

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2138

Introduced by

Natural Resources Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact section 49-07-05.1 of the North Dakota Century Code,
2 relating to assessing the costs of investigating a potential violation of pipeline safety standards;
3 and to provide a continuing appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 49-07-05.1 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **49-07-05.1. Violations of pipeline safety standards - Penalties - Investigations -**
8 **Continuing appropriation.** Any person who violates any rule or order issued by the
9 commission pursuant to section 49-02-01.2 is subject to a civil penalty to be imposed by the
10 commission of not to exceed ten thousand dollars for each such violation for each day that such
11 violation persists, except that the maximum penalty may not exceed five hundred thousand
12 dollars for any related series of violations. Any such civil penalty may be compromised by the
13 commission. In determining the amount of such penalty, or the amount agreed upon in
14 compromise, the appropriateness of such penalty to the size of the business of the person
15 charged, the nature, circumstances, and gravity of the violation, the degree of culpability, any
16 history of prior violations, the effect on ability to continue to do business, the ability to pay the
17 penalty, the good faith of the person charged in attempting to achieve compliance, after
18 notification of a violation, and such other matters as justice may require must be considered.
19 The amount of such penalty, when finally determined, or the amount agreed upon in
20 compromise, may be deducted from any sums owing by the state of North Dakota to the person
21 charged or may be recovered in a civil action in the district court of Burleigh County.

22 The commission may assess the costs of investigating a potential violation under this
23 section to the person under investigation whether or not a violation is found. Any costs paid

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- 1 must be deposited in a special fund and are appropriated on a continuing basis as a refund to
- 2 the commission for the purpose of defraying the costs of the investigation.