

**2011 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1188**

# 2011 HOUSE STANDING COMMITTEE MINUTES

House Energy and Natural Resources Committee  
Pioneer Room, State Capitol

HB 1188

1/20/2011

13229

☐ Conference Committee

Committee Clerk Signature

*E. Minuta*

Relating to littering on game refuges or recreation areas, open burning, and depositing rubbish on highways; and to provide a penalty.

## Minutes:

Rep. Porter: I passed around a proposed amendment to remove section 3 of the bill on the amendment. The language that was inserted by council did a couple things. Willfully is a higher level of proof then what a normal violation is. To get it to the \$200.00 they moved it to a class B misdemeanor. What the amendment does is it leaves it as a non moving violation it has no points attached to it, and makes it a \$200.00 fine.

Rep. DeKrey: I move to porter the amendment.

Rep. Keiser: Second to move the amendment.

Rep. Porter: All in favor, opposed motion carries.

Rep. Keiser: Did we adopt the emergency clause as an amendment? I move the adoption in the emergency clause be added.

Rep. Porter: We have a motion for a further amendment for HB 1188.

Rep. DeKrey: Second.

Rep. Porter: Motions carries.

Rep DeKrey: I move HB 1188 as amended as a do pass.

Rep. Hanson Second

Rep. Porter: Discussion

Rep. Kreun: Does this pertain to the whole state?

Rep. Porter: Yes it does.

Rep. Kelsh: Is the fiscal note an increase in revenue to some political enforcement?

Rep. Porter: It would have that effect on any game warden, county sheriff, it would go into the common schools trust fund, except on a city scytation.

Rep. Porter: Roll call for HB 1188

**YES 13 No 0 Absent 0 Carrier Rep. Kelsh**

# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Energy and Natural Resources Committee Pioneer Room, State Capitol

HB 1188  
1/21/2011  
13171

☐ Conference Committee

Committee Clerk Signature

*J. Mineth*

Relating to littering on game refuges or recreation areas, open burning and depositing rubbish on highways; and to provide a penalty.

### Minutes:

Rep. Damschen: we will open HB 1188

Rep. Porter: The last legislative session we used the memorandum of understanding, we used the State Water Commission dollars to help enforce the laws of the state of North Dakota on the Missouri River. It's a huge recreation area in the state. The responsibility belongs to the Water Commission. They don't have an enforcement division, so thru an memorandum of understanding have shifted that to the North Dakota Game and Fish.

One of the primary concerns that we have had is littering. You are going to see some pictures that are passed out on what people are leaving at the recreation areas. Littering in North Dakota is an infraction. It is not an criminal conviction until after you are caught littering more than once. The penalty for an infraction is anywhere from 0 to \$500.00. This bill would set the fine for a minimum at \$200.00.

Rep. Kelsh: Are people being fined for this?

Rep. Porter: There are people being sited, it is an infraction.

Rep. Damschen: Any more questions?

Rep. Brabandt: Would signs be posted on these sites?

Rep. Porter: Local agencies groups could put signs up. There are some signs up already. They could put the dollar amount on the signs.

Rep. Keiser: It is designed to set the floor for this act. We already have it covered as this type of act. In section 3 we are creating a new section and at also is a class B misdemeanor. Why the difference between the highway trash and recreation areas?

Rep. Porter: Because the roads are part of the D.O.T. System there are already two areas, one for littering and one for littering on a highway. They are two different situations.

Rep. Keiser: Putting the misdemeanor in is new language.

Rep. Porter: We will pull 1059 because that is in statue. Because it is on the highway and infracting doesn't because it is coming out of a moving vehicle.

Rep. Hanson: Did you consider the emergency clause?

Rep. Porter: We didn't consider it, but I would

Rep. Hofstad: The bill defines recreational area, it seems broad to me.

Rep. Porter: I don't know. It would seem to me it would be anywhere where people recreate.

Rep. Hunskor: Should the public be informed about the change in the fine? Would that be the responsibility of each local area?

Rep. Porter: It is always good to post it.

