

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1246

Introduced by

Representatives Wieland, Eckre, Herbel, Maragos, Pollert

Senator Lindaas

1 A BILL for an Act to create and enact a new section to chapter 11-09.1 of the North Dakota
2 Century Code, relating to enforcement of criminal violations by a home rule county; and to
3 amend and reenact subsection 5 of section 11-09.1-05 and section 27-05-06 of the North
4 Dakota Century Code, relating to powers of a home rule county and the jurisdiction of the
5 district court.

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

7 **SECTION 1. AMENDMENT.** Subsection 5 of section 11-09.1-05 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 5. Provide for the adoption, amendment, repeal, initiative, referral, enforcement, and
10 civil and criminal penalties for violation of ordinances, resolutions, and regulations
11 to carry out its governmental and proprietary powers and to provide for public
12 health, safety, morals, and welfare. However, this subsection does not confer any
13 authority to regulate any industry or activity which is regulated by state law or by
14 rules adopted by a state agency.

15 **SECTION 2.** A new section to chapter 11-09.1 of the North Dakota Century Code is
16 created and enacted as follows:

17 **Enforcement of criminal penalties.** A county that has adopted a home rule charter
18 may impose a penalty for a violation of an ordinance through a citation, a criminal complaint, or
19 an information through the district court in the county where the offense occurred. The penalty
20 for a violation of an ordinance may be an infraction or a class B misdemeanor.

21 **SECTION 3. AMENDMENT.** Section 27-05-06 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **27-05-06. Jurisdiction of district courts.** The district courts of this state have the
24 general jurisdiction conferred upon ~~them~~ the courts by the constitution, and in the exercise of

- 1 ~~such that~~ jurisdiction ~~they~~ the courts have power to issue all writs, process, and commissions
2 provided therein or by law or which may be necessary for the due execution of the powers with
3 which ~~they~~ the courts are vested. ~~Such~~ The courts have:
- 4 1. Common-law jurisdiction and authority within their respective judicial districts for
5 the redress of all wrongs committed against the laws of this state affecting persons
6 or property.
 - 7 2. Power to hear and determine all civil actions and proceedings.
 - 8 3. All the powers, according to the usages of courts of law and equity, necessary to
9 the full and complete jurisdiction of the causes and parties and the full and
10 complete administration of justice, and to carrying into effect ~~their~~ the courts'
11 judgments, orders, and other determinations, subject to a reexamination by the
12 supreme court as provided by law.
 - 13 4. Jurisdiction of appeals from all final judgments of municipal judges and from the
14 determinations of inferior officers, boards, or tribunals, in ~~such~~ the cases and
15 pursuant to ~~such~~ the regulations as may be prescribed by law.
 - 16 5. Disputed property line proceedings pursuant to section 11-20-14.1.
 - 17 6. Power to hear and determine all actions and proceedings arising from the
18 enforcement of home rule charter ordinances.