

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1090
(Energy and Natural Resources Committee)
(At the request of the Department of Environmental Quality)

AN ACT to amend and reenact section 23.1-08-04 and subsection 2 of section 23.1-08-08 of the North Dakota Century Code, relating to coal combustion residuals and disposal of wind turbine blades; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23.1-08-04 of the North Dakota Century Code is amended and reenacted as follows:

23.1-08-04. Coal combustion residuals - Present use and disposal deemed acceptable.

Notwithstanding any other provision of law, the legislative assembly deems the present use and disposal of coal combustion residuals to be acceptable and that present regulation allows for the beneficial use of coal combustion residuals in concrete, for other construction applications, and for other innovative uses and allows for safe disposal without coal combustion residuals being regulated as a hazardous waste. For purposes of regulating coal combustion residuals, the term "ground water" means water below the land surface in a zone of saturation. If a federal law or regulation is adopted pertaining to the use and disposal of coal combustion residuals, this section does not prohibit the state from seeking state primacy of the federal program.

SECTION 2. AMENDMENT. Subsection 2 of section 23.1-08-08 of the North Dakota Century Code is amended and reenacted as follows:

2. Except as provided in subsection 3, a person may not place in municipal waste or discard or dispose of in a landfill lead-acid batteries, used motor oil, wind turbine blades, or major appliances.

SECTION 3. EMERGENCY. Section 1 of this Act is declared to be an emergency measure.

Dennis Johnson
Speaker of the House

Tammy Miller
President of the Senate

Bruce J. Reich
Chief Clerk of the House

Manda Morgan
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1090 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 93 Nays 0 Absent 1

Dennis Johnson
Speaker of the House

Bruce J. Reich
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 46 Nays 0 Absent 1

Tammy Miller
President of the Senate

Manda Morgan
Secretary of the Senate

Received by the Governor at 10:39 AM on February 22, 2023.

Approved at 11:55 AM on February 23, 2023.

Darg Byron
Governor

Filed in this office this 23rd day of February, 2023,
at 11:55 o'clock A. M.

Michael Howe
Secretary of State