

# JUDICIAL BRANCH OF GOVERNMENT

---

## CHAPTER 245

H. B. No. 541  
(Brown, Unruh)  
(From LRC Study)

---

### SELECTION OF CHIEF JUSTICE OF SUPREME COURT

#### AN ACT

To amend and reenact sections 27-02-01 and 27-15-05 of the North Dakota Century Code, relating to the selection of the chief justice of the supreme court and the duties of the judges of supreme court and district courts.

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

§ 1. **Amendment.)** Section 27-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-02-01. Appointment and Duties of Chief Justice of the Supreme Court.)** The judges of the supreme court and district courts shall appoint from the members of the supreme court a chief justice who shall serve for a term of five years or until his term shall expire, whichever shall first occur. The chief justice may resign the office of chief justice without resigning from the office of judge of the supreme court. The chief justice shall preside at all terms of the supreme court. In the absence of the chief justice, the judge having the shortest term to serve shall preside in his stead.

§ 2. **Effective Date of Appointment.)** The judges of the supreme court and district courts shall make their first appointment of a chief justice at their next regular scheduled meeting following the effective date of this Act. The judge having the shortest term to serve shall temporarily act as chief justice until the first meeting of the judges of the supreme court and district courts following the effective date of this Act.

§ 3. **Amendment.)** Section 27-15-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-15-05. Duties.)** The judicial council shall make a continuous study of the operation of the judicial system of the

state to the end that procedure may be simplified, business expedited, justice better administered, and shall perform any other duties which may be prescribed by law.

Approved March 2, 1967.

---

CHAPTER 246

H. B. No. 609

(Aamoth, Sanstead, Unruh, Saugstad)

---

SALARIES OF SUPREME AND DISTRICT COURT JUDGES

AN ACT

To amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to the salaries of judges of the supreme court and district courts.

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

§ 1. **Amendment.)** Section 27-02-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-02-02. Salaries of Judges of Supreme Court.)** Each judge of the supreme court shall receive an annual salary of eighteen thousand dollars except the chief justice of the supreme court who shall receive an annual salary of eighteen thousand five hundred dollars.

§ 2. **Amendment.)** Section 27-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05-03. Salaries and Expenses of District Judges.)** Each district judge of this state shall receive an annual salary of sixteen 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.

Approved February 27, 1967.

## CHAPTER 247

S. B. No. 58

(Goldberg, Wenstrom, Sorlie, Coughlin, Decker, Longmire)

## NUMBER OF DISTRICT COURT JUDGES

## AN ACT

To provide for the appointment of additional district judges and location of chambers and to amend section 27-05-01 of the North Dakota Century Code, relating to judicial districts, the number, composition and number of judges therein.

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

§ 1. **Amendment.)** Section 27-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05-01. Judicial Districts—Number, Composition, Number of Judges.)** There shall be six judicial districts in this state composed of the following named counties, respectively, and in each of said districts one or more judges shall be chosen as hereinafter provided.

1. District one shall consist of the counties of Nelson, Grand Forks, Griggs, Steele, Barnes, Traill, and Cass, and shall have five judges;
2. District two shall consist of the counties of Pembina, Walsh, Towner, Cavalier, Rolette, Pierce, Benson, Ramsey, Bottineau, Renville, and McHenry, and shall have three judges;
3. District three shall consist of the counties of Richland, Ransom, Sargent, Dickey, LaMoure, McIntosh, Logan, and Emmons, and shall have two judges;
4. District four shall consist of the counties of Stutsman, Wells, Foster, Eddy, McLean, Sheridan, Burleigh, and Kidder, and shall have three judges;
5. District five shall consist of the counties of Divide, Burke, Ward, Mountrail, Williams, and McKenzie, and shall have three judges;
6. District six shall consist of the counties of Bowman, Adams, Hettinger, Slope, Golden Valley, Mercer, Oliver, Morton, Stark, Grant, Dunn, Billings, and Sioux and shall have three judges.

The governor shall, within thirty days after the effective date of this Act, in order to fill vacancies created by this Act, ap-

point two additional district judges for judicial district one and one additional district judge for judicial district five, all of whom shall hold office until the next general election and until their successors are elected and have qualified. Chambers for the additional judges in judicial district one shall be at Fargo and at Grand Forks and chambers for the additional judge in judicial district five shall be at Minot.

Approved March 6, 1967.

---

## CHAPTER 248

H. B. No. 870

(Boustead, Unruh, Aamoth, Allen)

---

### OPERATION OF FAMILY COURTS

#### AN ACT

To amend and reenact sections 27-05.1-02, 27-05.1-06, 27-05.1-08, 27-05.1-09, 27-05.1-10, 27-05.1-16, and 27-05.1-18 of the North Dakota Century Code, relating to the operation of family courts. and declaring an emergency.

