

LEGISLATIVE BILL 49

Approved by the Governor February 15, 1993

Introduced by Schimek, 27

AN ACT relating to the Nebraska Natural Gas Pipeline Safety Act of 1969; to amend section 81-546, Reissue Revised Statutes of Nebraska, 1943; to increase the maximum civil penalty; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-546, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-546. (1) Whenever the State Fire Marshal has reason to believe any person is violating any provision of subsection (1) of section 81-545 or any regulation under ~~this act, he~~ the Nebraska Natural Gas Pipeline Safety Act of 1969, the State Fire Marshal shall give notice to such person and permit such person reasonable opportunity to achieve compliance. If compliance has not been achieved in a reasonable time, the State Fire Marshal may request the Attorney General to bring an action under section 81-547 in the district court for the county in which the defendant's principal place of business is located, and the district court may impose a civil penalty of not to exceed ~~one~~ ten thousand dollars for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed ~~two~~ five hundred thousand dollars for any related series of violations. ~~PROVIDED, that for a reasonable period of time, not to exceed one year after June 12, 1969, such civil penalties shall not be applicable to pipeline facilities existing on such date.~~

(2) In determining the amount of such penalty, the court shall consider the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged, ~~shall be considered.~~ The amount of such penalty, when finally determined, may be deducted from any sums owing by the State of Nebraska to the person charged.

Sec. 2. That original section 81-546, Reissue Revised Statutes of Nebraska, 1943, is repealed.