

House Study Bill 180

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL BY CHAIRPERSON GREINER)

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

A BILL FOR

1 An Act relating to a schedule established by the environmental
2 protection commission for civil penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2397HC 81
5 tm/gg/14

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1 1 Section 1. Section 455B.109, subsection 1, Code 2005, is
1 2 amended to read as follows:
1 3 1. The commission shall establish, by rule, a schedule or
1 4 range of civil penalties which may be administratively
1 5 assessed. The schedule shall provide procedures and criteria
1 6 for the administrative assessment of penalties ~~of not more~~
~~1 7 than ten thousand dollars in an amount not to exceed civil~~
1 8 ~~penalties established in this chapter~~ for violations of this
1 9 chapter or rules, permits or orders adopted or issued under
1 10 this chapter. In adopting a schedule or range of penalties
1 11 and in proposing or assessing a penalty, the commission and
1 12 director shall consider among other relevant factors the
1 13 following:
1 14 a. The costs saved or likely to be saved by noncompliance
1 15 by the violator.
1 16 b. The gravity of the violation.
1 17 c. The degree of culpability of the violator.
1 18 d. The maximum penalty authorized for that violation under
1 19 this chapter.
1 20 PARAGRAPH DIVIDED. Penalties may be administratively
1 21 assessed only after an opportunity for a contested case
1 22 hearing which may be combined with a hearing on the merits of
1 23 the alleged violation. Violations ~~not fitting within the~~
~~1 24 schedule, or violations~~ which the commission determines should
1 25 be referred to the attorney general for legal action shall not
1 26 be governed by the schedule established under this subsection.

EXPLANATION

1 28 This bill relates to a schedule established by the
1 29 environmental protection commission for civil penalties.
1 30 Currently, the environmental protection commission is
1 31 required to establish a schedule or range of civil penalties
1 32 of not more than \$10,000 which may be administratively
1 33 assessed. Currently, if a civil penalty is more than \$10,000,
1 34 the civil penalty is not administratively assessed.
1 35 The bill provides that the schedule is to provide
2 1 procedures and criteria for the administrative assessment of
2 2 penalties in an amount not to exceed civil penalties
2 3 established in Code chapter 455B. The bill eliminates a
2 4 provision providing that violations not within the schedule
2 5 shall not be governed by the schedule.
2 6 LSB 2397HC 81
2 7 tm:rj/gg/14