

1999 HOUSE TRANSPORTATION

HB 1129

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1129

House Transportation Committee

Conference Committee

Hearing Date January 7, 1999

Tape Number	Side A	Side B	Meter #
1	x		19.4-39.4
1		x	4.2-8.3
Committee Clerk Signature <i>Laura Ken</i>			

Minutes:

CHAIRMAN KEISER opened the hearing on HB 1129; A BILL RELATING TO THE DEPOSIT OF HUMAN BODY WASTE ON HIGHWAYS.

RAY ZINK, Deputy Director for Engineering Policy of the North Dakota Department of Transportation introduced the bill. (See attached testimony).

REP. MAHONEY: Wouldn't this fall under the littering violation?

RAY replied that the current fine for littering is \$20. It is handled under a moving violation and the D.O.T. wants it to be an infraction.

REP. MAHONEY: You are talking about traffic citation issues and you want to make it more of a traffic citation rather than a littering one?

RAY replied that the enforcement people want it to be more than it's current state. The maximum littering fine is \$20.

Page 2

House Transportation Committee

Bill/Resolution Number 1-7 minutes2

Hearing Date January 7, 1998

REP. MAHONEY pointed out that both moving and regular under Chapter 23 of the code would encompass waste management. He stressed his concerns that publicizing the issue would make the public more interested in doing it. He also questioned how the violators are caught and prosecuted.

RAY recognized the committee's concerns and said that their hopes were for deterrence with the public's knowledge.

REP. MICKELSON asked Ray how many people are annually in violation of littering.

RAY responded that they catch very few.

REP. THORPE questioned the signs that say "subject to \$100 fine." Wouldn't signs that would say that be enough?

RAY said that that was their intent - leaning towards \$500.

REP. JENSEN questioned how RV vehicles that dispose of their waste on the highways would be treated.

RAY stated that they are pretty cautious.

CHAIRMAN KEISER mentioned that the law would need to be implemented equally.

Respecting sick children - I can see that many enforcement officers would not punish charge in these cases, and would not be able to catch those that should be punished. This is a public information problem rather far more than one way for waiting for a law to be created.

RAY commented on garbage and glasses being thrown out.

REP. MAHONEY made note that under the littering statute, it already is an infraction to litter.

He questioned the idea of putting out signs saying "No human waste disposal."

RAY commented that there are certain areas where this was a problem and that they would be placed in those areas.

REP. JENSEN asked if this was done in other states.

RAY replied that Iowa currently is most active in this.

REP. SVEEN suggested simply using warnings. He questioned the Canadian border areas.

REP. MEYER questioned the closing of the rest stops. Does that have an affect? Could waste disposals be set up at these stops?

RAY said that there is no correlation with this problem and rest stops.

REP. WEISZ asked if the litter fine could just be raised and have "human waste" put into the description of litter.

RAY said that they would be willing to negotiate. They simply wanted this to burden a higher fine.

REP. THORPE conceded the problem and mentioned the orbits that are in Canada. He mentioned the use of them in the state.

RAY mentioned the "Whiter and Brighter" campaign from years ago. He said that it caused many problems to have those disposal sites along the road. The public used it to dump large amounts of waste.

REP. SVEEN asked if it is defined to certain areas.

RAY answered that it seems to the case.

CHAIRMAN KEISER questioned a fiscal note that may be necessary.

RAY noted that the signs would be approximately \$35 per square foot. The signs would be a 30" square. No more than 50 would be necessary in the state.

Page 4
House Transportation Committee
Bill/Resolution Number 1-7 minutes2
Hearing Date January 7, 1998

REP. MICKELSON questioned the current fine for dumping hazardous waste.

REP. MAHONEY referred to section 39-10-59 and mentioned that the fine would go to \$50, but that human waste doesn't deal with hazardous waste. Under the Code, Title 39 on littering is a minimum of an infraction. The penalties are stiffer. This is the one we want to raise, not hazardous waste.

CHRIS RUNGE, Executive Director of the North Dakota Public Employees Association testified in favor of the bill. (See attached testimony).

CHAIRMAN KEISER closed the hearing on HB 1129.

CHAIRMAN KEISER reopened the hearing on HB 1129

GENERAL DISCUSSION TOOK PLACE. Chairman Keiser, Representatives Belter, Mahoney, and Kempenich participated.

