall receive compensation for any services rendered by him in such capacity, but any necessary expenses incurred by any judge of the district and supreme courts in the discharge of his duties as a member shall be deemed expenses incurred in the performance of the duties of his office and shall be paid as such. The expenses of all other members of the council shall be audited and paid from the state bar fund in the same manner as other claims against such fund are paid except that in the matter of mileage expenses, the retired judges who are members of the council shall be paid such only for travel within the state.

Approved March 17, 1959.

CHAPTER 253

H. B. No. 638

(Wheeler, Idso, Muggli, Breum)

JUVENILE COMMISSIONERS AND JUVENILE
COURT ASSISTANTS

AN ACT

To amend and reenact section 27-1603 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to the compensation of juvenile commissioners, and amending Title 27 of the North Dakota Revised Code of 1943 by creating section 27-16031 providing for the appointment of juvenile court assistants and section 27-16032 providing for the compensation and expenses of juvenile court assistants.

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

§ 1. Amendment.) Section 27-1603 of the 1957 Supplement to the North Dakota Revised Code of 1943 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 from time to time by a judge of the juvenile court, either upon a per diem basis not to exceed \$10.00 per day for the time actually and necessarily employed in the discharge of his official duties, or upon a salary basis. In no event shall the salary paid

the said juvenile commissioner exceed six thousand five hundred dollars per annum, if paid on a salary basis. In addition thereto, the juvenile commissioner shall be paid the reasonable travel expenses for mileage and subsistence necessarily incurred in the discharge of his official duties, in accordance with the amount allowed to the district court reporter. The salary or per diem or travel expenses, as the case may be, shall be paid by the county for which he is appointed or shall be apportioned by the judge among the several counties of the judicial district as are served by such juvenile commissioner. Such compensation shall be paid monthly by the county treasurer of the respective counties upon properly verified claims and upon approval of the judge as other claims against the county are allowed and paid.

§ 2. Amendment.) Title 27 of the North Dakota Revised Code of 1943 is hereby amended by creating a new section 27-16031 to read as follows:

27-16031. Appointment of Juvenile Court Assistants.) A judge of the juvenile court, in his discretion, subject to approval of the county commissioners of the county or counties concerned may provide for the employment of clerical or specialized personnel, under the direction and supervision of the judge, to assist the court, the juvenile commissioner, and juvenile officers, in carrying out the provisions of this chapter.

§ 3. Amendment.) Title 27 of the North Dakota Revised Code of 1943 is hereby amended by creating a new section 27-16032 to read as follows:

27-16032. Compensation and Expenses of Juvenile Assistants.) Clerical or specialized personnel employed to assist in carrying out the provisions of this chapter, shall receive as full compensation for their services, such amount as may be fixed and approved from time to time by a judge of the juvenile court, subject to approval of the county commissioners of the county or counties concerned together with reasonable travel expenses, in the manner and subject to the limitations and apportionment applicable to the juvenile commissioner.

Approved March 14, 1959.

CHAPTER 254

H. B. No. 676

(Johnston)

SUPREME AND DISTRICT COURT JUDGES' RETIREMENT

AN ACT

To amend and reenact subsection 1 of section 27-1701 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to retirement of supreme court judges and district court judges.

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

§ 1. Amendment.) Subsection 1 of section 27-1701 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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; provided however that any judge of the supreme court or district court who is appointed or elected to such court from and after July 1, 1960, who has become eligible for retirement hereunder but fails to make application therefor prior to his attaining the age of seventy-three years, shall automatically waive all retirement benefits hereunder and shall receive a return of only such moneys as have been retained by the state of North Dakota as a judicial retirement assessment, upon the salary of such judge.

Approved March 12, 1959.