

Introduced by

Senator Magrum

Representatives Klemin, Rios

1 A BILL for an Act to create and enact a new section to chapter 27-05 of the North Dakota  
2 Century Code, relating to judicial referees; to amend and reenact subsection 1 of section  
3 11-18-03, subsection 21 of section 12.1-01-04, subsection 2 of section 14-02.1-03.1,  
4 subsection 2 of section 14-05-24.2, subsection 1 of section 27-10-01.1, section 27-10-01.2,  
5 section 27-10-09, subsection 1 of section 27-20.2-05, subsection 2 of section 27-20.2-21,  
6 subsection 1 of section 27-20.3-04, section 27-20.3-10, subsection 1 of section 27-20.4-04,  
7 subsection 3 of section 27-20.4-09, subsection 5 of section 27-23-01, sections 28-25-03,  
8 28-25-10, and 28-25-16, subsection 1 of section 28-26-06, sections 28-26-08, 28-26-13, and  
9 28-26-17, subsection 3 of section 29-01-14, sections 29-01-15, 32-15-22, and 32-34-11,  
10 subsection 1 of section 44-04-18.3, section 54-12-01.3, and subdivision n of subsection 2 of  
11 section 62.1-02-05 of the North Dakota Century Code, relating to the abolition of the position of  
12 judicial referee; to repeal sections 27-05-30 and 27-08.1-08 of the North Dakota Century Code,  
13 relating to judicial referees; and to provide an effective date.

14 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

15 **SECTION 1. AMENDMENT.** Subsection 1 of section 11-18-03 of the North Dakota Century  
16 Code is amended and reenacted as follows:

17 1. A sheriff's ~~or referee's~~ certificate of sale on execution or on foreclosure of a mortgage.

18 **SECTION 2. AMENDMENT.** Subsection 21 of section 12.1-01-04 of the North Dakota  
19 Century Code is amended and reenacted as follows:

20 21. "Official proceeding" means a proceeding heard or which may be heard before any  
21 government agency or branch or public servant authorized to take evidence under  
22 oath, including any ~~referee~~, hearing examiner, commissioner, notary, or other person  
23 taking testimony or a deposition in connection with any such proceeding.

1           **SECTION 3. AMENDMENT.** Subsection 2 of section 14-02.1-03.1 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3           2. Any pregnant woman under the age of eighteen or next friend is entitled to apply to  
4 the juvenile court for authorization to obtain an abortion without parental consent. All  
5 proceedings on ~~such~~the application must be conducted in the juvenile court of the  
6 county of the minor's residence before a juvenile judge ~~or referee, if authorized by the~~  
7 ~~juvenile court judge in accordance with the provisions of chapter 27-05, except that~~  
8 the parental notification requirements of rules 3, 4, and 5 of the North Dakota Rules of  
9 Juvenile Procedure are not applicable to proceedings under this section. A court may  
10 change the venue of proceedings under this section to another county ~~only~~ upon  
11 finding that a transfer is required in the best interests of the minor. All applications in  
12 accordance with this section must be heard by a juvenile judge ~~or referee~~ within  
13 forty-eight hours, excluding Saturdays and Sundays, of receipt of the application. The  
14 juvenile judge ~~or referee~~ shall find by clear and convincing evidence:

- 15           a. Whether or not the minor is sufficiently mature and well informed with regard to  
16 the nature, effects, and possible consequences of both having an abortion and  
17 bearing her child to be able to choose intelligently among the alternatives.
- 18           b. If the minor is not sufficiently mature and well informed to choose intelligently  
19 among the alternatives without the advice and counsel of her parents or  
20 guardian, whether or not it would be in the best interests of the minor to notify her  
21 parents or guardian of the proceedings and call in the parents or guardian to  
22 advise and counsel the minor and aid the court in making its determination and to  
23 assist the minor in making her decision.
- 24           c. If the minor is not sufficiently mature and well informed to choose intelligently  
25 among the alternatives and it is found not to be in the best interests of the minor  
26 to notify and call in her parents or guardian for advice and counsel, whether an  
27 abortion or some other alternative would be in the best interests of the minor.

