

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars. However, violations charged by a city upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 111.38 or 321.362 the scheduled fine is ten dollars. For a parking violation under section 321L.4, subsection 2, the scheduled fine is twenty-five dollars.

Sec. 10. EFFECTIVE DATE.

The provisions in section 5 of this Act which authorize the department to issue permanent handicapped identification devices to an organization transporting the handicapped or elderly and to a person in the business of transporting the handicapped or elderly take effect January 1, 1991.

Approved April 6, 1990

CHAPTER 1152

NUTRITION GUIDELINES FOR SCHOOLS

S.F. 2326

AN ACT requiring the department of education to develop and maintain nutrition guidelines for food and beverages sold on public school grounds.

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

Section 1. Section 256.9, Code Supplement 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 39. Establish by July 1, 1991, a six-month pilot project to develop and maintain nutrition guidelines which are consistent with the dietary guidelines for Americans recommended dietary allowances established by the national research council and regulations adopted by the United States department of agriculture for school lunches and breakfasts, and for all food and beverages sold on public school grounds or the grounds of a nonpublic school receiving funds under section 283A.10, which are in addition to the requirements imposed under the federal child nutrition program regulations. The nutrition guidelines shall include guidelines for fat, saturated fat, sugar, sodium, fiber, and cholesterol; shall encourage that where comparable food products of equal nutritional value are available, the food product lower in fat, saturated fat, sugar, sodium, or cholesterol shall be used; and shall provide that each meal is to contain at least one-third of the recommended dietary allowance established by the national research council in effect on January 1, 1990. If, however, dietary guidelines for children are published by the United States department of agriculture and department of health and human services, the nutrition guidelines used in the pilot project shall conform to the new federal dietary guidelines for children. The department shall, through establishment of the pilot project, determine the feasibility of extending the nutrition guidelines established in the project to other schools and school districts in the state. In determining the feasibility of extending the nutrition guidelines, the department shall consult with school food service directors in the state. The department shall submit a report to the general assembly outlining and describing the proposed pilot project, including the proposed pilot project guidelines, by January 1, 1991, and shall submit, at the conclusion of the pilot project, a report, along with any recommendations, relating to the modification of those guidelines and the feasibility of extending the guidelines to other schools and school districts.

NEW SUBSECTION. 40. Provide educational resources and technical assistance to schools relating to the implementation of the nutritional guidelines for food and beverages sold on public school grounds or on the grounds of nonpublic schools receiving funds under section 283A.10.

Sec. 2. Section 283A.1, Code 1989, is amended to read as follows:

283A.1 DEFINITIONS.

For the purpose of this chapter:

1. "Nutritionally adequate meal" means a lunch or breakfast which meets the guidelines established by the department of education.

2. "School" means a public school of high school grade or under.

3. "School board" means a board of school directors regularly elected by the qualified voters of a school corporation or district of the state of Iowa.

4. "School" means a public school of high school grade or under.

5. "School lunch program" means a program under which lunches are served by any public school in the state of Iowa on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States.

Sec. 3. Section 283A.2, Code 1989, is amended to read as follows:

283A.2 SCHOOL BOARDS — RULES.

School boards ~~shall have power to~~ may operate or provide for the operation of school lunch programs in schools under their jurisdiction, and may use ~~therefor~~ funds disbursed to them under the provisions of this chapter, gifts, funds received from sale of school lunches under such programs, and any other funds legally available for that purpose.

All school districts shall operate or provide for the operation of school lunch programs at all public schools in each district, ~~which.~~ The programs shall provide students with nutritionally adequate meals and shall be operated in compliance with the rules of the department of public instruction state board of education and pertinent federal rules, for all students in each district who attend public school four or more hours each school day and wish to participate in a school lunch program, and school. ~~School districts may provide such school lunch programs for other students.~~

Sec. 4. Section 283A.5, Code 1989, is amended to read as follows:

283A.5 ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS.

The director of the department of education shall prescribe regulations for the keeping of accounts and records and the making of reports by or under the supervision of school boards. Such accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of five years, as the director may lawfully prescribe. The director shall conduct or cause to be conducted such audits and inspections with respect to school lunch programs as may be necessary to determine whether its agreement with school boards and regulations made pursuant to this chapter are being complied with, and to insure that school lunch programs are effectively administered and nutritionally adequate meals are served.

Sec. 5. Section 283A.10, Code 1989, is amended to read as follows:

283A.10 SCHOOL LUNCH IN NONPUBLIC SCHOOLS.

The authorities in charge of nonpublic schools may operate or provide for the operation of school lunch programs in schools under their jurisdiction and may use funds appropriated to them by the general assembly, gifts, funds received from sale of school lunches under such programs, and any other funds available to the nonpublic school. However, school lunch programs shall not be required in nonpublic schools. The department of education shall direct the disbursement of state funds to nonpublic schools for school lunch programs in the same manner as state funds are disbursed to public schools. If a nonpublic school receives state funds

for the operation of a school lunch program, meals served under the program shall be nutritionally adequate meals, as defined in section 283A.1.

Approved April 6, 1990

CHAPTER 1153

EARTHEN WASTE SLURRY STORAGE BASINS

S.F. 2379

AN ACT relating to earthen waste slurry storage basins, making penalties applicable, and providing for applicability of the Act.

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

Section 1. Section 455B.131, Code 1989, is amended by adding the following new subsection:
NEW SUBSECTION. 10. "Earthen waste slurry storage basin" means an uncovered and exclusively earthen cavity which, on a regular basis, receives waste discharges from a confinement animal feeding operation if accumulated wastes from the basin are completely removed at least twice each year.

Sec. 2. Section 455B.134, subsection 3, paragraph e, subparagraph (1), unnumbered paragraphs 1 and 2, Code 1989, are amended to read as follows:

Notwithstanding any other provision of division II of this chapter, the following siting requirements shall apply to anaerobic lagoons and earthen waste slurry storage basins:

Anaerobic lagoons or earthen waste slurry storage basins, which are used in connection with animal feeding operations containing less than six hundred twenty-five thousand pounds live animal weight capacity of animal species other than beef cattle or containing less than one million six hundred thousand pounds live animal weight capacity of beef cattle, shall be located at least one thousand two hundred fifty feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. Anaerobic lagoons or earthen waste slurry storage basins, which are used in connection with animal feeding operations containing six hundred twenty-five thousand pounds or more live animal weight capacity of animal species other than beef cattle or containing one million six hundred thousand pounds or more live animal weight capacity of beef cattle, shall be located at least one thousand eight hundred seventy-five feet from a residence not owned by the owner of the feeding operation or from a public use area other than a public road. For the purpose of this paragraph the determination of live animal weight capacity shall be based on the average animal weight capacity during a production cycle and the maximum animal capacity of the animal feeding operation. These separation distances apply to the construction of new facilities and the expansion of existing facilities.

Sec. 3. Section 455B.134, subsection 3, paragraph e, subparagraph (2), Code 1989, is amended to read as follows:

(2) A person may build or expand an anaerobic lagoon or an earthen waste slurry storage basin closer to a residence not owned by the owner of the anaerobic lagoon or to a public use area than is otherwise permitted by subparagraph (1) of this paragraph, if the affected landowners enter into a written agreement with the anaerobic lagoon owner to waive the separation distances under such terms the parties negotiate. The written agreement becomes effective only upon recording in the office of the recorder of deeds of the county in which the residence is located.