

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 1134

(SENATE AUTHORS: LATZ and Dibble)

DATE
02/02/2023

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; requiring excavation notice reporting; tying civil penalties
1.3 for pipeline safety violations to federal law; amending Minnesota Statutes 2022,
1.4 sections 216D.03, by adding a subdivision; 299F.60, subdivision 1; 299J.16,
1.5 subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2022, section 216D.03, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 5. Excavation notice system performance reporting. (a) Each operator must
1.10 submit a report to the Office of Pipeline Safety on a quarterly basis, using a form or database
1.11 entry designated by the Office of Pipeline Safety, that contains the following information:

1.12 (1) the total number of notifications, itemized by type;

1.13 (2) for each notification type, the percentage of notifications marked by the start time
1.14 on the notice; and

1.15 (3) the total number of utility damages, itemized by the cause of the damage.

1.16 (b) Other than a pipeline operator subject to chapter 299F or 299J, an operator with
1.17 fewer than 5,000 notifications received during the previous calendar year is exempt from
1.18 the reporting requirement under paragraph (a).

1.19 Sec. 2. Minnesota Statutes 2022, section 299F.60, subdivision 1, is amended to read:

1.20 Subdivision 1. **Money penalty.** Any person who violates any provision of sections
1.21 299F.56 to 299F.641, or any rule issued thereunder, is subject to a civil penalty to be imposed
1.22 by the commissioner not to exceed \$100,000 for each violation for each day that the violation

2.1 ~~persists, except that the maximum civil penalty must not exceed \$1,000,000 for any related~~
2.2 ~~series of violations~~ the maximum penalties listed in Code of Federal Regulations, title 49,
2.3 part 190, and any successor regulations and standards that may be amended or adopted.

2.4 Sec. 3. Minnesota Statutes 2022, section 299J.16, subdivision 1, is amended to read:

2.5 Subdivision 1. **Civil penalty.** (a) A pipeline operator who violates section 299J.07,
2.6 subdivision 1, or 299J.15, or the rules of the commissioner implementing those sections,
2.7 shall forfeit and pay to the state a civil penalty in an amount to be determined by the court,
2.8 up to \$100,000 for each day that the operator remains in violation, ~~subject to a maximum~~
2.9 ~~of \$1,000,000 for a related series of violations~~ the maximum penalties listed in Code of
2.10 Federal Regulations, title 49, part 190, and any successor regulations and standards that
2.11 may be amended or adopted.

2.12 (b) The penalty provided under this subdivision may be recovered by an action brought
2.13 by the attorney general at the request of the commissioner, in the name of the state, in
2.14 connection with an action to recover expenses of the director under section 299J.13,
2.15 subdivision 4:

2.16 (1) in the District Court of Ramsey County; or

2.17 (2) in the county of the defendant's residence.