28           **SECTION 4. AMENDMENT.** Subsection 2 of section 14-05-24.2 of the North Dakota  
29 Century Code is amended and reenacted as follows:

30           2. A summary real estate disposition judgment must contain the following information:

- 1 a. The full caption and file number of the case and the title "Summary Real Estate  
2 Disposition Judgment";
- 3 b. The dates of the parties' marriage and of the entry of the judgment and decree of  
4 divorce;
- 5 c. The names of the parties' attorneys or if either or both appeared pro se;
- 6 d. The name of the judge and ~~referee~~, if any, who signed the order for judgment and  
7 decree;
- 8 e. Whether the judgment and decree resulted from a stipulation, a default, or a trial  
9 and the appearances at the default or trial;
- 10 f. If the judgment and decree resulted from a stipulation, whether the real property  
11 was described by a legal description;
- 12 g. If the judgment and decree resulted from a default, whether the petition contained  
13 the legal description of the property and whether disposition was made in  
14 accordance with the request for relief;
- 15 h. Whether the summons and petition were served personally upon the respondent  
16 in accordance with the North Dakota Rules of Civil Procedure;
- 17 i. If the summons and petition were served on the respondent only by publication,  
18 the name of each legal newspaper and county in which the summons and  
19 petition were published and the dates of publications;
- 20 j. Whether either party changed the party's name through the judgment and  
21 decree;
- 22 k. The legal description of each parcel of real estate;
- 23 l. The name or names of the persons awarded an interest in each parcel of real  
24 estate and a description of the interest awarded;
- 25 m. Liens, mortgages, encumbrances, or other interests in the real estate described  
26 in the judgment and decree; and
- 27 n. Triggering or contingent events set forth in the judgment and decree affecting the  
28 disposition of each parcel of real estate.

29 **SECTION 5.** A new section to chapter 27-05 of the North Dakota Century Code is created  
30 and enacted as follows:

1        **Judicial referees abolished - Election of additional district court judges - Case file**  
2 **transition - Budget considerations.**

- 3        1. Judicial referee positions are abolished as of the date the position is vacated by a  
4        judicial referee in office on the effective date of this Act or January 1, 2029, whichever  
5        is earlier. Upon abolition of a judicial referee position, a district court judgeship must be  
6        established in its place until all five judicial referee positions have been replaced by  
7        district court judgeships.
- 8        2. The district court judgeships established under this section must be filled by  
9        gubernatorial appointment under section 13 of article VI of the Constitution of North  
10       Dakota. All statutes relating to the district court apply to the district court judgeships  
11       established under this section.
- 12       3. The supreme court shall designate, pursuant to supreme court rules, the judicial  
13       district for each additional district court judgeship established under this section.
- 14       a. The governor shall appoint an individual to fill each additional district court  
15       judgeship established by this section in accordance with law.
- 16       b. An individual appointed by the governor to a judgeship under this section shall  
17       hold office until the next general election occurring at least two years after the  
18       appointment.
- 19       c. After the initial term, a judge elected to a judgeship established by this section  
20       holds office for the term provided in section 27-05-02.
- 21       4. Beginning in 2024, the budget for the district courts submitted to the legislative  
22       assembly under section 27-01-01.1 and to the director of the budget for informational  
23       purposes under section 54-44.1-13 must include all salaries and expenses for the  
24       district court judgeships established under this section.

25       **SECTION 6. AMENDMENT.** Subsection 1 of section 27-10-01.1 of the North Dakota  
26 Century Code is amended and reenacted as follows:

- 27       1. "Contempt of court" means:  
28       a. Intentional misconduct in the presence of the court which interferes with the court  
29       proceeding or with the administration of justice, or which impairs the respect due  
30       the court;

- 1           b. Intentional nonpayment of a sum of money ordered by the court to be paid in a  
2           case when by law execution cannot be awarded for the collection of the sum;  
3           c. Intentional disobedience, resistance, or obstruction of the authority, process, or  
4           order of a court or other officer, including a referee or magistrate;  
5           d. Intentional refusal of a witness to appear for examination, to be sworn or to  
6           affirm, or to testify after being ordered to do so by the court;  
7           e. Intentional refusal to produce a record, document, or other object after being  
8           ordered to do so by the court;  
9           f. Intentional behavior in derogation of any provision of a summons issued pursuant  
10          to rule 8.4 of the North Dakota Rules of Court; or  
11          g. Any other act or omission specified in the court rules or by law as a ground for  
12          contempt of court.

13           **SECTION 7. AMENDMENT.** Section 27-10-01.2 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15           **27-10-01.2. Power of court to punish for contempt of court.**

16           ~~1.~~ A court of record of this state may impose a remedial or punitive sanction for contempt of  
17 court under this chapter.

