

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Glassheim

1 A BILL for an Act to create and enact a new section to chapter 23-29 of the North Dakota
2 Century Code, relating to a state landfill siting board, and to amend and reenact section
3 23-29-05 of the North Dakota Century Code, relating to local ordinances on landfills.

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

5 **SECTION 1. AMENDMENT.** Section 23-29-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-29-05. Local government ordinances.** Any political subdivision of the state for a
8 landfill operated by that political subdivision within the zoning authority of that political
9 subdivision may enact and enforce a solid waste management ordinance if such ordinance is
10 equal to or more stringent than this chapter and the rules adopted pursuant to this chapter.

11 **SECTION 2.** A new section to chapter 23-29 of the North Dakota Century Code is
12 created and enacted as follows:

13 **State landfill siting board - Permit.**

14 1. Notwithstanding a home rule charter or, whether or not under that charter, an
15 ordinance or resolution to the contrary, or any other provision of law, the state
16 landfill siting board has exclusive jurisdiction in siting a landfill unless the landfill is
17 operated by a political subdivision within the zoning jurisdiction of that political
18 subdivision.

19 2. The membership of the state landfill siting board consists of:

20 a. The state health officer;

21 b. The state engineer;

22 c. The state geologist;

23 d. The director of the environmental of the health department;

1 e. A representative appointed by the North Dakota league of cities executive
2 committee;

3 f. A representative appointed by the North Dakota association of counties
4 executive committee;

5 g. A representative appointed by the North Dakota township officers association
6 executive board of directors;

7 3. In cases in which the board has exclusive jurisdiction, a person shall apply and
8 receive a siting permit from the board before siting a landfill.

9 4. Upon receiving an application from a person for siting a landfill, the board shall
10 hold at least two public hearings at least fifteen days apart in the political
11 subdivision with zoning jurisdiction in the area of the proposed landfill. Each
12 meeting must have a notice printed in the official newspaper of the area at least
13 fourteen days before the meeting.

14 5. The board shall issue the permit if the site is compatible for the siting of a landfill,
15 there is adequate need for the landfill, and adequate mitigative measures are taken
16 to address the negative affects of the landfill. In addressing compatibility, the
17 board shall consider scientific evidence of the affect of the landfill on the
18 environment and the ability to design the landfill to address those concerns. As to
19 need, the board shall consider the benefit to the persons in the political subdivision
20 and surrounding political subdivisions and the relative costs of alternate solid waste
21 management. As to mitigation measures, the board shall consider upper zones,
22 trees, odor control, wind control, bird control, and any other measure to address
23 circumstances unique to the location or raised at the public hearings.