

# JUDICIAL REMEDIES

## CHAPTER 266

H. B. No. 568

(Strege, Stallman, Breum, Guy, Bopp)

### WAGES EXEMPT FROM GARNISHMENT

#### AN ACT

To amend and reenact section 32-0902 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to exemption of salary in garnishment proceedings.

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

**§ 1. Amendment.)** Section 32-0902 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**32-0902. What Wages Exempt From Garnishment.)** The wages or salary of any person who is the head of a family and a resident of this state, to the amount of thirty-five dollars per week, shall be exempt from garnishment. Every employer shall pay to such person such exempt wages or salary, not to exceed the sum of thirty-five dollars per week of each week's wages earned by him, when due, upon such wage earner's making and delivering to such employer his affidavit that he is such head of a family and residing with the same in this state, notwithstanding the service of a garnishee summons, and the surplus only of his wages above such exemptions shall be held by the employer to abide the event of the garnishment suit.

Approved March 9, 1959.

## CHAPTER 267

S. B. No. 138

(Wenstrom and Longmire)

## PRIVATE PROPERTY TAKEN FOR PUBLIC USE

## AN ACT

To amend and reenact section 32-1503 of the North Dakota Revised Code of 1943 relating to the classification of the estates and rights in private property which may be taken for public use.

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

§ 1. **Amendment.)** Section 32-1503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**32-1503. What Estate Subject To Be Taken.)** The following is a classification of the estates and rights in lands subject to be taken for public use:

1. A fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs and dams and permanent flooding occasioned thereby, or for an outlet for a flow or a place for the deposit of debris or tailings of a mine, or for the construction of parking lots and facilities for motor vehicles;
2. An easement, when taken for any other use except, upon a proper allegation of the need therefor, the court shall have the power to order that a fee simple be taken for such other use;
3. The right of entry upon and occupation of lands and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for a public use.

However, the provisions of this section shall not authorize the state or any political subdivision thereof to obtain any rights or interest in or to the oil, gas or fluid minerals on or underlying any estate or right in lands subject to be taken for a public use.

Approved March 10, 1959.