18           ~~2.~~ ~~Upon the trial of an action or issue by a referee appointed by the court, the~~  
19           ~~commission of any offense that constitutes contempt of court must be deemed~~  
20           ~~contempt of the court appointing the referee, and the offense may be punished by the~~  
21           ~~court in the manner and upon the proceedings in this chapter provided, except that the~~  
22           ~~offense may be presented to the court by a report of the referee instead of by affidavit.~~

23           **SECTION 8. AMENDMENT.** Section 27-10-09 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25           **27-10-09. Papers to be served on person arrested for contempt.**

26           When a person accused of contempt is arrested under a warrant of attachment, a copy of  
27 the warrant and of the affidavit ~~or report of a referee~~ upon which it is issued must be served  
28 upon the accused.

29           **SECTION 9. AMENDMENT.** Subsection 1 of section 27-20.2-05 of the North Dakota  
30 Century Code is amended and reenacted as follows:

- 1           1. For the purpose of carrying out the objectives and purposes of this chapter and  
2           subject to the limitations of this chapter or imposed by the court, a director shall:
- 3           a. Make investigations, reports, and recommendations to the juvenile court.  
4           b. Receive and examine referrals and charges of delinquency, a child in need of  
5           services, or a child in need of protection for the purpose of considering the  
6           commencement of proceedings under this chapter.  
7           c. Make a determination upon intake of referrals regarding the appropriate manner  
8           to handle delinquent conduct, or a child in need of services or a child in need of  
9           protection by use of nonjudicial adjustments or formal court processes.  
10          d. Supervise and assist a child placed on probation for delinquency or a child in  
11          need of services, or both.  
12          e. Make appropriate referrals to other private or public agencies of the community if  
13          assistance of the agencies appears to be needed or desirable.  
14          f. Issue a temporary custody order concerning a child who is referred to the  
15          director's supervision or care as a delinquent or a child in need of services or  
16          protection. Except as provided by this chapter, a director does not have the  
17          powers of a law enforcement officer.  
18          g. Take acknowledgments of instruments for the purpose of this chapter.  
19          h. Make such temporary order not to exceed ninety-six hours for the custody and  
20          control of a child alleged to be in need of services or protection as may be  
21          deemed appropriate. The order must be reduced to writing within twenty-four  
22          hours, excluding holidays and weekends.  
23          i. Perform all other functions designated by this chapter ~~or under section 27-05-30~~  
24          or by order of the court pursuant to such law, including, if qualified, the order of a  
25          referee.  
26          j. Issue an order to a law enforcement authority to transport a child to and from a  
27          specified location.  
28          k. Receive and examine requests for review of a child's placement at a qualified  
29          residential treatment program under the federal Family First Prevention Services  
30          Act [Pub. L. 115-123; 132 Stat. 64; 42 U.S.C. 675].

- 1           I.    Receive and examine petitions to establish, modify, or terminate a guardianship  
2                   of a minor under chapter 27-20.1.

3           **SECTION 10. AMENDMENT.** Subsection 2 of section 27-20.2-21 of the North Dakota  
4 Century Code is amended and reenacted as follows:

- 5           2.    Juvenile court files and records are also open to inspection with written leave of a  
6                   juvenile court judge ~~or judicial referee~~ to whom juvenile court matters have been  
7                   referred:

- 8                   a.    Upon a showing in writing of a legitimate interest in a proceeding or in the work of  
9                            the juvenile court, but only to the extent necessary to respond to the legitimate  
10                           interest; and  
11                   b.    By the principal of any public or private school that is a member of the North  
12                            Dakota high school activities association, or the superintendent of any school  
13                            district that has one or more schools involved in the association, but only to the  
14                            extent necessary to enforce the rules and regulations of the North Dakota high  
15                            school activities association.

16           **SECTION 11. AMENDMENT.** Subsection 1 of section 27-20.3-04 of the North Dakota  
17 Century Code is amended and reenacted as follows:

- 18           1.    For the purpose of carrying out the objectives and purposes of this chapter and  
19                   subject to the limitations of this chapter or imposed by the court, a director shall:  
20                   a.    Make investigations, reports, and recommendations to the juvenile court.  
21                   b.    Receive and examine referrals of a child in need of services or child in need of  
22                            protection for the purpose of considering diversion of services.  
23                   c.    Make a determination upon intake of referrals regarding the appropriate manner  
24                            to handle delinquent conduct, a child in need of services, or a child in need of  
25                            protection under this chapter.  
26                   d.    Make appropriate referrals to other private or public agencies of the community if  
27                            their assistance appears to be needed or desirable.  
28                   e.    Issue a temporary custody order concerning a child who is referred to the  
29                            director's supervision or care as a child in need of services or a child in need of  
30                            protection. Except as provided by this chapter, a director does not have the  
31                            powers of a law enforcement officer.

