

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1338

Introduced by

Representative Glassheim

1 A BILL for an Act to create and enact a new section to chapter 23-29 of the North Dakota
2 Century Code, relating to a state landfill siting board; and to amend and reenact section
3 23-29-05 of the North Dakota Century Code, relating to local ordinances on landfills.

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

5 **SECTION 1. AMENDMENT.** Section 23-29-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **23-29-05. Local government ordinances.** Any political subdivision of the state with
8 respect to a landfill operated by that political subdivision within the zoning authority of that
9 political subdivision may enact and enforce a solid waste management ordinance if ~~such~~ the
10 ordinance is equal to or more stringent than this chapter and the rules adopted pursuant to this
11 chapter.

12 **SECTION 2.** A new section to chapter 23-29 of the North Dakota Century Code is
13 created and enacted as follows:

14 **State landfill siting board - Permit.**

15 1. Notwithstanding a home rule charter or, whether or not under that charter, an
16 ordinance or resolution to the contrary, or any other provision of law, the state
17 landfill siting board has exclusive jurisdiction in siting a landfill unless the landfill is
18 operated by a political subdivision within the zoning jurisdiction of that political
19 subdivision.

20 2. The state landfill siting board consists of:

21 a. The state health officer;

22 b. The state engineer;

23 c. The state geologist;

- d. The director of the environmental health section of the state department of health;
 - e. A representative appointed by the North Dakota league of cities executive committee;
 - f. A representative appointed by the North Dakota association of counties executive committee; and
 - g. A representative appointed by the North Dakota township officers association executive board of directors.
3. The state health officer is the chairman and the board shall meet at the call of the chair.
 4. Each member who is not otherwise an employee of the state is entitled to compensation in the amount of seventy-five dollars per day plus reimbursement of expenses as provided for state officials while attending meetings of the board.
 5. In cases in which the board has exclusive jurisdiction, a person must apply and receive a siting permit from the board before constructing a landfill.
 6. Upon receiving an application from a person for siting a landfill, the board shall hold at least two public hearings at least fifteen days apart in the political subdivision that would otherwise have zoning jurisdiction in the area of the proposed landfill. The board shall publish notice of the hearing in the official newspaper of the area at least fourteen days before each hearing.
 7. Within six months of the application, the board shall issue the permit if the site is compatible for the siting of a landfill, there is adequate need for the landfill, and adequate mitigative measures are taken to address the negative effects of the landfill. In addressing compatibility, the board shall consider scientific evidence of the effect of the landfill on the environment and the ability to design the landfill to address those concerns. As to need, the board shall consider the benefit to the persons in the political subdivision and surrounding political subdivisions and the relative costs of alternate solid waste management. As to mitigation measures, the board shall consider buffer zones, trees, odor control, wind control, bird control, and any other measure to address circumstances unique to the location or raised at the public hearings.