

PUBLIC UTILITIES

CHAPTER 458

SENATE BILL NO. 2301
(Chesrown)

UTILITY FRANCHISE HEARINGS

AN ACT to amend and reenact section 49-03-02 of the North Dakota Century Code, relating to notice and hearings in certain utility franchise proceedings, and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 49-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-03-02. PREREQUISITES TO ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) Before any certificate may issue under this chapter, a certified copy of the articles of incorporation or charter of the utility, if the applicant is a corporation, shall be filed with the commission. At the hearing of said application upon notice as provided in this title, the utility shall submit evidence showing that such applicant has received the consent, franchise, permit, ordinance, or other authority of the proper municipality or other public authority, if required, or has or is about to make application therefor. The commission shall have the power, after notice and hearing, to:

1. Issue the certificate prayed for;
2. Refuse to issue such certificate;
3. Issue it for the construction or operation of a portion only of the contemplated facility, line, plant, system, or extension thereof; or
4. Issue it for the partial exercise of the right or privilege sought, conditioned upon the applicant's having secured or upon his securing the consent, franchise, permit, ordinance, or other authority of the proper municipality or other public authority, and may attach to the exercise of the rights granted by any certificate such terms and conditions as in its judgment the public convenience and necessity may require.

Notwithstanding any of the foregoing provisions, the commission may grant a certificate if no interested party, including any local electric cooperative, has requested a hearing on said application after receiving at least twenty days' notice of opportunity to request such hearing.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 17, 1971

CHAPTER 459

HOUSE BILL NO. 1472
(Fleming)

VIOLATION OF GAS SAFETY STANDARDS

AN ACT to create and enact section 49-07-05.1 of the North Dakota Century Code, relating to violations of gas safety standards and providing monetary penalties therefor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Section 49-07-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

49-07-05.1 VIOLATIONS OF GAS SAFETY STANDARDS - PENALTIES.) Any person who violates any law or rule of the public service commission enacted pursuant to the Natural Gas Pipeline Safety Act (Public Law 90-481; 49 U.S.C. sections 1671 et. seq.) shall be subject to a civil penalty to be imposed by the public service commission of not to exceed one thousand dollars for each such violation for each day that such violation persists, except that the maximum penalty shall not exceed two hundred thousand dollars for any related series of violations: Provided, That for a reasonable period of time, not to exceed one year after the date of enactment of this section, such civil penalties shall not be applicable to pipeline facilities existing on such date of enactment. Any such civil penalty may be compromised by the public service commission. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the state of North Dakota to the person charged or may be recovered in a civil action in the district court of Burleigh County.

Approved March 4, 1971

CHAPTER 460

HOUSE BILL NO. 1219
(Gengler)

HOURS OF SERVICE
OF RAILROAD EMPLOYEES

AN ACT to amend and reenact section 49-13-18 of the North Dakota Century Code relating to the hours of service of railroad employees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 49-13-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-13-18. HOURS OF SERVICE OF RAILROAD EMPLOYEES LIMITED.) No railroad corporation engaged in commerce in whole or in part within this state, nor any of its officers or agents, shall require or permit any employee engaged in or connected with the movement of any train carrying freight or passengers within the state to remain on duty more than fourteen consecutive hours until he has at least ten consecutive hours off duty except when any casualty, storms, wrecks, washouts, snow blockades, or any unavoidable delay arising from like causes, he is prevented from reaching his terminal provided further that effective on December 26, 1972, such fourteen-hour period shall be reduced to twelve hours. Time on duty shall commence when an employee reports for duty and terminate when the employee is finally released from duty and shall include:

1. Interim periods available for rest at other than a designated terminal;
2. Interim periods available for less than four hours rest at a designated terminal;
3. Time spent in deadhead transportation by an employee to a duty assignment: Provided, that time spent in deadhead transportation by an employee shall not be counted in computing time off duty; and
4. The time an employee is actually engaged in or connected with the movement of any train. Provided that the provisions of this section shall not apply to employees performing the duties of train dispatcher, operators, or any other duties not directly pertaining to the movement of trains.

Approved March 22, 1971

CHAPTER 461

HOUSE BILL NO. 1276
(Hensrud, DeGroot)

EXEMPTION FOR TRANSPORTATION
FOR HIRE OF FARM PRODUCTS

AN ACT to create and enact subsection 6 of section 49-18-02 of the North Dakota Century Code, relating to exemption from regulation of the transportation, for hire, of agricultural commodities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. Subsection 6 of section 49-18-02 of the 1969 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

6. To the transportation, for hire, of unmanufactured agricultural commodities, excluding dairy commodities, poultry and livestock.

Approved March 27, 1971

CHAPTER 462

HOUSE BILL NO. 1205
(Halcrow)

STUDY OF LIABILITY
OF COMMON CARRIERS

AN ACT to direct a study of the liability of common carriers for damages incurred in the course of shipment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. STUDY BY PUBLIC SERVICE COMMISSION.) The public service commission is hereby directed to study, during the 1971-73 biennium, the problem of the liability of common carriers for damages incurred to property in the course of shipment, and to consider alternative methods of fixing responsibility and ascertaining the possible damages due consignees. The public service commission shall report its findings and recommendations to the Forty-third Legislative Assembly.

Approved March 27, 1971