

FISCAL NOTE
Requested by Legislative Council
02/10/2017

Amendment to: HB 1311

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$2,000		\$2,000
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Engrossed House Bill 1311 increases the fine from \$100 to \$500 for depositing garbage or injurious materials on a highway.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

In 2015 there were 2 offenses and in 2016 there were 3 offenses statewide pursuant to this section.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The revenues from traffic offenses are deposited in the state tuition fund.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Name: Don Wolf

Agency: Court System

Telephone: 328-3509

Date Prepared: 02/13/2017

FISCAL NOTE
Requested by Legislative Council
01/16/2017

Bill/Resolution No.: HB 1311

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$4,500		\$4,500
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill increases the fine from \$100 to \$1,000 for depositing garbage or injurious materials on a highway.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

In 2015 there were 2 offenses and in 2016 there were 3 offenses statewide pursuant to this section.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The revenues from traffic offenses are deposited in the state tuition fund.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

N/A

Name: Don Wolf

Agency: Court System

Telephone: 328-3509

Date Prepared: 01/17/2017

2017 HOUSE TRANSPORTATION

HB 1311

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1311
1/26/2017
#27467

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Jeannette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to the amount of statutory fees for littering on the highway; and to provide a penalty.

Minutes:

Attachments #1- 4

Chairman Ruby brought HB 1311 before the committee.

Denton Zubke, District 39, spoke to support HB 1311 and provided written testimony. See attachment #1. 2:14

Representative Nelson: I see that it says trash on the highway. What is the definition of the highway?

Denton Zubke: The highway includes the right-of-way, so it includes the ditch.

Representative Dobervich: In the research that you did on litter in other states, did you find any proof that an increased fine changed the amount of littering? I think that there may be a difficulty enforcing it. Did you find any information about how other states might be enforcing something like this?

Denton Zubke: I encountered many different definitions as I focused on what I considered some of the cleaner states. There were also a lot of different ways of enforcing it. Some states indicated that hot lines worked well, until you tried to get the information needed, and it wasn't available. Some states indicated that the hotlines were never called. After that, I decided to just focus on the fine. I found that most of the states that I studied had higher fines, however, they also had more extensive definitions.

I will also tell you that many of the people that I talked to about this bill thought the fines should range up to \$5000. That would probably be where I would have liked the fine to be, so this is a compromise.

Vice Chairman Rick C. Becker: Do sunflower seeds or banana peels count as littering? Things that are organic, is that littering?

Denton Zubke: I don't know if the definition of litter specifically defines that. It may become a law enforcement issue and probably common sense.

Chairman Ruby: There are different divisions. Did you consider a different penalty for something that might cause injury or harm that falls in the road, compared to something that is just unsightly? Or do you feel strongly that both are equal?

Denton Zubke: No, I do not think that they are equal, but as soon as you start down that process of trying to make those definitions, it become an extensive project. So, initially, I wanted to take the law that we have and increase the fine. Hopefully that will increase the awareness and the enforcement of the fine. Then over the next period of years we have a group of individuals who are dedicated to improving this law. This is just a first step. I understand your concern with the definitions.

11:08

Cal Klewin, Executive Director of the Theodore Roosevelt Expressway Association, spoke to support HB 1311. Written testimony was provided. See attachment #2.

Jim Collins, Jr., a Bismarck resident, spoke to support HB 1311 and provided written testimony, fee structures from other states, and pictures. See attachment #3, pages 1-6.
20:51

Chairman Ruby: You mentioned the possibility of having the fines go into a litter prevention and education fund administered by the North Dakota Department of Transportation. Since this is considered a fine, I think that would take a constitutional change.

22:05

Wayde Swenson, P.E., Office of Operations Director for the North Dakota Department of Transportation, spoke to support HB 1311 and provided written testimony. See attachment #4.

Chairman Ruby: How did you get the \$500 on the fiscal note?

Wayde Swenson: I'm not aware of the fiscal note.

Chairman Ruby: I see it came from the court system.

Chairman Ruby: What other fines do we have that are \$1000?

Wayde Swenson: None that I am aware of, but I am not an expert on fines.

25:15

Amy Schmidt, a North Dakota resident, spoke to support HB 1311.

I am saddened to see the increase in litter in our beautiful state, especially in the last five years. As a result, I decided to become a community activist and start community clean-ups in Bismarck and Mandan. Our group of people have had three community clean-ups; each year they are growing. Last year in Mandan, we had 271 volunteers that picked up 450 bags of litter in three hours. Why do you think that so many people are coming out to do this? Cal

had an historic clean-up last spring, picking up about 1,800 bags of litter. The former mayor of Williston started a clean-up in Williston. I believe we are having so many clean-ups because our current laws aren't doing the trick. The influx of out-of-staters is also a cause. The Bakken isn't in its boom period right now, but it probably will bounce back. I would like to see our state prepared by being more proactive and less reactive. The numbers that show up to help with clean-ups show how many people are concerned. I understand that our laws are not up to par with neighboring states. The enforcement issue is always brought up, and our law enforcement has more serious matters to deal with. This is all the more reason to make the laws stricter for litter fines. Set the bar high and send a message to make people think twice before littering.

I ask that you please consider supporting this bill.

Why not make it a stiffer fine?

28:30

There was no further support for HB 1311.

There was no opposition to HB 1311.

