

SENATE BILL NO. 303

INTROUCED BY MANNING, REGAN, TOWE,
STIMATZ, ECK, CHRISTIAENS, MOHAR,
CONOVER, LYBECK, BLAYLOCK, DANIELS

BY REQUEST OF THE PUBLIC SERVICE COMMISSION

IN THE SENATE

February 1, 1985	Introduced and referred to Committee on Business and Industry.
February 8, 1985	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 9, 1985	Bill printed and placed on members' desks.
February 11, 1985	Second reading, do pass.
February 12, 1985	Considered correctly engrossed.
February 13, 1985	Third reading, passed. Ayes, 41; Noes, 9. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Business and Labor.
March 14, 1985	Committee recommend bill be concurrred in. Report adopted.
March 16, 1985	Second reading, concurrred in.
March 19, 1985	Third reading, concurrred in. Returned to Senate.

IN THE SENATE

March 19, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *303*
 2 INTRODUCED BY *Richard Manning* *Tom Standy*
 3 *Chickama* BY REQUEST OF THE PUBLIC SERVICE COMMISSION
 4 *Moran Connor*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
 6 AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO ASSESS FINES
 7 FOR VIOLATIONS OF THE FEDERAL NATURAL GAS PIPELINE SAFETY
 8 ACT; AMENDING SECTION 69-3-207, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 69-3-207, MCA, is amended to read:
 13 "69-3-207. Penalty for violation of natural gas
 14 pipeline safety provisions and regulations. (1) ~~Every--firm,~~
 15 ~~person--corporation--or--association~~ Any public utility
 16 violating any safety regulation or provision adopted under
 17 of the commission Natural Gas Pipeline Safety Act of 1968,
 18 as amended, which applies to areas the commission has
 19 authority to enforce shall be subject to a fine of not less
 20 than \$100 or more than \$1,000. Each day in which a violation
 21 of a safety regulation or provision continues is considered
 22 a separate offense and is subject to the penalty prescribed
 23 in this subsection, except that the maximum fine may not
 24 exceed \$200,000 for any related series of violations.
 25 (2) Such fine shall be recovered in a civil action

1 upon the complaint of the commission in any court of
 2 competent jurisdiction. ~~Each-day-in-which-a-violation-of-a~~
 3 ~~safety--regulation--persists--shall--be--deemed--a--separate~~
 4 ~~offense-and-be-subject-to-the-penalty-herein-prescribed.~~

5 (3) The commission may prescribe rules necessary to
 6 effectively administer this section."

7 NEW SECTION. Section 2. Effective date. This act is
 8 effective on passage and approval.

-End-



-2- INTRODUCED BILL
 SB 303

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

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STATEMENT OF INTENT
SENATE BILL 303
Senate Business and Industry Committee

A statement of intent is required for this bill because it grants the public service commission the authority to promulgate rules to administer 69-3-207. The public service commission is annually certified by the U.S. department of transportation to enforce the Natural Gas Pipeline Safety Act in Montana. The commission must adopt the department of transportation rules concerning the act and has done so through incorporation by reference.

The legislature intends to provide clear statutory authority for the public service commission to assess fines against any person for violations of the Natural Gas Pipeline Safety Act.

SENATE BILL NO. 303

INTRODUCED BY R. MANNING, REGAN, TOWE,

STIMATZ, ECK, CHRISTIAENS, MOHAR,

CONOVER, LYBECK, BLAYLOCK, DANIELS

BY REQUEST OF THE PUBLIC SERVICE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO ASSESS FINES FOR VIOLATIONS OF THE FEDERAL NATURAL GAS PIPELINE SAFETY ACT; AMENDING SECTION 69-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-3-207, MCA, is amended to read:

"69-3-207. Penalty for violation of natural gas pipeline safety provisions and regulations. (1) ~~Every--firm~~ PERSON ~~person,--corporation,--or--association~~ violating any safety regulation or provision adopted under of the commission Natural Gas Pipeline Safety Act of 1968, as amended, which applies to areas the commission has authority to enforce shall be subject to a fine of not less than \$100 or more than \$1,000. Each day in which a violation of a safety regulation or provision continues is considered a separate offense and is subject to the penalty prescribed in this subsection, except that the maximum fine may not

exceed \$200,000 for any related series of violations.

(2) IN DETERMINING THE AMOUNT OF THE PENALTY, THE FOLLOWING SHALL BE CONSIDERED: THE NATURE, CIRCUMSTANCES, AND GRAVITY OF THE VIOLATION AND, WITH RESPECT TO THE PERSON FOUND TO HAVE COMMITTED THE VIOLATION, THE DEGREE OF CULPABILITY; ANY HISTORY OF PRIOR VIOLATIONS; THE EFFECT ON ABILITY TO CONTINUE TO DO BUSINESS; ANY GOOD FAITH IN ATTEMPTING TO ACHIEVE COMPLIANCE; ABILITY TO PAY THE PENALTY; AND SUCH OTHER MATTERS AS JUSTICE MAY REQUIRE.

~~(2)(3) Such fine shall be recovered in a civil action upon the complaint of the commission in any court of competent jurisdiction. Each day in which a violation of a safety--regulation--persists--shall--be--deemed--a--separate offense--and--be--subject--to--the--penalty--herein--prescribed.~~

(3)(4) The commission may prescribe rules necessary to effectively administer this section."

NEW SECTION. Section 2. Effective date. This act is effective on passage and approval.

-End-

SECOND READING

1 STATEMENT OF INTENT

2 SENATE BILL 303

3 Senate Business and Industry Committee
4

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6 it grants the public service commission the authority to
7 promulgate rules to administer 69-3-207. The public service
8 commission is annually certified by the U.S. department of
9 transportation to enforce the Natural Gas Pipeline Safety
10 Act in Montana. The commission must adopt the department of
11 transportation rules concerning the act and has done so
12 through incorporation by reference.

13 The legislature intends to provide clear statutory
14 authority for the public service commission to assess fines
15 against any person for violations of the Natural Gas
16 Pipeline Safety Act.

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CULPABILITY; ANY HISTORY OF PRIOR VIOLATIONS; THE EFFECT ON
ABILITY TO CONTINUE TO DO BUSINESS; ANY GOOD FAITH IN
ATTEMPTING TO ACHIEVE COMPLIANCE; ABILITY TO PAY THE
PENALTY; AND SUCH OTHER MATTERS AS JUSTICE MAY REQUIRE.

~~{2}~~{3} Such fine shall be recovered in a civil action
upon the complaint of the commission in any court of
competent jurisdiction. ~~Each day in which a violation of a
safety--regulation--persists--shall--be--deemed--a--separate
offense and be subject to the penalty herein prescribed.~~

~~{3}~~{4} The commission may prescribe rules necessary to
effectively administer this section."

NEW SECTION. Section 2. Effective date. This act is
effective on passage and approval.

-End-

THIRD READING

1 STATEMENT OF INTENT

2 SENATE BILL 303

3 Senate Business and Industry Committee

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upon the complaint of the commission in any court of
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effective on passage and approval.

-End-

REFERENCE BILL