- 1 f. Take acknowledgments of instruments for the purpose of this chapter.
- 2 g. Make such temporary order not to exceed ninety-six hours for the custody and  
3 control of a child alleged to be in need of services or protection as may be  
4 deemed appropriate. The order must be reduced to writing within twenty-four  
5 hours, excluding holidays and weekends.
- 6 h. Perform all other functions designated by this chapter ~~or under section 27-05-30~~  
7 ~~or by order of the court, including, if qualified, those of a referee.~~
- 8 i. Issue an order to a law enforcement authority to transport a child to and from a  
9 specified location.
- 10 j. Receive and examine requests for review of a child's placement at a qualified  
11 residential treatment program under the Family First Prevention Services Act  
12 [Pub. L. 115-123; 132 Stat. 64; 42 U.S.C. 675].

13 **SECTION 12. AMENDMENT.** Section 27-20.3-10 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **27-20.3-10. Release from shelter care - Hearing - Conditions of release.**

- 16 1. If a child is brought before the court or delivered to a shelter care facility designated by  
17 the court, the director, an intake officer, or other authorized officer of the court or  
18 human service zone immediately shall make an investigation and release the child  
19 unless it appears that the child's shelter care is warranted or required under section  
20 27-20.3-07. If there is reason to believe the child may be an Indian child and the  
21 federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 through 1963] may apply, the  
22 judge or referee may order the child be placed under the custody of the human service  
23 zone for a maximum of thirty days from the date of the emergency removal upon  
24 finding:
  - 25 a. A return of the child to the parent or Indian custodian would subject the child to  
26 imminent danger or harm;
  - 27 b. The court has been unable to transfer the proceeding to the appropriate Indian  
28 tribe; or
  - 29 c. Holding an adjudicatory hearing is not possible.
- 30 2. If the child is not released, a judge ~~or referee~~ shall hold a shelter care hearing  
31 promptly and not later than ninety-six hours after the child is placed in shelter care to



1 determine whether there is probable cause to believe that the child is in need of  
2 protection and whether the child's shelter care is required under section 27-20.3-07.  
3 Reasonable notice, either oral or written, stating the time, place, and purpose of the  
4 shelter care hearing must be given to the child and, if able to be found, to the child's  
5 parents, guardian, or other custodian. Before the commencement of the hearing, the  
6 court shall inform the parties of the rights of the parties to counsel and to counsel at  
7 public expense if the parties are indigent.

8 3. If continued shelter care is required, the judge ~~or referee~~ may order that the child be  
9 kept in shelter care for no more than sixty days from the date the child was placed in  
10 shelter care.

11 4. As a condition to the child's release from shelter care, the court may order a parent,  
12 guardian, custodian, or any other member of the household in which the child resides  
13 to vacate the child's residence if probable cause exists to believe that the parent,  
14 guardian, custodian, or other member of the household has committed a sexual  
15 offense with or against the child, pursuant to sections 12.1-20-03 through 12.1-20-07  
16 or section 12.1-20-11, and the presence of the alleged sexual offender in the child's  
17 residence presents a danger to the child's life or physical, emotional, or mental health.  
18 The court may order that the parent, guardian, or custodian not allow contact with an  
19 identified person if the court determines the order is in the best interests of the child.

20 5. If the child is not released and a parent, guardian, or custodian has not been notified  
21 of the hearing, did not appear or waive appearance at the hearing, and files an  
22 affidavit showing these facts, the court shall rehear the matter without unnecessary  
23 delay and order the child's release, unless it appears from the hearing that the child's  
24 shelter care is required under section 27-20.3-07.

25 **SECTION 13. AMENDMENT.** Subsection 1 of section 27-20.4-04 of the North Dakota  
26 Century Code is amended and reenacted as follows:

- 27 1. For the purpose of carrying out the objectives and purposes of this chapter and  
28 subject to the limitations of this chapter or imposed by the court, a director shall:
- 29 a. Make investigations, reports, and recommendations to the juvenile court.
  - 30 b. Receive and examine complaints, referrals, and charges of delinquency for the  
31 purpose of considering the commencement of proceedings under this chapter.

