

**SENATE BILL NO. 2145
with House Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2145

Introduced by

Senators Tomac, Lips

Representatives Carlisle, Grumbo

1 A BILL for an Act to create and enact two new sections to chapter 2-05 of the North Dakota
2 Century Code, relating to cease and desist authority for the aeronautics commission and
3 assessment of civil money penalties by the aeronautics commission; and to provide a penalty.

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

5 **SECTION 1.** A new section to chapter 2-05 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Cease and desist orders.** The aeronautics commission may issue and serve upon
8 any person, engaged in aerial spraying, an order to cease and desist when the commission has
9 reason to believe the person is violating, has violated, or is about to violate any of the
10 provisions of this chapter or any of the rules adopted by the commission. An interested party
11 may appeal the issuance of a cease and desist order under the provisions of chapter 28-32 by
12 filing written notice of appeal within seven days after service of the order. A hearing must be
13 held within ten days after a notice of appeal has been timely filed. A person who has been
14 issued an order to cease and desist that has been determined to be final either through default
15 or an adjudicative proceeding may not engage in aerial spraying for any other commercial
16 applicator in this state.

17 **SECTION 2.** A new section to chapter 2-05 of the North Dakota Century Code is
18 created and enacted as follows:

19 **Assessment of civil money penalties.** The aeronautics commission may impose civil
20 money penalties against any person willfully violating an order to cease and desist or any
21 provision of this chapter or any of the rules adopted by the commission in an amount not to
22 exceed five hundred dollars for each violation. As used in this section, the term "willfully"
23 means that the person acted intentionally in the sense that the person was aware of what the
24 person was doing. Proof of evil motive or intent to violate the law or knowledge that the law

1 was being violated is not required. An interested party may appeal the assessment of civil
2 money penalties under the provisions of chapter 28-32 by filing written notice of appeal within
3 twenty days after service of the assessment of civil money penalties. A civil money penalty
4 collected under this section must be paid to the state treasurer and deposited in the
5 aeronautics commission's special fund.