

Sec. 8. Section 427.1, Code 1991, is amended by adding the following new subsection:  
**NEW SUBSECTION. 42. JOINT WATER UTILITIES.** The property of a joint water utility established under chapter 388A, when devoted to public use and not held for pecuniary profit.

Sec. 9. Section 476.1, unnumbered paragraph 5, Code 1991, is amended to read as follows:  
This chapter does not apply to waterworks having less than two thousand customers, municipally owned waterworks, joint water utilities established pursuant to chapter 388A, rural water districts incorporated and organized pursuant to chapters 357A and 504A, cooperative water associations incorporated and organized pursuant to chapter 499, or to a person furnishing electricity to five or fewer customers either by secondary line or from an alternate energy production facility or small hydro facility, from electricity that is produced primarily for the person's own use.

Approved May 10, 1991

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## CHAPTER 169

### PREVENTION OF DISABILITIES

*S.F. 342*

**AN ACT** relating to the prevention of disabling conditions by establishing a prevention of disabilities policy council and a technical assistance committee of the council, by making an appropriation, and providing for a repeal.

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

Section 1. **NEW SECTION. 225D.1 FINDINGS AND INTENT.**

1. The general assembly finds that:

a. Thousands of Iowans are affected by a developmental disability which is a disability that arises before age twenty-two and is of sufficient severity to affect an individual's ability to participate as an independent, productive member of the community. Many other Iowans experience less severe mental or physical disabilities or disabilities which occur in their adult years which require specialized services. Many disabilities are due to conditions that are preventable or could be minimized if recognized or treated early. Preventing disabilities would result in a substantial savings to the state both in terms of human potential and public funds.

b. There is a need for a coordinated and comprehensive prevention of disabilities effort in the state. Many state departments and private organizations are involved in prevention activities but there is no unified prevention strategy or ongoing coordination in the planning, implementation, and evaluation of prevention of disabilities activities in the state.

2. It is the intent of the general assembly to establish a system to coordinate prevention of disability activities among the state departments and to assist the governor and the general assembly in determining priorities and establishing policies for the prevention of disabilities.

Sec. 2. **NEW SECTION. 225D.2 DEFINITIONS.**

As used in this chapter unless the context otherwise requires:

1. "Council" means the prevention of disabilities policy council.

2. "Committee" means the technical assistance committee to the council.

3. "Disability" means a mental or physical impairment that results in significant functional limitation in one or more areas of major life activity and in the need for specialized care, treatment, or training services of extended duration.

4. "Prevention activities" means activities that attempt to eliminate the occurrence of the disability, reduce the prevalence of the disability in the community, identify a problem early and use intervention at the outset to eliminate the potential for abnormality, or minimize the long-term disability or mitigate the effects of the disability.

**Sec. 3. NEW SECTION. 225D.3 PREVENTION OF DISABILITIES POLICY COUNCIL ESTABLISHED — MEMBERSHIP — DUTIES.**

1. A prevention of disabilities policy council is established to provide oversight in the development and operation of a coordinated prevention of disabilities system. The council shall consist of the following members:

a. Two members of the senate appointed by the senate majority leader and minority leader and two members of the house of representatives appointed by the speaker of the house and the house minority leader.

b. Three providers of disability prevention services, recommended by the Iowa governor's planning council for developmental disabilities, appointed by the governor, and confirmed by the senate.

c. Three persons with expertise in priority prevention areas, recommended by the Iowa governor's planning council for developmental disabilities, appointed by the governor, and confirmed by the senate.

d. Three persons with disabilities or family members of a person with disabilities, recommended by the Iowa governor's planning council for developmental disabilities, appointed by the governor and confirmed by the senate.

2. Members of the council appointed by the governor shall serve three-year staggered terms. Members of the general assembly appointed to the council shall serve two-year terms and shall serve as ex officio, nonvoting members. Vacancies on the council shall be filled in the same manner as original appointments. Members are entitled to reimbursement of actual expenses incurred in performance of their official duties.

3. The council shall do all of the following:

a. Oversee the planning, implementation, and evaluation of a coordinated strategy for the prevention of disabilities among state departments which is based upon the Iowa state plan for the prevention of developmental disabilities of 1988.

b. Promote cooperative and complementary planning among the public, private, and volunteer sectors involved in prevention activities and research regarding disabilities.

c. Develop and implement a system to measure the outcome and assess the overall impact of the prevention efforts of the state.

d. Encourage research into the causes and prevention of disabling conditions.

e. Promote professional and provider training in state-of-the-art prevention of disabilities measures.

f. Recommend policy and priorities for the prevention of disabilities.

g. Adopt rules to implement this chapter.

h. Seek and apply for federal grants and private foundation funding to support the responsibilities of the council. The council shall also seek in-kind and other private contributions to fulfill the federal matching funds requirements for the purpose of section 225D.7.

i. Submit to the governor and the general assembly by November 1, 1992, and annually on November 1 thereafter, a report that includes all of the following:

(1) A continuum of cost-effective prevention of disability activities.

(2) A listing of existing activities and the state agency responsible for the activities.

(3) Recommendations to coordinate the planning, delivery, and evaluation of existing activities.

(4) Recommendations to address the lack of prevention of disability activities.

