

Subd. 3. Any person served with a subpoena may choose to be accompanied by counsel if a personal appearance is required and shall be served with a notice to that effect. The person shall also be served with a copy of the resolution or statute establishing the committee or commission and a general statement of the subject matter of the commission or committee's investigation or inquiry.

Subd. 4. To carry out the authority granted by this section, a committee or commission authorized by subdivision 1 to request the issuance of subpoenas may, by a two-thirds vote of its members, request the issuance of an attachment to compel the attendance of a witness who, having been duly subpoenaed to attend, fails to do so. The chief clerk of the house or the secretary of the senate upon receipt of the request shall apply to the district court in Ramsey county for issuance of the attachment.

Subd. 5. Any person who without lawful excuse fails to respond to a subpoena issued under this section or who, having been subpoenaed, willfully refuses to be sworn or affirm or to answer any material or proper question before a committee or commission is guilty of a misdemeanor.

Presented to the governor March 30, 1992

Signed by the governor April 2, 1992, 11:54 a.m.

CHAPTER 386—H.F.No. 2397

An act relating to pipelines; regulating liquefied natural gas facilities; amending Minnesota Statutes 1990, sections 299J.02, subdivisions 12, 13, and by adding subdivisions; 299J.04; 299J.07, subdivision 1; 299J.10; 299J.12, subdivisions 2 and 3; and 299J.15.

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

Section 1. Minnesota Statutes 1990, section 299J.02, is amended by adding a subdivision to read:

Subd. 8a. LNG; LIQUEFIED NATURAL GAS. “LNG” or “liquefied natural gas” means natural gas or synthetic gas having as its major constituent methane that has been changed to a liquid or semisolid.

Sec. 2. Minnesota Statutes 1990, section 299J.02, is amended by adding a subdivision to read:

Subd. 8b. LNG FACILITY. “LNG facility” means a pipeline facility that is used for liquefying or solidifying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

Sec. 3. Minnesota Statutes 1990, section 299J.02, subdivision 12, is amended to read:

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Subd. 12. **PIPELINE OPERATOR.** "Pipeline operator" means a person who owns or operates a pipeline or LNG facility.

Sec. 4. Minnesota Statutes 1990, section 299J.02, subdivision 13, is amended to read:

Subd. 13. **RELEASE.** "Release" means a spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, disposing, flowing, or any other uncontrolled escape of a hazardous liquid or gas from a pipeline or gas from a LNG facility.

Sec. 5. Minnesota Statutes 1990, section 299J.04, is amended to read:

299J.04 DUTIES OF OFFICE OF PIPELINE SAFETY.

Subdivision 1. **GENERAL DUTIES.** The commissioner shall:

(1) enforce sections 216D.01 to 216D.09, as provided in sections 216D.08 and 216D.09;

(2) maintain a data base of all pipeline and LNG facility emergency releases;

(3) inspect, as necessary, any record, map, or written procedure required by sections 299J.01 to 299J.17 to be kept by a pipeline operator concerning the reporting of emergency releases, and the design, construction, testing, or operation and maintenance of pipelines and LNG facilities; and

(4) adopt rules to implement sections 299J.01 to 299J.17.

The rules adopted under clause (4) must treat separately and distinguish between hazardous liquid and gas pipelines and must be compatible with federal laws and regulations.

Subd. 2. **DELEGATED DUTIES.** The commissioner shall seek and accept federal designation of the office's pipeline inspectors as federal agents for the purposes of enforcement of the federal Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and federal rules adopted to implement those acts. The commissioner shall establish and submit to the United States Secretary of Transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. To the extent that federal delegation of interstate agent inspection authority permits, the inspection program for interstate pipelines and LNG facilities must be the same as the inspection program for intrastate pipelines and LNG facilities. If the United States Secretary of Transportation delegates inspection authority to the state as provided in this subdivision, the commissioner, at a minimum, shall do the following to carry out the delegated federal authority:

(1) inspect pipelines and LNG facilities periodically as specified in the inspection program;

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(2) collect inspection fees;

(3) order and oversee the testing of pipelines and LNG facilities as authorized by federal law and regulations; and

(4) file reports with the United States Secretary of Transportation as required to maintain the delegated inspection authority.

