

March 9, 1970  
Passed on File

SENATE FILE 1277

By COMMITTEE ON COMMERCE

Passed Senate, Date 4-3-70 Passed House, Date 4-15-70

Vote: Ayes 50 Nays 0 Vote: Ayes 108 Nays 0

Approved.....

## A BILL FOR

1 An Act relating to exercise of governmental powers by the state  
2 commerce commission, providing penalties, authority to com-  
3 promise, and appeals procedures.

4 *Be It Enacted by the General Assembly of the State of Iowa:*

5 Section 1. Section four hundred ninety point thirty (490.30),  
6 Code 1966, is hereby repealed.

7 Sec. 2. Chapter four hundred ninety (490), Code 1966, is  
8 hereby amended by adding at the end thereof the following new  
9 sections:

10 1. "Any person who violates any provision of this chapter  
11 or any regulation issued pursuant to this chapter shall be sub-  
12 ject to a civil penalty of not to exceed one thousand dollars  
13 for each violation. Each day that the violation continues  
14 shall constitute a separate offense. However, the maximum  
15 civil penalty shall not exceed two hundred thousand dollars  
16 for any related series of violations.

17 Any civil penalty may be compromised by the state commerce  
18 commission. In determining the amount of the penalty, or the  
19 amount agreed upon in compromise, the appropriateness of the  
20 penalty to the size of the business of the person charged,  
21 the gravity of the violation, and the good faith of the person  
22 charged in attempting to achieve compliance, after notification  
23 of a violation, shall be considered. The amount of the penalty,  
24 when finally determined, or the amount agreed upon in compromise,  
25 may be deducted from any sums owed by the state to the person

1 charged, or may be recovered in a civil action.”

2 2. “Rehearing and appeal procedures for any person, company,  
3 or corporation aggrieved by the action of the commission in  
4 granting or failing to grant a permit under the provisions of  
5 this chapter shall be as provided in sections four hundred  
6 ninety A point twelve (490A.12) through four hundred ninety  
7 point nineteen (490A.19), inclusive, of the Code.”

8 3. “The state commerce commission may enter into agree-  
9 ments with and receive moneys from the United States depart-  
10 ment of transportation for the enforcement of the applicable  
11 standards of pipeline safety as provided by Public Law 90-481.  
12 the Natural Gas Pipeline Safety Act of 1968 (49 United States  
13 Code 1671-1684).”

#### EXPLANATION

This bill is an enabling act and amends the law on pipelines and underground gas storage to permit the Iowa State Commerce Commission to administer the Natural Gas Pipeline Safety Act of 1968 if it wishes to take over such jurisdiction from the United States Department of Transportation, and to receive moneys from such federal agencies for the administration of such jurisdiction.