

1969 Senate Bill 301

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CHAPTER 103, LAWS OF 1969

AN ACT to renumber and amend 196.745; and to create 196.745 (2), (3) and (4) of the statutes, relating to gas facilities and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 196.745 of the statutes is renumbered 196.745 (1) and amended to read:

196.745 (1) Every public utility which owns, operates, manages or controls facilities for the production, transmission or distribution of gas shall construct, operate and maintain such facilities in a reasonably adequate and safe manner. The commission is authorized to issue orders or rules, after *holding a hearing*, requiring the construction and operation of such facilities to be safe, and may revise such orders or rules ~~from time to time~~ as may be required to promote public safety. Upon complaint to the commission that the facilities of a public utility are unsafe, it may

proceed under ~~section s. 196.26~~, or ~~may proceed under section 196.28~~. After *holding a hearing* the commission shall order any alteration in construction, maintenance or operation required in the interest of public safety.

SECTION 2. 196.745 (2), (3) and (4) of the statutes are created to read:

196.745 (2) (a) Any person violating sub. (1) or any order or any rule issued thereunder, shall forfeit an amount not exceeding \$1,000. Each day that the violation persists is a separate violation of sub. (1). No person shall forfeit an amount exceeding \$200,000 for a single persisting violation of sub. (1) or any order or any rule issued thereunder.

(b) The commission may compromise any forfeiture assessed under par. (a).

(c) The commission shall consider the following in determining the amount of a forfeiture or whether a compromise is appropriate under this section:

1. The appropriateness of the forfeiture to the size of the business violating sub. (1).

2. The gravity of the violation.

3. Any good faith attempt to achieve compliance after notification of the violation.

(3) The commission shall have power to seek injunctive relief for a violation of sub. (1) or any order or rule issued thereunder. The commission shall notify any person against whom an action is contemplated. The commission shall allow such person to present his views and give him a reasonable opportunity to achieve compliance unless the person knowingly and wilfully violates sub. (1) or any order or rule issued thereunder. The failure of the commission to give such notice and opportunity to comply shall not preclude the granting of appropriate relief. The circuit court for Dane county is empowered under s. 195.07 (3) to enforce sub. (1) and shall have power to grant injunctive relief hereunder.

(4) Any person may demand a jury trial when he is charged with contempt of court because he has violated an injunction issued under sub. (3). Chapter 295 is applicable to contempt proceedings for such a violation, except when ch. 295 conflicts with the right to a jury trial.

Approved July 7, 1969.
