

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1188**

Introduced by

Representatives Porter, DeKrey, Maragos

Senator Dever

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

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

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

9 **20.1-01-25. Deposit of refuse unlawful - Penalty.**

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

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

17 **23-29-05.1. Littering and open burning prohibited - Penalty.**

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

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

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

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

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

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

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

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