

Amendment 2/5 Amend (3361) + E. Code 4/9/91 (p 1157)

FEB 25 1991

House File

HOUSE FILE 343
BY COMMITTEE ON ENERGY AND
ENVIRONMENTAL PROTECTION

(SUCCESSOR TO HSB 189)

Passed House, Date 2/1/91 (p 510) Passed Senate, Date 4/12/91 (p 1320)
Vote: Ayes 96 Nays 0 Vote: Ayes 49 Nays 0

Approved May 6, 1991 (p 214)

Proposed House file Senate amendment

4/23/91 (p 1456)
95-0

A BILL FOR

- 1 An Act relating to the enforcement authority of the Iowa
- 2 utilities board regarding intrastate pipelines and electric
- 3 transmission lines and providing civil penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 343

S-3361

1 Amend House File 343, as passed by the House, as

SENATE AMENDMENT TO HOUSE FILE 343

H-3744

1 Amend House File 343, as passed by the House, as

2 follows:

3 1. Page 1, by inserting after line 19 the

4 following:

5 "Any civil penalty may be compromised by the board.

6 In determining the amount of the penalty, or the

7 amount agreed upon in compromise, the board shall

8 consider the appropriateness of the penalty to the

9 size of the business of the person charged, the

10 gravity of the violation, and the good faith of the

11 person charged in attempting to achieve compliance

12 after notification of a violation."

RECEIVED FROM THE SENATE

H-3744 FILED APRIL 19, 1991

House concurred 4/23/91 (p 1456)

1 Section 1. Section 478.22, Code 1991, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 478.22 ACTION FOR VIOLATION.

5 When the board determines that a person is in violation of
6 this chapter, the board may commence an action in the district
7 court of the county in which the violation is alleged to have
8 occurred, for injunctive relief or other appropriate remedy.

9 Sec. 2. Section 478.29, Code 1991, is amended by striking
10 the section and inserting in lieu thereof the following:

11 478.29 CIVIL PENALTIES.

12 A person who violates a provision of this chapter is
13 subject to a civil penalty, which may be levied by the board,
14 of not more than one hundred dollars per violation or one
15 thousand dollars per day of a continuing violation, whichever
16 is greater. Civil penalties collected pursuant to this
17 section shall be forwarded by the executive secretary of the
18 board to the treasurer of state to be credited to the Iowa
19 energy center created in section 266.39C.

20 Sec. 3. Section 479.31, unnumbered paragraph 1, Code 1991,
21 is amended to read as follows:

22 Any person who violates any provision of this chapter or
23 any regulation issued pursuant to this chapter shall be
24 subject to a civil penalty of not to exceed one ten thousand
25 dollars for each violation. Each day that the violation
26 continues shall constitute a separate offense. However, the
27 maximum civil penalty shall not exceed two five hundred
28 thousand dollars for any related series of violations. Civil
29 penalties collected pursuant to this section shall be credited
30 to the Iowa energy center created in section 266.39C.

31 EXPLANATION

32 This bill provides the Iowa utilities board with
33 enforcement authority regarding civil penalties for violations
34 of intrastate electric transmission line construction,
35 maintenance, or operation standards. The bill also provides

1 for increases in the civil penalties levied regarding
2 violations of the intrastate pipelines and underground storage
3 chapter and the electric transmission lines chapter.

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HSB 189

ENERGY AND
ENVIRONMENTAL PROTECTION

HOUSE FILE 343

BY (PROPOSED COMMITTEE ON
ENERGY AND ENVIRONMENTAL
PROTECTION BILL BY
CHAIRPERSON OSTERBERG)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the enforcement authority of the Iowa
2 utilities board regarding intrastate pipelines and electric
3 transmission lines and providing civil penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 343

AN ACT
RELATING TO THE ENFORCEMENT AUTHORITY OF THE IOWA UTILITIES
BOARD REGARDING INTRASTATE PIPELINES AND ELECTRIC
TRANSMISSION LINES AND PROVIDING CIVIL PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 478.22, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

478.22 ACTION FOR VIOLATION.

When the board determines that a person is in violation of this chapter, the board may commence an action in the district court of the county in which the violation is alleged to have occurred, for injunctive relief or other appropriate remedy.

Sec. 2. Section 478.29, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

478.29 CIVIL PENALTIES.

A person who violates a provision of this chapter is subject to a civil penalty, which may be levied by the board, of not more than one hundred dollars per violation or one thousand dollars per day of a continuing violation, whichever is greater. Civil penalties collected pursuant to this section shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the Iowa energy center created in section 266.39C.

Any civil penalty may be compromised by the board. In determining the amount of the penalty, or the amount agreed upon in compromise, the board shall consider the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance after notification of a violation.

Sec. 3. Section 479.31, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Any person who violates any provision of this chapter or any regulation issued pursuant to this chapter shall be subject to a civil penalty of not to exceed one ~~ten~~ thousand dollars for each violation. Each day that the violation continues shall constitute a separate offense. However, the maximum civil penalty shall not exceed ~~two~~ five hundred thousand dollars for any related series of violations. Civil penalties collected pursuant to this section shall be credited to the Iowa energy center created in section 266.39C.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 343, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1991

TERRY E. BRANSTAD
Governor