

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2117
(Natural Resources Committee)
(At the request of the Parks and Recreation Department)

AN ACT to create and enact subsection 12 to section 55-08-01.3 and sections 55-08-18 and 55-08-19 of the North Dakota Century Code, relating to parks and recreation department rule violations and penalties; to amend and reenact section 55-08-17 and subsection 13 of section 55-11-09 of the North Dakota Century Code, relating to parks and recreation department rule violations and penalties; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Subsection 12 to section 55-08-01.3 of the North Dakota Century Code is created and enacted as follows:

12. Establish noncriminal penalties for violation of rules adopted by the director. The maximum noncriminal penalty is a fine of two hundred fifty dollars. Department personnel designated by the director shall have the power to enforce noncriminal violations of these rules. Fines collected for violation of these rules must be deposited in the general fund.

SECTION 2. Section 55-08-18 of the North Dakota Century Code is created and enacted as follows:

55-08-18. Violations noncriminal - Procedures.

Any person who has been cited for a violation of this title or related rules may appear before a court of competent jurisdiction and pay the statutory fee at or prior to the time scheduled for a hearing or, if bond has been posted, may forfeit the bond by not appearing at the scheduled time. A person appearing at the time scheduled in the citation may make a statement in explanation of that person's action and the judge may at that time waive, reduce, or suspend the statutory fee or bond, or both. If the person cited follows the foregoing procedures, that person has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the judge must be identical to the administrative fee established by section 55-08-19. Within ten days after forfeiture of bond or payment of the statutory fee, the judge shall certify to the director admission of the violation.

SECTION 3. Section 55-08-19 of the North Dakota Century Code is created and enacted as follows:

55-08-19. Amount of statutory fees.

The fees required for a noncriminal disposition pursuant to section 55-08-18 are as follows:

1. For a class 1 noncriminal offense, a fee of one hundred dollars.
2. For a class 2 noncriminal offense, a fee of fifty dollars.
3. For a class 3 noncriminal offense, a fee of twenty-five dollars.
4. For violation of a rule approved by the director, the amount set in the rule, up to a maximum of two hundred fifty dollars.
5. The director shall have the discretion to classify violations of parks and recreation department rules.

SECTION 4. AMENDMENT. Section 55-08-17 of the North Dakota Century Code is amended and reenacted as follows:

55-08-17. General penalty.

Any person violating a provision of this chapter for which a penalty is not specifically provided is guilty of ~~an infraction~~ a noncriminal violation.

SECTION 5. AMENDMENT. Subsection 13 of section 55-11-09 of the North Dakota Century Code is amended and reenacted as follows:

13. To adopt and enforce suitable rules relating to the protection, care, and use of any state nature preserve or state-owned or state-managed natural area. ~~The violation of any such rule constitutes an infraction.~~ Enforcement of these rules shall comply with the powers granted in chapter 55-08.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2117 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 43 Nays 4 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 72 Nays 18 Absent 4

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State