

H- 3/14/96 Human Res.

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SENATE FILE 2438
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2327)

Passed Senate, Date 3/13/96 (P.762) Passed House, Date 4/3/96 (P.1326)
Vote: Ayes 48 Nays 0 Vote: Ayes 100 Nays 0
Approved April 17, 1996

(P.1251) Passed 4-8-96
Vote 48-0

A BILL FOR

1 An Act relating to the terminology used to describe persons with
2 certain mental and physical conditions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2438

1 Section 1. Section 4.1, subsections 15 and 39, Code
2 Supplement 1995, are amended to read as follows:

3 15. ~~MENTALLY-ILL~~ PERSONS WITH MENTAL ILLNESS. The words
4 "~~mentally-ill-person~~" "persons with mental illness" include
5 ~~mental-retardates, psychotic persons with psychosis, severely~~
6 depressed persons who are severely depressed, and persons of
7 unsound mind. A person who is hospitalized or detained for
8 treatment of mental illness shall not be deemed or presumed to
9 be incompetent in the absence of a finding of incompetence
10 made pursuant to section 229.27.

11 39. WRITTEN -- IN WRITING -- SIGNATURE. The words
12 "written" and "in writing" may include any mode of
13 representing words or letters in general use. A signature,
14 when required by law, must be made by the writing or markings
15 of the person whose signature is required. If a person is
16 unable due to a physical handicap disability to make a written
17 signature or mark, that person may substitute either of the
18 following in lieu of a signature required by law:

19 a. The ~~handicapped-person's~~ name of the person with a
20 disability written by another upon the request and in the
21 presence of the ~~handicapped person, or,~~ with a disability.

22 b. A rubber stamp reproduction of the ~~handicapped-person's~~
23 name or facsimile of the actual signature when adopted by the
24 handicapped person with a disability for all purposes
25 requiring a signature and then only when affixed by that
26 person or another upon request and in the ~~handicapped-person's~~
27 presence of the person with a disability.

28 Sec. 2. Section 7.14, subsection 3, Code 1995, is amended
29 to read as follows:

30 3. Whenever a governor who is unable to discharge the
31 duties of the office believes the disability to be removed,
32 the governor may call a conference consisting of the three
33 persons referred to as members of such a conference in
34 subsection 1. The three members of the conference shall
35 within ten days examine the ~~disabled~~ governor. Within seven

1 days after the examination they shall conduct a secret ballot
2 and by unanimous vote may find the disability removed.

3 Sec. 3. Section 15.225, subsection 1, paragraph b, Code
4 1995, is amended to read as follows:

5 b. A public service employment program for disadvantaged
6 ~~and-handicapped~~ youth and youth with disabilities attending
7 school to be known as the "in-school program".

8 Sec. 4. Section 15.286, subsection 4, paragraph b,
9 subparagraph (3), Code 1995, is amended to read as follows:

10 (3) Programs to assist persons of lower income, the
11 persons who are disadvantaged, or the ~~disabled~~ persons with
12 disabilities.

13 Sec. 5. Section 16.1, subsections 7 and 14, Code 1995, are
14 amended by striking the subsections.

15 Sec. 6. Section 16.1, subsections 13 and 24, Code 1995,
16 are amended to read as follows:

17 13. a. "Families" includes but is not limited to families
18 consisting of a single adult person who is primarily
19 responsible for the person's own support, is at least sixty-
20 two years of age, is ~~disabled, is-handicapped~~ a person with a
21 disability, is displaced, or is the remaining member of a
22 tenant family.

23 b. "Families" includes but is not limited to two or more
24 persons living together who are at least sixty-two years of
25 age, are ~~disabled, or-are-handicapped~~ persons with
26 disabilities, or one or more such individuals living with
27 another person who is essential to such individual's care or
28 well-being.

29 24. "Low or moderate income families" means families who
30 cannot afford to pay enough to cause private enterprise in
31 their locality to build an adequate supply of decent, safe,
32 and sanitary dwellings for their use, and also includes, but
33 is not limited to, (1) elderly families, families in which one
34 or more persons are ~~handicapped-or-disabled~~ persons with
35 disabilities, lower income families and very low income

1 families, and (2) families purchasing or renting qualified
2 residential housing.

3 Sec. 7. Section 16.1, Code 1995, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 29A. "Person with a disability" means a
6 person who is unable to engage in any substantial gainful
7 activity by reason of a medically determinable physical or
8 mental impairment, or a person having a physical or mental
9 impairment which is expected to be of long-continued and
10 indefinite duration, substantially impedes the ability to live
11 independently, and is of a nature that the ability to live
12 independently could be improved by more suitable housing
13 conditions.

14 Sec. 8. Section 16.1, subsection 32, paragraph c, Code
15 1995, is amended to read as follows:

16 c. Housing for low or moderate income families, elderly
17 families, and families which include one or more persons who
18 ~~are-handicapped-or-disabled~~ with disabilities.

19 Sec. 9. Section 16.2, subsection 1, unnumbered paragraph
20 1, Code 1995, is amended to read as follows:

21 The Iowa finance authority is established, and constituted
22 a public instrumentality and agency of the state exercising
23 public and essential governmental functions, to undertake
24 programs which assist in attainment of adequate housing for
25 low or moderate income families, elderly families, and
26 families which include one or more persons ~~who-are-handicapped~~
27 ~~or-disabled~~ with disabilities, and to undertake the Iowa
28 homesteading program, the small business loan program, the
29 export business finance program, and other finance programs.
30 The powers of the authority are vested in and shall be
31 exercised by a board of nine members appointed by the governor
32 subject to confirmation by the senate. No more than five
33 members shall belong to the same political party. As far as
34 possible the governor shall include within the membership
35 persons who represent community and housing development

1 industries, housing finance industries, the real estate sales
2 industry, elderly families, minorities, lower income families,
3 very low income families, ~~handicapped-and-disabled~~ families
4 which include persons with disabilities, average taxpayers,
5 local government, business and international trade interests,
6 and any other person specially interested in community
7 housing, finance, small business, or export business
8 development.

9 Sec. 10. Section 16.3, subsection 13, Code 1995, is
10 amended to read as follows:

11 13. There is a need in areas of the state for new
12 construction of certain group homes of fifteen beds or less
13 licensed as health care facilities or child foster care
14 facilities to provide adequate housing and care for elderly
15 ~~and-handicapped~~ Iowans and Iowans with disabilities, and to
16 provide adequate housing and foster care for children.

17 Sec. 11. Section 16.100, subsection 2, paragraph b, Code
18 1995, is amended to read as follows:

19 b. A home maintenance and repair program providing repair
20 services to ~~elderly,-handicapped,-or-disabled~~ families which
21 include persons who are elderly or persons with disabilities
22 and which qualify as lower income or very low income families.

23 Sec. 12. Section 19B.2, unnumbered paragraph 2, Code 1995,
24 is amended to read as follows:

25 It is the policy of this state to permit special
26 appointments by bypassing the usual testing procedures for any
27 applicant for whom the division of vocational rehabilitation
28 services of the department of education or the department for
29 the blind has certified the applicant's disability and
30 competence to perform the job. The department of personnel,
31 in cooperation with the department for the blind and the
32 division of vocational rehabilitation services, shall develop
33 appropriate certification procedures. This paragraph should
34 not be interpreted to bar promotional opportunities for ~~blind~~
35 and-physically-or-mentally-disabled persons who are blind or

1 persons with physical or mental disabilities. If this
2 paragraph conflicts with any other provisions of this chapter,
3 the provisions of this paragraph govern.

4 Sec. 13. Section 34.2, subsection 4, unnumbered paragraph
5 1, Code 1995, is amended to read as follows:

6 A 911 system shall be capable of transmitting requests for
7 law enforcement, fire fighting, and emergency medical and
8 ambulance services to a public safety agency or agencies that
9 provide the requested service at the place where the call
10 originates. A 911 system may also provide for transmitting
11 requests for emergency management, poison control, suicide
12 prevention, and other emergency services. The public safety
13 answering point shall be capable of receiving calls from deaf
14 and hard-of-hearing persons through a telecommunications
15 device for the deaf. Conferencing capability with counseling,
16 aid to handicapped persons with disabilities, and other
17 services as deemed necessary for identifying appropriate
18 emergency response services may be provided by the 911
19 service.

20 Sec. 14. Section 36.10, subsection 2, paragraph b, Code
21 1995, is amended to read as follows:

22 b. This exclusion of litigation proceeds from benefit or
23 entitlement program calculations are available only to
24 disabled veterans with disabilities or their beneficiaries,
25 whether payment is received in a lump sum or payable in
26 installments over a period of years.

27 Sec. 15. Section 48A.2, subsection 3, Code 1995, is
28 amended to read as follows:

29 3. ~~"Mentally-incompetent-person"~~ "Person who is mentally
30 incompetent" means a person who has been legally determined to
31 be severely or profoundly mentally retarded, or has been found
32 incompetent in a proceeding held pursuant to section 229.27.

33 Sec. 16. Section 49.21, unnumbered paragraph 4, Code 1995,
34 is amended to read as follows:

35 In the selection of polling places, preference shall also

1 be given to the use of buildings accessible to elderly-and
2 physically-disabled persons who are elderly and persons with
3 disabilities.

4 Sec. 17. Section 49.90, Code 1995, is amended to read as
5 follows:

6 49.90 ASSISTING VOTER.

7 Any voter who may declare upon oath that the voter is
8 blind, cannot read the English language, or is, by reason of
9 any physical disability other than intoxication, unable to
10 cast a vote without assistance, shall, upon request, be
11 assisted by ~~said~~ the two officers as provided in section
12 49.89, or alternatively by any other person the voter may
13 select in casting the vote. ~~Said~~ The officers, or the person
14 selected by the voter, shall cast the vote of the voter
15 requiring assistance, and shall thereafter give no information
16 regarding the vote cast. If any elector because of a ~~handicap~~
17 disability cannot enter the building where the polling place
18 for the elector's precinct of residence is located, the two
19 officers shall take a paper ballot to the vehicle occupied by
20 the ~~handicapped~~ elector with a disability and allow the
21 elector to cast the ballot in the vehicle. If ~~a-handicapped~~
22 an elector with a disability cannot cast a ballot on a voting
23 machine the elector shall be allowed to cast a paper ballot,
24 which shall be opened immediately after the closing of the
25 polling place by the two precinct election officials
26 designated under section 49.89, who shall register the votes
27 cast thereon on a voting machine in the polling place before
28 the votes cast there are tallied pursuant to section 52.21.
29 To preserve so far as possible the confidentiality of each
30 ~~handicapped-elector's~~ ballot of an elector with a disability,
31 the two officers shall proceed substantially in the same
32 manner as provided in section 53.24. In precincts where all
33 voters use paper ballots, those cast by ~~handicapped~~ voters
34 with disabilities shall be deposited in the regular ballot box
35 and counted in the usual manner.

1 Sec. 18. Section 70A.20, unnumbered paragraph 1, Code
2 Supplement 1995, is amended to read as follows:

3 A state employees disability insurance program is created,
4 which shall be administered by the director of the department
5 of personnel and which shall provide disability benefits in an
6 amount and for the employees as provided in this section. The
7 monthly disability benefits shall provide twenty percent of
8 monthly earnings if employed less than one year, forty percent
9 of monthly earnings if employed one year or more but less than
10 two years, and sixty percent of monthly earnings thereafter,
11 reduced by primary and family social security determined at
12 the time social security disability payments commence,
13 railroad retirement disability income, workers' compensation
14 if applicable, and any other state-sponsored sickness or
15 disability benefits payable. However, the amount of benefits
16 payable under the Iowa public employees' retirement system
17 pursuant to chapter 97B shall not reduce the benefits payable
18 pursuant to this section. Subsequent social security or
19 railroad retirement increases shall not be used to further
20 reduce the insurance benefits payable. As used in this
21 section, "primary and family social security" shall not
22 include social security benefits awarded to ~~a disabled~~ an
23 adult child with a disability of the ~~disabled~~ state employee
24 with a disability who does not reside with the ~~disabled~~ state
25 employee with a disability if the social security benefits
26 were awarded to the ~~disabled~~ adult child with a disability
27 prior to the approval of the state employee's benefits under
28 this section, regardless of whether the United States social
29 security administration records the benefits to the social
30 security number of the ~~disabled~~ adult child with a disability,
31 the ~~disabled~~ state employee with a disability, or any other
32 family member, and such social security benefits shall not
33 reduce the benefits payable pursuant to this section. As used
34 in this section, unless the context otherwise requires,
35 "adult" means a person who is eighteen years of age or older.

1 State employees shall receive credit for the time they were
2 continuously employed prior to and on July 1, 1974. The
3 following provisions apply to the employees disability
4 insurance program:

5 Sec. 19. Section 85.38, subsection 2, Code 1995, is
6 amended to read as follows:

7 2. CREDIT FOR BENEFITS PAID UNDER GROUP PLANS. In the
8 event the disabled employee with a disability shall receive
9 any benefits, including medical, surgical or hospital
10 benefits, under any group plan covering nonoccupational
11 disabilities contributed to wholly or partially by the
12 employer, which benefits should not have been paid or payable
13 if any rights of recovery existed under this chapter, chapter
14 85A or chapter 85B, then such the amounts so paid to said the
15 employee from any-such the group plan shall be credited to or
16 against any compensation payments, including medical, surgical
17 or hospital, made or to be made under this chapter, chapter
18 85A or chapter 85B. Such The amounts so credited shall be
19 deducted from the payments made under these chapters. Any
20 nonoccupational plan shall be reimbursed in the amount so
21 deducted. This section shall not apply to payments made under
22 any group plan which would have been payable even though there
23 was an injury under this chapter or an occupational disease
24 under chapter 85A or an occupational hearing loss under
25 chapter 85B. Any employer receiving such credit shall keep
26 such the employee safe and harmless from any and all claims or
27 liabilities that may be made against them by reason of having
28 received such the payments only to the extent of such the
29 credit.

30 Sec. 20. Section 85.45, subsection 4, Code 1995, is
31 amended to read as follows:

32 4. When a person seeking a commutation is a surviving
33 spouse, ~~a-permanently-and-totally-disabled~~ an employee with a
34 permanent and total disability, or a dependent who is entitled
35 to benefits as provided in section 85.31, subsection 1,

1 paragraphs "c" and "d", the future payments which may be
2 commuted shall not exceed the number of weeks which shall be
3 indicated by probability tables designated by the industrial
4 commissioner for death and remarriage, subject to the
5 provisions of chapter 17A.

6 Sec. 21. Section 85.49, Code 1995, is amended to read as
7 follows:

8 85.49 TRUSTEES FOR INCOMPETENT MINORS AND DEPENDENTS.

9 When a minor or ~~mentally-incompetent~~ a dependent who is
10 mentally incompetent is entitled to weekly benefits under this
11 chapter, or chapter 85A or 85B, payment shall be made to the
12 parent, guardian, or conservator, who shall act as trustee,
13 and the money coming into the trustee's hands shall be
14 expended for the use and benefit of the person entitled to it
15 under the direction and orders of a district judge. The
16 trustee shall qualify and give bond in an amount as the
17 district judge directs, which may be increased or diminished
18 from time to time.

19 If the domicile or residence of ~~such the~~ the minor or ~~mentally~~
20 ~~incompetent~~ dependent be who is mentally incompetent is
21 outside the state of Iowa the industrial commissioner may
22 order and direct that benefits to ~~such the~~ the minors or
23 ~~incompetents dependents~~ be paid to a guardian, conservator, or
24 legal representative duly qualified under the laws of the
25 jurisdiction wherein the minors or ~~incompetents dependents~~
26 shall be domiciled or reside. Proof of the identity and
27 qualification of ~~such the~~ the guardian, conservator, or other
28 legal representative shall be furnished to the industrial
29 commissioner.

30 Sec. 22. Section 85.68, Code 1995, is amended to read as
31 follows:

32 85.68 ACTIONS.

33 The treasurer of state, on behalf of the second injury fund
34 created under this division, shall have a cause of action
35 under section 85.22 to the same extent as an employer against

1 any person not in the same employment by reason of whose
2 negligence or wrong the subsequent injury of the previously
3 disabled person with the previous disability was caused. The
4 action shall be brought by the treasurer of state on behalf of
5 the fund, and any recovery, less the necessary and reasonable
6 expenses incurred by the treasurer of state, shall be paid to
7 the treasurer of state and credited to the fund.

8 Sec. 23. Section 85.69, Code 1995, is amended to read as
9 follows:

10 85.69 FEDERAL CONTRIBUTIONS.

11 The treasurer of state is hereby authorized to receive and
12 credit to said the second injury fund any sum or sums that may
13 at any time be contributed to the state by the United States
14 or any agency thereof, under any Act of Congress or otherwise,
15 to which the state may be or become entitled by reason of any
16 payments made to any previously-disabled person with a
17 previous disability out of said the fund.

18 Sec. 24. Section 135.11, subsection 19, Code 1995, is
19 amended to read as follows:

20 19. Administer the statewide maternal and child health
21 program and the crippled-children's program for children with
22 disabilities by conducting mobile and regional child health
23 specialty clinics and conducting other activities to improve
24 the health of low-income women and children and to promote the
25 welfare of children with actual or potential handicapping
26 conditions which may cause disabilities and children with
27 chronic illnesses in accordance with the requirements of Title
28 V of the federal Social Security Act. The department shall
29 provide technical assistance to encourage the coordination and
30 collaboration of state agencies in developing outreach centers
31 which provide publicly supported services for pregnant women,
32 infants, and children. The department shall also, through
33 cooperation and collaborative agreements with the department
34 of human services and the mobile and regional child health
35 specialty clinics, establish common intake proceedings for

1 maternal and child health services. The department shall work
2 in cooperation with the legislative fiscal bureau in
3 monitoring the effectiveness of the maternal and child health
4 centers, including the provision of transportation for patient
5 appointments and the keeping of scheduled appointments.

6 Sec. 25. Section 135C.1, subsections 6, 8, and 9, Code
7 1995, are amended to read as follows:

8 6. "Health care facility" or "facility" means a
9 residential care facility, a nursing facility, an intermediate
10 care facility for ~~the-mentally-ill~~ persons with mental
11 illness, or an intermediate care facility for ~~the-mentally~~
12 retarded persons with mental retardation.

13 8. "Intermediate care facility for ~~the-mentally-ill~~
14 persons with mental illness" means an institution, place,
15 building, or agency designed to provide accommodation, board,
16 and nursing care for a period exceeding twenty-four
17 consecutive hours to three or more individuals, who primarily
18 have mental illness and who are not related to the
19 administrator or owner within the third degree of
20 consanguinity.

21 9. "Intermediate care facility for ~~the-mentally-retarded~~
22 persons with mental retardation" means an institution or
23 distinct part of an institution with a primary purpose to
24 provide health or rehabilitative services to three or more
25 individuals, who primarily have mental retardation or a
26 related condition and who are not related to the administrator
27 or owner within the third degree of consanguinity, and which
28 meets the requirements of this chapter and federal standards
29 for intermediate care facilities for ~~the-mentally-retarded~~
30 persons with mental retardation established pursuant to the
31 federal Social Security Act, § 1905(c)(d), as codified in 42
32 U.S.C. § 1936d which are contained in 42 C.F.R. pt. 483,
33 subpt. D, § 410-480.

34 Sec. 26. Section 135C.2, subsection 3, paragraph b, Code
35 Supplement 1995, is amended to read as follows:

1 b. The department may also establish by administrative
2 rule special classifications within the residential care
3 facility, intermediate care facility for ~~the-mentally-ill~~
4 persons with mental illness, intermediate care facility for
5 ~~the-mentally-retarded~~ persons with mental retardation, or
6 nursing facility categories, for facilities intended to serve
7 individuals who have special health care problems or
8 conditions in common. Rules establishing a special
9 classification shall define the problem or condition to which
10 the special classification is relevant and establish
11 requirements for an approved program of care commensurate with
12 the problem or condition. The rules may grant special
13 variances or considerations to facilities licensed within the
14 special classification.

15 Sec. 27. Section 135C.2, subsection 5, paragraph g, Code
16 Supplement 1995, is amended to read as follows:

17 g. The facilities licensed under this subsection shall be
18 eligible for funding utilized by other licensed residential
19 care facilities for ~~the-mentally-retarded~~ persons with mental
20 retardation, or licensed residential care facilities for ~~the~~
21 ~~mentally-ill~~ persons with mental illness, including but not
22 limited to funding under or from the federal social services
23 block grant, the state supplementary assistance program, state
24 mental health and developmental disabilities services funds,
25 and county funding provisions.

26 Sec. 28. Section 216.6, subsection 1, paragraph c,
27 unnumbered paragraph 2, Code 1995, is amended to read as
28 follows:

29 An employer, employment agency, or their employees,
30 servants or agents may offer employment or advertise for
31 employment to only ~~the-disabled~~ persons with disabilities,
32 when other applicants have available to them, other employment
33 compatible with their ability which would not be available to
34 ~~the-disabled~~ persons with disabilities because of their
35 handicap disabilities. Any such employment or offer of

1 employment shall not discriminate among ~~the-disabled~~ persons
2 with disabilities on the basis of race, color, creed, sex or
3 national origin.

4 Sec. 29. Section 216.8A, subsection 3, paragraph d, Code
5 1995, is amended to read as follows:

6 d. Compliance with the appropriate requirements of the
7 American national standard for buildings and facilities pro-
8 viding accessibility and usability for ~~physically-handicapped~~
9 people persons with disabilities, commonly cited as "ANSI A
10 117.1", satisfies the requirements of paragraph "c",
11 subparagraph (3), subparagraph subdivision (c).

12 Sec. 30. Section 216.14, Code 1995, is amended to read as
13 follows:

14 216.14 PROMOTION OR TRANSFER.

15 After a ~~handicapped-individual~~ person with a disability is
16 employed, the employer shall not be required under this
17 chapter to promote or transfer ~~such-handicapped~~ the person to
18 another job or occupation, unless, prior to ~~such~~ the transfer,
19 ~~such-handicapped~~ the person with the disability, by training
20 or experience, is qualified for ~~such~~ the job or occupation.
21 Any collective bargaining agreement between an employer and
22 labor organization shall contain this section as part of ~~such~~
23 the agreement.

24 Sec. 31. Section 216B.3, subsection 9, Code Supplement
25 1995, is amended to read as follows:

26 9. Provide library services to ~~blind-and-physically~~
27 handicapped persons who are blind and persons with physical
28 disabilities.

29 Sec. 32. Section 216B.4, unnumbered paragraph 1, Code
30 1995, is amended to read as follows:

31 The administrator may accept financial aid from the
32 government of the United States for carrying out
33 rehabilitation and physical restoration of the blind and for
34 providing library services to ~~the-blind-and-physically~~
35 handicapped persons who are blind and persons with physical

1 disabilities.

2 Sec. 33. Section 216C.1, Code 1995, is amended to read as
3 follows:

4 216C.1 PARTICIPATION BY PERSONS WITH DISABILITIES.

5 It is the policy of this state to encourage and enable the
6 persons who are blind,--the or partially blind and the
7 physically-disabled persons with physical disabilities to
8 participate fully in the social and economic life of the state
9 and to engage in remunerative employment.

10 To encourage participation by the-disabled persons with
11 disabilities, it is the policy of this state to ensure
12 compliance with federal requirements concerning persons with
13 disabilities.

14 Sec. 34. Section 216C.2, Code 1995, is amended to read as
15 follows:

16 216C.2 PUBLIC EMPLOYMENT.

17 The Persons who are blind,--the or partially blind and the
18 physically-disabled persons with physical disabilities shall
19 be employed in the state service, the service of the political
20 subdivisions of the state, the public schools, and all other
21 employment supported in whole or in part by public funds, on
22 the same terms and conditions as the-able-bodied other
23 persons, unless it is shown that the particular disability
24 prevents the performance of the work required.

