

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

SENATE BILL NO. 2145
(Senators Tomac, Lips)
(Representatives Carlisle, Grumbo)

AN ACT to create and enact two new sections to chapter 2-05 of the North Dakota Century Code, relating to cease and desist authority for the aeronautics commission and assessment of civil money penalties by the aeronautics commission; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 2-05 of the North Dakota Century Code is created and enacted as follows:

Cease and desist orders. The aeronautics commission may issue and serve upon any person, engaged in aerial spraying, an order to cease and desist when the commission has reason to believe the person is violating, has violated, or is attempting to violate this chapter or any rule adopted by the commission. An interested party may appeal the issuance of a cease and desist order under chapter 28-32 by filing written notice of appeal within seven days after service of the order. A hearing must be held within ten days after a notice of appeal has been timely filed. A person who has been issued an order to cease and desist that has been determined to be final either through default or an adjudicative proceeding may not engage in aerial spraying for any other commercial applicator in this state.

SECTION 2. A new section to chapter 2-05 of the North Dakota Century Code is created and enacted as follows:

Assessment of civil money penalties. The aeronautics commission may impose civil money penalties against any person willfully violating an order to cease and desist or any provision of this chapter or any of the rules adopted by the commission in an amount not to exceed five hundred dollars for each violation. As used in this section, the term "willfully" means that the person engaged in the conduct intentionally, knowingly, or recklessly. An interested party may appeal the assessment of civil money penalties under chapter 28-32 by filing written notice of appeal within twenty days after service of the assessment of civil money penalties. A civil money penalty collected under this section must be paid to the state treasurer and deposited in the aeronautics commission's special fund.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2145.

Senate Vote: Yeas 45 Nays 2 Absent 2

House Vote: Yeas 82 Nays 7 Absent 8

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State