- 1 c. Make a determination upon intake of referrals regarding the appropriate manner
- 2 to handle a child in need of services or a child in need of protection by use of
- 3 nonjudicial commencement of proceedings under this chapter.
- 4 d. Supervise and assist a child placed on probation for delinquency.
- 5 e. Make appropriate referrals to other private or public agencies of the community if
- 6 their assistance appears to be needed or desirable.
- 7 f. Issue a temporary custody order concerning a child who is referred to the
- 8 director's supervision or care as a delinquent child. Except as provided by this
- 9 chapter, a director does not have the powers of a law enforcement officer.
- 10 g. Take acknowledgments of instruments for the purpose of this chapter.
- 11 h. Perform all other functions designated by this chapter, ~~under section 27-05-30, or~~
- 12 ~~by order of the court, including, if qualified, those of a referee.~~
- 13 i. Issue an order to a law enforcement authority to transport a child to and from a
- 14 specified location.
- 15 j. Receive and examine requests for review of a child's placement at a qualified
- 16 residential treatment program under the Family First Prevention Services Act
- 17 [Pub. L. 115-123; 132 Stat. 64; 42 U.S.C. 675].

18 **SECTION 14. AMENDMENT.** Subsection 3 of section 27-20.4-09 of the North Dakota  
19 Century Code is amended and reenacted as follows:

- 20 3. If the child is not released, reasonable notice, either oral or written, stating the time,
- 21 place, and purpose of the detention or shelter care must be given to the child and, if
- 22 able to be found, to the child's parents, guardian, or other custodian. If the child is not
- 23 represented by counsel at a proceeding, the court shall inform the child of the right to
- 24 counsel, regardless of income. Before the commencement of the hearing, the court
- 25 shall inform the child's parents, legal guardian, or custodian of the right to counsel at
- 26 public expense at the dispositional stage if the parent, guardian, or custodian applies
- 27 and is determined to be indigent and of the child's right to remain silent with respect to
- 28 any allegations of delinquent conduct.
- 29 a. If the child is not released from detention, a judge ~~or referee~~ shall hold a
- 30 detention hearing within twenty-four hours after the time the child is placed in
- 31 detention, excluding weekends or legal holidays, to determine whether there is

1                   probable cause to believe the child has committed the delinquent act alleged,  
2                   and whether the child's detention is required under section 27-20.4-05. In  
3                   determining whether a child requires detention, the court shall consider the  
4                   results of the detention screening tool.

5                   b. If the child is not released from nonsecure care, a judge ~~or referee~~ shall hold a  
6                   hearing promptly and not later than ninety-six hours after the child is placed in  
7                   nonsecure care to determine whether there is probable cause to believe the child  
8                   has committed a delinquent act and whether the child's shelter care is required.

9                   **SECTION 15. AMENDMENT.** Subsection 5 of section 27-23-01 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11                   5. "Judge" means a justice of the supreme court, a judge of the district court, ~~a judicial~~  
12                   ~~referee, and~~ a judge of a municipal court, ~~and, in the case provided in section~~  
13                   ~~29-01-14, a small claims court referee.~~

14                   **SECTION 16. AMENDMENT.** Section 28-25-03 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16                   **28-25-03. Before whom examination held.**

17                   The examination may be had before the court ~~or before a referee appointed by the court.~~ If  
18 the judgment debtor is a resident of a judicial district other than that from which the execution  
19 issued, the court may refer the examination to the district court of the county of the debtor's  
20 residence.

21                   **SECTION 17. AMENDMENT.** Section 28-25-10 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23                   **28-25-10. Answers on oath - ~~Referee reports to court.~~**

24                   All examinations and answers before a judge ~~or referee~~ under this chapter must be on oath,  
25 except that when a corporation answers, the answer must be on the oath of an officer of the  
26 corporation and that when a limited liability company answers, the answer must be on the oath  
27 of a manager of the limited liability company. ~~If the examination is before a referee, it must be~~  
28 ~~taken by the referee and certified to the judge appointing who appointed the referee.~~

29                   **SECTION 18. AMENDMENT.** Section 28-25-16 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **28-25-16. Punishment for contempt.**

2       If any person, party, or witness disobeys an order of the judge ~~or referee~~ duly served, such  
3 person may be punished by the judge as for a contempt. In all cases of commitment under this  
4 chapter, the person committed, in case of inability to perform the act required, or to endure the  
5 imprisonment, may be discharged from imprisonment by the judge committing the person.