25 Sec. 35. Section 216C.3, Code 1995, is amended to read as
26 follows:

27 216C.3 FREE USE OF PUBLIC FACILITIES.

28 The Persons who are blind,--the or partially blind and the
29 physically-disabled persons with physical disabilities have
30 the same right as the-able-bodied other persons to the full
31 and free use of the streets, highways, sidewalks, walkways,
32 public buildings, public elevators, public facilities and
33 other public places.

34 Sec. 36. Section 216C.4, Code 1995, is amended to read as
35 follows:

1 216C.4 ACCOMMODATIONS.

2 The Persons who are blind, ~~the~~ or partially blind and the
3 physically-disabled persons with physical disabilities are
4 entitled to full and equal accommodations, facilities, and
5 privileges of all common carriers, airplanes, motor vehicles,
6 railroad trains, motorbuses, streetcars, boats, other public
7 conveyances or modes of transportation, hotels, lodging
8 places, eating places, places of public accommodation,
9 amusement, or resort, and other places to which the general
10 public is invited, subject only to the conditions and
11 limitations established by law and applicable alike to all
12 persons.

13 Sec. 37. Section 216C.8, Code 1995, is amended to read as
14 follows:

15 216C.8 WHITE CANE SAFETY DAY.

16 The governor shall annually take suitable public notice of
17 October 15 as white cane safety day. The governor shall issue
18 a proclamation commenting upon the significance of the white
19 cane; calling upon the citizens to observe the provisions of
20 this chapter and sections 321.332 and 321.333 and to take
21 precautions necessary for the safety of the-disabled persons
22 with disabilities; reminding the citizens of the policies
23 herein declared and urging the citizens to ~~co-operate~~
24 cooperate in giving effect to them; and emphasizing the need
25 of the citizens to be aware of the presence of disabled
26 persons with disabilities in the community and to offer
27 assistance to disabled persons with disabilities upon
28 appropriate occasions.

29 Sec. 38. Section 216C.9, subsection 1, Code 1995, is
30 amended to read as follows:

31 1. Curbs constructed along any public street in this
32 state, when the street is paralleled or intersected by
33 sidewalks, or when city ordinances or other lawful regulations
34 will require the construction of sidewalks parallel to or
35 intersecting the street, shall be constructed with not less

1 than two curb cuts or ramps per lineal block which shall be
2 located on or near the crosswalks at intersections. Each curb
3 cut or ramp shall be at least thirty inches wide, shall be
4 sloped at not greater than one inch of rise per twelve inches
5 lineal distance, except that a slope no greater than one inch
6 of rise per eight inches lineal distance may be used where
7 necessary, shall have a nonskid surface, and shall otherwise
8 be so constructed as to allow reasonable access to the
9 crosswalk for physically-handicapped persons with physical
10 disabilities using the sidewalk.

11 Sec. 39. Section 217.1, Code 1995, is amended to read as
12 follows:

13 217.1 PROGRAMS OF DEPARTMENT.

14 There is established a department of human services to
15 administer programs designed to improve the well-being and
16 productivity of the people of the state of Iowa. The
17 department shall concern itself with the problems of human
18 behavior, adjustment, and daily living through the
19 administration of programs of family, child, and adult
20 welfare, economic assistance including costs of medical care,
21 rehabilitation toward self-care and support, delinquency
22 prevention and control, treatment and rehabilitation of
23 juvenile offenders, care and treatment of ~~the-mentally-ill-and~~
24 mentally-retarded persons with mental illness or mental
25 retardation, and other related programs as provided by law.

26 Sec. 40. Section 218.95, Code 1995, is amended to read as
27 follows:

28 218.95 SYNONYMOUS TERMS.

29 For purposes of construing the provisions of this and the
30 following subtitles of this title and chapters 16, 35B, 347B,
31 709A, 904, 913, and 914 relating to ~~the-mentally-ill~~ persons
32 with mental illness and reconciling ~~same~~ these provisions with
33 other former and present provisions of statute, the following
34 terms shall be considered synonymous:

35 1. "Mentally ill" and "insane", except that the

1 hospitalization or detention of any person for treatment of
2 mental illness shall not constitute a finding or create a
3 presumption that the individual is legally insane in the
4 absence of a finding of incompetence made pursuant to section
5 229.27;

- 6 ~~2. "Mental defectives" and "mentally retarded";~~
7 ~~3. "Feeble-minded" and "mentally retarded";~~
8 ~~4. "Defectiveness" and "retardation";~~
9 5. 2. "Parole" and "convalescent leave";
10 6. 3. "Resident" and "patient";
11 7. 4. "Escape" and "depart without proper authorization";
12 8. 5. "Warrant" and "order of admission";
13 9. 6. "Escapee" and "patient";
14 10. 7. "Sane" and "in good mental health";
15 11. ~~"Commissioners of insanity" and "commissioners of~~
16 ~~hospitalization";~~
17 12. ~~"Idiot" and "mental retardate";~~
18 13. ~~"Recapture" and "take into protective custody";~~
19 14. 8. "Asylum" and "hospital";
20 15. 9. "Commitment" and "admission".

21 It is hereby declared to be the policy of the general
22 assembly that words which have come to have a degrading
23 meaning shall not be employed in institutional records having
24 reference to the mentally afflicted persons with various
25 mental conditions and that in all such records pertaining to
26 persons with various mental conditions the less discriminatory
27 of the foregoing synonyms shall be employed.

28 Sec. 41. Section 220A.1, Code 1995, is amended to read as
29 follows:

30 220A.1 PURPOSE.

31 The purpose of this chapter is to permit information
32 concerning persons who are believed to ~~be mentally handicapped~~
33 have mental disabilities to be efficiently used by and
34 exchanged among the state and local governments, their
35 departments and agencies, and with other public or private

1 agencies, where the use or exchange of the information is for
2 the purpose of assisting any of the agencies in providing
3 care, evaluation, services, assistance, education, or
4 habilitation to such persons.

5 Sec. 42. Section 220A.4, Code 1995, is amended to read as
6 follows:

7 220A.4 AGENCIES INVOLVED.

8 The service shall receive from and make available to the
9 following state agencies case information on persons who are
10 believed to be-mentally-handicapped have mental disabilities:
11 ~~The~~ the Iowa department of public health, the department of
12 education, the state board of regents, and the department of
13 human services.

14 Sec. 43. Section 220A.6, Code 1995, is amended to read as
15 follows:

16 220A.6 INFORMATION TO OTHERS.

17 The state agencies designated in section 220A.4 may receive
18 from and disseminate to other public agencies or private
19 agencies such information as is necessary or proper for the
20 purpose of providing evaluation services, treatment services,
21 education, support or habilitation services to the mentally
22 handicapped person with a mental disability. The enumerated
23 state agencies or their designated staff shall be authorized
24 to make determination of the proper receipt or dissemination
25 of information to other public or private agencies.

26 Sec. 44. Section 220A.7, Code 1995, is amended to read as
27 follows:

28 220A.7 RESTRICTIONS NOT APPLICABLE.

29 Any law or departmental rule of the state of Iowa which
30 restricts or declares confidential information concerning
31 persons who are believed to be-mentally-handicapped have
32 mental disabilities shall not apply to information exchanged
33 through the service for the purposes of this chapter.
34 Information supplied under a restriction by the government of
35 the United States, its departments or agencies, or by other

1 state government, its departments and agencies, shall be
2 processed in compliance with such restrictions. Any case
3 information restricted by any order of court shall be
4 processed in compliance with the order.

5 Sec. 45. Section 222.16, Code 1995, is amended to read as
6 follows:

7 222.16 PETITION FOR ADJUDICATION OF MENTAL RETARDATION.

8 A petition for the adjudication of the mental retardation
9 of a person within the meaning of this chapter may, with the
10 permission of the court be filed without fee against such a
11 person with the clerk of the district court of the county or
12 city in which ~~such-alleged-mentally-retarded~~ the person who is
13 alleged to have mental retardation resides or is found. The
14 petition may be filed by any relative of such the person, by a
15 guardian, or by any reputable citizen of the county of-such
16 residence-or-of-such-place-of-finding where the person who is
17 alleged to have mental retardation resides or is found.

18 Sec. 46. Section 222.18, unnumbered paragraph 2, Code
19 1995, is amended to read as follows:

20 Upon the filing of the petition, the court shall enter an
21 order directing the county attorney of the county in which the
22 allegedly-mentally-retarded person who is alleged to have
23 mental retardation resides to make a full investigation
24 regarding the financial condition of that person and of those
25 persons legally liable for that person's support under section
26 222.78.

27 Sec. 47. Section 222.21, Code 1995, is amended to read as
28 follows:

29 222.21 ORDER REQUIRING ATTENDANCE.

30 If the person alleged to be-mentally-retarded have mental
31 retardation is not before the court, the court may issue an
32 order requiring the person, who has the care, custody, and
33 control of the alleged-mentally-retarded person who is alleged
34 to have mental retardation to bring said-alleged-mentally
35 retarded the person into court at the time and place stated in

1 said the order.

2 Sec. 48. Section 222.22, Code 1995, is amended to read as
3 follows:

4 222.22 TIME OF APPEARANCE.

5 The time of appearance shall not be less than five days
6 after completed service unless the court orders otherwise.
7 Appearance on behalf of ~~such-alleged-mentally-retarded~~ the
8 person who is alleged to have mental retardation may be made
9 by any citizen of the county or by any relative. The district
10 court shall assign counsel for the ~~alleged-mentally-retarded~~
11 person who is alleged to have mental retardation. Counsel
12 shall prior to proceedings personally consult with ~~such~~ the
13 person who is alleged to have mental retardation unless the
14 judge appointing ~~such~~ counsel certifies that in the judge's
15 opinion, ~~such~~ consultation shall serve no useful purpose.
16 ~~Such~~ The certification shall be made a part of the record. An
17 attorney ~~so~~ assigned by the court shall receive ~~such~~
18 compensation as the district court shall fix to be paid in the
19 first instance by the county.

20 Sec. 49. Section 222.25, Code 1995, is amended to read as
21 follows:

22 222.25 CUSTODY PENDING HEARING.

23 Pending final hearing, the court may at any time after the
24 filing of the petition and on satisfactory showing that it is
25 in the best interest of the ~~alleged-mentally-retarded~~ person
26 who is alleged to have mental retardation and of the community
27 that ~~such~~ the person be at once taken into custody, or that
28 service of notice will be ineffectual if the person is not
29 taken into custody, issue an order for the immediate
30 production of ~~such~~ the person before the court. In such case,
31 the court may make any proper order for the custody or
32 confinement of ~~such~~ the person as will protect the person and
33 the community and insure the presence of ~~such~~ the person at
34 the hearing. ~~Such~~ The person shall not be confined with those
35 accused or convicted of crime.

1 Sec. 50. Section 222.50, Code 1995, is amended to read as
2 follows:

3 222.50 COUNTY OF LEGAL SETTLEMENT TO PAY.

4 When the proceedings are instituted in a county in which
5 the alleged-mentally-retarded person who is alleged to have
6 mental retardation was found but which is not the county of
7 legal settlement of the person, and the costs are not taxed to
8 the petitioner, the county which is the legal settlement of
9 such the person shall, on presentation of a properly itemized
10 bill for such costs, repay the same costs to the former
11 county. When the person's legal settlement is outside the
12 state or is unknown, the costs shall be paid out of money in
13 the state treasury not otherwise appropriated, itemized on
14 vouchers executed by the auditor of the county which paid the
15 costs, and approved by the administrator.

16 Sec. 51. Section 222.80, Code 1995, is amended to read as
17 follows:

18 222.80 LIABILITY TO COUNTY.

19 Any A person admitted or committed to a county institution
20 or home or admitted or committed at county expense to any a
21 private hospital, sanitarium, or other facility for treatment,
22 training, instruction, care, habilitation, and support as a
23 mentally-retarded patient thereof with mental retardation
24 shall be liable to the county for the reasonable cost of such
25 the support as provided in section 222.78.

26 Sec. 52. Section 222.88, subsection 1, Code 1995, is
27 amended to read as follows:

28 1. Psychiatric and related services to mentally-retarded
29 children with mental retardation and adults who are also
30 emotionally disturbed or otherwise mentally ill.

31 Sec. 53. Section 225C.21, subsection 1, Code 1995, is
32 amended to read as follows:

33 1. As used in this section, "community, supervised
34 apartment living arrangement" means the provision of a
35 residence in a noninstitutional setting to mentally-ill,

1 ~~mentally-retarded, or developmentally-disabled~~ adults with
2 mental illness, mental retardation, or developmental
3 disabilities who are capable of living semi-independently but
4 require minimal supervision.

5 Sec. 54. Section 227.2, subsection 1, unnumbered paragraph
6 1, Code 1995, is amended to read as follows:

7 The director of inspections and appeals shall make, or
8 cause to be made, at least one licensure inspection each year
9 of every county care facility. Either the administrator of
10 the division or the director of inspections and appeals, in
11 ~~co-operation~~ cooperation with each other, upon receipt of a
12 complaint or for good cause, may make, or cause to be made, a
13 review of a county care facility or of any other private or
14 county institution where ~~mentally-ill or mentally-retarded~~
15 persons with mental illness or mental retardation reside. A
16 licensure inspection or a review shall be made by a competent
17 and disinterested person who is acquainted with and interested
18 in the care of ~~mentally-ill and mentally-retarded~~ persons with
19 mental illness and persons with mental retardation. The
20 objective of a licensure inspection or a review shall be an
21 evaluation of the programming and treatment provided by the
22 facility. After each licensure inspection of a county care
23 facility, the person who made the inspection shall consult
24 with the county authorities on plans and practices that will
25 improve the care given patients and shall make recommendations
26 to the administrator of the division and the director of
27 public health for ~~co-ordinating~~ coordinating and improving the
28 relationships between the administrators of county care
29 facilities, the administrator of the division, the director of
30 public health, the superintendents of state mental health
31 institutes and hospital-schools, community mental health
32 centers, and other ~~co-operating~~ cooperating agencies, to cause
33 improved and more satisfactory care of patients. A written
34 report of each licensure inspection of a county care facility
35 under this section shall be filed with the administrator of

1 the division and the director of public health and shall
2 include:

3 Sec. 55. Section 227.2, subsection 1, paragraph g, Code
4 1995, is amended to read as follows:

5 g. Any failure to comply with standards adopted under
6 section 227.4 for care of ~~mentally-ill-and-mentally-retarded~~
7 persons with mental illness and persons with mental
8 retardation in county care facilities, which is not covered in
9 information submitted pursuant to paragraphs "a" to "f", and
10 any other matters which the director of public health, in
11 consultation with the administrator of the division, may
12 require.

13 Sec. 56. Section 227.2, subsection 4, paragraphs a and b,
14 Code 1995, are amended to read as follows:

15 a. It is the responsibility of the state to secure the
16 annual evaluation for each person who is on convalescent leave
17 or who has not been discharged from a state mental health
18 institute. It is the responsibility of the county to secure
19 the annual evaluation for all other ~~mentally-ill~~ persons with
20 mental illness in the county care facility.

21 b. It is the responsibility of the state to secure the
22 annual evaluation for each person who is on leave and has not
23 been discharged from a state hospital-school. It is the
24 responsibility of the county to secure the annual evaluation
25 for all other ~~mentally-retarded~~ persons with mental
26 retardation in the county care facility.

27 Sec. 57. Section 227.6, Code 1995, is amended to read as
28 follows:

29 227.6 REMOVAL OF RESIDENTS.

30 If a county care facility fails to comply with rules and
31 standards adopted under this chapter, the administrator may
32 remove all ~~mentally-ill-and-mentally-retarded~~ persons with
33 mental illness and all persons with mental retardation cared
34 for in the county care facility at public expense, to the
35 proper state mental health institute or hospital-school, or to

1 some private or county institution or hospital for the care of
2 ~~the-mentally-ill-or-mentally-retarded~~ persons with mental
3 illness or mental retardation that has complied with the rules
4 prescribed by the administrator. Residents being transferred
5 to a state mental health institute or hospital-school shall be
6 accompanied by an attendant or attendants sent from the
7 institute or hospital-school. If a resident is transferred
8 under this section, at least one attendant shall be of the
9 same sex. If the administrator finds that the needs of
10 ~~mentally-ill-and-mentally-retarded~~ residents with mental
11 illness and residents with mental retardation of any other
12 county or private institution are not being adequately met,
13 those residents may be removed from that institution upon
14 order of the administrator.

15 Sec. 58. Section 229.1, subsection 14, Code Supplement
16 1995, is amended to read as follows:

17 14. "Seriously mentally impaired" or "serious mental
18 impairment" describes the condition of a person ~~who-is~~
19 ~~afflicted~~ with mental illness and because of that illness
20 lacks sufficient judgment to make responsible decisions with
21 respect to the person's hospitalization or treatment, and who
22 because of that illness meets any of the following criteria:

23 a. Is likely to physically injure the person's self or
24 others if allowed to remain at liberty without treatment.

25 b. Is likely to inflict serious emotional injury on
26 members of the person's family or others who lack reasonable
27 opportunity to avoid contact with the ~~afflicted~~ person with
28 mental illness if the ~~afflicted~~ person with mental illness is
29 allowed to remain at liberty without treatment.

30 c. Is unable to satisfy the person's needs for
31 nourishment, clothing, essential medical care, or shelter so
32 that it is likely that the person will suffer physical injury,
33 physical debilitation, or death.

34 Sec. 59. Section 229.26, Code 1995, is amended to read as
35 follows:

1 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY
2 HOSPITALIZATION.

3 Sections 229.6 through 229.19 constitute the exclusive
4 procedure for involuntary hospitalization of persons by reason
5 of serious mental impairment in this state, except that this
6 chapter does not negate the provisions of section 904.503
7 relating to transfer of ~~mentally-ill~~ prisoners with mental
8 illness to state hospitals for ~~the-mentally-ill~~ persons with
9 mental illness and does not apply to commitments of persons
10 under chapter 812 or the rules of criminal procedure, Iowa
11 court rules, 2d ed., or negate the provisions of section
12 232.51 relating to disposition of ~~mentally-ill-or-mentally~~
13 retarded children with mental illness or mental retardation.

14 Sec. 60. Section 229.38, Code 1995, is amended to read as
15 follows:

16 229.38 CRUELTY OR OFFICIAL MISCONDUCT.

17 If any person having the care of a ~~mentally-ill~~ person with
18 mental illness who has voluntarily entered a hospital or other
19 facility for treatment or care, or who is responsible for
20 psychiatric examination care, treatment and maintenance of any
21 person involuntarily hospitalized under sections 229.6 to
22 229.15, whether in a hospital or elsewhere, with or without
23 proper authority, shall treat such patient with unnecessary
24 severity, harshness, or cruelty, or in any way abuse the
25 patient or if any person unlawfully detains or deprives of
26 liberty any ~~mentally-ill-or-allegedly-mentally-ill~~ person with
27 mental illness or any person who is alleged to have mental
28 illness, or if any officer required by the provisions of this
29 chapter and chapters 226 and 227, to perform any act shall
30 willfully refuse or neglect to perform the same, the offending
31 person shall, unless otherwise provided, be guilty of a
32 serious misdemeanor.

33 Sec. 61. Section 230.15, Code 1995, is amended to read as
34 follows:

35 230.15 PERSONAL LIABILITY.

1 A ~~mentally-ill~~ person with mental illness and a person
2 legally liable for the person's support remain liable for the
3 support of the ~~mentally-ill~~ person with mental illness as
4 provided in this section. Persons legally liable for the
5 support of a ~~mentally-ill~~ person with mental illness include
6 the spouse of the ~~mentally-ill~~ person, any person bound by
7 contract for support of the ~~mentally-ill~~ person, and, with
8 respect to ~~mentally-ill~~ persons with mental illness under
9 eighteen years of age only, the father and mother of the
10 ~~mentally-ill~~ person. The county auditor, subject to the
11 direction of the board of supervisors, shall enforce the
12 obligation created in this section as to all sums advanced by
13 the county. The liability to the county incurred by a
14 ~~mentally-ill~~ person with mental illness or a person legally
15 liable for the person's support under this section is limited
16 to an amount equal to one hundred percent of the cost of care
17 and treatment of the ~~mentally-ill~~ person with mental illness
18 at a state mental health institute for one hundred twenty days
19 of hospitalization. This limit of liability may be reached by
20 payment of the cost of care and treatment of the ~~mentally-ill~~
21 person with mental illness subsequent to a single admission or
22 multiple admissions to a state mental health institute or, if
23 the person is not discharged as cured, subsequent to a single
24 transfer or multiple transfers to a county care facility
25 pursuant to section 227.11. After reaching this limit of
26 liability, a ~~mentally-ill~~ person with mental illness or a
27 person legally liable for the person's support is liable to
28 the county for the care and treatment of the ~~mentally-ill~~
29 person with mental illness at a state mental health institute
30 or, if transferred but not discharged as cured, at a county
31 care facility in an amount not in excess of the average
32 minimum cost of the maintenance of a ~~physically-and-mentally~~
33 healthy an individual who is physically and mentally healthy
34 residing in the individual's own home, which standard shall be
35 established and may from time to time be revised by the

1 department of human services. A lien imposed by section
2 230.25 shall not exceed the amount of the liability which may
3 be incurred under this section on account of ~~any-mentally-ill~~
4 a person with mental illness.

5 A substance abuser or chronic substance abuser is legally
6 liable for the total amount of the cost of providing care,
7 maintenance, and treatment for the substance abuser or chronic
8 substance abuser while a voluntary or committed patient. When
9 a portion of the cost is paid by a county, the substance
10 abuser or chronic substance abuser is legally liable to the
11 county for the amount paid. The substance abuser or chronic
12 substance abuser shall assign any claim for reimbursement
13 under any contract of indemnity, by insurance or otherwise,
14 providing for the abuser's care, maintenance, and treatment in
15 a state hospital to the state. Any payments received by the
16 state from or on behalf of a substance abuser or chronic
17 substance abuser shall be in part credited to the county in
18 proportion to the share of the costs paid by the county.
19 Nothing in this section shall be construed to prevent a
20 relative or other person from voluntarily paying the full
21 actual cost or any portion of the care and treatment of any
22 ~~mentally-ill~~ person with mental illness, substance abuser, or
23 chronic substance abuser as established by the department of
24 human services.

25 Sec. 62. Section 230.33, Code 1995, is amended to read as
26 follows:

27 230.33 RECIPROCAL AGREEMENTS.

28 The administrator of the division is hereby authorized to
29 enter into agreements with other states, through their duly
30 constituted authorities, to effect the reciprocal return of
31 ~~mentally-ill-and-mentally-retarded~~ persons with mental illness
32 and persons with mental retardation to the contracting states,
33 and to effect the reciprocal supervision of persons on
34 convalescent leave.

35 Provided that in the case of a proposed transfer of a

1 ~~mentally-ill-or-mentally-retarded~~ person with mental illness
2 or mental retardation from this state that no final action be
3 taken without the approval either of the commission of
4 hospitalization, or of the district court, of the county of
5 admission or commitment.

6 Sec. 63. Section 232.51, Code 1995, is amended to read as
7 follows:

8 232.51 DISPOSITION OF ~~MENTALLY-ILL-OR-MENTALLY-RETARDED~~
9 CHILD WITH MENTAL ILLNESS OR MENTAL RETARDATION.

10 If the evidence received at an adjudicatory or a
11 dispositional hearing indicates that the child is mentally
12 ill, the court may direct the juvenile court officer or the
13 department to initiate proceedings or to assist the child's
14 parent or guardian to initiate civil commitment proceedings in
15 the juvenile court. These proceedings in the juvenile court
16 shall adhere to the requirements of chapter 229. If the
17 evidence received at an adjudicatory or a dispositional
18 hearing indicates that the child is mentally retarded, the
19 court may direct the juvenile court officer or the department
20 to initiate proceedings or to assist the child's parent or
21 guardian to initiate civil commitment proceedings in the
22 juvenile court. These proceedings shall adhere to the
23 requirements of chapter 222. If the child is committed as a
24 ~~mentally-ill-or-mentally-retarded~~ child with mental illness or
25 mental retardation, any order adjudicating the child to have
26 committed a delinquent act shall be set aside and the petition
27 shall be dismissed.