The hearing was closed on HB 1311.

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1311-2
1/26/2017
#27468

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Seanette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to the amount of statutory fees for littering on the highway; and to provide a penalty

Minutes:

Chairman Ruby brought HB 1311 back before the committee.

Vice Chairman Rick C. Becker moved a **DO NOT PASS** on HB 1311.
Representative Owens seconded the motion.

Representative Weisz: I'm not sure that this bill will fix the problem, but I certainly think the litter on the highway is a mess. No one seems to care.

Vice Chairman Rick C. Becker: I am opposed to littering too, but I don't think that this will take care of the problem. That is why I made the motion. The fine is ten times higher, but it won't deter the careless people that throw out things, especially on the county roads because they will assume that no one is watching. For the most part that would be true. It doesn't address the concern for organic materials as litter or not. Would I get a \$1000 fine if a Diet Coke can blew out of my pick-up accidentally as I drove down the road? That would be different than someone throwing a big bag of garbage out on the road. I see significant problems with this bill.

Representative Sukut: I almost put this bill in three sessions ago. This is a huge issue, but I do wonder about enforcement. South Dakota has something in their law that lets the average person report littering and share in a part of the fine. If the fee was \$1000, and they shared 50% of it, it would make sense for people to report littering. It might get a few more people paying attention to littering fines. I don't know if it has merit or not.

Chairman Ruby: I don't know if I would support that approach. I would support the bill at a lower level fine. We would catch more attention on the topic, and maybe it would encourage law enforcement more. I would support the bill at a lower level fine, but I will support the motion at the \$1000 level.

Representative Dobervich: Littering is difficult to enforce, but I don't see that we have anything to lose by increasing the fine. I don't see a bad side to it.

Representative O'Brien: At first I thought the \$1000 fee was excessive, but I looked online and found some fees from other states: Colorado - \$20 and in Maryland – up to \$30,000. After hearing the testimony from Jim Collin's testimony, I feel \$1000 is appropriate. If it cost us \$750 to clean up an area, it seems appropriate. I wouldn't be opposed to adding in service hours, picking up litter, for an individual that litters.

Chairman Ruby: I think that they can use community service on that already.

Representative Paur: I am in favor of \$1000, but I think that people like Cal and towns like Williston, etc. are going to start posting signs that the fine is \$1000. That would have a dampening effect on its own.

Representative Owens: I think that \$1000 is excessive. It is jumping to high, too fast. We don't know if it can be enforced, or what effect it will have.

Representative Nelson: The state employee's testimony was eye opening, stating that we have so many fines in so many different places for the same offense. This would make the highway the most expensive place to litter, so it would be cheaper to stop and throw everything into the lake. I don't have the time to fix the bill, but I will probably end up supporting the bill at this point, hoping that Representative Zubke will fix it on the other side.

Representative Westlind: I am in support of the bill. I have farmland adjacent to the highway and last year we collected a pick-up load of garbage in the ditches.

A roll call vote was taken: Aye 5 Nay 9 Absent 0
The motion failed.

Representative Sukut moved a DO PASS on HB 1311.
Representative Dobervich seconded the motion.

Vice Chairman Rick C. Becker: We could vote this down for those that feel more comfortable with a lesser fine. Then change the fine to something more reasonable, and take another vote.

Chairman Ruby: We could do that, or have the sponsors pull the motion. If they are comfortable with \$1000, they probably don't want to do that.

A roll call vote was taken: Aye 9 Nay 5 Absent 0
The motion carried.

Representative Dobervich will carry HB 1311.

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1311
2/9/2017
#28156

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to the amount of statutory fees for littering on the highway; and to provide a penalty.

Minutes:

Chairman Ruby brought HB 1311 back before the committee and asked for reconsideration.

Chairman Ruby: We had a request from Representative Zubke to reconsider his bill. He asked if I would be more supportive a lower fine amount. I would support it at a lower amount. He felt that it was going to fail, and he would like it pass and was willing to give on the fine amount. It passed at a \$1000 fine for littering. I told Rep. Zubke that I would support \$500, and ask the committee if they would reconsider the bill at \$500.

Representative Weisz moved to reconsider actions on HB 1311.
Representative Dobervich seconded the motion.

A voice vote was taken. The motion carried.

Representative Weisz moved an amendment to change the fine from \$1000 to \$500.
(17.0824.01001)
Representative Sukut seconded the motion.

A roll call vote was taken: Aye 12 Nay 1 Absent 1
The motion carried.

Representative Sukut moved a DO PASS on HB 1311 as amended.
Representative Grueneich seconded the motion.

A roll call vote was taken: Aye 12 Nay 1 Absent 1
The motion carried.

Representative Dobervich will carry HB 1311.

