

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1188
(Representatives Porter, DeKrey, Maragos)
(Senator Dever)

AN ACT to 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 amend and reenact sections 20.1-01-25, 23-29-05.1, and 39-10-59 of the North Dakota Century Code, relating to littering on game refuges or recreation areas, open burning, and depositing rubbish on highways; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-01-25 of the North Dakota Century Code is amended and reenacted as follows:

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

SECTION 2. AMENDMENT. Section 23-29-05.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. ~~No~~ A person may not 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~~ 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 one 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.

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 one hundred dollars.

SECTION 4. AMENDMENT. Section 39-10-59 of the North Dakota Century Code is amended and reenacted as follows:

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~~ a highway any other substance likely to injure ~~any~~ a person, animal, or vehicle.

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1188 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 74 Nays 19 Absent 1

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 44 Nays 2 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,
at _____ o'clock _____ M.

Secretary of State