28 Sec. 64. Section 233B.5, Code 1995, is amended to read as
29 follows:

30 233B.5 TRANSFERS.

31 The administrator may transfer to the home minor wards of
32 the state from any institution under the administrator's
33 charge or under the charge of any other administrator of the
34 department of human services; but no person shall be so
35 transferred who is ~~not-mentally-normal~~ a person with mental

1 illness or mental retardation, or who is incorrigible, or has
2 any vicious habits, or whose presence in the home would be
3 inimical to the moral or physical welfare of ~~normal~~ the other
4 children ~~therein~~ within the home, and any such child in the
5 home may be transferred to the proper state institution.

6 Sec. 65. Section 249A.3, subsection 1, paragraph q, Code
7 Supplement 1995, is amended to read as follows:

8 q. Is ~~a-disabled~~ an individual with a disability, and is
9 at least eighteen years of age, who receives parental social
10 security benefits under the federal Social Security Act and is
11 not eligible for federal supplemental security income or state
12 supplementary assistance, as defined by section 249.1, because
13 of the receipt of the social security benefits.

14 Sec. 66. Section 249A.5, subsection 2, paragraph b, Code
15 Supplement 1995, is amended to read as follows:

16 b. If the collection of all or part of a debt is waived
17 pursuant to subsection 2, paragraph "a", subparagraph (1), the
18 amount waived shall be a debt due from the estate of the
19 recipient's surviving spouse or ~~blind-or-disabled~~ child who is
20 blind or has a disability, upon the death of the spouse or
21 child, or due from a surviving child who was under twenty-one
22 years of age at the time of the recipient's death, upon the
23 child reaching age twenty-one, to the extent the recipient's
24 estate is received by the surviving spouse or child.

25 Sec. 67. Section 249F.1, subsection 2, paragraph b,
26 subparagraph (2), Code 1995, is amended to read as follows:

27 (2) Transfers, other than the transfer of a dwelling, to
28 or for the sole benefit of the transferor's child who is blind
29 or ~~disabled~~ has a disability as defined in section 1614 of the
30 federal Social Security Act.

31 Sec. 68. Section 256.16, unnumbered paragraph 1, Code
32 1995, is amended to read as follows:

33 Pursuant to section 256.7, subsection 5, the state board
34 shall adopt rules requiring all higher education institutions
35 providing practitioner preparation to include in the

1 professional education program, preparation that contributes
2 to education of ~~the-handicapped-and-the~~ students with
3 disabilities and students who are gifted and talented, which
4 must be successfully completed before graduation from the
5 practitioner preparation program.

6 Sec. 69. Section 256B.2, subsection 1, Code 1995, is
7 amended to read as follows:

8 1. "Children requiring special education" means persons
9 under twenty-one years of age, including children under five
10 years of age, who ~~are-handicapped~~ have a disability in
11 obtaining an education because of a head injury, autism,
12 behavioral disorder, or physical, mental, communication or
13 learning disability, as defined by the rules of the department
14 of education.

15 Sec. 70. Section 256B.6, subsection 5, Code 1995, is
16 amended to read as follows:

17 5. Assigned to a program of special education when the
18 child ~~is~~ does not handicapped have a disability.

19 Sec. 71. Section 256B.9, subsection 1, paragraphs b and d,
20 Code 1995, are amended to read as follows:

21 b. Children requiring special education who require
22 special adaptations while assigned to a regular classroom for
23 basic instructional purposes and ~~handicapped~~ pupils with
24 disabilities placed in a special education class who receive
25 part of their instruction in regular classrooms are assigned a
26 weighting of one and eight-tenths for the school year
27 commencing July 1, 1975.

28 Effective July 1, 1991, this paragraph also applies to
29 children requiring special education who require specially
30 designed instruction while assigned to a regular classroom for
31 basic instructional purposes.

32 d. Children requiring special education who ~~are-severely~~
33 ~~handicapped~~ have severe disabilities or who have multiple
34 ~~handicaps~~ disabilities are assigned a weighting of four and
35 four-tenths for the school year commencing July 1, 1975.

1 Effective July 1, 1991, this paragraph also applies to
2 children requiring special education who ~~are-severely~~ have
3 severe and ~~profoundly-handicapped~~ profound disabilities.

4 Sec. 72. Section 256B.9, subsection 8, Code 1995, is
5 amended to read as follows:

6 8. Commencing with the school year beginning July 1, 1976,
7 a school district may expend an amount not to exceed two-
8 sevenths of an amount equal to the district cost of a school
9 district for the costs of regular classroom instruction of a
10 child certified under the special education weighting plan in
11 subsection 1, paragraph "b", as a handicapped pupil with
12 disabilities who is enrolled in a special class, but who
13 receives part of the pupil's instruction in a regular
14 classroom. Unencumbered funds generated for special education
15 instructional programs for the school year beginning July 1,
16 1975 and for the school year beginning July 1, 1976 shall not
17 be expended for such purpose.

18 Sec. 73. Section 263.9, Code 1995, is amended to read as
19 follows:

20 263.9 ESTABLISHMENT AND OBJECTIVES.

21 The state board of regents is hereby authorized to
22 establish and maintain in reasonable proximity to Iowa City
23 and in conjunction with the state university of Iowa and the
24 university hospital, a hospital-school having as its objects
25 the education and treatment of ~~severely-handicapped~~ children
26 with severe disabilities. Such hospital-schools shall be
27 conducted in conjunction with the activities of the University
28 of Iowa children's hospital. Insofar as is practicable, the
29 facilities of the university children's hospital shall be
30 utilized.

31 Sec. 74. Section 263.10, Code 1995, is amended to read as
32 follows:

33 263.10 PERSONS ADMITTED.

34 Every resident of the state who is not more than twenty-one
35 years of age, who ~~is-so-severely-handicapped~~ has such severe

1 disabilities as to be unable to acquire an education in the
2 common schools, and every such person who is twenty-one and
3 under thirty-five years of age who has the consent of the
4 state board of regents, shall be entitled to receive an
5 education, care, and training in the institution, and
6 nonresidents similarly situated may be entitled to an
7 education and care therein upon such terms as may be fixed by
8 the state board of regents. The fee for nonresidents shall be
9 not less than the average expense of resident pupils and shall
10 be paid in advance. Residents and persons under the care and
11 control of a director of a division of the department of human
12 services who ~~are severely handicapped~~ have severe disabilities
13 may be transferred to the hospital-school upon such terms as
14 may be agreed upon by the state board of regents and ~~such the~~
15 director.

16 Sec. 75. Section 263.11, Code 1995, is amended to read as
17 follows:

18 263.11 DEFINITIONS.

19 The term "~~severely handicapped~~" "severe disabilities" shall
20 be interpreted for the purpose of this division as referring
21 to persons who meet both of the following requirements:

22 1. Persons who are educable but ~~severely physically and~~
23 educationally handicapped have severe physical and educational
24 disabilities as a result of cerebral palsy, muscular
25 dystrophy, spina bifida, arthritis, poliomyelitis, or other
26 severe physically handicapping disabling conditions, ~~and.~~

27 2. Persons who are not eligible for admission to the
28 schools already established for the persons with mental
29 retardation or epilepsy or persons who are deaf, or blind,
30 epileptic, or mentally retarded.

31 Sec. 76. Section 280.8, Code 1995, is amended to read as
32 follows:

33 280.8 SPECIAL EDUCATION.

34 The board of directors of each public school district shall
35 make adequate educational provisions for each resident child

1 requiring special education appropriate to the nature and
2 severity of the child's handicapping-condition disability
3 pursuant to rules promulgated by the department under the
4 provisions of chapters 256B and 273.

5 Sec. 77. Section 299.18, Code 1995, is amended to read as
6 follows:

7 299.18 EDUCATION OF CERTAIN DEAF~~7-BLIND7-OR-SEVERELY~~
8 HANDICAPPED CHILDREN WHO ARE DEAF, BLIND, OR HAVE SEVERE
9 DISABILITIES.

10 Children who are of compulsory attendance age and who are
11 so deaf or blind or severely-handicapped have such severe
12 disabilities so as to be unable to obtain an education in the
13 public or accredited nonpublic schools shall be sent to the
14 appropriate state-operated school, or shall receive
15 appropriate special education under chapter 256B, unless
16 exempted, and any person having such a child under the
17 person's control or custody shall see that the child attends
18 the state-operated school or special education program during
19 the scholastic year.

20 Sec. 78. Section 299.19, Code 1995, is amended to read as
21 follows:

22 299.19 PROCEEDING AGAINST PARENT.

23 Upon the failure of a person having the custody and control
24 of a deaf~~7-blind7-or-severely-handicapped~~ child who is blind,
25 deaf, or has severe disabilities to require the child's
26 attendance as provided in section 299.18, the state board of
27 regents may make application to the district court or the
28 juvenile court of the county in which the person resides for
29 an order requiring the person to compel the attendance of the
30 child at the proper state-operated school.

31 Sec. 79. Section 321.34, subsection 12, Code Supplement
32 1995, is amended to read as follows:

33 12. PEARL HARBOR PLATES. Effective January 1, 1990, the
34 owner of a motor vehicle subject to registration under section
35 321.109, subsection 1, light delivery truck, panel delivery

1 truck or pickup who was at Pearl Harbor, Hawaii, as a member
2 of the armed services of the United States on December 7,
3 1941, may, upon written application to the department, order
4 special registration plates. The special registration plates
5 shall bear the notation or emblem reading "PEARL HARBOR
6 SURVIVOR, DECEMBER 7, 1941" followed by four identifying
7 letters or numbers. Each applicant applying for special
8 registration plates under this subsection may purchase only
9 one set of registration plates. The application is subject to
10 approval by the department. Upon receipt of the special
11 registration plates, the applicant shall surrender the regular
12 registration plates to the county treasurer. The fee for the
13 issuance of the special registration plates is twenty-five
14 dollars which shall be in addition to the regular annual
15 registration fee. ~~Seriously-disabled-veterans~~ Veterans with
16 serious disabilities who are exempted from payment of the
17 annual registration fee under section 321.105, shall pay only
18 the twenty-five dollar fee for issuance of the special
19 registration plates. The county treasurer shall validate the
20 special registration plates in the same manner as regular
21 registration plates are validated under this section with no
22 additional registration fee being required other than the
23 regular annual registration fee.

24 Sec. 80. Section 321.105, unnumbered paragraph 5, Code
25 Supplement 1995, is amended to read as follows:

26 ~~Seriously-disabled-veterans~~ Veterans with serious
27 disabilities who have been provided with an automobile or
28 other vehicle by the United States government under the
29 provisions of sections 1901 to 1903, Title 38 of the United
30 States Code, [38 U.S.C. § 1901 et seq. (1970)] shall be
31 exempt from payment of any automobile registration fee
32 provided in this chapter, and shall be provided, without fee,
33 with a registration plate. ~~The-disabled~~ A veteran with a
34 serious disability, to be able to claim the above benefit,
35 must be a resident of the state of Iowa and must produce a

1 certificate of title to the automobile owned and registered in
2 this state in the name of ~~said~~ the veteran.

3 Sec. 81. Section 321.166, subsection 6, Code 1995, is
4 amended to read as follows:

5 6. Registration plates issued a disabled veteran with a
6 disability under the provisions of section 321.105, shall
7 display the alphabetical characters "DV" which shall precede
8 the registration plate number. The plates may also display a
9 handicapped identification sticker if issued to the disabled
10 veteran with a disability by the department under section
11 321L.2.

12 Sec. 82. Section 321.180A, subsection 1, Code 1995, is
13 amended to read as follows:

14 1. Notwithstanding other provisions of this chapter, a
15 physically-disabled person with a physical disability, who is
16 not suffering from a convulsive disorder and who can provide a
17 favorable medical report, whose license renewal has been
18 denied under section 321.177, subsection 6 or 7, or whose
19 motor vehicle license has been suspended under section
20 321.210, subsection 1, paragraph "c", upon meeting the
21 requirements of section 321.186, other than a driving
22 demonstration or the person's limitations which caused the
23 denial under section 321.177, subsection 6 or 7, or suspension
24 under section 321.210, subsection 1, paragraph "c", and upon
25 paying the fee required in section 321.191, shall be issued a
26 special instruction permit by the department. Upon issuance
27 of the permit the denial or suspension shall be stayed and the
28 stay shall remain in effect as long as the permit is valid.

29 Sec. 83. Section 321.445, subsection 5, Code 1995, is
30 amended to read as follows:

31 5. The department shall adopt rules pursuant to chapter
32 17A providing exceptions from application of subsections 1 and
33 2 for front seats and front seat passengers of motor vehicles
34 owned, leased, rented, or primarily used by physically
35 handicapped persons with physical disabilities who use

1 collapsible wheelchairs.

2 Sec. 84. Section 321L.1, subsection 4, Code 1995, is
3 amended to read as follows:

4 4. "Handicapped identification device" or "device" means
5 an identification device bearing the international symbol of
6 accessibility issued by the department, and includes a
7 handicapped registration plate issued to or for a handicapped
8 person under section 321.34, subsection 7, a handicapped
9 identification sticker affixed to a registration plate issued
10 to a ~~disabled~~ veteran with a disability under section 321.166,
11 subsection 6, and a handicapped identification hanging device
12 which is a placard for hanging from the rearview mirror when
13 the motor vehicle is parked.

14 Sec. 85. Section 321L.2, subsection 3, unnumbered
15 paragraph 2, Code Supplement 1995, is amended to read as
16 follows:

17 A handicapped person who owns a motor vehicle for which the
18 handicapped person has been issued radio operator registration
19 plates under section 321.34, subsection 3, or registration
20 plates as a ~~seriously-disabled~~ veteran with a serious
21 disability under section 321.105 may apply to the department
22 for a handicapped identification sticker to be affixed to the
23 plates. The handicapped identification stickers shall bear
24 the international symbol of accessibility. The handicapped
25 identification stickers shall be acquired by eligible
26 handicapped persons upon application on forms prescribed by
27 the department.

28 Sec. 86. Section 324A.1, subsection 7, Code 1995, is
29 amended to read as follows:

30 7. "Transportation disadvantaged persons" means persons
31 ~~who-are-physically-or-mentally-handicapped-persons~~ with
32 physical or mental disabilities, persons who are determined by
33 the department to be economically disadvantaged and other
34 persons or groups determined by the department to be
35 disadvantaged in terms of the transportation services that are

1 available to them.

2 Sec. 87. Section 324A.3, subsection 3, Code 1995, is
3 amended to read as follows:

4 3. ~~Handicapped-services~~ Services for persons with
5 disabilities.

6 Sec. 88. Section 325.6, subsection 5, unnumbered paragraph
7 1, Code 1995, is amended to read as follows:

8 A motor carrier providing primarily passenger service for
9 ~~elderly~~, handicapped persons who are elderly, persons with
10 disabilities, and other transportation disadvantaged persons
11 is exempt from the certification requirements of this section
12 if it satisfies each of the following requirements:

13 Sec. 89. Section 331.324, subsection 1, paragraph n, Code
14 1995, is amended to read as follows:

15 n. ~~Employ the persons who are blind~~, or partially
16 ~~blind~~, and ~~the disabled~~ persons with physical disabilities in
17 accordance with section 216C.2.

18 Sec. 90. Section 331.424, subsection 1, paragraph a,
19 subparagraph (3), Code Supplement 1995, is amended to read as
20 follows:

21 (3) Clothing, transportation, medical, or other services
22 provided persons attending the Iowa braille and sight saving
23 school, the Iowa school for the deaf, or the state hospital-
24 school for ~~severely-handicapped~~ children with severe
25 disabilities at Iowa City, for which the county becomes
26 obligated to pay pursuant to sections 263.12, 269.2, and 270.4
27 through 270.7.

28 Sec. 91. Section 331.655, subsection 1, paragraph c, Code
29 1995, is amended to read as follows:

30 c. For serving and returning a subpoena, for each person
31 served, fifteen dollars, and the necessary expenses incurred
32 while serving subpoenas in criminal cases or cases relating to
33 ~~the-mentally-ill-process~~ hospitalization of persons with
34 mental illness.

35 Sec. 92. Section 384.24, subsection 2, paragraph k, Code

1 1995, is amended to read as follows:

2 k. Housing for ~~the-elderly-or-physically-handicapped~~
3 persons who are elderly or persons with physical disabilities.

4 Sec. 93. Section 403A.2, subsection 6, paragraphs d
5 through g, Code 1995, are amended to read as follows:

6 d. "Families" includes, but is not limited to, families
7 consisting of a single person in the case of any of the
8 following:

9 (1) A person who is at least sixty-two years of age.

10 (2) A person ~~who-is-under~~ with a disability.

11 ~~(3)--A-person-who-is-handicapped-~~

12 ~~(4)~~ (3) A displaced person.

13 ~~(5)~~ (4) The remaining member of a tenant family.

14 e. "Families" includes two or more persons living
15 together, who are at least sixty-two years of age, are under
16 persons with a disability ~~or-are-handicapped~~, or one or more
17 such individuals living with another person who is essential
18 to such individual's care or well-being.

19 f. "Disability" means inability to engage in any
20 substantial gainful activity by reason of any medically
21 determinable physical or mental impairment:

22 ~~g--"Handicapped"--means,~~ or having a physical or mental
23 impairment which is expected to be of long-continued and
24 indefinite duration, substantially impedes the ability to live
25 independently, and is of a nature that the ability to live
26 independently could be improved by more suitable housing
27 conditions.

28 Sec. 94. Section 403A.7, Code 1995, is amended to read as
29 follows:

30 403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

31 A municipality shall ~~(1)-rent~~ do the following:

32 1. Rent or lease the dwelling accommodations in a housing
33 project only to persons or families of low income and at
34 rentals within their financial reach; ~~(2)-rent.~~

35 2. Rent or lease to a tenant such dwelling accommodations

1 consisting of the number of rooms which it deems necessary to
2 provide safe and sanitary accommodations to the proposed
3 occupants thereof, without overcrowding, ~~and (3) fix.~~

4 3. Fix income limits for occupancy and rents after taking
5 into consideration ~~(a) the~~ the following:

6 a. The family size, composition, age, physical handicaps
7 disabilities, and other factors which might affect the rent-
8 paying ability of the person or family, ~~and (b) the.~~

9 b. The economic factors which affect the financial
10 stability and solvency of the project. ~~Provided, however,~~

11 PARAGRAPH DIVIDED. However, such determination of
12 eligibility shall be within the limits of the income limits
13 hereinbefore set out.

14 Nothing contained in this or the preceding section shall be
15 construed as limiting the power of a municipality with respect
16 to a housing project, to vest in an obligee the right, in the
17 event of a default by the municipality, to take possession or
18 cause the appointment of a receiver thereof for the housing
19 project, free from all the restrictions imposed by this or the
20 preceding section.

21 Sec. 95. Section 410.14, Code 1995, is amended to read as
22 follows:

23 410.14 DECISION OF BOARD.

24 The decision of ~~such~~ the board upon such matters shall be
25 final and conclusive, in the absence of fraud, and no appeal
26 shall be allowed therefrom. ~~Such-disabled~~ The member with a
27 disability shall remain upon the pension roll unless and until
28 reinstated in ~~such~~ the department by reason of such
29 examination.

30 Sec. 96. Section 411.1A, Code 1995, is amended to read as
31 follows:

32 411.1A PURPOSE OF CHAPTER.

33 The purpose of this chapter is to promote economy and
34 efficiency in the municipal public safety service by providing
35 an orderly means for police officers and fire fighters to have

1 a retirement system which will provide for the payment of
2 pensions to retired ~~and-disabled~~ members and members incurring
3 disabilities, and to the surviving spouses and dependents of
4 deceased members.

5 Sec. 97. Section 419.1, subsection 12, paragraph a,
6 subparagraph (13), Code 1995, is amended to read as follows:

7 (13) A housing unit or complex for ~~the-elderly-or~~
8 handicapped persons who are elderly or persons with
9 disabilities.

10 Sec. 98. Section 422.7, subsection 20, unnumbered
11 paragraph 1, Code Supplement 1995, is amended to read as
12 follows:

13 20. Subtract, to the extent included, the proceeds
14 received pursuant to a judgment in or settlement of a lawsuit
15 against the manufacturer or distributor of a Vietnam herbicide
16 for damages resulting from exposure to the herbicide. This
17 subsection applies to proceeds received by a taxpayer who is a
18 disabled veteran with a disability or who is a beneficiary of
19 a disabled veteran with a disability.

20 Sec. 99. Section 422.45, subsection 22, paragraphs a and
21 c, Code Supplement 1995, are amended to read as follows:

22 a. Residential care facilities and intermediate care
23 facilities for ~~the-mentally-retarded~~ persons with mental
24 retardation and residential care facilities for ~~the-mentally~~
25 ~~+++~~ persons with mental illness licensed by the department of
26 inspections and appeals under chapter 135C.

27 c. Rehabilitation facilities that provide accredited
28 rehabilitation services to persons with disabilities which are
29 accredited by the commission on accreditation of
30 rehabilitation facilities or the accreditation council for
31 services for mentally-retarded persons with mental retardation
32 and other developmentally-disabled persons with developmental
33 disabilities and adult day care services approved for
34 reimbursement by the state department of human services.

35 Sec. 100. Section 425.23, subsection 3, paragraph b, Code

1 1995, is amended to read as follows:

2 b. For purposes of this subsection, ~~a-totally-disabled~~
3 ~~person~~ in computing household income, a person with a total
4 disability shall deduct all medical and necessary care
5 expenses paid during the twelve-month income tax accounting
6 periods used in computing household income which are
7 attributable to the person's total disability. "Medical and
8 necessary care expenses" are those used in computing the
9 federal income tax deduction under section 213 of the Internal
10 Revenue Code as defined in section 422.3.

11 Sec. 101. Section 427.1, subsections 12 and 34, Code
12 Supplement 1995, are amended to read as follows:

13 12. HOMES FOR SOLDIERS. The buildings and grounds of
14 homes owned and operated by organizations of soldiers,
15 sailors, or marines of any of the wars of the United States
16 when used for a home for ~~disabled~~ soldiers, sailors, or
17 marines with disabilities and not operated for pecuniary
18 profit.

19 34. LOW-RENT HOUSING. The property owned and operated by
20 a nonprofit organization providing low-rent housing for the
21 persons who are elderly and the-physically-and-mentally
22 handicapped persons with physical and mental disabilities.
23 The exemption granted under the provisions of this subsection
24 shall apply only until the terms of the original low-rent
25 housing development mortgage is paid in full or expires,
26 subject to the provisions of subsections 23 and 24.

27 Sec. 102. Section 468.513, Code 1995, is amended to read
28 as follows:

29 468.513 VOTE OF MINOR OR ~~MENTALLY-ILL~~ PERSON WITH MENTAL
30 ILLNESS.

31 The vote of any person who is a minor, ~~mentally-ill~~ has a
32 mental illness, or under other legal incompetency shall be
33 cast by the parent, guardian, or other legal representative of
34 ~~such-minor,-mentally-ill,-or-otherwise-incompetent~~ the person.
35 The person casting such the vote shall deliver to the judges

1 and clerks of election a written sworn statement giving the
2 name, age, and place of residence of ~~such the~~ minor, mentally
3 ~~ill, or other incompetent~~ person with mental illness or other
4 legal incompetency, and any false statement knowingly made to
5 secure permission to cast such vote shall render the party so
6 making it guilty of the crime of perjury.