February 9, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1311

Page 1, line 22, overstrike "one" and insert immediately thereafter "five"

Page 1, line 22, remove the overstrike over "~~hundred~~"

Page 1, line 22, remove "thousand"

Renumber accordingly

Date: 1-26-17
Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1311

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Becker Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	X		Rep. Gretchen Dobervich		X
Vice Chair. Rick C. Becker	X		Rep. Marvin Nelson		X
Rep. Bert Anderson		X			
Rep. Jim Grueneich		X			
Rep. Terry Jones		X			
Rep. Emily O'Brien		X			
Rep. Mark Owens	X				
Rep. Gary Paur		X			
Rep. Randy Schobinger	X				
Rep. Gary Sukut		X			
Rep. Robin Weisz		X			
Rep. Greg Westlind	X				

Total (Yes) 5 No 9

Absent 0

Floor Assignment _____

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

Date: 1-26-17
Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1311

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sukut Seconded By Dobervich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby		<input checked="" type="checkbox"/>	Rep. Gretchen Dobervich	<input checked="" type="checkbox"/>	
Vice Chair. Rick C. Becker		<input checked="" type="checkbox"/>	Rep. Marvin Nelson	<input checked="" type="checkbox"/>	
Rep. Bert Anderson	<input checked="" type="checkbox"/>				
Rep. Jim Grueneich	<input checked="" type="checkbox"/>				
Rep. Terry Jones	<input checked="" type="checkbox"/>				
Rep. Emily O'Brien	<input checked="" type="checkbox"/>				
Rep. Mark Owens		<input checked="" type="checkbox"/>			
Rep. Gary Paur	<input checked="" type="checkbox"/>				
Rep. Randy Schobinger		<input checked="" type="checkbox"/>			
Rep. Gary Sukut	<input checked="" type="checkbox"/>				
Rep. Robin Weisz		<input checked="" type="checkbox"/>			
Rep. Greg Westlind	<input checked="" type="checkbox"/>				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Dobervich

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

Date: 2-9-17
Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1311

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☒ Reconsider ☐ _____

Motion Made By Weisz Seconded By Dobervich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby			Rep. Gretchen Dobervich		
Vice Chair. Rick C. Becker			Rep. Marvin Nelson		
Rep. Bert Anderson					
Rep. Jim Grueneich					
Rep. Terry Jones					
Rep. Emily O'Brien					
Rep. Mark Owens					
Rep. Gary Paur					
Rep. Randy Schobinger					
Rep. Gary Sukut					
Rep. Robin Weisz					
Rep. Greg Westlind					

*Vote
Vote
Motion
Carried*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2-9-17
Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1311

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 17.0824.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Weisz Seconded By Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker		✓	Rep. Marvin Nelson	✓	
Rep. Bert Anderson	✓				
Rep. Jim Grueneich	✓				
Rep. Terry Jones	✓				
Rep. Emily O'Brien	✓				
Rep. Mark Owens	A				
Rep. Gary Paur	✓				
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	✓				
Rep. Greg Westlind	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment _____

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

Change \$1000 to \$500

Date: 2-9-17
Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1311

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sukut Seconded By Grueneich

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Doberovich	✓	
Vice Chair. Rick C. Becker		✓	Rep. Marvin Nelson	✓	
Rep. Bert Anderson	✓				
Rep. Jim Grueneich	✓				
Rep. Terry Jones	✓				
Rep. Emily O'Brien	✓				
Rep. Mark Owens	✓				
Rep. Gary Paur	✓				
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz	✓				
Rep. Greg Westlind	✓				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Doberovich

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

REPORT OF STANDING COMMITTEE

HB 1311: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS**
(9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1311 was placed on the
Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1311: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1311 was placed on the Sixth order on the calendar.

Page 1, line 22, overstrike "one" and insert immediately thereafter "five"

Page 1, line 22, remove the overstrike over "~~hundred~~"

Page 1, line 22, remove "thousand"

Renumber accordingly

2017 SENATE TRANSPORTATION

HB 1311

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Lewis and Clark Room, State Capitol

HB 1311
3/16/2017
29320

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature *Mary Munder*

Explanation or reason for introduction of bill/resolution:

Relating to the amount of statutory fees for littering on the highway; and to provide a penalty.

Minutes:

Attachments #1-4

Chairman Laffen: Opened the hearing on HB1311. Welcome Representative Denton Zubke.

Representative Denton Zubke: See attachment #1. We support this bill in raising littering fines from \$100.00 to \$500.00, to raise awareness and enforcement. This will be a starting point.

Chairman Laffen: The amount of \$500.00 seems like a high fine compared to other fines and seems out of context. If there has to be a fine this high, it should be for texting while driving as someone could die. No one is going to die if something is thrown out the window. \$500.00 is the highest fine in the state, did a discussion come up about this at all?

Rep. Zubke: Yes, it did in the context of driving fines. If you spend some time with people that have spent time in the ditches, they will say the fine should be \$5000.00. People have spent hours picking up garbage and this higher fine will send a message. Highway Patrol does not give out a lot of fines for littering. If you don't want to pay this fine, keep it in your vehicle.

Senator Campbell: I agree, I never litter and there is no reason anybody else should either, but raising the penalties doesn't deter crime, which has been proven. I was against raising speed limit fines and I am against this too, as I agree with Chairman Laffen that there are a lot of other violations that are more serious. Why were so many against it in the House?

Rep. Zubke: Probably some of the same issues we are talking here. It is easy to get bogged down in the details. When we fine people it is for behavior modification, it's not to increase our revenue. It's about the people of ND saying Do Not Litter.

Senator Nelson: Sunday afternoon driving on the highway and a white truck, in front of me, threw a water bottle out of the passenger window. Now we had just heard the bill on distracted driving and that was a distraction! I could have caused an accident as it was coming at me

and I do think they would have been partly responsible for it. If you don't want to pay the fine keep the bottle in your vehicle.

Chairman Laffen: Any more questions? None. Thank you. Testimony in favor?

