

455B.419 AGRICULTURAL CHEMICALS.

1. A person farmer using or disposing of federally approved agricultural chemicals or the empty containers thereof shall of agricultural chemicals is not be in violation of sections 455B.411 to 455B.421 by reason of such the use or disposal provided that if the person farmer does both of the following:

1 a. Applies or disposes of the chemicals in accordance with the manufacturer's instructions, and.

2 b. Triple rinses each chemical container after it has been emptied and uses the rinsing as makeup water in a tankmix and applies the mix to the farmer's cropland at an application rate that does not exceed the manufacturer's instructions.

2. As used in this section, farmer means an owner or tenant of a farm unit, a member of the family of the owner or tenant, or an employee of the owner or tenant. Farmer does not include a commercial applicator of agricultural chemicals.

Approved April 30, 1984

CHAPTER 1159

DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT
ENFORCEMENT REMEDIES

S.F. 2217

AN ACT establishing uniform enforcement remedies for the department of water, air and waste management, and imposing civil penalties.

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

Section 1. NEW SECTION. 455B.109 SCHEDULE OF FINES—MINOR VIOLATIONS.

1. The commission may 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 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 executive 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 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 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.

3. A penalty shall be paid within thirty days of the date the order assessing the penalty becomes final. When a person against whom a civil penalty is assessed under this section seeks timely judicial review of an order imposing the penalty as provided under chapter 17A, the order is not final for the purposes of this section until all judicial review processes are completed. Additional judicial review may not be sought after the order becomes final. A person who fails to timely pay a civil penalty assessed by a final order of the department shall pay, in addition, interest at the rate of one and one-half percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid. The attorney general shall institute, at the request of the department, summary proceedings to recover the penalty and any accrued interest.

4. All civil penalties assessed by the department and interest on the penalties shall be deposited in the general fund of the state.

5. This section does not require the commission or the executive director to pursue an administrative remedy before seeking a remedy in the courts of this state.

Approved April 30, 1984

CHAPTER 1160
REGIONAL LIBRARY FUNDS
S.F. 176

AN ACT relating to the allocation of funds to regional libraries.

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

Section 1. Section 303B.8, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

303B.8 ALLOCATION AND ADMINISTRATION OF FUNDS.

1. Funds appropriated for the purpose of carrying out this chapter shall be allocated to regional boards by the board of trustees of the Iowa state traveling library as follows:

- a. Sixty percent in proportion to the population served by each regional board.
- b. Twenty-five percent proportioned equally among the regional boards.
- c. Fifteen percent in proportion to the geographic area served by each regional board.

2. All funds appropriated for the regional library system shall be administered by the regional boards.

Sec. 2. EFFECTIVE DATE.

1. Section 1 of this Act takes effect July 1, of the year when the allocation of appropriated funds under the allocation formula specified in section 1 of this Act at least equals the amount received by each regional board of trustees for the fiscal year beginning July 1, 1983.

2. Section 2 of this Act takes effect July 1, 1984.

Approved April 30, 1984