7 Sec. 103. Section 477C.1, Code 1995, is amended to read as
8 follows:

9 477C.1 DUAL PARTY RELAY SERVICE -- PURPOSE.

10 The general assembly finds that the provision of a
11 statewide dual party relay service will further the public
12 interest and protect the health, safety, and welfare of the
13 people of Iowa through an increase in the usefulness and
14 availability of the telephone system. Many ~~deaf, hard-of-~~
15 ~~hearing, and speech-impaired~~ persons who are deaf, hard-of-
16 hearing, or have speech impairments are not able to utilize
17 the telephone system without this type of service. Therefore,
18 it is the purpose of this chapter to enable the orderly
19 development, operation, promotion, and funding of a statewide
20 dual party relay service.

21 Sec. 104. Section 481A.38, subsection 1, unnumbered
22 paragraph 2, Code 1995, is amended to read as follows:

23 The commission shall adopt a rule permitting a crossbow to
24 be used only by handicapped individuals with disabilities who
25 are physically incapable of using a bow and arrow under the
26 conditions in which a bow and arrow is permitted. The
27 commission shall prepare an application to be used by an
28 individual requesting the status. The application shall
29 require the individual's physician to sign a statement
30 declaring that the individual is not physically able to use a
31 bow and arrow.

32 Sec. 105. Section 483A.3, subsection 1, Code 1995, is
33 amended to read as follows:

34 1. A resident or nonresident person required to have a
35 hunting, fur harvester or fur, fish and game license shall not

1 hunt or trap unless the person carries a valid wildlife
2 habitat stamp signed in ink with the person's signature across
3 the face of the stamp. This section shall not apply to
4 ~~residents who are-permanently-disabled~~ have permanent
5 disabilities or who are younger than sixteen or older than
6 sixty-five years of age. Special wildlife habitat stamps
7 shall be administered in the same manner as hunting and fur
8 harvester licenses except all revenue derived from the sale of
9 the wildlife habitat stamps shall be used within the state of
10 Iowa for habitat development and shall be deposited in the
11 state fish and game protection fund, except as provided in
12 subsection 2. The revenue may be used for the matching of
13 federal funds. The revenues and any matched federal funds
14 shall be used for acquisition of land, leasing of land or
15 obtaining of easements from willing sellers for use as
16 wildlife habitats. Notwithstanding the exemption provided by
17 section 427.1, any land acquired with the revenues and matched
18 federal funds shall be subject to the full consolidated levy
19 of property taxes which shall be paid from those revenues. In
20 addition such revenue may be used for the development and
21 enhancement of wildlife lands and habitat areas. Not less
22 than fifty percent of all revenue from the sale of wildlife
23 habitat stamps shall be used by the commission to enter into
24 agreements with county conservation boards or other public
25 agencies in order to carry out the purposes of this section.
26 The state share of funding of those agreements provided by the
27 revenue from the sale of wildlife habitat stamps shall not
28 exceed seventy-five percent.

29 Sec. 106. Section 483A.4, Code 1995, is amended to read as
30 follows:

31 483A.4 "~~PERMANENTLY-DISABLED~~ PERMANENT DISABILITY"
32 DEFINED.

33 For the purpose of obtaining a license, a person is
34 ~~permanently-disabled~~ has a permanent disability if any of the
35 following apply:

1 1. The person has been found under the provisions of the
2 federal Social Security Act, Title II, or any other public or
3 private pension system to have a total, permanent physical or
4 mental condition which prevents that person from engaging in
5 the person's occupation or qualifies that person for
6 retirement.

7 2. The person ~~is-physically-severely-handicapped~~ has a
8 severe physical disability and has qualified for a special
9 license under section 483A.24.

10 Sec. 107. Section 483A.24, subsections 12 and 17, Code
11 1995, are amended to read as follows:

12 12. The commission shall issue without charge a special
13 fishing license to residents of Iowa sixteen years or more of
14 age who the commission finds ~~are-mentally-or-physically~~
15 severely-handicapped have severe mental or physical
16 disabilities. The commission is hereby authorized to prepare
17 an application to be used by the person requesting ~~handicapped~~
18 status the special license, which would require that the
19 person's attending physician sign the form declaring that the
20 person handicapped has a severe mental or physical disability
21 and is eligible for exempt status.

22 17. The department shall issue without charge a special
23 annual fishing or combined hunting and fishing license to
24 residents of this state who ~~are-permanently-disabled~~ have
25 permanent disabilities and whose income falls below the
26 federal poverty guidelines as published by the United States
27 department of health and human services or residents of this
28 state who are sixty-five years of age or older and whose
29 income falls below the federal poverty guidelines as published
30 by the United States department of health and human services.
31 The commission shall provide for, by rule, an application to
32 be used by an applicant requesting a ~~permanent-disabled-status~~
33 or-age-status special license. The commission shall require
34 proof of age, income, and proof of permanent disability.

35 Sec. 108. Section 598.17, unnumbered paragraph 3, Code

1 1995, is amended to read as follows:

2 ~~No-marriage~~ A dissolution of marriage granted due to the
3 mental illness of one of the spouses shall not relieve the
4 other spouse of any obligation imposed by law as a result of
5 the marriage for the support of the ~~mentally-ill~~ spouse with
6 mental illness. The court may make an order for ~~such~~ the
7 support or may waive the support obligation when satisfied
8 from the evidence that it would create an undue hardship on
9 the obliged spouse or that spouse's other dependents.

10 Sec. 109. Section 600.17, Code 1995, is amended to read as
11 follows:

12 600.17 FINANCIAL ASSISTANCE.

13 The department of human services shall, within the limits
14 of funds appropriated to the department of human services and
15 any gifts or grants received by the department for this
16 purpose, provide financial assistance to any person who adopts
17 a ~~physically-or-mentally-handicapped,~~ child with physical or
18 mental disabilities or an older, or otherwise hard-to-place
19 child, if the adoptive parent has the capability of providing
20 a suitable home for the child but the need for special
21 services or the costs of maintenance are beyond the economic
22 resources of the adoptive parent.

23 1. Financial assistance shall not be provided when the
24 special services are available free of cost to the adoptive
25 parent or are covered by an insurance policy of the adoptive
26 parent.

27 2. "Special services" means any medical, dental,
28 therapeutic, educational, or other similar service or
29 appliance required by an adopted child by reason of a mental
30 or physical handicap disability.

31 Sec. 110. Section 602.8102, subsection 41, Code Supplement
32 1995, is amended to read as follows:

33 41. Carry out duties relating to the involuntary
34 commitment of ~~mentally-impaired~~ persons with mental
35 impairments as provided in chapter 229.

1 Sec. 111. Section 607A.5, Code 1995, is amended to read as
2 follows:

3 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

4 A person shall be excused from jury service if the person
5 submits written documentation verifying, to the court's
6 satisfaction, that the person is solely responsible for the
7 daily care of a permanently-disabled person with a permanent
8 disability living in the person's household and that the
9 performance of juror service would cause substantial risk of
10 injury to the health of the disabled person with a disability,
11 or that the person is the mother of a breastfed child and is
12 responsible for the daily care of the child. However, if the
13 person is regularly employed at a location other than the
14 person's household, the person shall not be excused under this
15 section.

16 Sec. 112. Section 633.63, subsection 1, paragraph a, Code
17 1995, is amended to read as follows:

18 a. ~~One who is a mental retardate, mentally ill, a chronic~~
19 ~~alcoholic~~ A person with mental retardation, mental illness, or
20 chronic alcoholism, or a person who is a spendthrift.

21 Sec. 113. Section 633.707, subsection 4, Code 1995, is
22 amended to read as follows:

23 4. "Maximum monthly medical assistance payment rate for
24 services in an intermediate care facility for ~~the mentally~~
25 retarded persons with mental retardation" means the allowable
26 rate established by the department of human services and as
27 published in the Iowa administrative bulletin.

28 Sec. 114. Section 694.1, subsection 1, Code 1995, is
29 amended to read as follows:

30 1. Is ~~physically or mentally disabled~~ a person with a
31 physical or mental disability.

32 Sec. 115. Section 714.19, subsection 5, Code 1995, is
33 amended to read as follows:

34 5. Nonprofit schools exclusively engaged in training
35 physically-handicapped persons with physical disabilities in

1 the state of Iowa.

2 Sec. 116. Section 726.6, subsection 1, unnumbered
3 paragraph 1, Code 1995, is amended to read as follows:

4 A person who is the parent, guardian, or person having
5 custody or control over a child or a ~~mentally-or-physically~~
6 ~~handicapped~~ minor under the age of eighteen with a mental or
7 physical disability, commits child endangerment when the
8 person does any of the following:

9 Sec. 117. Section 726.6A, Code 1995, is amended to read as
10 follows:

11 726.6A MULTIPLE ACTS OF CHILD ENDANGERMENT -- PENALTY.

12 A person who engages in a course of conduct including three
13 or more acts of child endangerment as defined in section 726.6
14 within a period of twelve months involving the same child or a
15 ~~mentally-or-physically-handicapped~~ minor with a mental or
16 physical disability, where one or more of the acts results in
17 serious injury to the child or minor or results in a skeletal
18 injury to a child under the age of four years, is guilty of a
19 class "B" felony. Notwithstanding section 902.9, subsection
20 1, a person convicted of a violation of this section shall be
21 confined for no more than fifty years.

22 Sec. 118. Section 904.108, subsection 1, paragraph d, Code
23 1995, is amended to read as follows:

24 d. Establish and maintain acceptable standards of
25 treatment, training, education, and rehabilitation in the
26 various state penal and corrective institutions which shall
27 include habilitative services and treatment for ~~mentally~~
28 ~~retarded~~ offenders with mental retardation. For the purposes
29 of this paragraph, habilitative services and treatment means
30 medical, mental health, social, educational, counseling, and
31 other services which will assist a ~~mentally-retarded~~ person
32 with mental retardation to become self-reliant. However, the
33 director may also provide rehabilitative treatment and
34 services to other persons who require the services. The
35 director shall identify all individuals entering the

1 correctional system who are ~~mentally-retarded~~ persons with
2 mental retardation, as defined in section 222.2, subsection 3.
3 Identification shall be made by a qualified ~~mental-retardation~~
4 professional in the area of mental retardation. In assigning
5 ~~a-mentally-retarded~~ an offender with mental retardation, or an
6 offender with an inadequately developed intelligence or with
7 impaired mental abilities, to a correctional facility, the
8 director shall consider both the program needs and the
9 security needs of the offender. The director shall consult
10 with the department of human services in providing
11 habilitative services and treatment to ~~mentally-ill-and~~
12 mentally-retarded offenders with mental illness or mental
13 retardation.

14 Sec. 119. Section 904.205, Code 1995, is amended to read
15 as follows:

16 904.205 CLARINDA CORRECTIONAL FACILITY.

17 The state correctional facility at Clarinda shall be
18 utilized as a secure men's correctional facility primarily for
19 ~~chemically-dependent, mentally-retarded, and socially~~
20 inadequate offenders with chemical dependence, mental
21 retardation, or social inadequacies.

22 Sec. 120. AMENDMENTS CHANGING TERMINOLOGY -- DIRECTIVES TO
23 CODE EDITOR.

24 1. Sections 7D.15, 15.225, 16.4, 16.9, 16.12, 16.17,
25 16.18, 16.26, 16.155, 21.4, 49.25, 135.64, 216.8A, and 217.8,
26 Code 1995, and sections 303C.4 and 321.1, Code Supplement
27 1995, are amended by striking from the sections the words
28 "persons who are handicapped or disabled", "handicapped or
29 disabled persons", "the handicapped", "handicapped or
30 disabled individuals", "handicapped persons", or "disabled
31 persons", and inserting in lieu thereof the words "persons
32 with disabilities".

33 2. Sections 225C.35, 256B.2, 256B.4, 260C.1, 285.11,
34 403A.7, and 514E.7, Code 1995, and section 216.2, Code
35 Supplement 1995, are amended by striking from the sections the

1 words "handicap" or "handicaps", and inserting in lieu
2 thereof, as appropriate, the words "disability" or
3 "disabilities".

4 3. Section 256B.4, Code 1995, is amended by striking from
5 the section the words "handicapped children" and inserting in
6 lieu thereof the words "children with disabilities".

7 4. Sections 216.6, 216.8A, 216C.11, 321.109, 321.124, Code
8 1995, are amended by striking from the sections the words
9 "disabled person" or "disabled or handicapped person", and
10 inserting in lieu thereof the words "person with a
11 disability".

12 5. Sections 285.10 and 403.17, Code 1995, and section
13 285.1, Code Supplement 1995, are amended by striking from the
14 sections the word "handicapped", and inserting in lieu thereof
15 the words "persons with disabilities,".

16 6. Sections 422.7 and 422.35, Code Supplement 1995, are
17 amended by striking from the sections the words "A handicapped
18 individual", and inserting in lieu thereof the words "An
19 individual with a disability".

20 7. Sections 135C.3, 135C.23, 155.1, 218.46, 222.7, 222.55,
21 222.56, 225.5, 226.1, 226.9, 226.30, 227.1, 227.10, 227.11,
22 227.14, 227.15, 229.3, 229.19, 229.44, 230.5, 230.6, 230.8,
23 230.9, 230.10, 230.11, 230.14, 230.18, 230.19, 331.381,
24 331.502, 331.657, 614.8, 904.201, and 904.503, Code 1995, and
25 sections 135.63, 229.1, 230.12, 331.552, 331.653, and 331.756,
26 Code Supplement 1995, are amended by striking from the
27 sections the words "the mentally ill" or "mentally ill
28 persons", and inserting in lieu thereof the words "persons
29 with mental illness".

30 8. Sections 225C.12, 230.1, 230.31, 448.12, 486.32, 597.6,
31 and 597.9, Code 1995, are amended by striking from the
32 sections the words "mentally ill person", and inserting in
33 lieu thereof the words "person with mental illness".

34 9. Sections 587.12, 614.19, 614.27, and 633.31, Code 1995,
35 are amended by striking from the sections the words "insane

1 persons" or "insane person", and inserting in lieu thereof, as
2 appropriate, the words "persons with mental illness" or
3 "person with mental illness".

4 10. Section 681.27, Code 1995, is amended by striking from
5 the section the word "insane" and inserting in lieu thereof
6 the words "mentally ill".

7 11. Sections 23A.2, 135.64, 135C.23, 155.1, 218.92, 222.6,
8 222.9, 222.10, 222.12, 222.27, 222.34, 222.38, 222.43, 222.45,
9 222.51, 222.56, 222.66, 222.88, 226.8, 249A.2, 331.381,
10 331.502, 335.25, 414.22, and 633.709, Code 1995, and sections
11 135.63, 135C.2, 249A.5, 249A.12, 331.756, and 602.8102, Code
12 Supplement 1995, are amended by striking from the sections the
13 words "the mentally retarded", "mentally retarded persons", or
14 "mentally retarded person", and inserting in lieu thereof, as
15 appropriate, the words "persons with mental retardation" or
16 "person with mental retardation".

17 12. The Code editor is directed to substitute the words
18 "persons with disabilities" for the words "persons who are
19 handicapped or disabled", "handicapped or disabled persons",
20 "the handicapped", "handicapped or disabled individuals",
21 "handicapped persons", or "disabled persons" when there
22 appears to be no doubt as to the intent to refer to persons
23 with disabilities, except where the term is intended to refer
24 to provisions related to handicapped parking as provided in
25 chapter 321L.

26 13. The Code editor is directed to substitute the words
27 "disability" or "disabilities" for the words "handicap" or
28 "handicaps" when there appears to be no doubt as to the intent
29 to refer to the condition of a person, except where the term
30 is intended to refer to provisions related to handicapped
31 parking as provided in chapter 321L.

32 14. The Code editor is directed to substitute the words
33 "children with disabilities" for the words "handicapped
34 children" or "disabled children" when there appears to be no
35 doubt as to the intent to refer to children with disabilities,

1 except where the term is intended to refer to provisions
2 related to handicapped parking as provided in chapter 321L.

3 15. The Code editor is directed to substitute the words
4 "person with a disability" for the words "disabled person",
5 "handicapped person", "disabled or handicapped person", or
6 "handicapped or disabled person" when there appears to be no
7 doubt as to the intent to refer to a person with a disability,
8 except where the term is intended to refer to provisions
9 related to handicapped parking as provided in chapter 321L.

10 16. The Code editor is directed to substitute the words
11 "an individual with a disability" for the words "a disabled
12 individual" or "a handicapped individual" when there appears
13 to be no doubt as to the intent to refer to an individual with
14 a disability, except where the term is intended to refer to
15 provisions related to handicapped parking as provided in
16 chapter 321L.

17 17. The Code editor is directed to substitute the words
18 "persons with mental illness" for the words "the mentally ill"
19 or "mentally ill persons" when there appears to be no doubt as
20 to the intent to refer to persons with mental illness.

21 18. The Code editor is directed to substitute the words
22 "person with mental illness" for the words "mentally ill
23 persons" when there appears to be no doubt as to the intent to
24 refer to a person with mental illness.

25 19. The Code editor is directed to substitute the words
26 "persons with mental retardation" for the words "the mentally
27 retarded" or "mentally retarded persons" when there appears to
28 be no doubt as to the intent to refer to persons with mental
29 retardation.

30 20. The Code editor is directed to substitute the words
31 "person with mental retardation" for the words "mentally
32 retarded person" when there appears to be no doubt as to the
33 intent to refer to a person with mental retardation.

34 21. The Code editor shall not apply a directive
35 established in this section to a section of the Code which

1 establishes an interstate compact.

2 EXPLANATION

3 This bill makes numerous changes in terminology to various
4 provisions pertaining to persons with certain mental and
5 physical conditions. In addition, the bill directs the Code
6 editor to make similar changes. The bill pertains primarily
7 to terminology used to identify persons with mental illness,
8 persons with mental retardation, and persons with
9 disabilities. Interstate compacts are not affected by the
10 changes in terminology.

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SENATE FILE 2438

H-5571

- 1 Amend Senate File 2438, as passed by the Senate, as
2 follows:
3 1. By striking page 33, line 31, through page 35,
4 line 11.
5 2. Page 36, by striking lines 2 through 27.
6 3. Page 40, by striking lines 10 through 19.
7 4. Page 41, by striking lines 11 through 18 and
8 inserting the following:
9 "Sec. ____ . Section 427.1, subsection 34, Code
10 Supplement 1995, is amended to read as follows:"
11 5. By renumbering as necessary.

By CARROLL of Poweshiek

H-5571 FILED MARCH 25, 1996

Adopted 4/3/96 (p. 1326)

SENATE FILE 2438

H-5528

- 1 Amend Senate File 2438, as passed by the Senate, as
2 follows:
3 1. Page 1, lines 6 and 7, by striking the words
4 "of unsound mind" and inserting the following: "of
5 unsound-mind with any type of mental disease or mental
6 disorder, except that mental illness does not refer to
7 mental retardation as defined in section 222.2, or to
8 insanity, diminished responsibility, or mental
9 incompetency as defined and used in the Iowa criminal
10 code or in the rules of criminal procedure, Iowa court
11 rules, 3d ed".
12 2. Page 41, lines 29 and 30, by striking the
13 words "WITH MENTAL ILLNESS" and inserting the
14 following: "UNDER LEGAL INCOMPETENCY".
15 3. Page 41, by striking lines 31 and 32 and
16 inserting the following:
17 "The vote of any person who is a minor, mentally
18 ill, or under other legal incompetency shall be".
19 4. Page 42, line 3, by striking the words "with
20 mental illness or other" and inserting the following:
21 "under".
22 5. Page 45, by striking lines 2 and 3 and
23 inserting the following:
24 "No-marriage A dissolution of marriage granted due
25 to-the-mental-illness-of when one of the spouses has
26 mental illness shall not relieve the".
27 6. Page 46, by striking lines 18 through 20 and
28 inserting the following:
29 "a. One who is under legal incompetency or is a
30 mental-retardate, mentally-ill, a chronic alcoholic,
31 or a spendthrift."
32 7. Title page, line 2, by inserting after the
33 word "conditions" the following: ", and providing for
34 related matters concerning persons with mental
35 illness".

By GRUNDBERG of Polk

H-5528 FILED MARCH 25, 1996

Adopted 4/3/96 (p. 1325)

SENATE FILE 2438

H-5510

- 1 Amend Senate File 2438, as passed by the Senate, as
2 follows:
3 1. Page 5, by striking lines 20 through 26.
4 2. Page 22, line 1, by striking the word "adults"
5 and inserting the following: "adults adult persons".
6 3. By renumbering as necessary.

By CARROLL of Poweshiek

H-5510 FILED MARCH 21, 1996

Adopted 4/3/96 (p. 1326)

HOUSE AMENDMENT TO
SENATE FILE 2438

S-5645

1 Amend Senate File 2438, as passed by the Senate, as
2 follows:

3 1. Page 1, lines 6 and 7, by striking the words
4 "of unsound mind" and inserting the following: "of
5 unsound-mind with any type of mental disease or mental
6 disorder, except that mental illness does not refer to
7 mental retardation as defined in section 222.2, or to
8 insanity, diminished responsibility, or mental
9 incompetency as defined and used in the Iowa criminal
10 code or in the rules of criminal procedure, Iowa court
11 rules, 3d ed".

12 2. Page 5, by striking lines 20 through 26.

13 3. Page 22, line 1, by striking the word "adults"
14 and inserting the following: "adults adult persons".

15 4. By striking page 33, line 31, through page 35,
16 line 11.

17 5. Page 36, by striking lines 2 through 27.

18 6. Page 40, by striking lines 10 through 19.

19 7. Page 41, by striking lines 11 through 18 and
20 inserting the following:

21 "Sec. ____ . Section 427.1, subsection 34, Code
22 Supplement 1995, is amended to read as follows:"

23 8. Page 41, lines 29 and 30, by striking the
24 words "WITH MENTAL ILLNESS" and inserting the
25 following: "UNDER LEGAL INCOMPETENCY".

26 9. Page 41, by striking lines 31 and 32 and
27 inserting the following:

28 "The vote of any person who is a minor, ~~mentally~~
29 ~~iii,~~ or under ~~other~~ legal incompetency shall be".

30 10. Page 42, line 3, by striking the words "with
31 mental illness or other" and inserting the following:
32 "under".

33 11. Page 45, by striking lines 2 and 3 and
34 inserting the following:

35 "~~No-marriage~~ A dissolution of marriage granted due
36 ~~to-the-mental-illness-of~~ when one of the spouses has
37 mental illness shall not relieve the".

38 12. Page 46, by striking lines 18 through 20 and
39 inserting the following:

40 "a. One who is under legal incompetency or is a
41 ~~mental-retardate,~~ ~~mentally-iii,~~ ~~a chronic alcoholic,~~
42 or a spendthrift."

43 13. Title page, line 2, by inserting after the
44 word "conditions" the following: ", and providing for
45 related matters concerning persons with mental
46 illness".

47 14. By renumbering, relettering, or redesignating
48 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5645 FILED APRIL 3, 1996

Senate Concurred
4-8-96
(9.1251)

Szymoniak
Bartz
Vilsack

SSB. 2327
Human Resources

SENATE FILE (SF/HF 2438)
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SZYMONIAK)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the terminology used to describe persons with
2 certain mental and physical conditions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2/14/72
Succeeded By

1 Section. Section 4.1, subsections 15 and 39, Code

2 Supplement 1995, are amended to read as follows:

3 15. ~~MENTALLY-ILL~~ PERSONS WITH MENTAL ILLNESS. The words
4 "mentally-ill-person" "persons with mental illness" include
5 ~~mental-retardates,~~ psychotic persons with psychosis, severely
6 depressed persons who are severely depressed, and persons of
7 unsound mind. A person who is hospitalized or detained for
8 treatment of mental illness shall not be deemed or presumed to
9 be incompetent in the absence of a finding of incompetence
10 made pursuant to section 229.27.

