

pupil's school district or accredited nonpublic school, and the department of education. The notice shall list the course, the clock hours the pupil will be attending the course, and the number of hours of postsecondary academic or vocational-technical credit that the eligible pupil will receive from the eligible institution upon successful completion of the course.

Sec. 4. Section 261C.9, Code 1991, is repealed.

Approved April 21, 1992

CHAPTER 1111

ENVIRONMENTAL PROTECTION VIOLATIONS

H.F. 2299

AN ACT relating to the establishment and assessment of civil and criminal penalties including the establishment of a criminal penalty for knowingly making a false statement, representation, or certification in a comprehensive plan to operate a sanitary disposal project.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.109, subsections 1 and 2, Code 1991, are amended to read as follows:

1. The commission ~~may~~ 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 ~~one~~ ten thousand dollars for ~~minor~~ 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:

- a. The costs saved or likely to be saved by noncompliance by the violator.
- b. The gravity of the violation.
- c. The degree of culpability of the violator.

d. The maximum penalty authorized for that violation under this chapter. Penalties may be administratively assessed only after an opportunity for a contested case hearing which may be combined with a hearing on the merits of the alleged violation. ~~Major violations, violations~~ Violations not fitting within the schedule, or violations which the commission determines should be referred to the attorney general for legal action shall not be governed by the schedule established under this subsection.

2. If When the commission establishes a schedule for ~~minor~~ violations, the commission shall provide, by rule, a procedure for the screening of alleged violations to determine which cases may be appropriate for the administrative assessment of penalties. However, the screening procedure shall not limit the discretion of the department to refer any case to the attorney general for legal action.

Sec. 2. NEW SECTION. 455B.316 PENALTY.

A person who knowingly makes a false statement or representation in a plan filed pursuant to section 455B.306 is guilty of a serious misdemeanor.

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