Rep. Nelson: There are several places in the Century Code at we are dealing with, in section 1 we are talking about in certain areas. In section 2 it is any property not owned by that person. Wouldn't all of those places be covered under section 2?

Rep. Porter: Not really, only if you living next to the refuge throw your garbage over the fence.

Rep. Kelsh: What does an infraction do?

Rep. Porter: I will defer that to the Rep. DeKrey.

Rep DeKrey: A misdemeanor will be on your record, an infraction will drop off your record.

Jim Collins: I am here to testify on HB 1188. I have provided written testimony, there is a small group that does clean up on the Missouri River. I am one of those people. What you see here is some of the items put on the Missouri River here in town. ( See Attachment 1).

Rep: Porter: Further testimony for HB 1188.

Mark Donahue; I represent the North Dakota Wildlife Federation. The Wildlife supports this bill.

Rep. Porter: Further support for the bill.

Mark Westgard: I am here as a citizen of North Dakota. As a frequent user of the Missouri River I would like to address some of the littering problems. (See Attachment 2)

Rep. Porter: Any questions?

Sandy Clark: I represent the North Dakota Farm Bureau. We too support HB 1188.

Rep. Porter: I would think the farmers out there are tired of the trash in the road ditches too.

Sandy Clark: The appliance and furniture issue is also a huge issue.

Rep. Porter: Further testimony in support?

Rich Schlosser: I am here for the North Dakota Farmers Union. We also support this bill. When farmers put up ditch hay there is lots of matter that seems to get raked into the bales that really shouldn't be there.

Rep. Porter: Further testimony in support, any opposition?

Robert Timian: Chief of Game Warden North Dakota Game and Fish Department. The jurisdictional section mentions all of the people who can enforce the law. In the other codes the highway patrol is limited to the 39 code, and the 23 code is for the sheriffs.

Rep. Hanson: Does the Corp of Engineers have jurisdiction of the Missouri River? Do they enforce any littering problems?

Robert Timian: Yes as far as the flow of the river. They do have the authority to enforce littering. They have given the immediate authority to some other entity such as Game and Fish.

Rep. Keiser: Why is this a call B misdemeanor for highway disposal verses an infraction.

Robert Timian: You need to speak to someone from D.O.T. about that.

Rep. Porter: We get that information from Rep. Dawson.

Rep. Hofstad: When hunters leave a mess on my land is that infraction under this bill?

Robert Timian: I would think it is under the 232905.1.

Rep Porter: Any other questions? We will close the hearing on HB 1188.

January 21, 2011

VR  
1/24/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1188

Page 1, line 1, after "to" insert "create and enact a new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to fees for depositing rubbish on highways; to"

Page 1, line 3, remove the second "and"

Page 1, line 3, after "penalty" insert "; and to declare an emergency"

Page 2, after line 2, insert:

**"SECTION 3.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code is created and enacted as follows:

A violation of section 39-10-59, a fee of two hundred dollars."

Page 2, replace lines 14 and 15 with:

**"SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 1-21-11  
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1188

House House Energy and Natural Resources Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By De Krey Seconded By Keiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Hanson		
Vice Chairman Damschen			Rep. Hunsakor		
Rep. Brabandt			Rep. Kelsh		
Rep. Clark			Rep. Nelson		
Rep. DeKrey					
Rep. Hofstad					
Rep. Kasper					
Rep. Keiser					
Rep. Kreun					
Rep. Nathe					
Rep. Anderson					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*voice vote taken on amendment  
motion carried*



Date: 1-21-2011  
Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1188

House House Energy and Natural Resources Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Keiser Seconded By DeKrey

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Hanson		
Vice Chairman Damschen			Rep. Hunsakor		
Rep. Brabandt			Rep. Kelsh		
Rep. Clark			Rep. Nelson		
Rep. DeKrey					
Rep. Hofstad					
Rep. Kasper					
Rep. Keiser					
Rep. Kreun					
Rep. Nathe					
Rep. Anderson					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*voice vote taken  
motion carried for the emergency clause*