11 39. WRITTEN -- IN WRITING -- SIGNATURE. The words
12 "written" and "in writing" may include any mode of
13 representing words or letters in general use. A signature,
14 when required by law, must be made by the writing or markings
15 of the person whose signature is required. If a person is
16 unable due to a physical handicap disability to make a written
17 signature or mark, that person may substitute either of the
18 following in lieu of a signature required by law:

- 19 a. The ~~handicapped-person's~~ name of the person with a
20 disability written by another upon the request and in the
21 presence of the ~~handicapped person,~~ with a disability.
- 22 b. A rubber stamp reproduction of the ~~handicapped-person's~~
23 name or facsimile of the actual signature when adopted by the
24 ~~handicapped person~~ with a disability for all purposes
25 requiring a signature and then only when affixed by that
26 person or another upon request and in the ~~handicapped-person's~~
27 presence of the person with a disability.

28 Sec. 2. Section 7.14, subsection 3, Code 1995, is amended
29 to read as follows:

30 3. Whenever a governor who is unable to discharge the
31 duties of the office believes the disability to be removed,
32 the governor may call a conference consisting of the three
33 persons referred to as members of such a conference in
34 subsection 1. The three members of the conference shall
35 within ten days examine the ~~disabled~~ governor. Within seven

1 days after the examination they shall conduct a secret ballot
2 and by unanimous vote may find the disability removed.

3 Sec. 3. Section 15.225, subsection 1, paragraph b, Code
4 1995, is amended to read as follows:

5 b. A public service employment program for disadvantaged
6 ~~and-handicapped youth~~ and youth with disabilities attending
7 school to be known as the "in-school program".

8 Sec. 4. Section 15.286, subsection 4, paragraph b,
9 subparagraph (3), Code 1995, is amended to read as follows:

10 (3) Programs to assist persons of lower income, ~~the~~
11 persons who are disadvantaged, or the-disabled persons with
12 disabilities.

13 Sec. 5. Section 16.1, subsections 7 and 14, Code 1995, are
14 amended by striking the subsections.

15 Sec. 6. Section 16.1, subsections 13 and 24, Code 1995,
16 are amended to read as follows:

17 13. a. "Families" includes but is not limited to families
18 consisting of a single adult person who is primarily
19 responsible for the person's own support, is at least sixty-
20 two years of age, ~~is disabled, -is-handicapped~~ a person with a
21 disability, is displaced, or is the remaining member of a
22 tenant family.

23 b. "Families" includes but is not limited to two or more
24 persons living together who are at least sixty-two years of
25 age, ~~are disabled, -or-are-handicapped~~ persons with
26 disabilities, or one or more such individuals living with
27 another person who is essential to such individual's care or
28 well-being.

29 24. "Low or moderate income families" means families who
30 cannot afford to pay enough to cause private enterprise in
31 their locality to build an adequate supply of decent, safe,
32 and sanitary dwellings for their use, and also includes, but
33 is not limited to, (1) elderly families, families in which one
34 or more persons are ~~handicapped-or-disabled~~ persons with
35 disabilities, lower income families and very low income

1 families, and (2) families purchasing or renting qualified
2 residential housing.

3 Sec. 7. Section 16.1, Code 1995, is amended by adding the
4 following new subsection:

5 NEW SUBSECTION. 29A. "Person with a disability" means a
6 person who is unable to engage in any substantial gainful
7 activity by reason of a medically determinable physical or
8 mental impairment, or a person having a physical or mental
9 impairment which is expected to be of long-continued and
10 indefinite duration, substantially impedes the ability to live
11 independently, and is of a nature that the ability to live
12 independently could be improved by more suitable housing
13 conditions.

14 Sec. 8. Section 16.1, subsection 32, paragraph c, Code
15 1995, is amended to read as follows:

16 c. Housing for low or moderate income families, elderly
17 families, and families which include one or more persons who
18 ~~are-handicapped-or-disabled~~ with disabilities.

19 Sec. 9. Section 16.2, subsection 1, unnumbered paragraph
20 1, Code 1995, is amended to read as follows:

21 The Iowa finance authority is established, and constituted
22 a public instrumentality and agency of the state exercising
23 public and essential governmental functions, to undertake
24 programs which assist in attainment of adequate housing for
25 low or moderate income families, elderly families, and
26 families which include one or more persons ~~who-are-handicapped~~
27 or-disabled with disabilities, and to undertake the Iowa
28 homesteading program, the small business loan program, the
29 export business finance program, and other finance programs.
30 The powers of the authority are vested in and shall be
31 exercised by a board of nine members appointed by the governor
32 subject to confirmation by the senate. No more than five
33 members shall belong to the same political party. As far as
34 possible the governor shall include within the membership
35 persons who represent community and housing development

1 industries, housing finance industries, the real estate sales
 2 industry, elderly families, minorities, lower income families,
 3 very low income families, ~~handicapped-and-disabled~~ families
 4 which include persons with disabilities, average taxpayers,
 5 local government, business and international trade interests,
 6 and any other person specially interested in community
 7 housing, finance, small business, or export business
 8 development.

9 Sec. 10. Section 16.3, subsection 13, Code 1995, is
 10 amended to read as follows:

11 13. There is a need in areas of the state for new
 12 construction of certain group homes of fifteen beds or less
 13 licensed as health care facilities or child foster care
 14 facilities to provide adequate housing and care for elderly
 15 ~~and-handicapped~~ Iowans and Iowans with disabilities, and to
 16 provide adequate housing and foster care for children.

17 Sec. 11. Section 16.100, subsection 2, paragraph b, Code
 18 1995, is amended to read as follows:

19 b. A home maintenance and repair program providing repair
 20 services to ~~elderly,-handicapped,-or-disabled~~ families which
 21 include persons who are elderly or persons with disabilities
 22 and which qualify as lower income or very low income families.

23 Sec. 12. Section 19B.2, unnumbered paragraph 2, Code 1995,
 24 is amended to read as follows:

25 It is the policy of this state to permit special
 26 appointments by bypassing the usual testing procedures for any
 27 applicant for whom the division of vocational rehabilitation
 28 services of the department of education or the department for
 29 the blind has certified the applicant's disability and
 30 competence to perform the job. The department of personnel,
 31 in cooperation with the department for the blind and the
 32 division of vocational rehabilitation services, shall develop
 33 appropriate certification procedures. This paragraph should
 34 not be interpreted to bar promotional opportunities for blind
 35 ~~and-physically-or-mentally-disabled~~ persons who are blind or

1 persons with physical or mental disabilities. If this
2 paragraph conflicts with any other provisions of this chapter,
3 the provisions of this paragraph govern.

4 Sec. 13. Section 34.2, subsection 4, unnumbered paragraph
5 1, Code 1995, is amended to read as follows:

6 A 911 system shall be capable of transmitting requests for
7 law enforcement, fire fighting, and emergency medical and
8 ambulance services to a public safety agency or agencies that
9 provide the requested service at the place where the call
10 originates. A 911 system may also provide for transmitting
11 requests for emergency management, poison control, suicide
12 prevention, and other emergency services. The public safety
13 answering point shall be capable of receiving calls from deaf
14 and hard-of-hearing persons through a telecommunications
15 device for the deaf. Conferencing capability with counseling,
16 aid to handicapped persons with disabilities, and other
17 services as deemed necessary for identifying appropriate
18 emergency response services may be provided by the 911
19 service.

20 Sec. 14. Section 36.10, subsection 2, paragraph b, Code
21 1995, is amended to read as follows:

22 b. This exclusion of litigation proceeds from benefit or
23 entitlement program calculations are available only to
24 disabled veterans with disabilities or their beneficiaries,
25 whether payment is received in a lump sum or payable in
26 installments over a period of years.

27 Sec. 15. Section 48A.2, subsection 3, Code 1995, is
28 amended to read as follows:

29 3. ~~"Mentally-incompetent-person"~~ "Person who is mentally
30 incompetent" means a person who has been legally determined to
31 be severely or profoundly mentally retarded, or has been found
32 incompetent in a proceeding held pursuant to section 229.27.

33 Sec. 16. Section 49.21, unnumbered paragraph 4, Code 1995,
34 is amended to read as follows:

35 In the selection of polling places, preference shall also

1 be given to the use of buildings accessible to ~~elderly and~~
2 ~~physically-disabled~~ persons who are elderly and persons with
3 disabilities.

4 Sec. 17. Section 49.90, Code 1995, is amended to read as
5 follows:

6 49.90 ASSISTING VOTER.

7 Any voter who may declare upon oath that the voter is
8 blind, cannot read the English language, or is, by reason of
9 any physical disability other than intoxication, unable to
10 cast a vote without assistance, shall, upon request, be
11 assisted by ~~said~~ the two officers as provided in section
12 49.89, or alternatively by any other person the voter may
13 select in casting the vote. ~~Said~~ The officers, or the person
14 selected by the voter, shall cast the vote of the voter
15 requiring assistance, and shall thereafter give no information
16 regarding the vote cast. If any elector because of a ~~handicap~~
17 disability cannot enter the building where the polling place
18 for the elector's precinct of residence is located, the two
19 officers shall take a paper ballot to the vehicle occupied by
20 the ~~handicapped~~ elector with a disability and allow the
21 elector to cast the ballot in the vehicle. If a ~~handicapped~~
22 an elector with a disability cannot cast a ballot on a voting
23 machine the elector shall be allowed to cast a paper ballot,
24 which shall be opened immediately after the closing of the
25 polling place by the two precinct election officials
26 designated under section 49.89, who shall register the votes
27 cast thereon on a voting machine in the polling place before
28 the votes cast there are tallied pursuant to section 52.21.
29 To preserve so far as possible the confidentiality of each
30 ~~handicapped-elector's~~ ballot of an elector with a disability,
31 the two officers shall proceed substantially in the same
32 manner as provided in section 53.24. In precincts where all
33 voters use paper ballots, those cast by ~~handicapped~~ voters
34 with disabilities shall be deposited in the regular ballot box
35 and counted in the usual manner.

1 Sec. 18. Section 70A.20, unnumbered paragraph 1, Code
2 Supplement 1995, is amended to read as follows:

3 A state employees disability insurance program is created,
4 which shall be administered by the director of the department
5 of personnel and which shall provide disability benefits in an
6 amount and for the employees as provided in this section. The
7 monthly disability benefits shall provide twenty percent of
8 monthly earnings if employed less than one year, forty percent
9 of monthly earnings if employed one year or more but less than
10 two years, and sixty percent of monthly earnings thereafter,
11 reduced by primary and family social security determined at
12 the time social security disability payments commence,
13 railroad retirement disability income, workers' compensation
14 if applicable, and any other state-sponsored sickness or
15 disability benefits payable. However, the amount of benefits
16 payable under the Iowa public employees' retirement system
17 pursuant to chapter 97B shall not reduce the benefits payable
18 pursuant to this section. Subsequent social security or
19 railroad retirement increases shall not be used to further
20 reduce the insurance benefits payable. As used in this
21 section, "primary and family social security" shall not
22 include social security benefits awarded to ~~a disabled~~ an
23 adult child with a disability of the ~~disabled~~ state employee
24 with a disability who does not reside with the ~~disabled~~ state
25 employee with a disability if the social security benefits
26 were awarded to the ~~disabled~~ adult child with a disability
27 prior to the approval of the state employee's benefits under
28 this section, regardless of whether the United States social
29 security administration records the benefits to the social
30 security number of the ~~disabled~~ adult child with a disability,
31 the ~~disabled~~ state employee with a disability, or any other
32 family member, and such social security benefits shall not
33 reduce the benefits payable pursuant to this section. As used
34 in this section, unless the context otherwise requires,
35 "adult" means a person who is eighteen years of age or older.

1 State employees shall receive credit for the time they were
2 continuously employed prior to and on July 1, 1974.. The
3 following provisions apply to the employees disability
4 insurance program:

5 Sec. 19. Section 85.38, subsection 2, Code 1995, is
6 amended to read as follows:

7 2. CREDIT FOR BENEFITS PAID UNDER GROUP PLANS. In the
8 event the ~~disabled~~ employee with a disability shall receive
9 any benefits, including medical, surgical or hospital
10 benefits, under any group plan covering nonoccupational
11 disabilities contributed to wholly or partially by the
12 employer, which benefits should not have been paid or payable
13 if any rights of recovery existed under this chapter, chapter
14 85A or chapter 85B, then ~~such~~ the amounts so paid to ~~said~~ the
15 employee from ~~any-such~~ the group plan shall be credited to or
16 against any compensation payments, including medical, surgical
17 or hospital, made or to be made under this chapter, chapter
18 85A or chapter 85B. ~~Such~~ The amounts so credited shall be
19 deducted from the payments made under these chapters. Any
20 nonoccupational plan shall be reimbursed in the amount ~~so~~
21 deducted. This section shall not apply to payments made under
22 any group plan which would have been payable even though there
23 was an injury under this chapter or an occupational disease
24 under chapter 85A or an occupational hearing loss under
25 chapter 85B. Any employer receiving such credit shall keep
26 ~~such~~ the employee safe and harmless from any and all claims or
27 liabilities that may be made against them by reason of having
28 received ~~such~~ the payments only to the extent of ~~such~~ the
29 credit.

30 Sec. 20. Section 85.45, subsection 4, Code 1995, is
31 amended to read as follows:

32 4. When a person seeking a commutation is a surviving
33 spouse, ~~a-permanently-and-totally-disabled~~ an employee with a
34 permanent and total disability, or a dependent who is entitled
35 to benefits as provided in section 85.31, subsection 1,

1 paragraphs "c" and "d", the future payments which may be
2 commuted shall not exceed the number of weeks which shall be
3 indicated by probability tables designated by the industrial
4 commissioner for death and remarriage, subject to the
5 provisions of chapter 17A.

6 Sec. 21. Section 85.49, Code 1995, is amended to read as
7 follows:

8 85.49 TRUSTEES FOR INCOMPETENT MINORS AND DEPENDENTS.

9 When a minor or mentally-incompetent a dependent who is
10 mentally incompetent is entitled to weekly benefits under this
11 chapter, or chapter 85A or 85B, payment shall be made to the
12 parent, guardian, or conservator, who shall act as trustee,
13 and the money coming into the trustee's hands shall be
14 expended for the use and benefit of the person entitled to it
15 under the direction and orders of a district judge. The
16 trustee shall qualify and give bond in an amount as the
17 district judge directs, which may be increased or diminished
18 from time to time.

19 If the domicile or residence of such the minor or mentally
20 incompetent dependent be who is mentally incompetent is
21 outside the state of Iowa the industrial commissioner may
22 order and direct that benefits to such the minors or
23 incompetents dependents be paid to a guardian, conservator, or
24 legal representative duly qualified under the laws of the
25 jurisdiction wherein the minors or incompetents dependents
26 shall be domiciled or reside. Proof of the identity and
27 qualification of such the guardian, conservator, or other
28 legal representative shall be furnished to the industrial
29 commissioner.

30 Sec. 22. Section 85.68, Code 1995, is amended to read as
31 follows:

32 85.68 ACTIONS.

33 The treasurer of state, on behalf of the second injury fund
34 created under this division, shall have a cause of action
35 under section 85.22 to the same extent as an employer against

1 any person not in the same employment by reason of whose
2 negligence or wrong the subsequent injury of the previously
3 disabled person with the previous disability was caused. The
4 action shall be brought by the treasurer of state on behalf of
5 the fund, and any recovery, less the necessary and reasonable
6 expenses incurred by the treasurer of state, shall be paid to
7 the treasurer of state and credited to the fund.

8 Sec. 23. Section 85.69, Code 1995, is amended to read as
9 follows:

10 85.69 FEDERAL CONTRIBUTIONS.

11 The treasurer of state is hereby authorized to receive and
12 credit to ~~said~~ the second injury fund any sum or sums that may
13 at any time be contributed to the state by the United States
14 or any agency thereof, under any Act of Congress or otherwise,
15 to which the state may be or become entitled by reason of any
16 payments made to any previously-disabled person with a
17 previous disability out of ~~said~~ the fund.

18 Sec. 24. Section 135.11, subsection 19, Code 1995, is
19 amended to read as follows:

20 19. Administer the statewide maternal and child health
21 program and the ~~crippled-children's~~ program for children with
22 disabilities by conducting mobile and regional child health
23 specialty clinics and conducting other activities to improve
24 the health of low-income women and children and to promote the
25 welfare of children with actual or potential handicapping
26 conditions which may cause disabilities and children with
27 chronic illnesses in accordance with the requirements of Title
28 V of the federal Social Security Act. The department shall
29 provide technical assistance to encourage the coordination and
30 collaboration of state agencies in developing outreach centers
31 which provide publicly supported services for pregnant women,
32 infants, and children. The department shall also, through
33 cooperation and collaborative agreements with the department
34 of human services and the mobile and regional child health
35 specialty clinics, establish common intake proceedings for

1 maternal and child health services. The department shall work
2 in cooperation with the legislative fiscal bureau in
3 monitoring the effectiveness of the maternal and child health
4 centers, including the provision of transportation for patient
5 appointments and the keeping of scheduled appointments.

6 Sec. 25. Section 135C.1, subsections 6, 8, and 9, Code
7 1995, are amended to read as follows:

8 6. "Health care facility" or "facility" means a
9 residential care facility, a nursing facility, an intermediate
10 care facility for ~~the-mentally-ill~~ persons with mental
11 illness, or an intermediate care facility for ~~the-mentally~~
12 retarded persons with mental retardation.

13 8. "Intermediate care facility for ~~the-mentally-ill~~
14 persons with mental illness" means an institution, place,
15 building, or agency designed to provide accommodation, board,
16 and nursing care for a period exceeding twenty-four
17 consecutive hours to three or more individuals, who primarily
18 have mental illness and who are not related to the
19 administrator or owner within the third degree of
20 consanguinity.

21 9. "Intermediate care facility for ~~the-mentally-retarded~~
22 persons with mental retardation" means an institution or
23 distinct part of an institution with a primary purpose to
24 provide health or rehabilitative services to three or more
25 individuals, who primarily have mental retardation or a
26 related condition and who are not related to the administrator
27 or owner within the third degree of consanguinity, and which
28 meets the requirements of this chapter and federal standards
29 for intermediate care facilities for ~~the-mentally-retarded~~
30 persons with mental retardation established pursuant to the
31 federal Social Security Act, § 1905(c)(d), as codified in 42
32 U.S.C. § 1936d which are contained in 42 C.F.R. pt. 483,
33 subpt. D, § 410-480.

34 Sec. 26. Section 135C.2, subsection 3, paragraph b, Code
35 Supplement 1995, is amended to read as follows:

1 b. The department may also establish by administrative
 2 rule special classifications within the residential care
 3 facility, intermediate care facility for ~~the-mentally-ill~~
 4 persons with mental illness, intermediate care facility for
 5 ~~the-mentally-retarded~~ persons with mental retardation, or
 6 nursing facility categories, for facilities intended to serve
 7 individuals who have special health care problems or
 8 conditions in common. Rules establishing a special
 9 classification shall define the problem or condition to which
 10 the special classification is relevant and establish
 11 requirements for an approved program of care commensurate with
 12 the problem or condition. The rules may grant special
 13 variances or considerations to facilities licensed within the
 14 special classification.

15 Sec. 27. Section 135C.2, subsection 5, paragraph g, Code
 16 Supplement 1995, is amended to read as follows:

17 g. The facilities licensed under this subsection shall be
 18 eligible for funding utilized by other licensed residential
 19 care facilities for ~~the-mentally-retarded~~ persons with mental
 20 retardation, or licensed residential care facilities for the
 21 ~~mentally-ill~~ person with mental illness, including but not
 22 limited to funding under or from the federal social services
 23 block grant, the state supplementary assistance program, state
 24 mental health and developmental disabilities services funds,
 25 and county funding provisions.

26 Sec. 28. Section 216.6, subsection 1, paragraph c,
 27 unnumbered paragraph 2, Code 1995, is amended to read as
 28 follows:

29 An employer, employment agency, or their employees,
 30 servants or agents may offer employment or advertise for
 31 employment to only ~~the-disabled~~ persons with disabilities,
 32 when other applicants have available to them, other employment
 33 compatible with their ability which would not be available to
 34 ~~the-disabled~~ persons with disabilities because of their
 35 handicap disabilities. Any such employment or offer of

1 employment shall not discriminate among ~~the-disabled~~ persons
2 with disabilities on the basis of race, color, creed, sex or
3 national origin.

4 Sec. 29. Section 216.8A, subsection 3, paragraph d, Code
5 1995, is amended to read as follows:

6 d. Compliance with the appropriate requirements of the
7 American national standard for buildings and facilities pro-
8 viding accessibility and usability for physically-handicapped
9 people persons with disabilities, commonly cited as "ANSI A
10 117.1", satisfies the requirements of paragraph "c",
11 subparagraph (3), subparagraph subdivision (c).

12 Sec. 30. Section 216.14, Code 1995, is amended to read as
13 follows:

14 216.14 PROMOTION OR TRANSFER.

15 After a handicapped-individual person with a disability is
16 employed, the employer shall not be required under this
17 chapter to promote or transfer such-handicapped the person to
18 another job or occupation, unless, prior to such the transfer,
19 such-handicapped the person with the disability, by training
20 or experience, is qualified for such the job or occupation.
21 Any collective bargaining agreement between an employer and
22 labor organization shall contain this section as part of such
23 the agreement.

24 Sec. 31. Section 216B.3, subsection 9, Code Supplement
25 1995, is amended to read as follows:

26 9. Provide library services to blind-and-physically
27 handicapped persons who are blind and persons with physical
28 disabilities.

29 Sec. 32. Section 216B.4, unnumbered paragraph 1, Code
30 1995, is amended to read as follows:

31 The administrator may accept financial aid from the
32 government of the United States for carrying out
33 rehabilitation and physical restoration of the blind and for
34 providing library services to the-blind-and-physically
35 handicapped persons who are blind and persons with physical

1 disabilities.

2 Sec. 33. Section 216C.1, Code 1995, is amended to read as
3 follows:

4 216C.1 PARTICIPATION BY PERSONS WITH DISABILITIES.

5 It is the policy of this state to encourage and enable ~~the~~
6 persons who are blind, the or partially blind and the
7 physically-disabled persons with physical disabilities to
8 participate fully in the social and economic life of the state
9 and to engage in remunerative employment.

10 To encourage participation by ~~the-disabled~~ persons with
11 disabilities, it is the policy of this state to ensure
12 compliance with federal requirements concerning persons with
13 disabilities.

14 Sec. 34. Section 216C.2, Code 1995, is amended to read as
15 follows:

16 216C.2 PUBLIC EMPLOYMENT.

17 ~~The~~ Persons who are blind, the or partially blind and the
18 physically-disabled persons with physical disabilities shall
19 be employed in the state service, the service of the political
20 subdivisions of the state, the public schools, and all other
21 employment supported in whole or in part by public funds, on
22 the same terms and conditions as ~~the-able-bodied~~ other
23 persons, unless it is shown that the particular disability
24 prevents the performance of the work required.

25 Sec. 35. Section 216C.3, Code 1995, is amended to read as
26 follows:

27 216C.3 FREE USE OF PUBLIC FACILITIES.

28 ~~The~~ Persons who are blind, the or partially blind and the
29 physically-disabled persons with physical disabilities have
30 the same right as ~~the-able-bodied~~ other persons to the full
31 and free use of the streets, highways, sidewalks, walkways,
32 public buildings, public elevators, public facilities and
33 other public places.

34 Sec. 36. Section 216C.4, Code 1995, is amended to read as
35 follows:

1 216C.4 ACCOMMODATIONS.

2 ~~The~~ Persons who are blind, ~~the~~ or partially blind and ~~the~~
3 physically-disabled persons with physical disabilities are
4 entitled to full and equal accommodations, facilities, and
5 privileges of all common carriers, airplanes, motor vehicles,
6 railroad trains, motorbuses, streetcars, boats, other public
7 conveyances or modes of transportation, hotels, lodging
8 places, eating places, places of public accommodation,
9 amusement, or resort, and other places to which the general
10 public is invited, subject only to the conditions and
11 limitations established by law and applicable alike to all
12 persons.