(10:20) Cal Klewin: See attachment #2. We are in support of the bill.

Chairman Laffen: Questions?

Senator Rust: When we go south to Texas we see all kinds of signs along the way. Do you see this as a major deterrent in making people more aware to not throw out their trash?

Cal: I hope it makes people aware to take care of their garbage. Convenient store bags are the worst. I just can't imagine my name being in the paper for throwing garbage out. Maybe a larger fine will help us.

Senator Clemens: This is only a fine for highways?

Cal: Highway right of ways.

Chairman Laffen: I assume local political sub-divisions would still have jurisdiction inside their city limits.

Cal: Exactly.

Chairman Laffen: Any other questions? None. Thank you. Further testimony in favor?

(17:00) Jim Collins, Jr.: See attachment #3. This is my third session for trying to get fines increased for littering. I have included pictures in my testimony also. I support the bill and would even like to see it be a \$1000.00 fine and 40 hours of community service.

Chairman Laffen: Questions? None. Thank you for coming. Testimony in favor?

(25:00) Ellen Huber, Business Development Communications Director for the city of Mandan: I am here in support of this bill. We have a community beautification committee on which I served with citizens that have been hassling this, and other things, that affect our ability to attract businesses, retain residents and attract resident work force and visitors to our community, and so we know how clean the community is kept has an effect on people. We are holding our 4th annual clean-up on Apr. 29th. Last year we had 170 volunteers turn out and we picked up 450 bags of trash in our community. We do have Interstate 94, Hwy. 1806 and Memorial Highway in our little area that will fall under this bill. I think that the vast majority of us want to do the right thing and comply with the rule of the law, so I agree with those testifying previously, that if we can get this done, it will be a great step of awareness out to the people abusing it. You do become frustrated with picking up every year and this is in addition to the Adopt a Highway program. We would encourage your support of HB 1311. Thank you.

Chairman Laffen: Questions? None. Thank you. Testimony in favor of HB 1311?

(27:35) Wayde Swenson, Office of Operations Director for NDDOT: See attachment #4. The DOT supports an increase in fines for littering in hopes that it will deter individuals from littering.

Chairman Laffen: In ND do we have signs yet for Adopt a Highway?

Wayde: Yes, in some areas.

Senator Clemens: What is the DOT's policy in getting litter picked up? There are 5 gallon pails and deer and I was wondering if there is a time limit to get garbage and dead animals picked up?

Wayde: No time limit. When we do become aware of it we do try get out there and take care of it.

Chairman Laffen: Questions? None. Testimony in favor of HB 1311? None. Opposition? None. Neutral?

Larry Severson, (31:04) from the ND Townships Association: I would like to stand in support for HB 1311. Townships operate the largest network of highways in ND, some 56,000 miles of them and we can use all the help we can get dissuading people from this behavior of dumping things out. I would much rather deal with that water bottle than with what we find out there. Dishwashers, sofas, refrigerators, etc. This would be a great starting point.

Chairman Laffen: Questions? None. Further testimony on HB 1311? Favor, Oppose, Neutral? None. **We will close the hearing on HB 1311.**

We will wait for Senator Casper to get back and we will meet this afternoon to vote on this bill. **We are adjourned until 2:15.**

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Lewis and Clark Room, State Capitol

HB 1311
3/16/2017
29375

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Mary Munder

Explanation or reason for introduction of bill/resolution:

Relating to the amount of statutory fees for littering on the highway; and to provide a penalty.

Minutes:

Chairman Laffen: Opened the discussion on HB 1311. This bill is on the fines for littering. I was somewhat nervous about the amount as I thought there were other serious things with smaller fines. I talked to a lot of the Senators and one from Mandan said "There is no sense in two things, littering and vandalism." I got that response from most people I talked to.

Senator Campbell: Not only that but who wants to make the amendment to bring it down to \$250.00.

Senator Rust: In my opinion the fine for vandalism should be higher than the fine for stealing. You vandalize something nobody gets use out of it. Stealing it at least you get some use out of it.

Senator Casper: I apologize but I wasn't here when this bill was presented and I feel \$500.00 is an awful lot of money for maybe spitting your gum out. Am I missing something here?

Chairman Laffen: That's exactly what we questioned too as we all have seen garbage thrown out. I think texting and driving is a way worse offense and only has 1/5 amount of the fine.

Senator Casper: Was there any testimony on numbers? I don't think the police are out there trying to catch litterers. It is an after effect and I would like to know if they are catching anyone.

Chairman Laffen: We heard there were 63 warnings issued last year, 0 fines.

Senator Campbell: I felt exactly like you did. After the testimony I changed my mind and I would like to move a Do Pass on HB 1311.

Senator Rust: Seconded.

Chairman Laffen: Discussion?

Senator Nelson: A few years back there were signs up along highways where a certain club or family was taking care of the clean-up along certain highways. Is there a training you can take for clean-up? There were warnings about picking up certain things like syringes, drug paraphernalia being found and to keep hands off. Do they still do a training for that?

Cal Klewin: Basically when we did our clean-up on Highway 85 we had instructions from the DOT with a list of things to be aware of. We were to wear safety vests and gloves and to be aware of anything that looked dangerous. There is a list that we send out, to the volunteers that helped in that particular area, and they are the same guidelines that are used in Adopt a Highway.