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

§ 1. **Amendment.)** Section 27-05.1-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05.1-02. Applicability of the Law — Determination by District Judge.)** The family court shall be established as a division of the district court, having all and the same powers as the district court, only in a county having a population exceeding ten thousand inhabitants and in which a district judge whose chambers are in such a county determines the social conditions and the number of domestic relations cases in the courts in such a county within his district renders the establishment of such court and procedures as herein provided necessary to the full and proper consideration of such cases and the effectuation of the purposes of this chapter. The family court shall thereafter be established or thereafter terminated by order of the district judge and each district court judge within said district shall be a judge of said family court.

§ 2. **Amendment.)** Section 27-05.1-06 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05.1-06. Rules of Procedure in the Institution of Actions for Divorce, or Separation — Residence Requirement.)** From and after the effective date of this chapter, all civil actions instituted in divorce or separation cases venued in a county wherein a family court has been established and in which one of the parties resides, may not be filed or instituted unless either family court jurisdiction in such a case has been waived by court order or there has first been filed in the office of the clerk of the district court wherein the action is to be brought, a petition in substantially the following form:

1. The petition shall be captioned substantially as follows:

**District Court of the State of North Dakota**

For the County of.....

Upon petition of  
 .....  
 and concerning  
 and  
 .....  
 .....

Petition  
 (Under the Family Court Act)

Respondent

To the Family Court:

2. The petition shall:
  - a. Allege that a controversy exists between the spouses.
  - b. State the name and age of each minor child of the petitioner and spouse.
  - c. State the name and address of the petitioner, or the names and addresses of the petitioners, and the names and address of counsel, if any.
  - d. If the petition is presented by one spouse only, name the other spouse as a respondent, and state the address of that spouse.
  - e. State such other information as the court may by rule require.

**§ 3. Amendment.)** Section 27-05.1-08 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05.1-08. Exemption from Fees.)** No fee shall be charged for the filing of the petition in a family court, nor shall any fee be charged for the performance of any service or duty under the provisions of this chapter.

**§ 4. Amendment.)** Section 27-05.1-09 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05.1-09. Time and Place of Hearing on Petition.)** The court may fix a time and place for hearing on the petition and issue its order setting forth notice of the filing of the petition and the time and place of the hearing and requiring the parties to appear at the time and place stated in the order. The court may at any time issue such orders concerning the custody and care of the children of the marriage and restraining orders as it may deem necessary under the provisions of chapters 14-05 and 14-06 of the North Dakota Century Code.

**§ 5. Amendment.)** Section 27-05.1-10 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05.1-10. Referral to Family Counselor.)** At the time of the hearing on the petition or any time after a petition has been filed, without ordering a hearing, the court may refer the parties, by court order, to the court's family court counselor and issue such further orders as it may deem necessary under the provisions of chapters 14-05 and 14-06 of the North Dakota Century Code. The family court counselor shall set a time and place in the county for a conference or series of conferences to attempt to effect a reconciliation of the spouses or an amicable adjustment or settlement of the issues of the controversy and, if necessary, issue citations to the spouses and witnesses requiring them to appear at the time and place stated in the citation.

**§ 6. Amendment.)** Section 27-05.1-16 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05.1-16. Juvenile Commissioners' and Welfare Board Assistance.)** The juvenile commissioners and county welfare boards in every county in which a family court is established shall give such assistance to the family court as the court may request to carry out the purposes of this chapter and for that purpose may exercise all the powers pertaining to their offices granted or imposed pursuant to the laws of this state. The court may utilize the services, personnel, and facilities of the state and county welfare boards in effectuating the purposes of this Act and may appoint personnel thereof as family court counselors.

**§ 7. Amendment.)** Section 27-05.1-18 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-05.1-18. Stay of Further Proceedings for Divorce, or Separation.)** During a period beginning upon the filing of the petition and continuing until ninety days after the date of the filing of the petition, neither spouse shall file any action for divorce or separation. If, however, after the expiration of such time, the controversy between the spouses has not been resolved, or within any time during such ninety-day period or thereafter the court has issued and filed an order terminating family court jurisdiction, either spouse may institute proceedings for divorce or separation under the provisions of chapters 14-03 and 14-05 of the North Dakota Century Code. The pendency of an action for divorce or separation shall not operate as a bar to the instituting of further proceedings under this chapter, with the consent of both of the parties to the action.