13 Sec. 37. Section 216C.8, Code 1995, is amended to read as
14 follows:

15 216C.8 WHITE CANE SAFETY DAY.

16 The governor shall annually take suitable public notice of
17 October 15 as white cane safety day. The governor shall issue
18 a proclamation commenting upon the significance of the white
19 cane; calling upon the citizens to observe the provisions of
20 this chapter and sections 321.332 and 321.333 and to take
21 precautions necessary for the safety of ~~the-disabled persons~~
22 with disabilities; reminding the citizens of the policies
23 herein declared and urging the citizens to ~~co-operate~~
24 cooperate in giving effect to them; and emphasizing the need
25 of the citizens to be aware of the presence of ~~disabled~~
26 persons with disabilities in the community and to offer
27 assistance to ~~disabled persons with disabilities~~ upon
28 appropriate occasions.

29 Sec. 38. Section 216C.9, subsection 1, Code 1995, is
30 amended to read as follows:

31 1. Curbs constructed along any public street in this
32 state, when the street is paralleled or intersected by
33 sidewalks, or when city ordinances or other lawful regulations
34 will require the construction of sidewalks parallel to or
35 intersecting the street, shall be constructed with not less

1 than two curb cuts or ramps per lineal block which shall be
 2 located on or near the crosswalks at intersections. Each curb
 3 cut or ramp shall be at least thirty inches wide, shall be
 4 sloped at not greater than one inch of rise per twelve inches
 5 lineal distance, except that a slope no greater than one inch
 6 of rise per eight inches lineal distance may be used where
 7 necessary, shall have a nonskid surface, and shall otherwise
 8 be so constructed as to allow reasonable access to the
 9 crosswalk for physically-handicapped persons with physical
 10 disabilities using the sidewalk.

11 Sec. 39. Section 217.1, Code 1995, is amended to read as
 12 follows:

13 217.1 PROGRAMS OF DEPARTMENT.

14 There is established a department of human services to
 15 administer programs designed to improve the well-being and
 16 productivity of the people of the state of Iowa. The
 17 department shall concern itself with the problems of human
 18 behavior, adjustment, and daily living through the
 19 administration of programs of family, child, and adult
 20 welfare, economic assistance including costs of medical care,
 21 rehabilitation toward self-care and support, delinquency
 22 prevention and control, treatment and rehabilitation of
 23 juvenile offenders, care and treatment of ~~the-mentally-ill~~-and
 24 mentally-retarded persons with mental illness or mental
 25 retardation, and other related programs as provided by law.

26 Sec. 40. Section 218.95, Code 1995, is amended to read as
 27 follows:

28 218.95 SYNONYMOUS TERMS.

29 For purposes of construing the provisions of this and the
 30 following subtitles of this title and chapters 16, 35B, 347B,
 31 709A, 904, 913, and 914 relating to ~~the-mentally-ill~~ persons
 32 with mental illness and reconciling ~~same~~ these provisions with
 33 other former and present provisions of statute, the following
 34 terms shall be considered synonymous:

- 35 1. "Mentally ill" and "insane", except that the

1 hospitalization or detention of any person for treatment of
2 mental illness shall not constitute a finding or create a
3 presumption that the individual is legally insane in the
4 absence of a finding of incompetence made pursuant to section
5 229.27;

- 6 ~~2. -- "Mental defectives" and "mentally retarded";~~
7 ~~3. -- "Feeble-minded" and "mentally retarded";~~
8 ~~4. -- "Defectiveness" and "retardation";~~
9 5. 2. "Parole" and "convalescent leave";
10 6. 3. "Resident" and "patient";
11 7. 4. "Escape" and "depart without proper authorization";
12 8. 5. "Warrant" and "order of admission";
13 9. 6. "Escapee" and "patient";
14 ~~10. 7.~~ 7. "Sane" and "in good mental health";
15 ~~11. -- "Commissioners of insanity" and "commissioners of~~
16 ~~hospitalization";~~
17 ~~12. -- "idiot" and "mental retardate";~~
18 ~~13. -- "Recapture" and "take into protective custody";~~
19 ~~14. 8.~~ 8. "Asylum" and "hospital";
20 ~~15. 9.~~ 9. "Commitment" and "admission".

21 It is hereby declared to be the policy of the general
22 assembly that words which have come to have a degrading
23 meaning shall not be employed in institutional records having
24 reference to the mentally-afflicted persons with various
25 mental conditions and that in all such records pertaining to
26 persons with various mental conditions the less discriminatory
27 of the foregoing synonyms shall be employed.

28 Sec. 41. Section 220A.1, Code 1995, is amended to read as
29 follows:

30 220A.1 PURPOSE.

31 The purpose of this chapter is to permit information
32 concerning persons who are believed to be mentally-handicapped
33 have mental disabilities to be efficiently used by and
34 exchanged among the state and local governments, their
35 departments and agencies, and with other public or private

1 agencies, where the use or exchange of the information is for
2 the purpose of assisting any of the agencies in providing
3 care, evaluation, services, assistance, education, or
4 habilitation to such persons.

5 Sec. 42. Section 220A.4, Code 1995, is amended to read as
6 follows:

7 220A.4 AGENCIES INVOLVED.

8 The service shall receive from and make available to the
9 following state agencies case information on persons who are
10 believed to be-mentally-handicapped have mental disabilities:
11 ~~The~~ the Iowa department of public health, the department of
12 education, the state board of regents, and the department of
13 human services.

14 Sec. 43. Section 220A.6, Code 1995, is amended to read as
15 follows:

16 220A.6 INFORMATION TO OTHERS.

17 The state agencies designated in section 220A.4 may receive
18 from and disseminate to other public agencies or private
19 agencies such information as is necessary or proper for the
20 purpose of providing evaluation services, treatment services,
21 education, support or habilitation services to the ~~mentally~~
22 handicapped person with a mental disability. The enumerated
23 state agencies or their designated staff shall be authorized
24 to make determination of the proper receipt or dissemination
25 of information to other public or private agencies.

26 Sec. 44. Section 220A.7, Code 1995, is amended to read as
27 follows:

28 220A.7 RESTRICTIONS NOT APPLICABLE.

29 Any law or departmental rule of the state of Iowa which
30 restricts or declares confidential information concerning
31 persons who are believed to be-mentally-handicapped have
32 mental disabilities shall not apply to information exchanged
33 through the service for the purposes of this chapter.
34 Information supplied under a restriction by the government of
35 the United States, its departments or agencies, or by other

1 state government, its departments and agencies, shall be
2 processed in compliance with such restrictions. Any case
3 information restricted by any order of court shall be
4 processed in compliance with the order.

5 Sec. 45. Section 222.16, Code 1995, is amended to read as
6 follows:

7 222.16 PETITION FOR ADJUDICATION OF MENTAL RETARDATION.

8 A petition for the adjudication of the mental retardation
9 of a person within the meaning of this chapter may, with the
10 permission of the court be filed without fee against such a
11 person with the clerk of the district court of the county or
12 city in which ~~such-alleged-mentally-retarded~~ the person who is
13 alleged to have mental retardation resides or is found. The
14 petition may be filed by any relative of such the person, by a
15 guardian, or by any reputable citizen of the county ~~of-such~~
16 ~~residence-or-of-such-place-of-finding~~ where the person who is
17 alleged to have mental retardation resides or is found.

18 Sec. 46. Section 222.18, unnumbered paragraph 2, Code
19 1995, is amended to read as follows:

20 Upon the filing of the petition, the court shall enter an
21 order directing the county attorney of the county in which the
22 ~~allegedly-mentally-retarded~~ person who is alleged to have
23 mental retardation resides to make a full investigation
24 regarding the financial condition of that person and of those
25 persons legally liable for that person's support under section
26 222.78.

27 Sec. 47. Section 222.21, Code 1995, is amended to read as
28 follows:

29 222.21 ORDER REQUIRING ATTENDANCE.

30 If the person alleged to ~~be-mentally-retarded~~ have mental
31 retardation is not before the court, the court may issue an
32 order requiring the person, who has the care, custody, and
33 control of the ~~alleged-mentally-retarded~~ person who is alleged
34 to have mental retardation to bring ~~said-alleged-mentally~~
35 ~~retarded~~ the person into court at the time and place stated in

1 said the order.

2 Sec. 48. Section 222.22, Code 1995, is amended to read as
3 follows:

4 222.22 TIME OF APPEARANCE.

5 The time of appearance shall not be less than five days
6 after completed service unless the court orders otherwise.
7 Appearance on behalf of ~~such-alleged-mentally-retarded~~ the
8 person who is alleged to have mental retardation may be made
9 by any citizen of the county or by any relative. The district
10 court shall assign counsel for the ~~alleged-mentally-retarded~~
11 person who is alleged to have mental retardation. Counsel
12 shall prior to proceedings personally consult with ~~such~~ the
13 person who is alleged to have mental retardation unless the
14 judge appointing ~~such~~ counsel certifies that in the judge's
15 opinion, ~~such~~ consultation shall serve no useful purpose.
16 ~~Such~~ The certification shall be made a part of the record. An
17 attorney ~~so~~ assigned by the court shall receive ~~such~~
18 compensation as the district court shall fix to be paid in the
19 first instance by the county.

20 Sec. 49. Section 222.25, Code 1995, is amended to read as
21 follows:

22 222.25 CUSTODY PENDING HEARING.

23 Pending final hearing, the court may at any time after the
24 filing of the petition and on satisfactory showing that it is
25 in the best interest of the ~~alleged-mentally-retarded~~ person
26 who is alleged to have mental retardation and of the community
27 that ~~such~~ the person be at once taken into custody, or that
28 service of notice will be ineffectual if the person is not
29 taken into custody, issue an order for the immediate
30 production of ~~such~~ the person before the court. In such case,
31 the court may make any proper order for the custody or
32 confinement of ~~such~~ the person as will protect the person and
33 the community and insure the presence of ~~such~~ the person at
34 the hearing. ~~Such~~ The person shall not be confined with those
35 accused or convicted of crime.

1 Sec. 50. Section 222.50, Code 1995, is amended to read as
2 follows:

3 222.50 COUNTY OF LEGAL SETTLEMENT TO PAY.

4 When the proceedings are instituted in a county in which
5 the alleged-mentally-retarded person who is alleged to have
6 mental retardation was found but which is not the county of
7 legal settlement of the person, and the costs are not taxed to
8 the petitioner, the county which is the legal settlement of
9 such the person shall, on presentation of a properly itemized
10 bill for such costs, repay the same costs to the former
11 county. When the person's legal settlement is outside the
12 state or is unknown, the costs shall be paid out of money in
13 the state treasury not otherwise appropriated, itemized on
14 vouchers executed by the auditor of the county which paid the
15 costs, and approved by the administrator.

16 Sec. 51. Section 222.80, Code 1995, is amended to read as
17 follows:

18 222.80 LIABILITY TO COUNTY.

19 Any A person admitted or committed to a county institution
20 or home or admitted or committed at county expense to any a
21 private hospital, sanitarium, or other facility for treatment,
22 training, instruction, care, habilitation, and support as a
23 mentally-retarded patient thereof with mental retardation
24 shall be liable to the county for the reasonable cost of such
25 the support as provided in section 222.78.

26 Sec. 52. Section 222.88, subsection 1, Code 1995, is
27 amended to read as follows:

28 1. Psychiatric and related services to mentally-retarded
29 children with mental retardation and adults who are also
30 emotionally disturbed or otherwise mentally ill.

31 Sec. 53. Section 225C.21, subsection 1, Code 1995, is
32 amended to read as follows:

33 1. As used in this section, "community, supervised
34 apartment living arrangement" means the provision of a
35 residence in a noninstitutional setting to mentally-ill,

1 ~~mentally-retarded,-or-developmentally-disabled~~ adults with
2 mental illness, mental retardation, or developmental
3 disabilities who are capable of living semi-independently but
4 require minimal supervision.

5 Sec. 54. Section 227.2, subsection 1, unnumbered paragraph
6 1, Code 1995, is amended to read as follows:

7 The director of inspections and appeals shall make, or
8 cause to be made, at least one licensure inspection each year
9 of every county care facility. Either the administrator of
10 the division or the director of inspections and appeals, in
11 ~~co-operation~~ cooperation with each other, upon receipt of a
12 complaint or for good cause, may make, or cause to be made, a
13 review of a county care facility or of any other private or
14 county institution where ~~mentally-ill-or-mentally-retarded~~
15 persons with mental illness or mental retardation reside. A
16 licensure inspection or a review shall be made by a competent
17 and disinterested person who is acquainted with and interested
18 in the care of ~~mentally-ill-and-mentally-retarded~~ persons with
19 mental illness and persons with mental retardation. The
20 objective of a licensure inspection or a review shall be an
21 evaluation of the programming and treatment provided by the
22 facility. After each licensure inspection of a county care
23 facility, the person who made the inspection shall consult
24 with the county authorities on plans and practices that will
25 improve the care given patients and shall make recommendations
26 to the administrator of the division and the director of
27 public health for ~~co-ordinating~~ coordinating and improving the
28 relationships between the administrators of county care
29 facilities, the administrator of the division, the director of
30 public health, the superintendents of state mental health
31 institutes and hospital-schools, community mental health
32 centers, and other ~~co-operating~~ cooperating agencies, to cause
33 improved and more satisfactory care of patients. A written
34 report of each licensure inspection of a county care facility
35 under this section shall be filed with the administrator of

1 the division and the director of public health and shall
2 include:

3 Sec. 55. Section 227.2, subsection 1, paragraph g, Code
4 1995, is amended to read as follows:

5 g. Any failure to comply with standards adopted under
6 section 227.4 for care of ~~mentally-ill-and-mentally-retarded~~
7 persons with mental illness and persons with mental
8 retardation in county care facilities, which is not covered in
9 information submitted pursuant to paragraphs "a" to "f", and
10 any other matters which the director of public health, in
11 consultation with the administrator of the division, may
12 require.

13 Sec. 56. Section 227.2, subsection 4, paragraphs a and b,
14 Code 1995, are amended to read as follows:

15 a. It is the responsibility of the state to secure the
16 annual evaluation for each person who is on convalescent leave
17 or who has not been discharged from a state mental health
18 institute. It is the responsibility of the county to secure
19 the annual evaluation for all other ~~mentally-ill~~ persons with
20 mental illness in the county care facility.

21 b. It is the responsibility of the state to secure the
22 annual evaluation for each person who is on leave and has not
23 been discharged from a state hospital-school. It is the
24 responsibility of the county to secure the annual evaluation
25 for all other ~~mentally-retarded~~ persons with mental
26 retardation in the county care facility.

27 Sec. 57. Section 227.6, Code 1995, is amended to read as
28 follows:

29 227.6 REMOVAL OF RESIDENTS.

30 If a county care facility fails to comply with rules and
31 standards adopted under this chapter, the administrator may
32 remove all ~~mentally-ill-and-mentally-retarded~~ persons with
33 mental illness and all persons with mental retardation cared
34 for in the county care facility at public expense, to the
35 proper state mental health institute or hospital-school, or to

1 some private or county institution or hospital for the care of
 2 ~~the-mentally-ill-or-mentally-retarded~~ persons with mental
 3 illness or mental retardation that has complied with the rules
 4 prescribed by the administrator. Residents being transferred
 5 to a state mental health institute or hospital-school shall be
 6 accompanied by an attendant or attendants sent from the
 7 institute or hospital-school. If a resident is transferred
 8 under this section, at least one attendant shall be of the
 9 same sex. If the administrator finds that the needs of
 10 ~~mentally-ill-and-mentally-retarded~~ residents with mental
 11 illness and residents with mental retardation of any other
 12 county or private institution are not being adequately met,
 13 those residents may be removed from that institution upon
 14 order of the administrator.

15 Sec. 58. Section 229.1, subsection 14, Code Supplement
 16 1995, is amended to read as follows:

17 14. "Seriously mentally impaired" or "serious mental
 18 impairment" describes the condition of a person ~~who-is~~
 19 ~~afflicted~~ with mental illness and because of that illness
 20 lacks sufficient judgment to make responsible decisions with
 21 respect to the person's hospitalization or treatment, and who
 22 because of that illness meets any of the following criteria:

23 a. Is likely to physically injure the person's self or
 24 others if allowed to remain at liberty without treatment.

25 b. Is likely to inflict serious emotional injury on
 26 members of the person's family or others who lack reasonable
 27 opportunity to avoid contact with the ~~afflicted~~ person with
 28 mental illness if the ~~afflicted~~ person with mental illness is
 29 allowed to remain at liberty without treatment.

30 c. Is unable to satisfy the person's needs for
 31 nourishment, clothing, essential medical care, or shelter so
 32 that it is likely that the person will suffer physical injury,
 33 physical debilitation, or death.

34 Sec. 59. Section 229.26, Code 1995, is amended to read as
 35 follows:

1 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY
2 HOSPITALIZATION.

3 Sections 229.6 through 229.19 constitute the exclusive
4 procedure for involuntary hospitalization of persons by reason
5 of serious mental impairment in this state, except that this
6 chapter does not negate the provisions of section 904.503
7 relating to transfer of ~~mentally-ill~~ prisoners with mental
8 illness to state hospitals for ~~the-mentally-ill~~ persons with
9 mental illness and does not apply to commitments of persons
10 under chapter 812 or the rules of criminal procedure, Iowa
11 court rules, 2d ed., or negate the provisions of section
12 232.51 relating to disposition of ~~mentally-ill-or-mentally~~
13 retarded children with mental illness or mental retardation.

14 Sec. 60. Section 229.38, Code 1995, is amended to read as
15 follows:

16 229.38 CRUELTY OR OFFICIAL MISCONDUCT.

17 If any person having the care of a ~~mentally-ill~~ person with
18 mental illness who has voluntarily entered a hospital or other
19 facility for treatment or care, or who is responsible for
20 psychiatric examination care, treatment and maintenance of any
21 person involuntarily hospitalized under sections 229.6 to
22 229.15, whether in a hospital or elsewhere, with or without
23 proper authority, shall treat such patient with unnecessary
24 severity, harshness, or cruelty, or in any way abuse the
25 patient or if any person unlawfully detains or deprives of
26 liberty any ~~mentally-ill-or-allegedly-mentally-ill~~ person with
27 mental illness or any person who is alleged to have mental
28 illness, or if any officer required by the provisions of this
29 chapter and chapters 226 and 227, to perform any act shall
30 willfully refuse or neglect to perform the same, the offending
31 person shall, unless otherwise provided, be guilty of a
32 serious misdemeanor.

33 Sec. 61. Section 230.15, Code 1995, is amended to read as
34 follows:

35 230.15 PERSONAL LIABILITY.

1 A ~~mentally-ill~~ person with mental illness and a person
2 legally liable for the person's support remain liable for the
3 support of the ~~mentally-ill~~ person with mental illness as
4 provided in this section. Persons legally liable for the
5 support of a ~~mentally-ill~~ person with mental illness include
6 the spouse of the ~~mentally-ill~~ person, any person bound by
7 contract for support of the ~~mentally-ill~~ person, and, with
8 respect to ~~mentally-ill~~ persons with mental illness under
9 eighteen years of age only, the father and mother of the
10 ~~mentally-ill~~ person. The county auditor, subject to the
11 direction of the board of supervisors, shall enforce the
12 obligation created in this section as to all sums advanced by
13 the county. The liability to the county incurred by a
14 ~~mentally-ill~~ person with mental illness or a person legally
15 liable for the person's support under this section is limited
16 to an amount equal to one hundred percent of the cost of care
17 and treatment of the ~~mentally-ill~~ person with mental illness
18 at a state mental health institute for one hundred twenty days
19 of hospitalization. This limit of liability may be reached by
20 payment of the cost of care and treatment of the ~~mentally-ill~~
21 person with mental illness subsequent to a single admission or
22 multiple admissions to a state mental health institute or, if
23 the person is not discharged as cured, subsequent to a single
24 transfer or multiple transfers to a county care facility
25 pursuant to section 227.11. After reaching this limit of
26 liability, a ~~mentally-ill~~ person with mental illness or a
27 person legally liable for the person's support is liable to
28 the county for the care and treatment of the ~~mentally-ill~~
29 person with mental illness at a state mental health institute
30 or, if transferred but not discharged as cured, at a county
31 care facility in an amount not in excess of the average
32 minimum cost of the maintenance of ~~a-physically-and-mentally~~
33 healthy an individual who is physically and mentally healthy
34 residing in the individual's own home, which standard shall be
35 established and may from time to time be revised by the

1 department of human services. A lien imposed by section
2 230.25 shall not exceed the amount of the liability which may
3 be incurred under this section on account of ~~any-mentally-ill~~
4 a person with mental illness.

5 A substance abuser or chronic substance abuser is legally
6 liable for the total amount of the cost of providing care,
7 maintenance, and treatment for the substance abuser or chronic
8 substance abuser while a voluntary or committed patient. When
9 a portion of the cost is paid by a county, the substance
10 abuser or chronic substance abuser is legally liable to the
11 county for the amount paid. The substance abuser or chronic
12 substance abuser shall assign any claim for reimbursement
13 under any contract of indemnity, by insurance or otherwise,
14 providing for the abuser's care, maintenance, and treatment in
15 a state hospital to the state. Any payments received by the
16 state from or on behalf of a substance abuser or chronic
17 substance abuser shall be in part credited to the county in
18 proportion to the share of the costs paid by the county.
19 Nothing in this section shall be construed to prevent a
20 relative or other person from voluntarily paying the full
21 actual cost or any portion of the care and treatment of any
22 ~~mentally-ill~~ person with mental illness, substance abuser, or
23 chronic substance abuser as established by the department of
24 human services.

25 Sec. 62. Section 230.33, Code 1995, is amended to read as
26 follows:

27 230.33 RECIPROCAL AGREEMENTS.

28 The administrator of the division is hereby authorized to
29 enter into agreements with other states, through their duly
30 constituted authorities, to effect the reciprocal return of
31 ~~mentally-ill-and-mentally-retarded~~ persons with mental illness
32 and persons with mental retardation to the contracting states,
33 and to effect the reciprocal supervision of persons on
34 convalescent leave.

35 Provided that in the case of a proposed transfer of a

1 ~~mentally-ill-or-mentally-retarded~~ person with mental illness
2 or mental retardation from this state that no final action be
3 taken without the approval either of the commission of
4 hospitalization, or of the district court, of the county of
5 admission or commitment.

6 Sec. 63. Section 232.51, Code 1995, is amended to read as
7 follows:

8 232.51 DISPOSITION OF ~~MENTALLY-ILL-OR-MENTALLY-RETARDED~~
9 CHILD WITH MENTAL ILLNESS OR MENTAL RETARDATION.

10 If the evidence received at an adjudicatory or a
11 dispositional hearing indicates that the child is mentally
12 ill, the court may direct the juvenile court officer or the
13 department to initiate proceedings or to assist the child's
14 parent or guardian to initiate civil commitment proceedings in
15 the juvenile court. These proceedings in the juvenile court
16 shall adhere to the requirements of chapter 229. If the
17 evidence received at an adjudicatory or a dispositional
18 hearing indicates that the child is mentally retarded, the
19 court may direct the juvenile court officer or the department
20 to initiate proceedings or to assist the child's parent or
21 guardian to initiate civil commitment proceedings in the
22 juvenile court. These proceedings shall adhere to the
23 requirements of chapter 222. If the child is committed as a
24 ~~mentally-ill-or-mentally-retarded~~ child with mental illness or
25 mental retardation, any order adjudicating the child to have
26 committed a delinquent act shall be set aside and the petition
27 shall be dismissed.