Date: 1-21-2011  
Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1188

House House Energy and Natural Resources Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By De Krey Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Hanson	✓	
Vice Chairman Damschen	✓		Rep. Hunsakor	✓	
Rep. Brabandt	✓		Rep. Kelsh	✓	
Rep. Clark	✓		Rep. Nelson		
Rep. DeKrey	✓				
Rep. Hofstad					
Rep. Kasper	✓				
Rep. Keiser	✓				
Rep. Kreun	✓				
Rep. Nathe	✓				
Rep. Anderson	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Kelsh

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

**REPORT OF STANDING COMMITTEE**

**HB 1188: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1188 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to fees for depositing rubbish on highways; to"

Page 1, line 3, remove the second "and"

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Page 2, replace lines 14 and 15 with:

**"SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2011 SENATE JUDICIARY

HB 1188

# 2011 SENATE STANDING COMMITTEE MINUTES

## Senate Judiciary Committee Fort Lincoln Room, State Capitol

HB1188  
3/2/11  
Job #14842

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to littering on game refuges or recreation areas, open burning, & depositing rubbish on highways.

### Minutes:

There is attached testimony

### Senator Nething – Chairman

**Representative Todd Porter** – District 34 – Introduces the bill and explains it came about in the last session. He said they put a couple hundred thousand dollars out of the water resources trust fund into the ND Game and Fish for the sole purpose of coming up with a law enforcement solution to the problems on the Missouri River. He said the Water Commission has jurisdiction, they do not have a police department. He said through a contract with ND Game and Fish who subsequently has a program in place where they use local law enforcement from Burleigh County Sheriff, Morton County Sheriff, Mandan Police and Bismarck Police to assist in patrolling the river. He mentions one of the biggest concerns of the task force is the amount of littering done on the Missouri River. He continues on telling of the several things they have found in the river. He tells of many times he has been driving in the county and seen refrigerators or other trash in the ditch. He said his committee raised the fine to \$200.00.

**Senator Nething** – Asks how they arrived at the \$200.

**Rep. Porter** – He said they looked at an infraction is \$10 to \$500; they wanted it to be a meaningful penalty as a deterrent to somebody. He relates a program he is associated with that promotes "pack it in, pack it out."

**Senator Nething** – Asks if the House would go to \$1000 if it were so amended.

**Rep. Porter** – Said he is unsure, but they can't go to \$1000 and leave it an infraction because an infraction is capped at \$500. He speaks of the irresponsible action of someone throwing something out of the car.

**Senator Nething** – Asks if there is any history of fines that have been assessed under this act as far as an infraction is concerned.

**Rep. Porter** – Said they did not get a numbers history, Game and Fish said it is a very difficult thing to charge someone with because you have to actually see someone do it. The main thrust of the bill is the deterrent when a person walks by the sign that they see the fine and it reminds them to pick their trash and take it out.

**Senator Nething** – States this is just a minimum fine; it could still go to \$500.

**Rep. Porter** – Replies yes and the judge could up to the \$500 maximum and if they get caught a second time it becomes a Class B misdemeanor.

**Rep. Olafson** – Asks if a judge can order people to clean up their mess especially when they dump the cars in the river.

**Rep. Porter** – Says he is unsure under an infraction but if it is something like a car he thinks maybe the Sheriff's Dept. could probably charge them and get restitution out of them.

**Senator Sorvaag** – States it is your intention that someone in a park who leaves a pop can could be fined \$200.

**Rep. Porter** – Responds absolutely. He says there is a certain level of officer discretion that is involved. He said he highly doubts that an officer will write a citation for a pop bottle.

**Jim Collins Jr.** – Resident of Bismarck – Representing himself – See written testimony. He also provides a slide show.

**Mike Donahue** – ND Wildlife Federation – In support of this bill.

**Sandy Clark** – ND Farm Bureau – In support of this bill – Litter in the road ditches is a real problem for her members. She comments on Section 2 about burning solid waste. She says farmers and ranchers do burn.

Opposition – 0  
Neutral – 0

Close the hearing on 1188

### **Committee work**

Committee discusses putting an amendment on to include any law enforcement officers.

