

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 429
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Utilities March 6, 2007 with recommendation that House Committee Substitute for House Bill No. 429 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1118L.03C

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be known as section 386.572, to read as follows:

386.572. 1. No corporation, person, public utility, or municipality that owns gas plant shall violate any law or any order, decision, decree, rule, direction, demand, or requirement of the commission or any part or portion thereof relating to federally mandated natural gas safety standards. Notwithstanding the above, a municipality that owns gas plant shall be subject to the provisions of this section only for violations of natural gas safety laws, rules, or orders.

2. The maximum penalties for violations of federally mandated natural gas safety standards, which also constitute violations of the commission's rules, shall not be greater than ten thousand dollars for each violation with a maximum penalty for a continuing or related series of violations not to exceed one hundred thousand dollars, notwithstanding any provisions of subsection 1 of section 386.570 to the contrary. In determining the amount of the penalty, the commission shall consider the nature, circumstances, and gravity of the violation, and also shall consider, with respect to the entity found to have committed the violation:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 15 **(1) The degree of culpability;**
- 16 **(2) Any history of prior violations;**
- 17 **(3) The effect of the penalty on the entity's ability to continue operation;**
- 18 **(4) Any good faith effort in attempting to achieve compliance;**
- 19 **(5) Ability to pay the penalty; and**
- 20 **(6) Such other matters as are relevant in the case.**

21 **3. Every violation of the provisions of this section by any corporation, person,**
22 **public utility, or municipality that owns gas plant is a separate and distinct offense. In case**
23 **of a continuing violation, each day's continuance thereof shall be a separate and distinct**
24 **offense.**

25 **4. In construing and enforcing the provisions of this section, the act, omission, or**
26 **failure of any officer, agent, or employee of any corporation, person, public utility, or**
27 **municipality that owns gas plant acting within the scope of official duties of employment**
28 **shall in every case be considered the act, omission, or failure of such corporation, person,**
29 **public utility, or municipality that owns gas plant.**

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