28 Sec. 64. Section 233B.5, Code 1995, is amended to read as
29 follows:

30 233B.5 TRANSFERS.

31 The administrator may transfer to the home minor wards of
32 the state from any institution under the administrator's
33 charge or under the charge of any other administrator of the
34 department of human services; but no person shall be so
35 transferred who is ~~not-mentally-normal~~ a person with mental

1 illness or mental retardation, or who is incorrigible, or has
2 any vicious habits, or whose presence in the home would be
3 inimical to the moral or physical welfare of ~~normal~~ the other
4 children ~~therein~~ within the home, and any such child in the
5 home may be transferred to the proper state institution.

6 Sec. 65. Section 249A.3, subsection 1, paragraph q, Code
7 Supplement 1995, is amended to read as follows:

8 q. Is ~~a-disabled~~ an individual with a disability, and is
9 at least eighteen years of age, who receives parental social
10 security benefits under the federal Social Security Act and is
11 not eligible for federal supplemental security income or state
12 supplementary assistance, as defined by section 249.1, because
13 of the receipt of the social security benefits.

14 Sec. 66. Section 249A.5, subsection 2, paragraph b, Code
15 Supplement 1995, is amended to read as follows:

16 b. If the collection of all or part of a debt is waived
17 pursuant to subsection 2, paragraph "a", subparagraph (1), the
18 amount waived shall be a debt due from the estate of the
19 recipient's surviving spouse or ~~blind-or-disabled~~ child who is
20 blind or has a disability, upon the death of the spouse or
21 child, or due from a surviving child who was under twenty-one
22 years of age at the time of the recipient's death, upon the
23 child reaching age twenty-one, to the extent the recipient's
24 estate is received by the surviving spouse or child.

25 Sec. 67. Section 249F.1, subsection 2, paragraph b,
26 subparagraph (2), Code 1995, is amended to read as follows:

27 (2) Transfers, other than the transfer of a dwelling, to
28 or for the sole benefit of the transferor's child who is blind
29 or ~~disabled~~ has a disability as defined in section 1614 of the
30 federal Social Security Act.

31 Sec. 68. Section 256.16, unnumbered paragraph 1, Code
32 1995, is amended to read as follows:

33 Pursuant to section 256.7, subsection 5, the state board
34 shall adopt rules requiring all higher education institutions
35 providing practitioner preparation to include in the

1 professional education program, preparation that contributes
2 to education of ~~the-handicapped-and-the~~ students with
3 disabilities and students who are gifted and talented, which
4 must be successfully completed before graduation from the
5 practitioner preparation program.

6 Sec. 69. Section 256B.2, subsection 1, Code 1995, is
7 amended to read as follows:

8 1. "Children requiring special education" means persons
9 under twenty-one years of age, including children under five
10 years of age, who ~~are-handicapped~~ have a disability in
11 obtaining an education because of a head injury, autism,
12 behavioral disorder, or physical, mental, communication or
13 learning disability, as defined by the rules of the department
14 of education.

15 Sec. 70. Section 256B.6, subsection 5, Code 1995, is
16 amended to read as follows:

17 5. Assigned to a program of special education when the
18 child ~~is~~ does not handicapped have a disability.

19 Sec. 71. Section 256B.9, subsection 1, paragraphs b and d,
20 Code 1995, are amended to read as follows:

21 b. Children requiring special education who require
22 special adaptations while assigned to a regular classroom for
23 basic instructional purposes and ~~handicapped~~ pupils with
24 disabilities placed in a special education class who receive
25 part of their instruction in regular classrooms are assigned a
26 weighting of one and eight-tenths for the school year
27 commencing July 1, 1975.

28 Effective July 1, 1991, this paragraph also applies to
29 children requiring special education who require specially
30 designed instruction while assigned to a regular classroom for
31 basic instructional purposes.

32 d. Children requiring special education who ~~are-severely~~
33 ~~handicapped~~ have severe disabilities or who have multiple
34 ~~handicaps~~ disabilities are assigned a weighting of four and
35 four-tenths for the school year commencing July 1, 1975.

1 Effective July 1, 1991, this paragraph also applies to
2 children requiring special education who ~~are-severely~~ have
3 severe and ~~profoundly-handicapped~~ profound disabilities.

4 Sec. 72. Section 256B.9, subsection 8, Code 1995, is
5 amended to read as follows:

6 8. Commencing with the school year beginning July 1, 1976,
7 a school district may expend an amount not to exceed two-
8 sevenths of an amount equal to the district cost of a school
9 district for the costs of regular classroom instruction of a
10 child certified under the special education weighting plan in
11 subsection 1, paragraph "b", as a handicapped pupil with
12 disabilities who is enrolled in a special class, but who
13 receives part of the pupil's instruction in a regular
14 classroom. Unencumbered funds generated for special education
15 instructional programs for the school year beginning July 1,
16 1975 and for the school year beginning July 1, 1976 shall not
17 be expended for such purpose.

18 Sec. 73. Section 263.9, Code 1995, is amended to read as
19 follows:

20 263.9 ESTABLISHMENT AND OBJECTIVES.

21 The state board of regents is hereby authorized to
22 establish and maintain in reasonable proximity to Iowa City
23 and in conjunction with the state university of Iowa and the
24 university hospital, a hospital-school having as its objects
25 the education and treatment of ~~severely-handicapped~~ children
26 with severe disabilities. Such hospital-schools shall be
27 conducted in conjunction with the activities of the University
28 of Iowa children's hospital. Insofar as is practicable, the
29 facilities of the university children's hospital shall be
30 utilized.

31 Sec. 74. Section 263.10, Code 1995, is amended to read as
32 follows:

33 263.10 PERSONS ADMITTED.

34 Every resident of the state who is not more than twenty-one
35 years of age, who ~~is-so-severely-handicapped~~ who has such

1 severe disabilities so as to be unable to acquire an education
 2 in the common schools, and every such person who is twenty-one
 3 and under thirty-five years of age who has the consent of the
 4 state board of regents, shall be entitled to receive an
 5 education, care, and training in the institution, and
 6 nonresidents similarly situated may be entitled to an
 7 education and care therein upon such terms as may be fixed by
 8 the state board of regents. The fee for nonresidents shall be
 9 not less than the average expense of resident pupils and shall
 10 be paid in advance. Residents and persons under the care and
 11 control of a director of a division of the department of human
 12 services who ~~are-severely-handicapped~~ have severe disabilities
 13 may be transferred to the hospital-school upon such terms as
 14 may be agreed upon by the state board of regents and ~~such~~ the
 15 director.

16 Sec. 75. Section 263.11, Code 1995, is amended to read as
 17 follows:

18 263.11 DEFINITIONS.

19 The term "~~severely-handicapped~~" "severe disabilities" shall
 20 be interpreted for the purpose of this division as referring
 21 to persons who meet both of the following requirements:

22 1. Persons who are educable but ~~severely-physically-and~~
 23 educationally-handicapped have severe physical and educational
 24 disabilities as a result of cerebral palsy, muscular
 25 dystrophy, spina bifida, arthritis, poliomyelitis, or other
 26 severe physically handicapping disabling conditions~~7-and.~~

27 2. Persons who are not eligible for admission to the
 28 schools already established for the persons with mental
 29 retardation or epilepsy or persons who are deaf7 or blind7
 30 epileptic7-or-mentally-retarded.

31 Sec. 76. Section 280.8, Code 1995, is amended to read as
 32 follows:

33 280.8 SPECIAL EDUCATION.

34 The board of directors of each public school district shall
 35 make adequate educational provisions for each resident child

1 requiring special education appropriate to the nature and
2 severity of the child's ~~handicapping-condition~~ disability
3 pursuant to rules promulgated by the department under the
4 provisions of chapters 256B and 273.

5 Sec. 77. Section 299.18, Code 1995, is amended to read as
6 follows:

7 299.18 EDUCATION OF CERTAIN ~~DEAF, BLIND, OR SEVERELY~~
8 HANDICAPPED CHILDREN WHO ARE DEAF, BLIND, OR HAVE SEVERE
9 DISABILITIES.

10 Children who are of compulsory attendance age and who are
11 so deaf or blind or ~~severely-handicapped~~ have such severe
12 disabilities so as to be unable to obtain an education in the
13 public or accredited nonpublic schools shall be sent to the
14 appropriate state-operated school, or shall receive
15 appropriate special education under chapter 256B, unless
16 exempted, and any person having such a child under the
17 person's control or custody shall see that the child attends
18 the state-operated school or special education program during
19 the scholastic year.

20 Sec. 78. Section 299.19, Code 1995, is amended to read as
21 follows:

22 299.19 PROCEEDING AGAINST PARENT.

23 Upon the failure of a person having the custody and control
24 of a ~~deaf, blind, or severely-handicapped~~ child who is blind,
25 deaf, or has severe disabilities to require the child's
26 attendance as provided in section 299.18, the state board of
27 regents may make application to the district court or the
28 juvenile court of the county in which the person resides for
29 an order requiring the person to compel the attendance of the
30 child at the proper state-operated school.

31 Sec. 79. Section 321.34, subsection 12, Code Supplement
32 1995, is amended to read as follows:

33 12. PEARL HARBOR PLATES. Effective January 1, 1990, the
34 owner of a motor vehicle subject to registration under section
35 321.109, subsection 1, light delivery truck, panel delivery

1 truck or pickup who was at Pearl Harbor, Hawaii, as a member
2 of the armed services of the United States on December 7,
3 1941, may, upon written application to the department, order
4 special registration plates. The special registration plates
5 shall bear the notation or emblem reading "PEARL HARBOR
6 SURVIVOR, DECEMBER 7, 1941" followed by four identifying
7 letters or numbers. Each applicant applying for special
8 registration plates under this subsection may purchase only
9 one set of registration plates. The application is subject to
10 approval by the department. Upon receipt of the special
11 registration plates, the applicant shall surrender the regular
12 registration plates to the county treasurer. The fee for the
13 issuance of the special registration plates is twenty-five
14 dollars which shall be in addition to the regular annual
15 registration fee. ~~Seriously-disabled-veterans~~ Veterans with
16 serious disabilities who are exempted from payment of the
17 annual registration fee under section 321.105, shall pay only
18 the twenty-five dollar fee for issuance of the special
19 registration plates. The county treasurer shall validate the
20 special registration plates in the same manner as regular
21 registration plates are validated under this section with no
22 additional registration fee being required other than the
23 regular annual registration fee.

24 Sec. 80. Section 321.105, unnumbered paragraph 5, Code
25 Supplement 1995, is amended to read as follows:

26 ~~Seriously-disabled-veterans~~ Veterans with serious
27 disabilities who have been provided with an automobile or
28 other vehicle by the United States government under the
29 provisions of sections 1901 to 1903, Title 38 of the United
30 States Code, [38 U.S.C. § 1901 et seq. (1970)] shall be
31 exempt from payment of any automobile registration fee
32 provided in this chapter, and shall be provided, without fee,
33 with a registration plate. ~~The-disabled~~ A veteran with a
34 serious disability, to be able to claim the above benefit,
35 must be a resident of the state of Iowa and must produce a

1 certificate of title to the automobile owned and registered in
2 this state in the name of ~~said~~ the veteran.

3 Sec. 81. Section 321.166, subsection 6, Code Supplement
4 1995, is amended to read as follows:

5 6. Registration plates issued a ~~disabled~~ veteran with a
6 disability under the provisions of section 321.105, shall
7 display the alphabetical characters "DV" which shall precede
8 the registration plate number. The plates may also display a
9 handicapped identification sticker if issued to the ~~disabled~~
10 veteran with a disability by the department under section
11 321L.2.

12 Sec. 82. Section 321.180A, subsection 1, Code 1995, is
13 amended to read as follows:

14 1. Notwithstanding other provisions of this chapter, a
15 ~~physically-disabled~~ person with a physical disability, who is
16 not suffering from a convulsive disorder and who can provide a
17 favorable medical report, whose license renewal has been
18 denied under section 321.177, subsection 6 or 7, or whose
19 motor vehicle license has been suspended under section
20 321.210, subsection 1, paragraph "c", upon meeting the
21 requirements of section 321.186, other than a driving
22 demonstration or the person's limitations which caused the
23 denial under section 321.177, subsection 6 or 7, or suspension
24 under section 321.210, subsection 1, paragraph "c", and upon
25 paying the fee required in section 321.191, shall be issued a
26 special instruction permit by the department. Upon issuance
27 of the permit the denial or suspension shall be stayed and the
28 stay shall remain in effect as long as the permit is valid.

29 Sec. 83. Section 321.445, subsection 5, Code 1995, is
30 amended to read as follows:

31 5. The department shall adopt rules pursuant to chapter
32 17A providing exceptions from application of subsections 1 and
33 2 for front seats and front seat passengers of motor vehicles
34 owned, leased, rented, or primarily used by physically
35 handicapped persons with physical disabilities who use

1 collapsible wheelchairs.

2 Sec. 84. Section 321L.1, subsection 4, Code 1995, is
3 amended to read as follows:

4 4. "Handicapped identification device" or "device" means
5 an identification device bearing the international symbol of
6 accessibility issued by the department, and includes a
7 handicapped registration plate issued to or for a handicapped
8 person under section 321.34, subsection 7, a handicapped
9 identification sticker affixed to a registration plate issued
10 to a ~~disabled~~ veteran with a disability under section 321.166,
11 subsection 6, and a handicapped identification hanging device
12 which is a placard for hanging from the rearview mirror when
13 the motor vehicle is parked.

14 Sec. 85. Section 321L.2, subsection 3, unnumbered
15 paragraph 2, Code Supplement 1995, is amended to read as
16 follows:

17 A handicapped person who owns a motor vehicle for which the
18 handicapped person has been issued radio operator registration
19 plates under section 321.34, subsection 3, or registration
20 plates as a ~~seriously-disabled~~ veteran with a serious
21 disability under section 321.105 may apply to the department
22 for a handicapped identification sticker to be affixed to the
23 plates. The handicapped identification stickers shall bear
24 the international symbol of accessibility. The handicapped
25 identification stickers shall be acquired by eligible
26 handicapped persons upon application on forms prescribed by
27 the department.

28 Sec. 86. Section 324A.1, subsection 7, Code 1995, is
29 amended to read as follows:

30 7. "Transportation disadvantaged persons" means persons
31 ~~who are physically or mentally handicapped persons~~ with
32 physical or mental disabilities, persons who are determined by
33 the department to be economically disadvantaged and other
34 persons or groups determined by the department to be
35 disadvantaged in terms of the transportation services that are

1 available to them.

2 Sec. 87. Section 324A.3, subsection 3, Code 1995, is
3 amended to read as follows:

4 3. ~~Handicapped-services~~ Services for persons with
5 disabilities.

6 Sec. 88. Section 325.6, subsection 5, unnumbered paragraph
7 1, Code 1995, is amended to read as follows:

8 A motor carrier providing primarily passenger service for
9 ~~elderly, handicapped~~ persons who are elderly, persons with
10 disabilities, and other transportation disadvantaged persons
11 is exempt from the certification requirements of this section
12 if it satisfies each of the following requirements:

13 Sec. 89. Section 331.324, subsection 1, paragraph n, Code
14 1995, is amended to read as follows:

15 n. Employ ~~the persons who are blind, the~~ or partially
16 blind, and the disabled persons with physical disabilities in
17 accordance with section 216C.2.

18 Sec. 90. Section 331.424, subsection 1, paragraph a,
19 subparagraph (3), Code Supplement 1995, is amended to read as
20 follows:

21 (3) Clothing, transportation, medical, or other services
22 provided persons attending the Iowa braille and sight saving
23 school, the Iowa school for the deaf, or the state hospital-
24 school for ~~severely handicapped~~ children with severe
25 disabilities at Iowa City, for which the county becomes
26 obligated to pay pursuant to sections 263.12, 269.2, and 270.4
27 through 270.7.

28 Sec. 91. Section 331.655, subsection 1, paragraph c, Code
29 1995, is amended to read as follows:

30 c. For serving and returning a subpoena, for each person
31 served, fifteen dollars, and the necessary expenses incurred
32 while serving subpoenas in criminal cases or cases relating to
33 ~~the mentally ill process~~ hospitalization of persons with
34 mental illness.

35 Sec. 92. Section 384.24, subsection 2, paragraph k, Code

1 1995, is amended to read as follows:

2 k. ~~Housing for the-elderly-or-physically-handicapped.~~
3 persons who are elderly or persons with physical disabilities.

4 Sec. 93. Section 403A.2, subsection 6, paragraphs d
5 through g, Code 1995, are amended to read as follows:

6 d. "Families" includes, but is not limited to, families
7 consisting of a single person in the case of any of the
8 following:

9 (1) A person who is at least sixty-two years of age.

10 (2) A person ~~who-is-under~~ with a disability.

11 ~~(3)--A-person-who-is-handicapped-~~

12 ~~(4)~~ (3) A displaced person.

13 ~~(5)~~ (4) The remaining member of a tenant family.

14 e. "Families" includes two or more persons living
15 together, who are at least sixty-two years of age, are ~~under~~
16 persons with a disability ~~or-are-handicapped~~, or one or more
17 such individuals living with another person who is essential
18 to such individual's care or well-being.

19 f. "Disability" means inability to engage in any
20 substantial gainful activity by reason of any medically
21 determinable physical or mental impairment-

22 ~~g--"Handicapped"-means,~~ or having a physical or mental
23 impairment which is expected to be of long-continued and
24 indefinite duration, substantially impedes the ability to live
25 independently, and is of a nature that the ability to live
26 independently could be improved by more suitable housing
27 conditions.

28 Sec. 94. Section 403A.7, Code 1995, is amended to read as
29 follows:

30 403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

31 A municipality shall ~~(1)-rent~~ do the following:

32 1. Rent or lease the dwelling accommodations in a housing
33 project only to persons or families of low income and at
34 rentals within their financial reach; ~~(2)-rent.~~

35 2. Rent or lease to a tenant such dwelling accommodations

1 consisting of the number of rooms which it deems necessary to
2 provide safe and sanitary accommodations to the proposed
3 occupants thereof, without overcrowding, ~~and (3) fix.~~

4 3. Fix income limits for occupancy and rents after taking
5 into consideration ~~(a) the~~ the following:

6 a. The family size, composition, age, physical handicaps
7 disabilities, and other factors which might affect the rent-
8 paying ability of the person or family, ~~and (b) the.~~

9 b. The economic factors which affect the financial
10 stability and solvency of the project. ~~Provided, however,~~

11 PARAGRAPH DIVIDED. However, such determination of
12 eligibility shall be within the limits of the income limits
13 hereinbefore set out.

14 Nothing contained in this or the preceding section shall be
15 construed as limiting the power of a municipality with respect
16 to a housing project, to vest in an obligee the right, in the
17 event of a default by the municipality, to take possession or
18 cause the appointment of a receiver thereof for the housing
19 project, free from all the restrictions imposed by this or the
20 preceding section.

21 Sec. 95. Section 410.14, Code 1995, is amended to read as
22 follows:

23 410.14 DECISION OF BOARD.

24 The decision of ~~such~~ the board upon such matters shall be
25 final and conclusive, in the absence of fraud, and no appeal
26 shall be allowed therefrom. ~~Such-disabled~~ The member with a
27 disability shall remain upon the pension roll unless and until
28 reinstated in ~~such~~ the department by reason of such
29 examination.

30 Sec. 96. Section 411.1A, Code 1995, is amended to read as
31 follows:

32 411.1A PURPOSE OF CHAPTER.

33 The purpose of this chapter is to promote economy and
34 efficiency in the municipal public safety service by providing
35 an orderly means for police officers and fire fighters to have

1 a retirement system which will provide for the payment of
2 pensions to retired ~~and-disabled~~ members and members incurring
3 disabilities, and to the surviving spouses and dependents of
4 deceased members.

5 Sec. 97. Section 419.1, subsection 12, paragraph a,
6 subparagraph (13), Code 1995, is amended to read as follows:

7 (13) A housing unit or complex for ~~the-elderly-or~~
8 handicapped persons who are elderly or persons with
9 disabilities.

10 Sec. 98. Section 422.7, subsection 20, unnumbered
11 paragraph 1, Code Supplement 1995, is amended to read as
12 follows:

13 20. Subtract, to the extent included, the proceeds
14 received pursuant to a judgment in or settlement of a lawsuit
15 against the manufacturer or distributor of a Vietnam herbicide
16 for damages resulting from exposure to the herbicide. This
17 subsection applies to proceeds received by a taxpayer who is a
18 ~~disabled~~ veteran with a disability or who is a beneficiary of
19 a ~~disabled~~ veteran with a disability.

20 Sec. 99. Section 422.45, subsection 22, paragraphs a and
21 c, Code Supplement 1995, are amended to read as follows:

22 a. Residential care facilities and intermediate care
23 facilities for ~~the-mentally-retarded~~ persons with mental
24 retardation and residential care facilities for ~~the-mentally~~
25 ~~ill~~ persons with mental illness licensed by the department of
26 inspections and appeals under chapter 135C.

27 c. Rehabilitation facilities that provide accredited
28 rehabilitation services to persons with disabilities which are
29 accredited by the commission on accreditation of
30 rehabilitation facilities or the accreditation council for
31 services for ~~mentally-retarded~~ persons with mental retardation
32 and other ~~developmentally-disabled~~ persons with developmental
33 disabilities and adult day care services approved for
34 reimbursement by the state department of human services.

35 Sec. 100. Section 425.23, subsection 3, paragraph b, Code

1 1995, is amended to read as follows:

2 b. For purposes of this subsection, ~~a-totally-disabled~~
3 person in computing household income, a person with a total
4 disability shall deduct all medical and necessary care
5 expenses paid during the twelve-month income tax accounting
6 periods used in computing household income which are
7 attributable to the person's total disability. "Medical and
8 necessary care expenses" are those used in computing the
9 federal income tax deduction under section 213 of the Internal
10 Revenue Code as defined in section 422.3.

11 Sec. 101. Section 427.1, subsections 12 and 34, Code
12 Supplement 1995, are amended to read as follows:

13 12. HOMES FOR SOLDIERS. The buildings and grounds of
14 homes owned and operated by organizations of soldiers,
15 sailors, or marines of any of the wars of the United States
16 when used for a home for ~~disabled~~ soldiers, sailors, or
17 marines with disabilities and not operated for pecuniary
18 profit.

19 34. LOW-RENT HOUSING. The property owned and operated by
20 a nonprofit organization providing low-rent housing for the
21 persons who are elderly and the-physically-and-mentally
22 handicapped persons with physical and mental disabilities.
23 The exemption granted under the provisions of this subsection
24 shall apply only until the terms of the original low-rent
25 housing development mortgage is paid in full or expires,
26 subject to the provisions of subsections 23 and 24.

27 Sec. 102. Section 468.513, Code 1995, is amended to read
28 as follows:

29 468.513 VOTE OF MINOR OR ~~MENTALLY-ILL~~ PERSON WITH MENTAL
30 ILLNESS.

31 The vote of any person who is a minor, ~~mentally-ill~~ has a
32 mental illness, or under other legal incompetency shall be
33 cast by the parent, guardian, or other legal representative of
34 ~~such-minor, mentally-ill, or other-incompetent~~ the person.
35 The person casting ~~such~~ the vote shall deliver to the judges

1 and clerks of election a written sworn statement giving the
2 name, age, and place of residence of ~~such~~ the ~~minor~~, ~~mentally~~
3 ~~ill~~, or ~~other-incompetent~~ person with mental illness or other
4 legal incompetency, and any false statement knowingly made to
5 secure permission to cast such vote shall render the party so
6 making it guilty of the crime of perjury.

7 Sec. 103. Section 477C.1, Code 1995, is amended to read as
8 follows:

9 477C.1 DUAL PARTY RELAY SERVICE -- PURPOSE.