6       **SECTION 19. AMENDMENT.** Subsection 1 of section 28-26-06 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8       1. The legal fees of witnesses; sheriffs; clerks of district court; the clerk of the supreme  
9 court, if ordered by the supreme court; process servers; ~~and of referees~~ and other  
10 officers;

11       **SECTION 20. AMENDMENT.** Section 28-26-08 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13       **28-26-08. Costs specially limited.**

14       In an action for assault, battery, false imprisonment, libel, slander, malicious prosecution,  
15 criminal conversation, or seduction, if the plaintiff recovers less than fifty dollars damages, the  
16 plaintiff may recover no more costs and disbursements than damages. In an action to recover  
17 the possession of personal property, if the plaintiff recovers less than fifty dollars damages, the  
18 plaintiff may recover no more costs and disbursements than damages, unless the plaintiff  
19 recovers property also, the value of which with the damages amounts to fifty dollars, or the  
20 possession of property is adjudged to the plaintiff, the value of which with the damages amounts  
21 to fifty dollars. Such value must be determined by the jury, or court, ~~or referee~~ by whom the  
22 action is tried. When several actions are brought on one bond, recognizance, promissory note,  
23 bill of exchange, or other instrument in writing, or in any other case for the same claim for relief  
24 against several parties who might have been joined as defendants in the same action, no costs  
25 other than disbursements may be allowed to the plaintiff in more than one of such actions,  
26 which must be at the plaintiff's election, if the party or parties proceeded against in such action  
27 or actions, at the time of the commencement of the previous action or actions, has been openly  
28 within this state and not secreted.

29       **SECTION 21. AMENDMENT.** Section 28-26-13 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **28-26-13. Interest on verdict.**

2       When the judgment is for the recovery of money, interest, from the time of the verdict or  
3 ~~report of a referee~~ until judgment finally is entered, must be computed by the clerk and added to  
4 the costs of the party entitled thereto.

5       **SECTION 22. AMENDMENT.** Section 28-26-17 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **28-26-17. Costs of postponement.**

8       When an application is made to a court or referee to postpone a trial, the payment of costs  
9 occasioned by the postponement may be imposed in the discretion of the court or referee as a  
10 condition of granting the same.

11       **SECTION 23. AMENDMENT.** Subsection 3 of section 29-01-14 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13       3. As limited by law directing the place of exercising their jurisdiction and authority,  
14 magistrates appointed by the presiding judge of a judicial district, and municipal  
15 judges, ~~and small claims court referees who are licensed to practice law and~~  
16 ~~authorized by the presiding judge of the judicial district in case of an emergency,~~ each  
17 with authority to act as magistrate throughout the county or the city for which the  
18 magistrate is elected or appointed.

19       **SECTION 24. AMENDMENT.** Section 29-01-15 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21       **29-01-15. Jurisdiction of municipal judges and ~~small claims court referees.~~**

22       Any municipal judge may:

- 23       1. Act as committing magistrate; provided, that this subsection does not apply to  
24       municipal judges who are not attorneys currently licensed under chapter 27-11.
- 25       2. Hear, try, and determine misdemeanors and infractions when jurisdiction has been  
26       conferred by the Constitution of North Dakota and this and other laws.
- 27       3. Adjudge and impose the punishment prescribed by law, upon conviction, in all cases  
28       within the municipal judge's jurisdiction to hear, try, and determine.
- 29       4. Grant temporary protection orders under the particular circumstances and for the  
30       limited duration set forth in section 14-07.1-08.

1 ~~A small claims court referee authorized pursuant to subsection 3 of section 29-01-14 may act as~~  
2 ~~a committing magistrate.~~ A magistrate appointed by the presiding judge of the judicial district  
3 has the authority to act to the extent allowed by rules promulgated by the supreme court.

