

State of Wisconsin



1995 Assembly Bill 966

Date of enactment: **June 10, 1996**
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1995 WISCONSIN ACT 430

AN ACT *to renumber and amend* 196.745 (1); *to amend* 196.745 (2) (a), 196.745 (2) (c) 1. and 196.745 (3); and *to create* 196.745 (1) (b) of the statutes; **relating to:** facilities for the production, transmission or distribution of gas.

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

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

196.745 (1) (a) ~~Each public utility which~~ A person who owns, operates, manages or controls any facility for the production, transmission or distribution of gas shall construct, operate and maintain the facility in a reasonably adequate and safe manner. ~~The~~ Except as provided in par. (b), the commission may issue orders or rules, after holding a hearing, requiring the construction and operation of the facility to be safe, and may revise the orders or rules as required to promote public safety. ~~Upon~~ Except as provided under par. (b), upon complaint to the commission that a facility of a public utility is unsafe, the commission may proceed under s. 196.26 or 196.28 (1). Sections 196.26 and 196.28 (1), as they apply to a public utility, apply to a person under this subsection. 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 (1) (b) of the statutes is created to read:

196.745 (1) (b) Paragraph (a) does not authorize the commission to do any of the following:

1. Issue an order or rule regarding the construction and operation of, or proceed under s. 196.26 or 196.28 (1)

against, a propane gas distribution system that is not a public utility.

2. Unless specifically authorized by the federal department of transportation, proceed against an interstate pipeline company under s. 196.26 or 196.28 (1).

3. Issue an order or rule requiring prior approval for the construction of a facility for the production, transmission or distribution of gas.

SECTION 3. 196.745 (2) (a) of the statutes is amended to read:

196.745 (2) (a) Any person violating sub. (1) (a), or any order or rule issued under sub. (1) (a), shall forfeit an amount not exceeding \$25,000. Each day of violation is a separate violation of sub. (1) (a). No person may forfeit an amount exceeding \$500,000 for a single persisting violation of sub. (1) (a) or any order or any rule issued under sub. (1) (a).

SECTION 4. 196.745 (2) (c) 1. of the statutes is amended to read:

196.745 (2) (c) 1. The appropriateness of the forfeiture to the size of the business violating sub. (1) (a).

SECTION 5. 196.745 (3) of the statutes is amended to read:

196.745 (3) The commission may seek injunctive relief for a violation of sub. (1) (a) or any order or rule issued under sub. (1) (a). The commission shall notify any person against whom the commission contemplates taking an action. The commission shall allow the person to

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

present his or her views and shall give the person a reasonable opportunity to achieve compliance unless the person knowingly and wilfully violates sub. (1) (a) or any order or rule issued under sub. (1) (a). The failure of the commission to give notice and opportunity to comply

shall not preclude the granting of appropriate relief. The circuit court for Dane county has jurisdiction under s. 196.44 (3) to enforce sub. (1) (a) and to grant injunctive relief under this section.