Senator Campbell: Confused on the Fiscal Note, two different amounts? \$2000.00? Doesn't seem like much.

Cal: We are serious about this bill and sometimes you can pick up things in the ditch that has people's names on, so there is a way of doing this. We are trying to raise the awareness more than anything, and once the fine is raised they will take notice.

Chairman Laffen; Any other discussion? None. We have a Do Pass motion and second on HB 1311.

Roll Call taken: Yeas-5, Nays-0, Absent-1. Motion carried.

Senator Campbell will carry the bill

Date: 3-16-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. :

HB1311

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Campbell Seconded By Rust

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson	✓	
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens					
Vice Chairman Jonathan Casper	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Campbell

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

REPORT OF STANDING COMMITTEE

HB 1311, as engrossed: Transportation Committee (Sen. Laffen, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1311 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1311

Testimony to the
House Transportation
House Bill 1311

HB1311
1-26-17
#1

Good Morning Chairman Ruby and members of the Transportation committee. My name is Denton Zubke and I am the representative from District 39 which encompasses the counties of Adams, Billings, Bowman, Golden Valley, Slope, McKenzie and parts of Dunn. I am here to support HB 1311. This bill requires little explanation in that it raises the fine for littering on a highway from \$100 to \$1000. I have included the section of code that this fine applies to.

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 a highway any other substance likely to injure a person, animal, or vehicle.
2. An individual who deposits, or permits to be deposited, upon a highway a destructive or injurious material shall immediately remove or cause to be removed the 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.

Just a personal note that occasionally you will see my vehicle parked on an approach and the mound of garbage decreasing in the ditch and increasing in bed of my vehicle. I have also spent numerous hours researching other state's litter laws and the processes they use for apprehending or reporting violators. The laws in other states cover a wide range and initially provided little help for what we might do in North Dakota to curb the growing mounds of garbage along the highways. It's easy to get bogged down in definitions and whether reporting hot lines work or not. Raising the fine is a first step which may raise awareness and enforcement. Hopefully in the near future this process will include amongst other things signage for our highways that litter is not tolerated. What we can do today is support HB 1311 to increase the fine.

Representative Denton Zubke



HB 1311
1-26-17
#2

TESTIMONY BEFORE THE
NORTH DAKOTA HOUSE TRANSPORTATION COMMITTEE
BY
THEODORE ROOSEVELT EXPRESSWAY ASSOCIATION
CAL KLEWIN, EXECUTIVE DIRECTOR
JANUARY 26, 2017

Chairman, Ruby,

Members of the House Transportation Committee

Good morning. I am Cal Klewin, Executive Director of the **Theodore Roosevelt Expressway Association (TREA)**.

The **Theodore Roosevelt Expressway** (Highway 85) is a Federally-Designated High Priority Corridor on the National Highway System. It runs from Rapid City, SD, to Canada through western North Dakota to the Port of Raymond in Montana. On the southern end, it connects to the Heartland Expressway, which connects Rapid City, SD, to Denver, CO. The Heartland Expressway then links to the Ports-to-Plains Trade Corridor, which connects Denver, CO, to Laredo, TX. These three corridors are collectively known as the Ports-to-Plains Alliance.

Theodore Roosevelt Expressway Association coordinated the Spring Clean-up of U.S. Highway 85. The large groups of volunteers represented the majorly populated areas along Highway 85—Bowman, Bowman County, Williston, Belfield and Watford City—and several state and regional entities such as the North Dakota Department of Transportation N.D. Association of General Contractors, the N.D. Petroleum Council, N.D. League of Cities, Vision West, N.D. Tourism Department, N.D. Motor Carriers, Theodore Roosevelt-Medora Foundation, N.D. Association of Oil and Gas Producing Counties, McKenzie County Tourism and Western Dakota Lions Clubs.

The Volunteers covered about 200 miles of roadway and collected over 1800 bags of trash along U.S. 85 and other area highways. The volunteer effort was described as unprecedented by NDDOT, and made a marked difference to the landscape along the Corridor.

The **Theodore Roosevelt Expressway Association** is in support of HB 1311. That concludes my testimony, and I will try to answer any questions you may have.

Thank you.

HB 1311

1-26-17

#3

Page 1

Chairman ^{Ruby} ~~Potter~~, members of the ^{Transportation} ~~Natural Resources~~ Committee,

Good Morning,

My Name is Jim Collins Jr., and I am resident of Bismarck.

As a state employee, I have taken annual leave to be here.

Today I will be offering my comments in support of House Bill 1311.

This marks my third session of working to get the fines for littering increased to the point that people will think twice before tossing their garbage on the ground. In support of my testimony, I have provided you a handout outlining the following:

- 1) the four areas littering is addressed in the NDCC and NDAC
- 2) fine structures from surrounding states
- 3) pictures of litter from around North Dakota.

I thought long and hard about my testimony today....I could bore you with facts and figures and examples from other states, but I would rather tell you a story.

While traveling to Williston in September, which many of you will agree is a beautiful time to see the western North Dakota countryside and Theodore Roosevelt National Park, I noticed that while there was trash along the road, the volume was less than in previous trips. I needed to stretch my legs so I pulled off at a scenic overlook on the south rim of the badlands. I took a look around and was immediately alarmed by what I saw...TRASH EVERYWHERE! Gallon jugs of used oil, papers, cups, cigarette packs, diapers, pop bottles, milk cartons, fecal material...you name it, it was on the ground. None of this prepared me for what I found when I stepped past the old rock wall and looked over the canyon's edge. Paint cans (1- and 5- gallon sizes), at least one tire, paint sprayers, urine bombs, beer bottles and the coup de grace -- a 55-gallon drum. I walked in each direction and never ran out of garbage to see.