COMMITTEE WORK

CHAIRMAN KEISER asked Ray to research and review the section and see if they would accept a change in the fine under the current littering standards.

CHAIRMAN KEISER closed the hearing on HB1129

January 8, 1998 (New tape corresponds to date)

COMMITTEE WORK

CHAIRMAN KEISER introduced an amendment to HB 1129. (see attached amendment).

GENERAL DISCUSSION TOOK PLACE. Chairman Keiser, Representatives Jensen, Mahoney, Lemieux, Weisz, Price, Meyer, Belter, and Thorpe participated.

Page 5

House Transportation Committee

Bill/Resolution Number 1-7 minutes2

Hearing Date January 7, 1998

REP. MAHONEY moved to approve the amendment. REP WEISZ seconded the motion. The motion carried.

ROLL CALL - UNANIMOUS VOICE VOTE - 14 YAE, 0 NAE, 1 ABSENT AND NOT VOTING.

REP. THORPE moved to DO PASS on HB1129 as amended. REP KEMPENICH seconded the motion. The motion carried.

ROLL CALL - 12 YAE, 2 NAE, 1 ABSENT AND NOT VOTING

FLOOR ASSIGNMENT: REP. JENSEN

VR
1/13/99

House

AMENDMENTS TO HOUSE BILL NO. 1129 TRN 1/13/99

Page 1, line 1, remove "to prohibit the deposit of human body waste on highways;"

Page 1, line 2, after "reenact" insert "subsection 7 of section 23-29-03 and"

Page 1, line 3, replace "statutory fees for noncriminal, moving and nonmoving violations; and to provide a penalty" with "littering"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 7 of section 23-29-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. "Litter" means discarded and abandoned solid waste materials or contained human waste."

Page 1, remove lines 13 through 15

Renumber accordingly

Date:
Roll Call Vote #:

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1129

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

~~1~~ Legislative Council Amendment Number _____

Action Taken approve ammendment (adopt)

Motion Made By Rep Mahoney Seconded By Rep Weisz

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	X		Representative Thorpe	X	
Representative Mickelson, V. Ch.	X				
Representative Belter	X				
Representative Jensen	X				
Representative Kelsch	X				
Representative Kempenich	X				
Representative Price	X				
Representative Sveen					
Representative Weisz	X				
Representative Grumbo	X				
Representative Lemieux	X				
Representative Mahoney	X				
Representative Meyer	X				
Representative Schmidt	X				

Total (Yes) 14 No 0

Absent 1

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

~~1~~ "litter" means discarded & abandoned
solid waste materials or contained human waste

Date: 1/8
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1129

House Transportation Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep Thorpe Seconded By Rep Kempenich

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	X		Representative Thorpe	X	
Representative Mickelson, V. Ch.	X				
Representative Belter	X				
Representative Jensen	X				
Representative Kelsch	X				
Representative Kempenich	X				
Representative Price	X				
Representative Sveen					
Representative Weisz	X				
Representative Grumbo	X				
Representative Lemieux	X				
Representative Mahoney		X			
Representative Meyer		X			
Representative Schmidt	X				

Total (Yes) 12 No 2

Absent 1

Floor Assignment Rep Jensen

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1129: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1129 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to prohibit the deposit of human body waste on highways;"

Page 1, line 2, after "reenact" insert "subsection 7 of section 23-29-03 and"

Page 1, line 3, replace "statutory fees for noncriminal, moving and nonmoving violations; and to provide a penalty" with "littering"

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Page 1, remove lines 13 through 15

Renumber accordingly

1999 TESTIMONY

HB 1129

HOUSE TRANSPORTATION COMMITTEE
January 7, 1999

North Dakota Department of Transportation
Ray Zink, Deputy Director for Engineering Policy

HB 1129

House Bill 1129 raises the fee from \$20 to \$50 for dumping garbage, glass, rubbish, and injurious material on the highway right of way.

This bill also makes the deposit of human body waste on any highway right of way an infraction. An infraction carries a fine of up to \$500.

Attached to this written testimony is a newspaper article explaining why NDDOT is asking for this bill. Our equipment operators often encounter plastic bottles filled with human urine. The bottles explode when the tractor drives over them, drenching the operator. Most of our operators are quite distant from their truck and are forced to work much or all of the rest of the day without showering or changing clothes.

