

FIRST REGULAR SESSION

SENATE BILL NO. 536

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 20, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1899S.02I

AN ACT

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

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
2 section, to be known as section 386.572, to read as follows:

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

8 **2. The maximum penalties for violations of federally mandated
9 natural gas safety standards, which also constitute violations of the
10 commission's rules, shall not be greater than one hundred thousand
11 dollars for each violation with a maximum penalty for a continuing
12 violation not to exceed one million dollars, notwithstanding any
13 provisions of subsection 1 of section 386.570 to the contrary. A separate
14 violation occurs for each day the violation continues. In determining
15 the amount of the penalty, the commission shall consider the nature,
16 the circumstances, and gravity of the violation, and also shall consider,
17 with respect to the entity found to have committed the violation:**

- 18 **(1) The degree of culpability;**
19 **(2) Any history of prior violations;**
20 **(3) The effect of the penalty on the entity's ability to continue
21 operation;**

- 22 **(4) Any good faith effort in attempting to achieve compliance;**
- 23 **(5) Ability to pay the penalty; and**
- 24 **(6) Such other matters as are relevant in the case.**

25 **3. Every violation of the provisions of this section by any**
26 **corporation, person, public utility, or municipality that owns any gas**
27 **plant is a separate and distinct offense, and in case of a continuing**
28 **violation, each day's continuance thereof shall be a separate and**
29 **distinct offense.**

30 **4. In construing and enforcing the provisions of this section, the**
31 **act, omission, or failure of any officer, agent, or employee of any**
32 **corporation, person, public utility, or municipality that owns any gas**
33 **plant acting within the scope of official duties of employment, shall in**
34 **every case be the act, omission, or failure of such corporation, person,**
35 **public utility, or municipality that owns any gas plant.**

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Bill

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