**Senator Lyson** motions do pass on the amendment

**Senator Nelson** seconds

Verbal vote – all yes

**Senator Lyson** moves a do pass as amended

**Senator Nelson** seconds

**Discussion**

Senator Sitte says it is a huge fine. She worries about being charged for one pop can.

Senator Lyson says you should check the grounds before you leave; there is no excuse at all to leave something lying out there. Senator Olafson doesn't think law enforcement are going to write a ticket for one pop bottle. Senator Sorvaag says he will support this but he does think it is excessive. He goes on to say that not all law enforcement make good judgments, some get overzealous. Overall he thinks it is a good thing. Senator Nething says the current fine is \$20 and you saw the mess. He said sometimes you have to get people's attention. Senator Sitte thinks if we change this law it is her hope that we will be consistent. She would like to check into the different litter laws.

**Senator Nething** – Says we will hold the do pass motion until we get a report back from Senator Sitte.

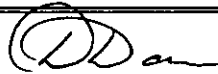
# 2011 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB1188  
3/9/11  
Job #15179

☐ Conference Committee

Committee Clerk Signature



## **Explanation or reason for introduction of bill/resolution:**

Relating to littering on game refuges or recreation areas, open burning, & depositing rubbish on highways.

## **Minutes:**

*There is a an attachment*

## **Senator Nething – Chairman**

Committee discusses the fines on littering and that it is a Class B misdemeanor. Senator Sitte provides a handout for different infractions. Senator Sorvaag thinks \$200 is a bit extreme for one pop bottle in case you get an overzealous officer. Senator Nething says when you start throwing dirty diapers out its extreme so do we list those that are extreme and those that aren't. Senator Sitte says they can levee a fine up to \$500 if they want. Senator Olafson suggests a \$100 fine.

**Senator Lyson** withdraws is motion

**Senator Nelson** withdraws her second

**Senator Olafson** moves to amend the fine to \$100

**Senator Sorvaag** seconds

Verbal vote – 5 yes, 1 no

**Senator Olafson** moves do pass as amended

**Senator Nelson** seconds

Roll call vote – 5 yes, 1 no,

**Senator Sorvaag** will carry



Date: 3/2  
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1188

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Lyson Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman			Carolyn Nelson		
Curtis Olafson - V. Chairman					
Stanley Lyson					
Margaret Sitte					
Ronald Sorvaag					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Senator

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

Verbal yes

Date: 3/2/11  
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1188

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Lyson Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman			Carolyn Nelson		
Curtis Olafson - V. Chairman					
Stanley Lyson					
Margaret Sitte					
Ronald Sorvaag					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Senator

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

Withdraw

Date: 3/9  
Roll Call Vote # 3

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1188

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Seconded By Senator

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman			Carolyn Nelson		
Curtis Olafson - V. Chairman					
Stanley Lyson					
Margaret Sitte					
Ronald Sorvaag					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment Senator

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

200 to 100

Verbal yes.

Date: 3/9  
Roll Call Vote # 4

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1188

Senate Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment  
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Olafson Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Dave Nething - Chairman	X		Carolyn Nelson	X	
Curtis Olafson - V. Chairman	X				
Stanley Lyson		X			
Margaret Sitte	X				
Ronald Sorvaag	X				

Total (Yes) 5 No 1

Absent \_\_\_\_\_

Floor Assignment Senator Sorvaag

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

**REPORT OF STANDING COMMITTEE**

**HB 1188, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1188 was placed on the Sixth order on the calendar.**

Page 1, line 11, overstrike "Police"

Page 1, line 12, overstrike "officers, sheriffs, deputies, and game and fish department personnel" and insert immediately thereafter "All law enforcement officers of this state"

Page 1, line 14, replace "two" with "one"

Page 2, line 1, replace "two" with "one"

Page 2, line 7, replace "two" with "one"

Renumber accordingly

2011 TESTIMONY

HB 1188

#2

**House Bill Number 1188**  
**ND House Energy and Natural Resources Committee**

Mr. Chairman and Members of the Committee:

My name is Mark Westgard of Mandan and I am attending this meeting as a concerned citizen of North Dakota.