**§ 8. 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 14, 1967.

---

## CHAPTER 249

S. B. No. 123  
(Ringsak, Meschke, Nething)

---

### SALARY AND EXPENSES OF COURT REPORTERS

#### AN ACT

To amend and reenact section 27-06-02 of the 1965 Supplement to 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:*

**§ 1. Amendment.)** Section 27-06-02 of the 1965 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 who has been employed in North Dakota as a court reporter for five years or more shall receive a salary not to exceed eight thousand two hundred dollars per annum. Each court reporter who has not been employed in North Dakota as a court reporter for five years or more shall receive a base salary of not to exceed seven thousand dollars per annum, and additional annual compensation of two hundred

and forty dollars for each year he has been employed in North Dakota as a court reporter, such base salary and additional annual compensation not to exceed eight thousand two hundred dollars per annum. The salary of a court reporter shall be 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 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 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 the 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 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, 1967.

## CHAPTER 250

S. B. No. 140

(Ringsak)

## FEES FOR TRANSCRIPTS

## AN ACT

To amend and reenact section 27-06-08 of the 1965 Supplement to the North Dakota Century Code, relating to fees for transcripts.

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

§ 1. **Amendment.)** Section 27-06-08 of the 1965 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 sixty 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 February 25, 1967.

## CHAPTER 251

H. B. No. 708

(Lee, Ferguson, Stone, Haugland, Eagles)

## RELIEF FROM JURY DUTY

## AN ACT

To repeal section 27-09-04 of the North Dakota Century Code, relating to when female persons shall be excused from jury service.

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

**§ 1. Repeal.)** Section 27-09-04 of the North Dakota Century Code is hereby repealed.

Approved February 24, 1967.

## CHAPTER 252

H. B. No. 686

(R. Peterson(1), Aafedt, Aas)

## COMPENSATION OF JUVENILE COMMISSIONERS

## AN ACT

To amend and reenact section 27-16-03 of the North Dakota Century Code, relating to juvenile commissioners and compensation therefor.

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

**§ 1. Amendment.)** Section 27-16-03 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-16-03. 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 ten dollars 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 ten thousand 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 in-

curred in the discharge of his official duties, in accordance with the amount allowed to county officials. 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.

Approved March 10, 1967.

---

## CHAPTER 253

H. B. No. 563  
(Wagner, Burke)

---

### CONFIDENTIALITY OF JUVENILE COURT PROCEEDINGS

#### AN ACT

To amend and reenact sections 27-16-06, 27-16-18, and 27-16-31 of the North Dakota Century Code, relating to the confidentiality of juvenile court records and hearings and the publication of names of certain juvenile offenders.

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

**§ 1. Amendment.)** Section 27-16-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-16-06. Clerk of Juvenile Court—Records—Confidential.)** The clerk of the district court shall be the clerk of the juvenile court. He shall file all papers, including the findings and final orders in proceedings had under this chapter, and shall note the date of such filing on the papers. Final orders shall be entered in a book known as the "juvenile court record", which shall be kept exclusively for that purpose. The records and papers shall be subject to examination by said clerk, the judges of the court, and the juvenile commissioner. Others may examine such records and papers only upon the written order of one of the district judges, except that juvenile court records relating solely to offenders brought before the court for violation of state laws or municipal ordinances governing the operation of motor vehicles shall be open to public inspection.

**§ 2. Amendment.)** Section 27-16-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-16-18. Hearings.)** On any hearing within the provisions of this chapter, the court may receive the report of the juvenile commissioner, made orally or in writing, of testimony taken before him. Such report may be received in evidence and be considered by the court with such other evidence as may be presented at the hearing. If the testimony taken by the juvenile commissioner has been taken under oath by a competent reporter it shall be unnecessary to have such testimony given by the same witness at such hearing. The court may conduct the hearing in an informal manner. Such hearing shall be reported as in a civil case. The general public shall be excluded from all hearings except those involving a violation of state laws or municipal ordinances governing the operation of motor vehicles, and only such persons admitted as have a direct interest in the case. The court shall hear and determine all cases without a jury.

**§ 3. Amendment.)** Section 27-16-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**27-16-31. Publication of Name of Child.)** No publication of the name of any child under the jurisdiction of the juvenile court shall be made by any news media except as contained in process of the court and published by order of the court and except that the names of children arrested or brought before the court for violation of state laws or municipal ordinances governing the operation for motor vehicles may be published. Any violation of the provisions of this section shall subject the news reporter and publisher or manager of any news media so violating the same to be cited for civil contempt and to be punished therefor.

Approved February 22, 1967.