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 concurred in. Report adopted.
March 16, 1985	Second reading, concurred in.
March 19, 1985	Third reading, concurred in.
	Returned to Senate.

IN THE SENATE

March 19, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

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1	BILL NO. 303
2	INTRODUCED BY Dichard Manning My Tax Doors
3	BY REQUEST OF THE PUBLIC SERVICE COMMISSION
4	Christians Moran Comver tylich 1 196 16
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,orassociation 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.

(2) Such fine shall be recovered in a civil action

L	upon the complaint of the commission in any court of
2	competent jurisdiction. Each-day-in-which-a-violation-of-
3	safetyregulationpersistsshallbedeemedaseparate
1	offense-and-be-subject-to-the-penalty-herein-prescribed:
5	(3) The commission may prescribe rules necessary to
5	effectively administer this section."
7	NEW SECTION. Section 2. Effective date. This act is
3	effective on passage and approval.

-End-

SB 0303/si

APPROVED BY COMM. ON BUSINESS & INDUSTRY

1	STATEMENT OF INTENT
2	SENATE BILL 303
3	Senate Business and Industry Committee
4	
5	A statement of intent is required for this bill because
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.



SB 0303/02

1	SENATE BILL NO. 303
2	INTRODUCED BY R. MANNING, REGAN, TOWE,
3	STIMATZ, ECK, CHRISTIAENS, MOHAR,
4	CONOVER, LYBECK, BLAYLOCK, DANIELS
5	BY REQUEST OF THE PUBLIC SERVICE COMMISSION
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16	pipeline safety provisions and regulations. (1) Hvery-firm;
17	person, corporation,or association Any public utility
18	PERSON violating any safety regulation or provision adopted
19	under of the commission Natural Gas Pipeline Safety Act of
20	1968, as amended, which applies to areas the commission has
21	authority to enforce shall be subject to a fine of not less
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SENATE BILL NO. 303

1	exceed \$200,000 for any related series of violations.
2	(2) IN DETERMINING THE AMOUNT OF THE PENALTY, THE
3	FOLLOWING SHALL BE CONSIDERED: THE NATURE, CIRCUMSTANCES,
4	AND GRAVITY OF THE VIOLATION AND, WITH RESPECT TO THE PERSON
5	FOUND TO HAVE COMMITTED THE VIOLATION, THE DEGREE OF
6	CULPABILITY; ANY HISTORY OF PRIOR VIOLATIONS; THE EFFECT ON
7	ABILITY TO CONTINUE TO DO BUSINESS; ANY GOOD FAITH IN
8	ATTEMPTING TO ACHIEVE COMPLIANCE; ABILITY TO PAY THE
9	PENALTY; AND SUCH OTHER MATTERS AS JUSTICE MAY REQUIRE.
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12	competent jurisdiction. Bach-day-in-which-a-wiolation-of-a
L 3	safetyregulationpersistsshallbedeemedaseparate
L 4	offense-and-be-subject-to-the-penalty-herein-prescribed;
L 5	(3)(4) The commission may prescribe rules necessary to
16	effectively administer this section."
17	NEW SECTION. Section 2. Effective date. This act is
18	effective on passage and approval.

-End-

SECOND READING

STATEMENT O	F INTENT
SENATE BI	LL 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.

Montana Legislative Council

THIRD READING
58 303

SB 0303/02

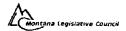
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9	FOR VIOLATIONS OF THE FEDERAL NATURAL GAS PIPELINE SAFETY
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. 3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.4	Section 1. Section 69-3-207, MCA, is amended to read:
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.6	pipeline safety provisions and regulations. (1) Every-firm,
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•	exceed \$200,000 for any related series of violations.
2	(2) IN DETERMINING THE AMOUNT OF THE PENALTY, THE
3	FOLLOWING SHALL BE CONSIDERED: THE NATURE, CIRCUMSTANCES,
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9	PENALTY; AND SUCH OTHER MATTERS AS JUSTICE MAY REQUIRE.
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49th Legislature

SB 0303/02

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