

Amendment to HB 416-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 Penalties; Inappropriate Disposal of Yard Waste. Amend RSA 485-A:15 to read as follows:

4 485-A:15 Penalties.

5 I. It shall be unlawful for any person to put or place, or cause to be put or placed into a
6 surface water of the state or on the ice over such waters, or on the banks of such waters, any solid
7 waste as defined in RSA 149-M or hazardous waste as defined in RSA 147-A, including but not
8 limited to bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, tires, old automobiles or
9 parts thereof, **yard waste**, trees or parts thereof, or similar litter.

10 II. For any violation of this section any authorized member or agent of the department of
11 environmental services ~~shall~~ **may** order the immediate removal of material involved in the
12 violation, by the person responsible for the material in question. ***The authority to enforce this***
13 ***section shall extend to all peace officers in the state of New Hampshire.***

14 III. If the person or persons responsible for a violation of paragraph I refuse or fail to obey
15 the order of any **peace officer or** authorized member or agent of the department of environmental
16 services, the department of environmental services or authorized member or agency may contract for
17 the removal of the material in question and the cost of the removal shall be recoverable by the state
18 in an action of debt brought by the attorney general in the name of the state.

19 ***III-a. For a first offense, any person who purposely or recklessly violates paragraph***
20 ***I shall be guilty of a violation.***

21 IV. ~~Any~~ ***For any second or subsequent offense, any*** person who ***purposely or*** recklessly
22 violates paragraph I shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any
23 other person.

24 V. Any person who ~~purposely or~~ knowingly violates paragraph I shall be guilty of a class B
25 felony.