

SENATE BILL NO. 2117

Introduced by

Natural Resources Committee

(At the request of the Parks and Recreation Department)

1 A BILL for an Act to create and enact subsection 12 to section 55-08-01.3 and sections
2 55-08-18 and 55-08-19 of the North Dakota Century Code, relating to parks and recreation
3 department rule violations and penalties; to amend and reenact section 55-08-17 and
4 subsection 13 of section 55-11-09 of the North Dakota Century Code, relating to parks and
5 recreation department rule violations and penalties; ~~and~~ to provide a penalty; and to declare an
6 emergency.

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

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

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

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

17 **55-08-18. Violations noncriminal - Procedures.**

18 Any person who has been cited for a violation of this title or related rules may appear before
19 a court of competent jurisdiction and pay the statutory fee at or prior to the time scheduled for a
20 hearing or, if bond has been posted, may forfeit the bond by not appearing at the scheduled
21 time. A person appearing at the time scheduled in the citation may make a statement in
22 explanation of that person's action and the judge may at that time waive, reduce, or suspend
23 the statutory fee or bond, or both. If the person cited follows the foregoing procedures, that
24 person has admitted the violation and has waived the right to a hearing on the issue of

1 commission of the violation. The bond required to secure appearance before the judge must be
2 identical to the administrative fee established by section 55-08-19. Within ten days after
3 forfeiture of bond or payment of the statutory fee, the judge shall certify to the director
4 admission of the violation.

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

7 **55-08-19. Amount of statutory fees.**

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

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

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

18 **55-08-17. General penalty.**

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

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

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

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