

HOUSE BILL NO. 1114

Introduced by

Energy and Natural Resources Committee

(At the request of the State Department of Health)

1 A BILL for an Act to amend and reenact subsection 13 of section 23-29-03, subsection 3 of
2 section 23-29-05.1, and section 23-29-12 of the North Dakota Century Code, relating to solid
3 waste management; to repeal sections 23-29-09 and 23-29-16 of the North Dakota Century
4 Code, relating to solid waste management correspondence and environmental protection; and
5 to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Subsection 13 of section 23-29-03 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 13. "Resource recovery" means the use, reuse, or recycling of materials, substances,
10 energy, or products contained within or derived from ~~municipal~~ solid waste.

11 **SECTION 2. AMENDMENT.** Subsection 3 of section 23-29-05.1 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 3. A person violating this section is guilty of an infraction for which a minimum fine of one
14 hundred dollars must be imposed, except if the litter discarded and abandoned
15 amounted to more than one cubic foot [0.0283 cubic meter] in volume or if the litter
16 consisted of furniture or a major appliance, the ~~offense is a class B-~~
17 ~~misdemeanor~~ person is subject to the civil and criminal penalties provided in section
18 23-29-12.

19 **SECTION 3. AMENDMENT.** Section 23-29-12 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **23-29-12. Penalties.**

22 ~~Unless another penalty is specifically prescribed, a person violating this chapter, or any rule,~~
23 ~~order, or condition in a permit issued under this chapter, is subject to a civil penalty not to~~
24 ~~exceed one thousand dollars per day of such violation.~~

- 1 1. Any person who violates this chapter or any permit condition, rule, order, limitation, or
2 other applicable requirement implementing this chapter is subject to a civil penalty not
3 to exceed twelve thousand five hundred dollars per day per violation, unless the
4 penalty for the violation is otherwise specifically provided for and made exclusive in
5 this chapter.
- 6 2. Any person who willfully violates any provision of this chapter or any permit condition,
7 rule, order, limitation, or other applicable requirement implementing this chapter is
8 guilty of a class C felony, unless the penalty for the violation is otherwise specifically
9 provided for and made exclusive in this chapter. For multiple violations, penalties may
10 be assessed up to the maximum amount specified in this subsection for each day of
11 each separate violation.
- 12 3. Any person who knowingly makes any false statement, representation, or certification
13 in any application, record, report, plan, or other document filed or required to be
14 maintained under this chapter or any permit condition, rule, order, limitation, or other
15 applicable requirement implementing this chapter or who falsifies, tampers with, or
16 knowingly renders inaccurate any monitoring device or method required to be
17 maintained under this chapter or any permit condition, rule, order, limitation, or other
18 applicable requirement implementing this chapter is guilty of a class C felony, unless
19 the penalty for the violation is otherwise specifically provided for and made exclusive
20 in this chapter. For multiple violations, penalties may be assessed up to the maximum
21 amount specified in this subsection for each day of each separate violation.

22 **SECTION 4. REPEAL.** Sections 23-29-09 and 23-29-16 of the North Dakota Century Code
23 are repealed.