After initial anger, I was overcome by a profound sadness. Sadness that we as a society would trash a place that has existed since the last ice-age, a place that settlers approached with

wonderment and awe, a place where the 26th President of the United States spent his time admiring the outdoors. Now, it more closely resembled a landfill.

I snapped the pictures you see today and as I did, a van with Maryland license plates pulled up. They slowed next to the pile of garbage, never stopping and drove away. Did they pull away because of the garbage? the broken historic rock wall? Will they go back to Maryland and say, "What a mess!"

All this leaves me to ask, When will we learn? Our natural resources are not infinite. Whether it is our soil, our water, our forests or our scenic overlooks. Once they are trashed, it's game over. We can do better - we must!

As a follow-up, it cost the state \$750 to cleanup up the scenic overlook and it diverted five NDDoT staff and associated equipment away from their normal duties of fixing our roads.

Now has come the time to make it worthwhile for law enforcement officers to write tickets and serve notice to those who trash our public places, this is not acceptable. HB 1311 will show litterers North Dakota is serious.

In reading the fiscal note, I notice the fines are placed into the state tuition fund. Mr. Chairman, I would encourage you and members of the committee to consider placing those funds in a litter prevention and education fund to be administered by the North Dakota Department of Transportation. (NDG&F - 48 littering tickets in 2016 = \$4800)

In conclusion, I urge you to give HB 1311 a "Do Pass" recommendation and show we are serious about Keeping North Dakota Clean.

Thank you for your time.

Respectfully,

Jim Collins Jr.

Bismarck Resident

TITLE 20.1
GAME, FISH, PREDATORS, AND BOATING
CHAPTER 20.1-01
GENERAL PROVISIONS

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 a game refuge, lake, river, public park, or recreation area is prohibited. All law enforcement officers of this state shall enforce this section. A person who willfully violates this section is guilty of an infraction for which a minimum fine of one hundred dollars must be imposed.

CHAPTER 23-29
SOLID WASTE MANAGEMENT AND LAND PROTECTION

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

Penalty. 1. A person may not discard and abandon 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. 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 and the person is subject to the civil penalty provided in section 23-29-12.

CHAPTER 39-10
GENERAL RULES OF THE ROAD

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 a highway any other substance likely to injure a person, animal, or vehicle.
2. An individual who deposits, or permits to be deposited, upon a highway a destructive or injurious material shall immediately remove or cause to be removed the 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.

CHAPTER 12.1-32
PENALTIES AND SENTENCING

39-06.1-06. Amount of statutory fees. The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must be as follows:

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

ARTICLE 89.10
SOVEREIGN LANDS

89-10,01-28. Disposal of waste. The disposal of refuse, rubbish, bottles, cans, or other waste materials is prohibited on sovereign lands except in garbage containers where provided. Holding tanks of campers or watercraft may not be dumped on sovereign lands. Any person who violates this section is guilty of a noncriminal offense and must pay a two hundred fifty dollar fee per occurrence.

p. 4

South Dakota	S.D. Codified Laws Ann. §34A-7-6 <i>et seq.</i>	Class 2 misdemeanor. Fine of \$500, imprisonment for 30 days, or both. In addition to the penalties provided, litter weighing more than five pounds is punishable by a fine up to \$1,000, of which 20 percent must be paid to any person who provides information that leads to the conviction of the offender (§34A-7-17). In addition, the court must order violators to litter cleanup.
Minnesota	Minn. Stat. §115A.99	Civil penalty of two to five times the cost incurred by a state agency or political subdivision to remove, process, and dispose of the waste.
	Minn. Stat. §169.42	(Littering on any street or highway) Misdemeanor punishable by imprisonment and/or fine at court's discretion. Subsequent convictions: minimum fine of \$400. The court may also order violators to pick up litter for four to eight hours. All convictions are included in person's driving record. Drivers may also face civil penalties and an action for damages (§169.421).
Montana	Mont. Code Ann. §7-5-2109	Fine up to \$200. Not punishable by imprisonment.
Nebraska	Neb. Rev. Stat. §28-523	First conviction is a class 3 misdemeanor punishable by up to three months imprisonment, \$500 fine, or both. Second conviction is a class 2 misdemeanor punishable by up to six months imprisonment, \$1,000 fine, or both. Subsequent conviction is a class 1 misdemeanor punishable by up to one year imprisonment, \$1,000 fine, or both (see §28-106).
Wyoming	Wyo. Stat. §6-3-204	Misdemeanor. Imprisonment for up to six months, fine of up to \$750, or both. In lieu of this sentence, a court may require up to 40 hours of community service. Littering involving the disposal of a container with bodily fluids along a highway right of way is a misdemeanor punishable by imprisonment up to nine months, fine up to \$1,000, or both. In lieu of this sentence, a court may require up to 40 hours of litter cleanup from public roads, parks or other public areas.
Iowa	Iowa Code §455B.363 <i>et seq.</i>	Simple misdemeanor. Fine between \$65 and \$625 and/or imprisonment up to 30 days (§903.1). Violators may also be required to perform litter cleanup, in lieu of or in addition to any other sentence imposed (§455B.364).
North Dakota	N.D. Cent. Code §23-29-05.1	Infraction with a minimum fine of \$100. If litter amounts to more than one cubic foot in volume or consisted of furniture or a major appliance, the offense is a class B misdemeanor. Maximum penalty of 30 days' imprisonment, a fine of \$1,500, or both, may be imposed (§12.1-32-03.1).