We recognize that it will be rare to actually catch someone in the act of dumping anything on the highway. We hope the amount of the fine will be a deterrent. If this bill becomes law, NDDOT will erect signs alerting the public to the \$500 fine. We hope this will encourage them to properly dispose of garbage.

Exploding human waste spurs proposal

DALE WETZEL, *Associated Press Writer*

Ron Jordan has been drenched while mowing a roadside ditch when his tractor tire encountered a plastic bottle filled with urine. Capped and cooked for days by the summer sun, the containers blow up like "little bombs," he says.

"Unless you've been there," Jordan said Wednesday, "you can't imagine how disgusting it is."

The situation has spurred North Dakota's Department of Transportation to propose legislation that would impose a fine of up to \$500

on anyone caught dumping human waste on the roadside.

No hearing has been scheduled on the measure. The Legislature begins its regular session next week.

Ray Zink, the agency's chief engineer, says the accidents occur as many as 40 times a year. The department is installing canvas shields on its mowing tractors to protect operators.

"It's unbelievable how many times this happens," Zink said. "You just get covered up with very stinky stuff."

At present, the penalty for dumping waste on the roadside is only \$20, Zink said. By

posting signs warning of a tough penalty, the agency hopes to discourage waste dumping.

"The chances that you'll catch somebody doing this is pretty small," he said. "We're thinking that if people know there's a big fine, it will be a deterrent."

Officials speculate the bottles are being tossed by truckers too hurried to stop, drivers who don't want to pull into roadside rest areas or even traveling families.

Jordan, an equipment operator who works in the department's Minot district, says he frequently sees the plastic containers, which have ranged in size from 12-ounce soft drink bottles to gallon jugs.

He was sprayed twice this year and twice

last year, he said. The first time it happened to him, he was mowing in a remote area in northwestern North Dakota. "I was pretty much stuck with it for the rest of the day," he said.

The problem isn't necessarily caused by a lack of rest areas, Jordan said. He once counted 13 waste bottles on one highway stretch east of Minot, within three miles of a rest stop.

A doctor told his supervisors there is no inherent health hazard to being sprayed with urine, Jordan said, but he is dubious.

"In my opinion it's worse than being skunked," he said. "I've been skunked before, and I'd rather have that than this."



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TESTIMONY IN SUPPORT OF HB 1129

Before the House Transportation Committee North Dakota Public Employees Association, AFT Local 4660, AFL-CIO

Chairman Keiser, members of the Committee, my name is Chris Runge and I am the Executive Director of the North Dakota Public Employees Association and I am here to testify in favor of HB 1129. Who would of thought that this legislative body would have to deal with this type of situation, human waste thrown on our highways. More than that who would have thought that our DOT employees would have to deal with this type of waste. Quite frankly, I would like to see a higher penalty in this bill particularly for the disgust factor alone.

NDPEA has many members who work for the DOT and we heartily support any bill that will protect them on the job. It is our obligation to do everything we can to protect them while they are doing their jobs. This bill will send a strong message to the motoring public that a rest area is just down the road.

Thank you and I am available to answer any questions.

Quality Services from Quality People

Testimony



North Dakota Department of Transportation

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January 7, 1999

The Honorable George J. Keiser
Representative, District 47
House Chambers
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Keiser:

Subject: House Bill 1129

Section 23-29-05.1 prohibits littering and open burning and states that the violation is an infraction unless it is over one cubic foot which makes it a misdemeanor.

Section 23-29-03, subsection 6 states: "'litter' means discarded and abandoned solid waste materials." Since this section deals with only solid materials, it will not do what the North Dakota Department of Transportation (NDDOT) is looking for in HB 1129. However, if the committee wants to redefine "litter," we suggest one of the following:

1. "Litter" means discarded and abandoned solid waste materials.
2. "Litter" means discarded and abandoned liquid or solid waste materials.
3. "Litter" means discarded and abandoned solid waste materials or human waste.

Again, we request the committee consider making dumping of garbage on a state highway a fee of more than the present \$20.

My phone number is 328-2584. If you have any questions, please do not hesitate to contact me. After 9:30 a.m. tomorrow morning (January 8), I will be sitting in on a NDDOT presentation in the House Appropriations Committee. However, I do not have an active part in that presentation and if the committee requests my presence, I will make myself available.

Sincerely,

Ray Zink

Deputy Director for Engineering Policy

01/lmm