I can only assume that litter has become a problem at most if not all of our States parks, lakes and recreational areas. I can guarantee that as a frequent user of the Missouri River, the littering problem has increased.

As a member of a small group of other concerned citizens that are addressing issues regarding the Missouri River and outdoor activities, we have enjoyed the support of the ND Game and Fish Department, ND Water Commission, ND State Health Department, ND Parks and Recreation Department and Members of the ND Legislature.

We have also been helped by all local law offices, the local Boy Scouts, the media, and scores of volunteers.

Both KFYZ-TV and KXMB-TV have done educational stories about the littering problem and the Bismarck Tribune has had editorials and feature stories about this.

With one of their stories concerning the fall clean up by the Scouts and other volunteers, the posting on their website was 100% in favor of addressing this issue, even mentioning higher fines.

In order to keep our State safer for today's use and cleaner to pass on to our future generations I ask that you pass Bill 1188.

Chairman Porter, members of the Senate Judiciary Committee,

Good Morning,

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

Today I will be offering my comments in support of House Bill 1188.

I have been involved with litter cleanup on the Missouri River since 2008 and have provided you photographs of the litter generated by those who "love" the river. For the past three years, a group of volunteers has picked the diapers, beverage cans, bottles, paper products, lawn chairs and other assorted trash left behind by "River Lovers". In addition our group of volunteers has worked with state agencies, city departments and others to curb the problem. We have put up signs, provided trash bags and taken the message to the media.

After doing some research last year I discovered that there are three different laws regarding littering in North Dakota, each having its own penalty. What stood out to me was the fact that littering on our highways carried a much stricter penalty than the law for littering in our public places, such as parks, rivers and lakes. Two questions became apparent; (1) "Are our highways more valuable than the areas we recreate at?" and (2) "Are there less risks to injury in public places versus our highways." I believe the answer to both questions is NO.

Now it has come time to make it worthwhile for law enforcement officers to write that ticket and serve notice to those who trash our public places, "this is not acceptable."

In conclusion, I urge you to give HB 1188 a "Do Pass" recommendation.

Thank you for your time.

Respectfully,

Jim Collins Jr.

Bismarck Resident



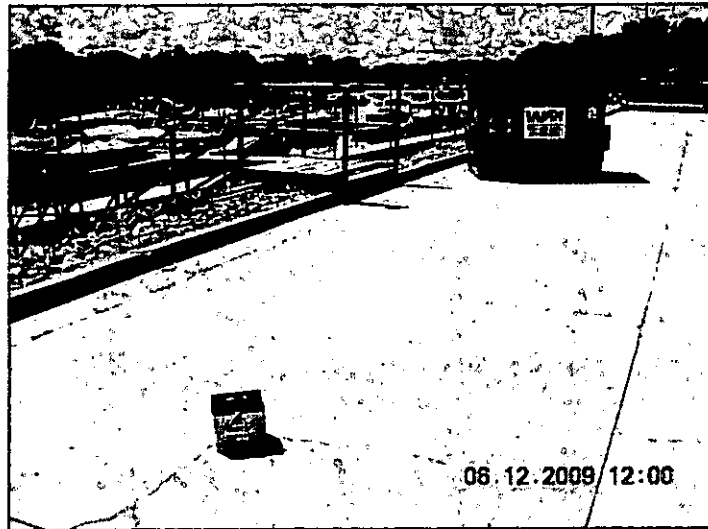


Weekend on the Missouri



Weekend leftovers





A Dumpster Too Far



Yardwaste dumped into the Missouri



After the snowmelt.