Figure 1. Heart River - HWY 8



Figure 2. Field on the southside of Jamestown



Figure 3. Below Baldhill Dam

P. 6



Scenic overlook - HWY 85 Near North Unit of TRNP.



HB1311
1-26-17
#4

HOUSE TRANSPORTATION COMMITTEE
January 26, 2017 – 10:30 a.m. – Fort Totten Room

North Dakota Department of Transportation
Wayde Swenson, P.E., Office of Operations Director

HB1311

Good morning Mr. Chairman and members of the committee. I'm Wayde Swenson, Office of Operations Director for the North Dakota Department of Transportation (DOT). I'm here today in support of this bill.

The North Dakota Department of Transportation (DOT) is responsible for maintaining the state highways from right of way to right of way. This includes litter control.

The DOT has an Adopt A Highway program to help reduce both litter and the overall cost of litter removal. Under this program a group can volunteer to pick up litter on stretches of highways. DOT provides safety vests for the participants in the group along with trash bags for the litter. After the group picks the litter, the DOT will pick up the trash bags and dispose of them. We ask that the groups pick up litter at least three times a year on their adopted highway.

This concept works for a majority of highways especially near our communities. With the increase in traffic in western North Dakota, the litter was too much for our Adopt a Highway groups to handle. This caused our Districts in the western part of the state to get more involved in litter control and utilize staff to pick up litter. As an example, last year the Dickinson district employees had to take time away from other duties to do litter control, spending approximately \$168,000.

The DOT supports an increase in fees for littering in hopes that it deters individuals from littering.

This concludes my testimony and I am available to answer questions the committee may have. Thank You.

Testimony to the
Senate Transportation
House Bill 1311

Good Morning Chairman Laffen and members of the Transportation committee. My name is Denton Zubke and I am the representative from District 39 which encompasses the counties of Adams, Billings, Bowman, Golden Valley, Slope, McKenzie and parts of Dunn. I am here to support HB 1311. This bill requires little explanation in that it raises the fine for littering on a highway from \$100 to \$500.

I have included the section of code that this fine applies to.

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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.

Many of us have probably spent time picking up someone else's litter and wondered how is it possible that anyone can have such callous disregard for others. This bill is not meant to be a solution but a starting point. I spent numerous hours researching other state's litter laws and the processes they use for apprehending or reporting violators. The laws in other states cover a wide range and initially provided little help for what we might do in North Dakota to curb the growing mounds of garbage along the highways. It's easy to get bogged down in definitions, whether reporting hot lines work or whether increasing the fine will reduce the problem.

Raising the fine is a first step which may raise awareness and enforcement. There is a group of enthusiastic people willing to commit time and resources to a process which will include amongst other things signage for our highways and notices that litter is not tolerated. What we can do today is support HB 1311 to increase the fine. It is time we raise awareness and inform people that this is our land, you will respect it and you will help keep it clean!

Representative Denton Zubke



**Theodore Roosevelt
EXPRESSWAY**

*Attachment #2 pg 1
3-16-17 HB 1311*

**TESTIMONY BEFORE THE
NORTH DAKOTA SENATE TRANSPORTATION COMMITTEE
BY
THEODORE ROOSEVELT EXPRESSWAY ASSOCIATION
CAL KLEWIN, EXECUTIVE DIRECTOR
March 16, 2017**

Chairman, Laffen,

Members of the Senate Transportation Committee

Good morning. I am Cal Klewin, Executive Director of the **Theodore Roosevelt Expressway Association (TREA)**.

The **Theodore Roosevelt Expressway** (Highway 85) is a Federally-Designated High Priority Corridor on the National Highway System. It runs from Rapid City, SD, to Canada through western North Dakota to the Port of Raymond in Montana. On the southern end, it connects to the Heartland Expressway, which connects Rapid City, SD, to Denver, CO. The Heartland Expressway then links to the Ports-to-Plains Trade Corridor, which connects Denver, CO, to Laredo, TX. These three corridors are collectively known as the Ports-to-Plains Alliance.

Theodore Roosevelt Expressway Association coordinated the Spring Clean-up of U.S. Highway 85. The large groups of volunteers represented the majorly populated areas along Highway 85—Bowman, Bowman County, Williston, Belfield and Watford City—and several state and regional entities such as the North Dakota Department of Transportation N.D. Association of General Contractors, the N.D. Petroleum Council, N.D. League of Cities, Vision West, N.D. Tourism Department, N.D. Motor Carriers, Theodore Roosevelt-Medora Foundation, N.D. Association of Oil and Gas Producing Counties, McKenzie County Tourism and Western Dakota Lions Clubs.

The Volunteers covered about 200 miles of roadway and collected over 1800 bags of trash along U.S. 85 and other area highways. The volunteer effort was described as unprecedented by NDDOT, and made a marked difference to the landscape along the Corridor.

