

# INITIATED MEASURES APPROVED

## CHAPTER 559

### HAZARDOUS WASTE FACILITIES

An initiated measure to create a new section to chapter 23-29 of the North Dakota Century Code related to an environmental protection act.

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:**

**23-29-16. Environmental Protection Act.**

1. No private hazardous waste facilities. No hazardous waste disposal facility may be constructed, owned or operated in the state of North Dakota except by an appropriate governmental entity.
2. Insurance required. No private person or business entity may own and/or operate (1) an industrial waste landfill disposal facility or (2) a municipal waste landfill disposal facility in this state without a valid policy of liability insurance in effect in order to respond in damages for liability arising out of the ownership, maintenance or use of that facility. The policy of insurance must provide coverage for all damage caused to the environment, corrective and/or remedial action in connection therewith, and any other damage caused to public or private property resulting from the ownership, maintenance or use of the facility. The policy limits of the insurance policy shall not be less than the total amount computed by multiplying fifty dollars per ton times the number of tons of solid waste accepted at the facility from and after January 1, 1995. The insurance policy required by this section shall be maintained for one hundred years after the closure of the facility. A copy of the policy must be filed with the North Dakota health department.
3. Officer and director liability. Each officer and director of any company which (1) owns and/or operates a solid waste landfill disposal facility in North Dakota or (2) controls such a company as defined in subsection 1 of section 23-29-07 shall be personally jointly and severally strictly liable for all damages caused by the solid waste to the environment, including any remedial or corrective action required therewith, and for any other damage resulting to public or private interests. Each such person shall have the right to seek contribution from any person or entity likewise liable for such damage.
4. Vote required. Upon receiving (1) an application to renew the permit for (a) a privately owned industrial waste landfill disposal facility or (b) a privately owned municipal waste disposal facility or (2) a request for a permit modification seeking to increase the acreage of any such facility, the health department shall notify the board of county commissioners of the county in which the facility is located of the department's intention to renew or modify the permit for the facility. The board of county commissioners shall then place the issue on the ballot at the next regularly scheduled election after receiving notice from the department to allow the qualified electors of the county to vote to approve or

disapprove the renewal or modification based on public interest and impact on the environment. If a majority of the qualified electors voting in the election vote to disapprove the permit renewal or modification, the department may not renew or modify the permit. The facility may continue to operate under its existing permit until the election has been held.

5. Exceptions. The requirements imposed by this section do not apply to inert waste, waste resulting from the processing of agricultural products, oil field exploration and production waste or solid waste disposed of on site at energy conversion facilities and coal mining operations.
6. Statute of limitations. There shall be no statute of limitations applicable to the provisions of this section. An action for damages by the state, other appropriate governmental entity or private party may be commenced at any time.
7. Severability. If any portion of this section is found to be invalid, the remaining portions shall remain in full force and effect.

Approved June 11, 1996

55,322 to 55,165

NOTE: This was measure No. 6 on the primary election ballot.

## CHAPTER 560

### VETERANS' POSTWAR TRUST FUND

An initiated measure to create and enact a new section to article X of the Constitution of North Dakota, relating to establishing the veterans' postwar trust fund as a permanent trust fund.

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:**

**SECTION 1.** A new section to article X of the Constitution of the state of North Dakota is created and enacted as follows:

The veterans' postwar trust fund shall be a permanent trust fund of the state of North Dakota and shall consist of moneys transferred or credited to the fund as authorized by legislative enactment. Investment of the fund shall be the responsibility of the state treasurer who shall have full authority to invest the fund only in the same manner as the state investment board is authorized to make investments. All income received from investments is to be utilized for programs which must be of benefit and service to veterans, who are defined by legislative enactment, or their dependents, and such income is hereby appropriated to the administrative committee on veterans' affairs on a continuing basis for expenditure upon those programs selected at the discretion of the administrative committee on veterans' affairs.

Approved November 5, 1996

185,361 to 57,478

NOTE: This was measure No. 4 on the general election ballot.