

83A.29 PENALTY PENALTIES FOR OPERATING WITHOUT A LICENSE AND FOR FAILURE TO REGISTER.

1. If a person engages in mining without obtaining a license, the committee shall notify the attorney general who shall institute a civil action in the district court for injunctive relief and for the assessment of a civil penalty as determined by the court not to exceed five thousand dollars.

2. Any An operator who fails to make timely application for registration of each mine site where mining is being conducted is guilty of a simple misdemeanor. Each day mining activities are conducted at a mine site for which no application for registration has been made as required under section 83A.13 shall constitute is a separate violation.

3. If an operator fails to register or re-register a site and provide required bond within thirty days following receipt of notice from the department by certified letter, the committee shall notify the attorney general who shall seek immediate injunctive relief.

4. An operator who fails to renew the operator's mining license within a time period set by the department, who has been denied license renewal by the committee, or whose license has been suspended or revoked by the committee shall also have all registrations automatically invalidated.

Approved May 16, 1985

CHAPTER 138

AREA EDUCATION AGENCIES

H.F. 552

AN ACT relating to area education agencies, including the charging of user fees, budget publication, contracting for services, and filing of candidacy papers.

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

Section 1. Section 257.10, Code 1985, is amended by adding the following new subsection:
NEW SUBSECTION. 16. Adopt rules establishing permissible fees for materials and services charged by area education agencies.

Sec. 2. Section 273.3, subsections 6 and 13, Code 1985, are amended to read as follows:

6. Area education agencies may co-operate and contract between themselves and with other public agencies to provide special education programs and services, media services, and educational services to schools and children residing within their respective areas.

13. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1 to 273.9 and chapter 281 within the limits of funds provided under section 281.9 and chapter 442. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county located wholly or partially in the territory of the area education agency in which the principal place of business

of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall be not later than November 10 of each year, the time, and the location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of public instruction, on forms provided by the department, no later than December 1 preceding the next fiscal year for approval. The state board shall review the proposed budget of each area education agency and shall prior to January 1 either grant approval or return the budget without approval with comments of the state board included. Any unapproved budget shall be resubmitted to the state board for final approval.

Sec. 3. Section 273.3, Code 1985, is amended by adding the following new subsection:

NEW SUBSECTION. 20. Pursuant to rules adopted by the state board of public instruction, be authorized to charge user fees for certain materials and services that are not required by law or by rules of the state board of public instruction and are specifically requested by a school district or approved nonpublic school.

Sec. 4. Section 273.8, subsection 2, unnumbered paragraph 5, Code 1985, is amended to read as follows:

A candidate for election to the area education agency board ~~may~~ shall file a statement of candidacy with the area education agency secretary at least ten days prior to the date of the director district convention, on forms prescribed by the department of public instruction. The statement of candidacy shall include the candidate's name, address and school district. The list of candidates shall be sent by the secretary of the area education agency by ordinary mail to the presidents of the boards of directors of all school districts within the director district immediately following the last day for filing the statement of candidacy. ~~The filing of a statement of candidacy shall not be a prerequisite or eligibility requirement for election as an area education agency director. However, if no candidate files with the area education agency secretary by the deadline, an eligible elector who is present at the director district convention may be nominated at the convention by a delegate from a board of directors of a school district located within the director district.~~ Delegates to director district conventions shall not be bound by a school board or any school board member to pledge their votes to any candidate prior to the date of the convention.

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