
CHAPTER 31—S.F.No.228

An act relating to public safety; providing for natural gas pipeline safety; changing the procedure by which civil penalties may be imposed for violations of the natural gas pipeline safety act; granting certain powers to the state fire marshal in regard to civil penalties for violations; amending Minnesota Statutes 1974, Sections 299F.56; and 299F.60, Subdivisions 1 and 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 299F.56, is amended to read:

299F.56 PUBLIC SAFETY; NATURAL GAS PIPELINE SAFETY.
Subdivision 1. As used in sections 299F.56 to 299F.64 ~~the terms defined in this section shall have the meanings given them.~~

Subd. 2. "The Natural Gas Pipeline Safety Act of 1968 of the United States" shall mean Public Law 90-481, 82 Stat. 720, 90th Congress, S. 1166, approved August 12, 1968.

Subd. 3. "Person" means any individual, firm, joint venture, partnership, corporation, association, municipality, cooperative association or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

Subd. 4. "Gas" means natural gas, flammable gas or gas which is toxic or corrosive, except that "gas" shall not include liquefied petroleum gas.

Subd. 5. "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or its storage; except that it shall not include any such transportation of gas which is subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States, or the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area which the state fire marshal may define as a nonrural area.

Subd. 6. "Pipeline facilities" includes, without limitation, new and existing pipe rights of way and any equipment facility or building used in the transportation of gas or the treatment of gas during the course of transportation, but "rights of way" as used in sections 299F.56 to 299F.64 does not authorize the state fire marshal to prescribe the location or routing of any pipeline facility. "Pipeline facilities" shall not include any facilities subject to the jurisdiction of the Federal Power

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Commission under the Natural Gas Act of the United States.

Sec. 2. Minnesota Statutes 1974, Section 299F.60, Subdivision 1, is amended to read:

299F.60 CIVIL PENALTIES. Subdivision 1. ~~Whenever the state fire marshal has reason to believe any person is violating any provision of, or regulation under sections 299F.56 to 299F.64; he may request the attorney general of the state of Minnesota to bring an action under sections 299F.56 to 299F.64 in the district court for the county wherein the defendant's principal place of business in Minnesota is located; and the district court may impose a civil penalty of not to exceed \$1,000 for each such violation for each day that such violation persists; except that the maximum civil penalty shall not exceed \$200,000 for any related series of violations; provided, however, that for a reasonable period of time, not to exceed one year after the date of enactment of sections 299F.56 to 299F.64, such civil penalties shall not be applicable to pipeline facilities existing on such date of enactment. The Minnesota Rules of Civil Procedure shall be applicable to any action brought under this section~~ Any person who violates any provision of sections 299F.56 to 299F.64, or any regulation issued thereunder, shall be subject to a civil penalty to be imposed by the state fire marshal not to exceed \$1,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 for any related series of violations .

Sec. 3. Minnesota Statutes 1974, Section 299F.60, Subdivision 2, is amended to read:

Subd. 2. The state fire marshal may negotiate a compromise settlement of a civil penalty. In determining the amount of such penalty, or the amount of the compromise settlement, the state fire marshal shall consider 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 ; ~~shall be considered in attempting to achieve compliance, after notification of a violation. The contested case and judicial review provisions of chapter 15 shall apply to all orders of the state fire marshal imposing any penalty under sections 299F.56 to 299F.64 or under any regulation promulgated thereunder .~~ The amount of such penalty, when finally determined, may be deducted from any sums owing by the state of Minnesota to the person charged.

Approved April 11, 1975.

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