The **Theodore Roosevelt Expressway Association** is in support of HB 1311.
That concludes my testimony, and I will try to answer any questions you may have.

Thank you.



North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

Attachment # 2 pg 2
HB 1311 3-16-17

May 25, 2016

Dear Editor:

The North Dakota Department of Transportation would like to extend a heartfelt thank you to the hundreds of volunteers and many organizations who donated their time and energy during the US 85 Spring clean-up in western North Dakota recently. We would also like to thank Cal Klewin of the Theodore Roosevelt Expressway Association for organizing the week-long event.

These wonderful volunteers covered about 200 miles of roadway and collected 1800 bags of trash from the roads and ditches along US 85 and other area highways. These efforts were unprecedented and have made a marked difference to the landscape along the corridor.

We are hopeful that an event such as this can set an example to everyone who lives and travels these roadways to help keep North Dakota beautiful by picking up litter and always disposing of it in the proper garbage receptacles.

Thank you to the following sponsors for their support: Theodore Roosevelt Expressway, North Dakota Department of Transportation, North Dakota Motor Carriers Association, Theodore Roosevelt Medora Foundation, North Dakota League of Cities, North Dakota Tourism, Watford City North Dakota, North Dakota Association of Oil & Gas, McKenzie County, North Dakota Association of General Contractors, ND Lions Club, City of Bowman, City of Belfield, North Dakota Petroleum Council, Vision West North Dakota, North Dakota League of Cities and the City of Williston.

We truly appreciate everyone working together to help keep our state roadways clean of litter and for your efforts in helping to make North Dakota a better place to visit and live.

Sincerely,

NDDOT Director Grant Levi

Attachment #3 pg1
HB1311 3-16-17

Chairman Laffen, members of the Senate Transportation Committee,

Good Morning,

My Name is Jim Collins Jr., and I am resident of Bismarck.

As a state employee, I have taken annual leave to be here.

Today I will be offering my comments in support of House Bill 1311.

This marks my third session of working to get the fines for littering increased to the point that people will think twice before tossing their garbage on the ground. In support of my testimony, I have provided you a handout outlining the following:

- 1) the four areas littering is addressed in the NDCC and NDAC
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Attachment # 3 pg 2

HB 1311 3.16.17

wonderment and awe, a place where the 26th President of the United States spent his time admiring the outdoors. Now, it more closely resembled a landfill.

I snapped the pictures you see today and as I did, a van with Maryland license plates pulled up. They slowed next to the pile of garbage, never stopping and drove away. Did they pull away because of the garbage? the broken historic rock wall? Will they go back to Maryland and say, "What a mess!"

All this leaves me to ask, When will we learn? Our natural resources are not infinite. Whether it is our soil, our water, our forests or our scenic overlooks. Once they are trashed, it's game over. We can do better - we must!

As a follow-up, it cost the state \$750 to cleanup up the scenic overlook and it diverted five NDDoT staff and associated equipment away from their normal duties of fixing our roads.

Now has come the time to make it worthwhile for law enforcement officers to write tickets and serve notice to those who trash our public places, this is not acceptable. HB 1311 will show litterers North Dakota is serious.

In reading the fiscal note, I notice the fines are placed into the state tuition fund. Mr. Chairman, I would encourage you and members of the committee to consider placing those funds in a litter prevention and education fund to be administered by the North Dakota Department of Transportation. (NDG&F - 48 littering tickets in 2016 = \$4800)

In conclusion, I urge you to give HB 1311 a "Do Pass" recommendation and show we are serious about Keeping North Dakota Clean.

Thank you for your time.

Respectfully,

Jim Collins Jr.

Marck Resident

Attachment # 3 pg 3
HB 1311 3.16.17



Figure 1. Heart River - HWY 8



Figure 2. Field on the southside of Jamestown



Figure 3. Below Baldhill Dam



Scenic overlook - HWY 85 Near North Unit of TRNP.



SENATE TRANSPORTATION COMMITTEE
March 16, 2017 – 10:30 a.m. – Lewis & Clark Room

Attachment #4 pgi
3-16-17
HB 1311

North Dakota Department of Transportation
Wayde Swenson, P.E., Office of Operations Director

HB1311

Good morning Mr. Chairman and members of the committee. I'm Wayde Swenson, Office of Operations Director for the North Dakota Department of Transportation (DOT). I'm here today in support of this bill.

The North Dakota Department of Transportation (DOT) is responsible for maintaining the state highways from right of way to right of way. This includes litter control.

The DOT has an Adopt A Highway program to help reduce both litter and the overall cost of litter removal. Under this program a group can volunteer to pick up litter on stretches of highways. DOT provides safety vests for the participants in the group along with trash bags for the litter. After the group picks the litter, the DOT will pick up the trash bags and dispose of them. We ask that the groups pick up litter at least three times a year on their adopted highway.

This concept works for a majority of highways especially near our communities. With the increase in traffic in western North Dakota, the litter was too much for our Adopt a Highway groups to handle. This caused our Districts in the western part of the state to get more involved in litter control and utilize staff to pick up litter. As an example, last year the Dickinson district employees had to take time away from other duties to do litter control, spending approximately \$168,000.

The DOT supports an increase in fees for littering in hopes that it deters individuals from littering.

This concludes my testimony and I am available to answer questions the committee may have. Thank You.