Sec. 6. Minnesota Statutes 1990, section 299J.07, subdivision 1, is amended to read:

Subdivision 1. **DUTY TO REPORT.** A pipeline operator shall immediately report by telephone to the emergency response center established by the commissioner of public safety an emergency release from the operator's pipeline or LNG facility.

Sec. 7. Minnesota Statutes 1990, section 299J.10, is amended to read:

299J.10 LOCAL GOVERNMENT EMERGENCY OPERATIONS PLAN.

(a) A county or statutory or home rule charter city having a pipeline or LNG facility within its jurisdiction shall prepare an emergency operations plan and supporting documents that will include appropriate pipeline safety information. The format and content of the plan and supporting documents must be in agreement with the guidance and prototype planning documents provided by the department of public safety, division of emergency management. The county or statutory or home rule charter city must consult with the pipeline owner or operator when preparing the plan.

(b) A county or statutory or home rule charter city shall review and update its plan and supporting documents annually to reflect changes in its operations, in the operation of the pipeline or LNG facility, or other matters relating to public safety. The annual review, update, and approval of the plan and supporting documents must be in accord with the guidance provided by the department of public safety, division of emergency management. The director may at any reasonable time examine an emergency operations plan required by this section.

Sec. 8. Minnesota Statutes 1990, section 299J.12, subdivision 2, is amended to read:

Subd. 2. **INSPECTION FEE.** For interstate pipelines and LNG facilities subject to the inspection authority granted under sections 299J.01 to 299J.11, the expenses attributable to the inspection of each pipeline facility or LNG facility must be directly charged to the appropriate pipeline operators on a quarterly basis. The expenses must not include expenses that will be reimbursed by the federal government.

Sec. 9. Minnesota Statutes 1990, section 299J.12, subdivision 3, is amended to read:

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Subd. 3. **SUPPORT COSTS.** The commissioner shall calculate the amount of the general support costs of the office of pipeline safety for the preceding quarter that is proportionate to the amount of time spent by the office in implementing sections 299J.01 to 299J.18 and maintaining interstate agent status, including the costs incurred in seeking federal interstate agent status in the first quarter's calculations. The costs incurred in seeking federal interstate agent status must include the costs directly attributable to salaries, training, and other activities and costs related to obtaining interstate agent status, from the time that the request for interstate agent status is submitted by the commissioner to the United States Department of Transportation, to the time that approval of interstate agent status is granted. The calculated support cost must not include expenses that will be reimbursed by the federal government. Each interstate pipeline operator, except LNG facility operators, must be assessed on a quarterly basis a portion of the calculated support costs equal to the percentage of the total miles of pipeline operated by the pipeline operator in Minnesota. LNG facility operators must be assessed on a quarterly basis a portion of the calculated support costs divided equally between the LNG facilities.

Sec. 10. Minnesota Statutes 1990, section 299J.15, is amended to read:

299J.15 DISPOSAL OF PIPELINE PROHIBITED; PENALTY; ENFORCEMENT.

Subdivision 1. **DISPOSAL PROHIBITED.** (a) After an emergency release has occurred, a pipeline operator, or its employee or agent, may not dispose of, destroy, or alter the part of a pipeline or LNG facility that was involved in the emergency release until approval is granted by the commissioner. The authority of the commissioner to grant approval may not be delegated.

(b) This subdivision does not prevent the repair of a pipeline in the ground without the approval of the commissioner, or the excavation and removal from the ground of a pipeline or part of a pipeline without the approval of the commissioner. However, the pipeline may not be altered with the intent to prevent or hinder a determination of the cause of the emergency release.

Subd. 2. **CRIMINAL PENALTY.** A person who knowingly violates subdivision 1, or who denies the director or the director's designee access to the pipeline or LNG facility for the purposes of inspection, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Presented to the governor March 30, 1992

Signed by the governor April 1, 1992, 4:37 p.m.

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