(5) Recommendations to measure the outcomes and assess the overall impacts of the state's prevention of disability efforts.

(6) Recommendations to promote cooperative planning among the public, private, and volunteer sectors and to increase public-private partnership involvement in prevention of disability activities.

- (7) A review of existing research and personnel training programs.
- (8) Priorities for disability prevention activities in the state.
- (9) Recommendations for legislative, administrative, or budgetary changes.

4. The council shall meet at least six times during the year. A majority of the members of the council constitutes a quorum, and a majority of the council is necessary to act on matters within the purview of the council.

**Sec. 4. NEW SECTION. 225D.4 TECHNICAL ASSISTANCE COMMITTEE TO THE PREVENTION POLICY COUNCIL ESTABLISHED – MEMBERSHIP – DUTIES.**

1. A technical assistance committee of the prevention of disabilities policy council is established and shall consist of the following members:

- a. The director of the department of human services, or the director's designee.
- b. The director of the Iowa department of public health, or the director's designee.
- c. The director of the department of education, or the director's designee.
- d. The director of the department of natural resources, or the director's designee.
- e. The director of the state department of transportation, or the director's designee.
- f. The commissioner of the department of public safety, or the commissioner's designee.
- g. The director of the department of human rights, or the director's designee.
- h. The president of Iowa state university of science and technology, or the president's designee.
- i. The president of the university of Iowa, or the president's designee.
- j. The president of the university of northern Iowa, or the president's designee.

2. The technical assistance committee shall do all of the following:

- a. Provide technical assistance to the council in developing a prevention of disabilities coordination system.
  - b. Establish policies to facilitate the development, implementation, and evaluation of the prevention of disabilities coordination system.
  - c. Recommend prevention of disability priorities to the council.
3. The committee shall meet as needed to assist the council.
4. Members are entitled to reimbursement of actual expenses incurred in performance of their official duties.

**Sec. 5. NEW SECTION. 225D.5 STATE AGENCIES – COOPERATIVE EFFORTS.**

The departments represented by the committee shall cooperate with the council in collecting and sharing pertinent data, and in developing, implementing, and evaluating the prevention of disabilities coordination system.

**Sec. 6. NEW SECTION. 225D.6 EVALUATION.**

The prevention coordination system and the council are subject to review and evaluation by the governor and the general assembly.

**Sec. 7. NEW SECTION. 225D.7 IMPLEMENTATION.**

1. The prevention coordination system and the activities of the council shall be implemented as resources are made available.

2. The council shall, during the fiscal year beginning July 1, 1991, request grants from the Iowa governor's planning council for developmental disabilities and from private foundations to defray a minimum of seventy-five percent of the costs of implementation of this chapter. The funds shall be used to carry out the purposes of this chapter, including but not limited to, any of the following purposes:

- a. Establishing the structure for implementation of the prevention coordination system.
- b. Coordinating the activities of the council, state agencies, and state board of regents' institutions to develop the prevention coordination system and prepare the council's annual report.

**Sec. 8. APPROPRIATION.** There is appropriated from the general fund of the state to the prevention of disabilities policy council, upon establishment of the council, for the fiscal year beginning July 1, 1991, and ending June 30, 1992, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For fulfillment of the federal matching funds requirement for use of the Iowa governor's planning council for developmental disabilities funds, for the purpose of section 225D.7:
\$ 28,000

Sec. 9. This Act is repealed effective June 30, 1996.

Approved May 11, 1991

CHAPTER 170

COMMERCIAL MUSSEL FISHING

S.F. 205

AN ACT relating to residency requirements for commercial mussel fishers and providing effective and applicability dates.

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

Section 1. Section 109B.2, subsection 5, Code 1991, is amended to read as follows:

5. "Commercial mussel fisher" means a person who is licensed to take and sell freshwater mussels from waters of the state. A resident commercial mussel license holder must have resided in this state for one year preceding the person's application for a commercial mussel fishing license.

Sec. 2. Section 109B.4, subsection 6, paragraphs g, h, and i, Code 1991, are amended to read as follows:

Table with 2 columns: Description and Amount. Rows include Commercial mussel fisher, resident; Commercial mussel buyer, resident; Commercial mussel buyer, nonresident.

Sec. 3. Section 109B.4, subsection 6, Code 1991, is amended by adding the following new paragraphs:

Table with 2 columns: Description and Amount. Rows include NEW PARAGRAPH. l. Commercial mussel fisher, nonresident; NEW PARAGRAPH. m. Commercial mussel helper, resident; NEW PARAGRAPH. n. Commercial mussel helper, nonresident.

Sec. 4. Section 109B.12, subsection 1, paragraph d, Code 1991, is amended by striking the paragraph and inserting in lieu thereof the following:

d. A commercial mussel helper license is required to assist commercial mussel fishers in the possessing, processing, or transporting of commercial freshwater mussels. The taking or sale of mussels or shells is not permitted with a commercial mussel helper license.

Sec. 5. Section 109B.13, subsection 1, Code 1991, is amended to read as follows:

1. Reciprocal commercial fishing, and commercial turtle fishing, and commercial freshwater mussel fishing privileges are contingent upon a grant of similar privileges by the appropriate state to residents of this state.

Sec. 6. Section 109B.13, subsection 3, Code 1991, is amended by striking the subsection.