

Reprinted

FILED FEB 19 1990

SENATE FILE **2393**
BY COMMITTEE ON ENVIRONMENT
AND ENERGY UTILITIES

(SUCCESSOR TO SSB 2249)

Passed Senate, Date 2/28/90 (p. 786) Passed House, Date 4/6/90 (p. 1982)
Vote: Ayes 48 Nays 0 Vote: Ayes 78 Nays 16
Dis Approved May 6, 1990

A BILL FOR

- 1 An Act authorizing a one thousand dollar civil penalty for each
- 2 violation of a municipal ordinance regulating industrial
- 3 wastewater pretreatment standards.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE FILE 2393

S-5249

- 1 Amend Senate File 2393 as follows:
- 2 1. Page 1, line 12, by striking the word
- 3 "violation" and inserting the following: "day a
- 4 violation exists or continues".

By MIKE CONNOLLY

S-5249 FILED FEBRUARY 27, 1990

Adopted 2/28 (p. 786)

SF 2393

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1 Section 1. Section 364.22, subsection 1, Code Supplement
2 1989, is amended to read as follows:

3 1. A municipal infraction is a civil offense punishable by
4 a civil penalty of not more than one hundred dollars for each
5 violation or if the infraction is a repeat offense, a civil
6 penalty not to exceed two hundred dollars for each repeat
7 offense except that notwithstanding section 364.3, subsection
8 6, a municipal infraction for noncompliance with any
9 pretreatment standard or requirement referred to in 40 C.F.R.
10 chapter 1, section 403.8, by an industrial user, may be
11 punishable by a civil penalty not to exceed one thousand
5247 12 dollars for each violation.

13 EXPLANATION

14 This bill allows a city to impose a penalty of up to \$1,000
15 per day per violation of industrial wastewater pretreatment
16 standards or requirements. Authority to impose such a penalty
17 is required under federal law in certain circumstances.

18 This bill may contain a state mandate as defined in chapter
19 25B.

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CONNOLLY, CH.
DELUHERY
PATE

SSB 2249
ENVIRONMENT & ENERGY
UTILITIES

SENATE FILE 2393
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
UTILITIES BILL BY
CHAIRPERSON DELUHERY)

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

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OFFICE OF THE GOVERNOR

STATE CAPITOL
DES MOINES, IOWA 50319

515 281-5211

TERRY E. BRANSTAD
GOVERNOR

May 6, 1990

The Honorable Elaine Baxter
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

Senate File 2393, an act authorizing a one thousand dollar civil penalty for each violation of a municipal ordinance regulating industrial wastewater pretreatment standards, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2393 is a virtual duplication of House File 2412, which I have previously approved. Both bills go to Section 364.22 and allow the imposition of a \$1,000 per day fine for a municipal infraction for noncompliance with any pretreatment standard or requirement referred to in 40 C.F.R. Chapter 1, Section 403.8 by an industrial user. This apparently inadvertent duplication renders Senate File 2393 unnecessary.

For the above reason, I hereby respectfully disapprove Senate File 2393.

Sincerely,

A handwritten signature in cursive script that reads "Terry E. Branstad".

Terry E. Branstad
Governor

TEB/ps

cc: Secretary of the Senate
Chief Clerk of the House

punishable by a civil penalty not to exceed one thousand dollars for each day a violation exists or continues.

SENATE FILE 2393

AN ACT

AUTHORIZING A ONE THOUSAND DOLLAR CIVIL PENALTY FOR EACH VIOLATION OF A MUNICIPAL ORDINANCE REGULATING INDUSTRIAL WASTE-WATER PRETREATMENT STANDARDS.

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

Section 1. Section 364.22, subsection 1, Code Supplement 1989, is amended to read as follows:

1. A municipal infraction is a civil offense punishable by a civil penalty of not more than one hundred dollars for each violation or if the infraction is a repeat offense, a civil penalty not to exceed two hundred dollars for each repeat offense except that notwithstanding section 364.3, subsection 6, a municipal infraction for noncompliance with any pretreatment standard or requirement referred to in 40 C.F.R. chapter 1, section 403.8, by an industrial user, may be

.....
JO ANN ZIMMERMAN
President of the Senate

.....
DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2393, Seventy-third General Assembly.

.....
JOHN F. OWYER
Secretary of the Senate

Disapproved May 6, 1990

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TERRY E. BRANSTAD
Governor