

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2386

Introduced by

Senators Schobinger, Heitkamp, Thane

Representative Gulleason

1 A BILL for an Act to create and enact two new sections to chapter 23-29 of the North Dakota
2 Century Code, relating to a recycling incentive program; to repeal section 23-29-07.5 of the
3 North Dakota Century Code, relating to grants and loans from the solid waste management
4 fund; to provide a penalty; and to provide an appropriation.

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

6 **SECTION 1.** A new section to chapter 23-29 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Administration of recycling grants by department - Rules.** Subject to legislative
9 appropriation, the department shall administer a program through which grants may be
10 provided to public entities and privately owned recycling businesses. To be eligible for a grant
11 under this section, any privately owned, for-profit business that processes recyclable materials
12 or any governmental or nonprofit entity that reports recyclable volume of postconsumer paper,
13 aluminum or steel cans, glass, plastic, cardboard, newspaper, magazines, office paper, or
14 textiles may apply to the department for a grant. The department may allocate grants on a per
15 capita basis for governmental and nonprofit entities. The department may adopt rules to
16 administer the grant program.

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

19 **Solid waste management fee - Penalty.**

20 1. Before the twentieth day of each month, the owner or operator of a landfill shall
21 pay to the state tax commissioner a fee of one dollar per ton [907.18 kilograms] of
22 industrial and municipal waste accepted at the landfill during the previous month.
23 The owner or operator shall maintain records the tax commissioner determines
24 necessary. The tax commissioner shall forward all moneys collected under this

1 section to the state treasurer monthly, and the treasurer shall deposit the money in
2 the solid waste management fund.

3 2. A person who fails to pay the fee imposed under this section, or is found to owe
4 additional fees, is subject to a penalty of five percent of the amount due or five
5 dollars, whichever is greater, plus interest of one percent of the amount due per
6 month or fraction of a month of delay except the first month after the fee became
7 due. The tax commissioner, if satisfied that the delay was excusable, may waive,
8 and if paid, refund all or any part of the penalty and interest.

9 **SECTION 3. APPROPRIATION.** There is hereby appropriated out of any moneys in
10 the solid waste management fund in the state treasury, not otherwise appropriated, the sum of
11 \$1,000,000, or so much of the sum as may be necessary, to the state department of health for
12 the purpose of administering the grant program established in section 1 of this Act, for the
13 biennium beginning July 1, 1999, and ending June 30, 2001.

14 **SECTION 4. REPEAL.** Section 23-29-07.5 of the North Dakota Century Code is
15 repealed.