4 **SECTION 25. AMENDMENT.** Section 32-15-22 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **32-15-22. Assessment of damages.**

7 The jury, or court, ~~or referee~~, if a jury is waived, must hear such legal testimony as may be  
8 offered by any of the parties to the proceedings and thereupon must ascertain and assess:

- 9 1. The value of the property sought to be condemned and all improvements thereon  
10 pertaining to the realty and of each and every separate estate or interest therein. If it  
11 consists of different parcels, the value of each parcel and each estate and interest  
12 therein shall be separately assessed.
- 13 2. If the property sought to be condemned constitutes only a part of a larger parcel, the  
14 damages which will accrue to the portion not sought to be condemned by reason of its  
15 severance from the portion sought to be condemned and the construction of the  
16 improvement in the manner proposed by the plaintiff.
- 17 3. If the property, though no part thereof is taken, will be damaged by the construction of  
18 the proposed improvement, the amount of such damages.
- 19 4. If the property is taken or damaged by the state or a public corporation, separately,  
20 how much the portion not sought to be condemned and each estate or interest therein  
21 will be benefited, if at all, by the construction of the improvement proposed by the  
22 plaintiff, and if the benefit shall be equal to the damages assessed under subsections  
23 2 and 3, the owner of the parcel shall be allowed no compensation except the value of  
24 the portion taken, but if the benefit shall be less than the damages so assessed the  
25 former shall be deducted from the latter and the remainder shall be the only damages  
26 allowed in addition to the value of the portion taken.
- 27 5. As far as practicable, compensation must be assessed separately for property actually  
28 taken and for damages to that which is not taken.

29 **SECTION 26. AMENDMENT.** Section 32-34-11 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **32-34-11. Damages - Peremptory writ.**

2           If judgment is given for the applicant, the applicant may recover the damages which the  
3 applicant has sustained as found by the jury, or as may be determined by the court, ~~or referee~~  
4 ~~upon a reference to be ordered~~, together with costs, and for such damages and costs execution  
5 may issue, and a peremptory mandamus also must be awarded.

6           **SECTION 27. AMENDMENT.** Subsection 1 of section 44-04-18.3 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8           1.    Except as provided in subsection 5, a telephone number and the home address of a  
9           prosecutor, supreme court justice, district court judge, ~~judicial referee~~, juvenile court  
10          director or probation officer, an employee of a law enforcement agency, employee of a  
11          state or local correctional facility, and an employee of the department of corrections  
12          and rehabilitation are confidential. Information contained in a personnel record of an  
13          employee of the department of corrections and rehabilitation may not be disclosed to  
14          an inmate in the legal custody of the department of corrections and rehabilitation  
15          confined in a jail, prison, or other correctional facility unless authorized by the director  
16          of the department of corrections and rehabilitation. Information contained in a  
17          personnel record of a law enforcement officer of a state or local law enforcement  
18          agency or in the personnel record of a correctional employee of a correctional facility  
19          subject to chapter 12-44.1 may not be disclosed to an inmate confined in a state  
20          correctional facility or correctional facility subject to chapter 12-44.1 unless authorized  
21          by the employing agency.

22          **SECTION 28. AMENDMENT.** Section 54-12-01.3 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24          **54-12-01.3. Judicial officers - Legal defense - Indemnification.**

25          The attorney general shall appear and defend any supreme court justice, supreme court  
26 surrogate justice, district court judge, district court surrogate judge, ~~judicial referee~~, or director of  
27 juvenile court of this state in any action founded upon an act or omission arising out of  
28 performance of an official duty. If the attorney general determines that the attorney general or  
29 an assistant attorney general is unable to defend the judicial officer, the attorney general shall  
30 employ a special assistant attorney general to represent the judicial officer. The state shall  
31 indemnify the supreme court justice, supreme court surrogate justice, district court judge, district

1 court surrogate judge, ~~judicial referee~~, or director of juvenile court of this state for all reasonable  
2 costs, including attorney's fees, incurred by or awarded against the judicial officer in the action.

3 **SECTION 29. AMENDMENT.** Subdivision n of subsection 2 of section 62.1-02-05 of the  
4 North Dakota Century Code is amended and reenacted as follows:

5 n. A state, federal, or municipal court judge, a district court magistrate, or judge ~~or~~  
6 ~~judicial referee~~, and a staff member of the office of attorney general if the  
7 individual maintains the same level of firearms proficiency as is required by the  
8 peace officer standards and training board for law enforcement officers. A local  
9 law enforcement agency shall issue a certificate of compliance under this section  
10 to an individual who is proficient;

11 **SECTION 30. REPEAL.** Sections 27-05-30 and 27-08.1-08 of the North Dakota Century  
12 Code are repealed.

13 **SECTION 31. EFFECTIVE DATE.** Sections 1 through 4 and sections 6 through 30 of this  
14 Act become effective on January 1, 2029.