



OFFICE OF THE GOVERNOR

THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

June 10, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit **House File 767**, an Act relating to a schedule established by the Environmental Protection Commission for civil penalties.

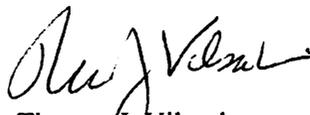
This bill increases the maximum administrative penalty that the Environmental Protection Commission may impose for environmental violations from \$10,000 to \$25,000. Under this legislation, only cases involving violations of more than \$25,000 would be referred to the Attorney General's Office for prosecution and recovery of civil penalties. Attorney General Tom Miller has conveyed deep concern that this legislation will reduce the intensity of environmental enforcement in Iowa, and this is a policy that I cannot support.

The current maximum administrative penalty is consistent with that of surrounding states. Nebraska and Minnesota both have a \$10,000 limit for resolving violations by administrative penalties—same as Iowa. All clean water and clean air violations are referred to the Attorney General's Office in Wisconsin. Illinois has a similar law that requires all environmental violations to be referred to the Attorney General except for certain landfill violations, and Missouri has referred all but three violations for action by the Attorney General.

The quality of our water and air contribute to the high quality of life Iowans value and expect, and now is not the time to relax environmental enforcement when we are working aggressively to clean-up Iowa's 211 impaired waterways. The State holds the responsibility of ensuring our water and air are safe. This bill would compromise our ability to do so.

For the above reasons, I respectfully disapprove **House File 767**.

Sincerely,



Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





HOUSE FILE 767

AN ACT

RELATING TO A SCHEDULE ESTABLISHED BY THE ENVIRONMENTAL
PROTECTION COMMISSION FOR CIVIL PENALTIES.

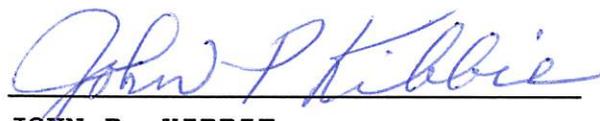
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455B.109, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The commission shall establish, by rule, a schedule or range of civil penalties which may be administratively assessed. The schedule shall provide procedures and criteria for the administrative assessment of penalties of not more than ~~ten~~ twenty-five thousand dollars for violations of this chapter or rules, permits or orders adopted or issued under this chapter. In adopting a schedule or range of penalties and in proposing or assessing a penalty, the commission and

director shall consider among other relevant factors the following:

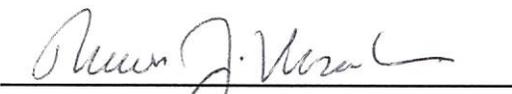

CHRISTOPHER C. RANTS
Speaker of the House


JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 767, Eighty-first General Assembly.


MARGARET THOMSON
Chief Clerk of the House

Disapproved
~~Approved~~ June 10, 2005


THOMAS J. VILSACK
Governor