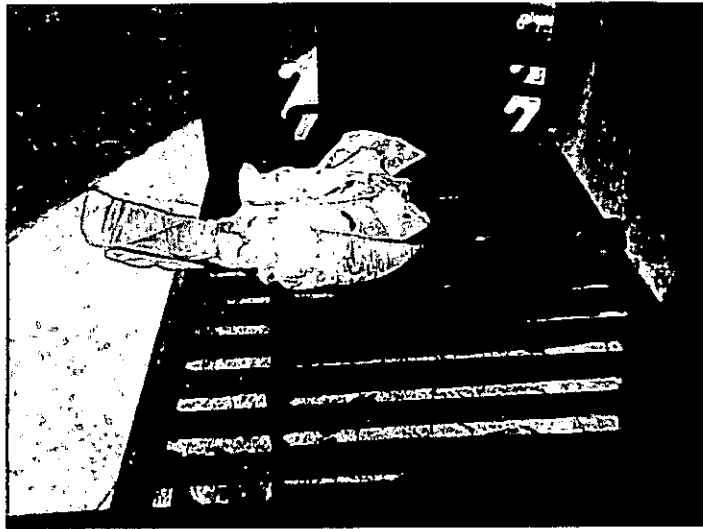
2008 Cleanup



2009 Cleanup



2010 Cleanup



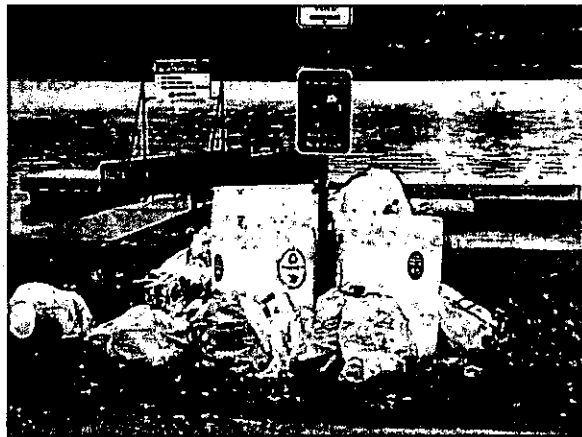
Diaper on the a grill at Lake Darling



Used oil on the James River Bank



Garbage across the road from a shopping destination.



Trash not left on the sandbars. (2009)



These trash barrels were removed a week or so later and thrown into the landfill because they were hard to empty and did not work with the garbage truck.

## TITLE 20.1

### NATURAL HUNTING AND FISHING

#### 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 any game refuge, lake, river, public park, or recreation area is prohibited. Police officers, sheriffs, deputies, and game and fish department personnel shall enforce this section. Any person who willfully violates this section is guilty of an infraction.

## CHAPTER 23-29

### SOLID WASTE MANAGEMENT AND PUBLIC PROTECTION

#### **23-29-05.1. Littering and open burning prohibited - Penalty.**

1. No person may discard and abandon any 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. No person may 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, 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.

## CHAPTER 39-10

### VEHICLE AND TRAFFIC LAWS

**39-10-01.1. Required obedience to traffic laws.** It is unlawful and, unless otherwise declared in this chapter or in chapter 39-06.1 with respect to particular offenses, it is a class B misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

#### **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 any highway any other substance likely to injure any person, animal, or vehicle.

2. An individual who deposits, or permits to be deposited, upon any highway any destructive or injurious material shall immediately remove or cause to be removed the same.

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**

**12.1-32-01. Classification of offenses - Penalties.** Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of one thousand dollars, or both, may be imposed.

7. Infraction, for which a maximum fine of five hundred dollars may be imposed. Any person convicted of an infraction who has, within one year prior to commission of the infraction of which the person was convicted, been previously convicted of an offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint shall specify that the offense is a misdemeanor.

## **CHAPTER 12.1-32**

### **PENALTIES AND SENTENCING**

**12.1-32-01. Classification of offenses - Penalties.** Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of one thousand dollars, or both, may be imposed.

7. Infraction, for which a maximum fine of five hundred dollars may be imposed. Any person convicted of an infraction who has, within one year prior to commission of the infraction of which the person was convicted, been previously convicted of an offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint shall specify that the offense is a misdemeanor.



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1188

Page 2, remove lines 14 and 15.

Page 2, after line 13, insert:

**SECTION 4. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-06. Amount of statutory fees.**

The fees required for a noncriminal disposition pursuant to either section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to exceed twenty dollars.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.
  - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
  - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
  - d. A violation of subsection 1 of section 39-12-02, a fee of one hundred dollars.
  - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
  - f. A violation of section 39-10-59, a fee of two hundred dollars.