

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1064
(Energy and Natural Resources Committee)
(At the request of the Public Service Commission)

AN ACT to amend and reenact section 49-07-05.1 of the North Dakota Century Code, relating to the maximum penalty for a violation of pipeline safety standards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-07-05.1 of the North Dakota Century Code is amended and reenacted as follows:

49-07-05.1. Violations of pipeline safety standards - Penalties.

Any person who violates ~~any~~a rule or order ~~issued by~~of the commission pursuant to section 49-02-01.2 is subject to a civil penalty to be imposed by the commission of not to exceed ~~ten~~two ~~hundred~~ thousand dollars for each ~~such~~ violation for each day that ~~such~~the violation ~~persists~~continues, except that the maximum penalty may not exceed ~~five hundred thousand~~two million dollars for any related series of violations. ~~Any such~~A civil penalty may be compromised by the commission. In determining the amount of ~~such a~~a civil penalty, or the amount agreed upon in compromise, the commission shall consider the appropriateness of ~~such~~the penalty to the size of the business of the person charged, the nature, circumstances, and gravity of the violation, the degree of culpability, any history of prior violations, the effect on ability to continue to do business, ~~the ability to pay the penalty~~, the good faith of the person charged in attempting to achieve compliance, after notification of a violation, and such other matters as justice may require ~~must be considered~~. The amount of ~~such~~the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the state of North Dakota to the person charged or may be recovered in a civil action in the district court of Burleigh County.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1064.

House Vote: Yeas 73 Nays 13 Absent 8

Senate Vote: Yeas 43 Nays 3 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State