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Sixty-second
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1188

Introduced by

Representatives Porter, DeKrey, Maragos

Senator Dever

A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to fees for depositing rubbish on highways; to amend and reenact sections 20.1-01-25, 23-29-05.1, and 39-10-59 of the North Dakota Century Code, relating to littering on game refuges or recreation areas, open burning, and depositing rubbish on highways; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-01-25 of the North Dakota Century Code is amended and reenacted as follows:

20.1-01-25. Deposit of refuse unlawful - Penalty.

The deposit of litter, refuse, rubbish, bottles, cans, or other waste materials, on or in the vicinity of ~~any~~a game refuge, lake, river, public park, or recreation area is prohibited. Police officers, sheriffs, deputies, and game and fish department personnel shall enforce this section. ~~Any~~A person who willfully violates this section is guilty of an infraction for which a minimum fine of two hundred dollars must be imposed.

SECTION 2. AMENDMENT. Section 23-29-05.1 of the North Dakota Century Code is amended and reenacted as follows:

23-29-05.1. Littering and open burning prohibited - Penalty.

1. ~~No~~A person may not discard and abandon ~~any~~ litter, furniture, or major appliances upon public property or upon private property not owned by that person, unless the property is designated for the disposal of litter, furniture, or major appliances and that person is authorized to use the property for that purpose.
2. ~~No~~A person may not engage in the open burning of solid waste, unless the burning is conducted in accordance with rules adopted by the department.

3. A person violating this section is guilty of an infraction for which a minimum fine of two hundred dollars must be imposed, except if the litter discarded and abandoned amounted to more than one cubic foot [0.0283 cubic meter] in volume or if the litter consisted of furniture or a major appliance, the offense is a class B misdemeanor.

SECTION 3. A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code is created and enacted as follows:

A violation of section 39-10-59, a fee of two hundred dollars.

SECTION 4. AMENDMENT. Section 39-10-59 of the North Dakota Century Code is amended and reenacted as follows:

39-10-59. Garbage, glass, rubbish, and injurious materials on highway prohibited.

1. An individual may not deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, rubbish, or any other litter. In addition, an individual may not deposit upon ~~any~~a highway any other substance likely to injure ~~any~~a person, animal, or vehicle.
2. An individual who deposits, or permits to be deposited, upon ~~any~~a highway ~~any~~a destructive or injurious material shall immediately remove or cause to be removed the ~~same~~material.
3. An individual removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.