10 The general assembly finds that the provision of a
11 statewide dual party relay service will further the public
12 interest and protect the health, safety, and welfare of the
13 people of Iowa through an increase in the usefulness and
14 availability of the telephone system. Many ~~deaf~~, ~~hard-of-~~
15 ~~hearing~~, ~~and-speech-impaired~~ persons who are deaf, hard-of-
16 hearing, or have speech impairments are not able to utilize
17 the telephone system without this type of service. Therefore,
18 it is the purpose of this chapter to enable the orderly
19 development, operation, promotion, and funding of a statewide
20 dual party relay service.

21 Sec. 104. Section 481A.38, subsection 1, unnumbered
22 paragraph 2, Code 1995, is amended to read as follows:

23 The commission shall adopt a rule permitting a crossbow to
24 be used only by ~~handicapped~~ individuals with disabilities who
25 are physically incapable of using a bow and arrow under the
26 conditions in which a bow and arrow is permitted. The
27 commission shall prepare an application to be used by an
28 individual requesting the status. The application shall
29 require the individual's physician to sign a statement
30 declaring that the individual is not physically able to use a
31 bow and arrow.

32 Sec. 105. Section 483A.3, subsection 1, Code 1995, is
33 amended to read as follows:

34 1. A resident or nonresident person required to have a
35 hunting, fur harvester or fur, fish and game license shall not

1 hunt or trap unless the person carries a valid wildlife
2 habitat stamp signed in ink with the person's signature across
3 the face of the stamp. This section shall not apply to
4 residents who ~~are-permanently-disabled~~ have permanent
5 disabilities or who are younger than sixteen or older than
6 sixty-five years of age. Special wildlife habitat stamps
7 shall be administered in the same manner as hunting and fur
8 harvester licenses except all revenue derived from the sale of
9 the wildlife habitat stamps shall be used within the state of
10 Iowa for habitat development and shall be deposited in the
11 state fish and game protection fund, except as provided in
12 subsection 2. The revenue may be used for the matching of
13 federal funds. The revenues and any matched federal funds
14 shall be used for acquisition of land, leasing of land or
15 obtaining of easements from willing sellers for use as
16 wildlife habitats. Notwithstanding the exemption provided by
17 section 427.1, any land acquired with the revenues and matched
18 federal funds shall be subject to the full consolidated levy
19 of property taxes which shall be paid from those revenues. In
20 addition such revenue may be used for the development and
21 enhancement of wildlife lands and habitat areas. Not less
22 than fifty percent of all revenue from the sale of wildlife
23 habitat stamps shall be used by the commission to enter into
24 agreements with county conservation boards or other public
25 agencies in order to carry out the purposes of this section.
26 The state share of funding of those agreements provided by the
27 revenue from the sale of wildlife habitat stamps shall not
28 exceed seventy-five percent.

29 Sec. 106. Section 483A.4, Code 1995, is amended to read as
30 follows:

31 483A.4 "PERMANENTLY-DISABLED PERMANENT DISABILITY"
32 DEFINED.

33 For the purpose of obtaining a license, a person ~~is~~
34 ~~permanently-disabled~~ has a permanent disability if any of the
35 following apply:

1 1. The person has been found under the provisions of the
2 federal Social Security Act, Title II, or any other public or
3 private pension system to have a total, permanent physical or
4 mental condition which prevents that person from engaging in
5 the person's occupation or qualifies that person for
6 retirement.

7 2. The person ~~is-physically-severely-handicapped~~ has a
8 severe physical disability and has qualified for a special
9 license under section 483A.24.

10 Sec. 107. Section 483A.24, subsections 12 and 17, Code
11 1995, are amended to read as follows:

12 12. The commission shall issue without charge a special
13 fishing license to residents of Iowa sixteen years or more of
14 age who the commission finds ~~are-mentally-or-physically~~
15 severely-handicapped have severe mental or physical
16 disabilities. The commission is hereby authorized to prepare
17 an application to be used by the person requesting ~~handicapped~~
18 status the special license, which would require that the
19 person's attending physician sign the form declaring that the
20 person handicapped has a severe mental or physical disability
21 and is eligible for exempt status.

22 17. The department shall issue without charge a special
23 annual fishing or combined hunting and fishing license to
24 residents of this state who ~~are-permanently-disabled~~ have
25 permanent disabilities and whose income falls below the
26 federal poverty guidelines as published by the United States
27 department of health and human services or residents of this
28 state who are sixty-five years of age or older and whose
29 income falls below the federal poverty guidelines as published
30 by the United States department of health and human services.
31 The commission shall provide for, by rule, an application to
32 be used by an applicant requesting a ~~permanent-disabled-status~~
33 or-age-status the special license. The commission shall
34 require proof of age, income, and proof of permanent
35 disability.

1 Sec. 108. Section 598.17, unnumbered paragraph 3, Code
2 1995, is amended to read as follows:

3 ~~No-marriage~~ A dissolution of marriage granted due to the
4 mental illness of one of the spouses shall not relieve the
5 other spouse of any obligation imposed by law as a result of
6 the marriage for the support of the ~~mentally-ill~~ spouse with
7 mental illness. The court may make an order for ~~such~~ the
8 support or may waive the support obligation when satisfied
9 from the evidence that it would create an undue hardship on
10 the obliged spouse or that spouse's other dependents.

11 Sec. 109. Section 600.17, Code 1995, is amended to read as
12 follows:

13 600.17 FINANCIAL ASSISTANCE.

14 The department of human services shall, within the limits
15 of funds appropriated to the department of human services and
16 any gifts or grants received by the department for this
17 purpose, provide financial assistance to any person who adopts
18 a ~~physically-or-mentally-handicapped~~ child with physical or
19 mental disabilities or an older, or otherwise hard-to-place
20 child, if the adoptive parent has the capability of providing
21 a suitable home for the child but the need for special
22 services or the costs of maintenance are beyond the economic
23 resources of the adoptive parent.

24 1. Financial assistance shall not be provided when the
25 special services are available free of cost to the adoptive
26 parent or are covered by an insurance policy of the adoptive
27 parent.

28 2. "Special services" means any medical, dental,
29 therapeutic, educational, or other similar service or
30 appliance required by an adopted child by reason of a mental
31 or physical handicap disability.

32 Sec. 110. Section 602.8102, subsection 41, Code Supplement
33 1995, is amended to read as follows:

34 41. Carry out duties relating to the involuntary
35 commitment of ~~mentally-impaired~~ persons with mental

1 impairments as provided in chapter 229.

2 Sec. 111. Section 607A.5, Code 1995, is amended to read as
3 follows:

4 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

5 A person shall be excused from jury service if the person
6 submits written documentation verifying, to the court's
7 satisfaction, that the person is solely responsible for the
8 daily care of a permanently-disabled person with a permanent
9 disability living in the person's household and that the
10 performance of juror service would cause substantial risk of
11 injury to the health of the disabled person with a disability,
12 or that the person is the mother of a breastfed child and is
13 responsible for the daily care of the child. However, if the
14 person is regularly employed at a location other than the
15 person's household, the person shall not be excused under this
16 section.

17 Sec. 112. Section 633.63, subsection 1, paragraph a, Code
18 1995, is amended to read as follows:

19 a. ~~One who is a mental retardate, mentally ill, a chronic~~
20 ~~alcoholic~~ A person with mental retardation, mental illness, or
21 chronic alcoholism, or a person who is a spendthrift.

22 Sec. 113. Section 633.707, subsection 4, Code 1995, is
23 amended to read as follows:

24 4. "Maximum monthly medical assistance payment rate for
25 services in an intermediate care facility for ~~the mentally~~
26 retarded persons with mental retardation" means the allowable
27 rate established by the department of human services and as
28 published in the Iowa administrative bulletin.

29 Sec. 114. Section 694.1, subsection 1, Code 1995, is
30 amended to read as follows:

31 1. ~~Is physically or mentally disabled~~ a person with a
32 physical or mental disability.

33 Sec. 115. Section 714.19, subsection 5, Code 1995, is
34 amended to read as follows:

35 5. Nonprofit schools exclusively engaged in training

1 physically-handicapped persons with physical disabilities in
2 the state of Iowa.

3 Sec. 116. Section 726.6, subsection 1, Code 1995, is
4 amended to read as follows:

5 1. A person who is the parent, guardian, or person having
6 custody or control over a child or a mentally-or-physically
7 handicapped minor under the age of eighteen with a mental or
8 physical disability, commits child endangerment when the
9 person does any of the following:

10 Sec. 117. Section 726.6A, Code 1995, is amended to read as
11 follows:

12 726.6A MULTIPLE ACTS OF CHILD ENDANGERMENT -- PENALTY.

13 A person who engages in a course of conduct including three
14 or more acts of child endangerment as defined in section 726.6
15 within a period of twelve months involving the same child or a
16 mentally-or-physically-handicapped minor with a mental or
17 physical disability, where one or more of the acts results in
18 serious injury to the child or minor or results in a skeletal
19 injury to a child under the age of four years, is guilty of a
20 class "B" felony. Notwithstanding section 902.9, subsection
21 1, a person convicted of a violation of this section shall be
22 confined for no more than fifty years.

23 Sec. 118. Section 904.108, subsection 1, paragraph d, Code
24 1995, is amended to read as follows:

25 d. Establish and maintain acceptable standards of
26 treatment, training, education, and rehabilitation in the
27 various state penal and corrective institutions which shall
28 include habilitative services and treatment for mentally
29 retarded offenders with mental retardation. For the purposes
30 of this paragraph, habilitative services and treatment means
31 medical, mental health, social, educational, counseling, and
32 other services which will assist a mentally-retarded person
33 with mental retardation to become self-reliant. However, the
34 director may also provide rehabilitative treatment and
35 services to other persons who require the services. The

1 director shall identify all individuals entering the
 2 correctional system who are ~~mentally-retarded~~ persons with
 3 mental retardation, as defined in section 222.2, subsection 3.
 4 Identification shall be made by a qualified ~~mental-retardation~~
 5 professional in the area of mental retardation. In assigning
 6 ~~a-mentally-retarded~~ an offender with mental retardation, or an
 7 offender with an inadequately developed intelligence or with
 8 impaired mental abilities, to a correctional facility, the
 9 director shall consider both the program needs and the
 10 security needs of the offender. The director shall consult
 11 with the department of human services in providing
 12 habilitative services and treatment to ~~mentally-ill-and~~
 13 ~~mentally-retarded~~ offenders with mental illness or mental
 14 retardation.

15 Sec. 119. Section 904.205, Code 1995, is amended to read
 16 as follows:

17 904.205 CLARINDA CORRECTIONAL FACILITY.

18 The state correctional facility at Clarinda shall be
 19 utilized as a secure men's correctional facility primarily for
 20 ~~chemically-dependent, mentally-retarded, and socially~~
 21 ~~inadequate~~ offenders with chemical dependence, mental
 22 retardation, or social inadequacies.

23 Sec. 120. AMENDMENTS CHANGING TERMINOLOGY -- DIRECTIVES TO
 24 CODE EDITOR.

25 1. Sections 7D.15, 15.225, 16.4, 16.9, 16.12, 16.17,
 26 16.18, 16.26, 16.155, 21.4, 49.25, 135.64, 216.8A, and 217.8,
 27 Code 1995, and sections 303C.4 and 321.1, Code Supplement
 28 1995, are amended by striking from the sections the words
 29 "persons who are handicapped or disabled", "handicapped or
 30 disabled persons", "the handicapped", "handicapped or
 31 disabled individuals", "handicapped persons", or "disabled
 32 persons", and inserting in lieu thereof the words "persons
 33 with disabilities".

34 2. Sections 225C.35, 256B.2, 256B.4, 260C.1, 285.11,
 35 403A.7, and 514E.7, Code 1995, and section 216.2, Code

1 Supplement 1995, are amended by striking from the sections the
2 words "handicap" or "handicaps", and inserting in lieu
3 thereof, as appropriate, the words "disability" or
4 "disabilities".

5 3. Section 256B.4, Code 1995, is amended by striking from
6 the section the words "handicapped children" and inserting in
7 lieu thereof the words "children with disabilities".

8 4. Sections 216.6, 216.8A, 216C.11, 321.109, 321.124, Code
9 1995, are amended by striking from the sections the words
10 "disabled person" or "disabled or handicapped person", and
11 inserting in lieu thereof the words "person with a
12 disability".

13 5. Sections 285.10 and 403.17, Code 1995, and section
14 285.1, Code Supplement 1995, are amended by striking from the
15 sections the word "handicapped", and inserting in lieu thereof
16 the words "persons with disabilities,".

17 6. Sections 422.7 and 422.35, Code Supplement 1995, are
18 amended by striking from the sections the words "A handicapped
19 individual", and inserting in lieu thereof the words "An
20 individual with a disability".

21 7. Sections 135C.3, 135C.23, 155.1, 218.46, 222.7, 222.55,
22 222.56, 225.5, 226.1, 226.9, 226.30, 227.1, 227.10, 227.11,
23 227.14, 227.15, 229.3, 229.19, 229.44, 230.5, 230.6, 230.8,
24 230.9, 230.10, 230.11, 230.14, 230.18, 230.19, 331.381,
25 331.502, 331.657, 614.8, 904.201, and 904.503, Code 1995, and
26 sections 135.63, 229.1, 230.12, 331.552, 331.653, and 331.756,
27 Code Supplement 1995, are amended by striking from the
28 sections the words "the mentally ill" or "mentally ill
29 persons", and inserting in lieu thereof the words "persons
30 with mental illness".

31 8. Sections 225C.12, 230.1, 230.31, 448.12, 486.32, 597.6,
32 and 597.9, Code 1995, are amended by striking from the
33 sections the words "mentally ill person", and inserting in
34 lieu thereof the words "person with mental illness".

35 9. Sections 587.12, 614.19, 614.27, and 633.31, Code 1995,

1 are amended by striking from the sections the words "insane
2 persons" or "insane person", and inserting in lieu thereof, as
3 appropriate, the words "persons with mental illness" or
4 "person with mental illness".

5 10. Section 681.27, Code 1995, is amended by striking from
6 the section the word "insane" and inserting in lieu thereof
7 the words "mentally ill".

8 11. Sections 23A.2, 135.64, 135C.23, 155.1, 218.92, 222.6,
9 222.9, 222.10, 222.12, 222.27, 222.34, 222.38, 222.43, 222.45,
10 222.51, 222.56, 222.66, 222.88, 226.8, 249A.2, 331.381,
11 331.502, 335.25, 414.22, and 633.709, Code 1995, and sections
12 135.63, 135C.2, 249A.5, 249A.12, 331.756, and 602.8102, Code
13 Supplement 1995, are amended by striking from the sections the
14 words "the mentally retarded", "mentally retarded persons", or
15 "mentally retarded person", and inserting in lieu thereof, as
16 appropriate, the words "persons with mental retardation" or
17 "person with mental retardation".

18 12. The Code editor is directed to substitute the words
19 "persons with disabilities" for the words "persons who are
20 handicapped or disabled", "handicapped or disabled persons",
21 "the handicapped", "handicapped or disabled individuals",
22 "handicapped persons", or "disabled persons" when there
23 appears to be no doubt as to the intent to refer to persons
24 with disabilities, except where the term is intended to refer
25 to provisions related to handicapped parking as provided in
26 chapter 321L.

27 13. The Code editor is directed to substitute the words
28 "disability" or "disabilities" for the words "handicap" or
29 "handicaps" when there appears to be no doubt as to the intent
30 to refer to the condition of a person, except where the term
31 is intended to refer to provisions related to handicapped
32 parking as provided in chapter 321L.

33 14. The Code editor is directed to substitute the words
34 "children with disabilities" for the words "handicapped
35 children" or "disabled children" when there appears to be no

1 doubt as to the intent to refer to children with disabilities,
2 except where the term is intended to refer to provisions
3 related to handicapped parking as provided in chapter 321L.

4 15. The Code editor is directed to substitute the words
5 "person with a disability" for the words "disabled person",
6 "handicapped person", "disabled or handicapped person", or
7 "handicapped or disabled person" when there appears to be no
8 doubt as to the intent to refer to a person with a disability,
9 except where the term is intended to refer to provisions
10 related to handicapped parking as provided in chapter 321L.

11 16. The Code editor is directed to substitute the words
12 "an individual with a disability" for the words "a disabled
13 individual" or "a handicapped individual" when there appears
14 to be no doubt as to the intent to refer to an individual with
15 a disability, except where the term is intended to refer to
16 provisions related to handicapped parking as provided in
17 chapter 321L.

18 17. The Code editor is directed to substitute the words
19 "persons with mental illness" for the words "the mentally ill"
20 or "mentally ill persons" when there appears to be no doubt as
21 to the intent to refer to persons with mental illness.

22 18. The Code editor is directed to substitute the words
23 "person with mental illness" for the words "mentally ill
24 persons" when there appears to be no doubt as to the intent to
25 refer to a person with mental illness.

26 19. The Code editor is directed to substitute the words
27 "persons with mental retardation" for the words "the mentally
28 retarded" or "mentally retarded persons" when there appears to
29 be no doubt as to the intent to refer to persons with mental
30 retardation.

31 20. The Code editor is directed to substitute the words
32 "person with mental retardation" for the words "mentally
33 retarded person" when there appears to be no doubt as to the
34 intent to refer to a person with mental retardation.

35

EXPLANATION

1 This bill makes numerous changes in terminology to various
2 provisions pertaining to persons with certain mental and
3 physical conditions. In addition, the bill directs the Code
4 editor to make similar changes. The bill pertains primarily
5 to terminolgy used to identify persons with mental illness,
6 persons with mental retardation, and persons with
7 disabilities.

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SENATE FILE 2438

AN ACT

RELATING TO THE TERMINOLOGY USED TO DESCRIBE PERSONS WITH CERTAIN MENTAL AND PHYSICAL CONDITIONS, AND PROVIDING FOR RELATED MATTERS CONCERNING PERSONS WITH MENTAL ILLNESS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 4.1, subsections 15 and 39, Code Supplement 1995, are amended to read as follows:

15. ~~MENTALLY-ILL PERSONS WITH MENTAL ILLNESS.~~ The words "~~mentally-ill-person~~" "persons with mental illness" include ~~mental-retardates, psychotic persons with psychosis, severely depressed persons who are severely depressed, and persons of unsound-mind with any type of mental disease or mental disorder, except that mental illness does not refer to mental~~

retardation as defined in section 222.2, or to insanity, diminished responsibility, or mental incompetency as defined and used in the Iowa criminal code or in the rules of criminal procedure, Iowa court rules, 3d ed. A person who is hospitalized or detained for treatment of mental illness shall not be deemed or presumed to be incompetent in the absence of a finding of incompetence made pursuant to section 229.27.

39. WRITTEN -- IN WRITING -- SIGNATURE. The words "written" and "in writing" may include any mode of representing words or letters in general use. A signature, when required by law, must be made by the writing or markings of the person whose signature is required. If a person is unable due to a physical handicap disability to make a written signature or mark, that person may substitute either of the following in lieu of a signature required by law:

a. The handicapped-person's name of the person with a disability written by another upon the request and in the presence of the handicapped person, or, with a disability.

b. A rubber stamp reproduction of the ~~handicapped-person's~~ name or facsimile of the actual signature when adopted by the handicapped person with a disability for all purposes requiring a signature and then only when affixed by that person or another upon request and in the ~~handicapped-person's~~ presence of the person with a disability.

Sec. 2. Section 7.14, subsection 3, Code 1995, is amended to read as follows:

3. Whenever a governor who is unable to discharge the duties of the office believes the disability to be removed, the governor may call a conference consisting of the three persons referred to as members of such a conference in subsection 1. The three members of the conference shall within ten days examine the disabled governor. Within seven days after the examination they shall conduct a secret ballot and by unanimous vote may find the disability removed.

Sec. 3. Section 15.225, subsection 1, paragraph b, Code 1995, is amended to read as follows:

b. A public service employment program for disadvantaged and-handicapped youth and youth with disabilities attending school to be known as the "in-school program".

Sec. 4. Section 15.286, subsection 4, paragraph b, subparagraph (3), Code 1995, is amended to read as follows:

(3) Programs to assist persons of lower income, the persons who are disadvantaged, or the-disabled persons with disabilities.

Sec. 5. Section 16.1, subsections 7 and 14, Code 1995, are amended by striking the subsections.

Sec. 6. Section 16.1, subsections 13 and 24, Code 1995, are amended to read as follows:

13. a. "Families" includes but is not limited to families consisting of a single adult person who is primarily responsible for the person's own support, is at least sixty-two years of age, is disabled, is-handicapped a person with a disability, is displaced, or is the remaining member of a tenant family.

b. "Families" includes but is not limited to two or more persons living together who are at least sixty-two years of age, are disabled, or-are-handicapped persons with disabilities, or one or more such individuals living with another person who is essential to such individual's care or well-being.

24. "Low or moderate income families" means families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use, and also includes, but is not limited to, (1) elderly families, families in which one or more persons are handicapped-or-disabled persons with disabilities, lower income families and very low income families, and (2) families purchasing or renting qualified residential housing.

Sec. 7. Section 16.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 29A. "Person with a disability" means a person who is unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment, or a person having a physical or mental impairment which is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of a nature that the ability to live independently could be improved by more suitable housing conditions.

Sec. 8. Section 16.1, subsection 32, paragraph c, Code 1995, is amended to read as follows:

c. Housing for low or moderate income families, elderly families, and families which include one or more persons who are-handicapped-or-disabled with disabilities.

Sec. 9. Section 16.2, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The Iowa finance authority is established, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions, to undertake programs which assist in attainment of adequate housing for low or moderate income families, elderly families, and families which include one or more persons who-are-handicapped or-disabled with disabilities, and to undertake the Iowa homesteading program, the small business loan program, the export business finance program, and other finance programs. The powers of the authority are vested in and shall be exercised by a board of nine members appointed by the governor subject to confirmation by the senate. No more than five members shall belong to the same political party. As far as possible the governor shall include within the membership persons who represent community and housing development industries, housing finance industries, the real estate sales industry, elderly families, minorities, lower income families,

very low income families, ~~handicapped-and-disabled~~ families which include persons with disabilities, average taxpayers, local government, business and international trade interests, and any other person specially interested in community housing, finance, small business, or export business development.

Sec. 10. Section 16.3, subsection 13, Code 1995, is amended to read as follows:

13. There is a need in areas of the state for new construction of certain group homes of fifteen beds or less licensed as health care facilities or child foster care facilities to provide adequate housing and care for elderly ~~and-handicapped Iowans and Iowans with disabilities~~, and to provide adequate housing and foster care for children.

Sec. 11. Section 16.100, subsection 2, paragraph b, Code 1995, is amended to read as follows:

b. A home maintenance and repair program providing repair services to ~~elderly, handicapped, or disabled~~ families which include persons who are elderly or persons with disabilities and which qualify as lower income or very low income families.

Sec. 12. Section 19B.2, unnumbered paragraph 2, Code 1995, is amended to read as follows:

It is the policy of this state to permit special appointments by bypassing the usual testing procedures for any applicant for whom the division of vocational rehabilitation services of the department of education or the department for the blind has certified the applicant's disability and competence to perform the job. The department of personnel, in cooperation with the department for the blind and the division of vocational rehabilitation services, shall develop appropriate certification procedures. This paragraph should not be interpreted to bar promotional opportunities for ~~blind and-physically-or-mentally-disabled~~ persons who are blind or persons with physical or mental disabilities. If this paragraph conflicts with any other provisions of this chapter, the provisions of this paragraph govern.

Sec. 13. Section 34.2, subsection 4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A 911 system shall be capable of transmitting requests for law enforcement, fire fighting, and emergency medical and ambulance services to a public safety agency or agencies that provide the requested service at the place where the call originates. A 911 system may also provide for transmitting requests for emergency management, poison control, suicide prevention, and other emergency services. The public safety answering point shall be capable of receiving calls from deaf and hard-of-hearing persons through a telecommunications device for the deaf. Conferencing capability with counseling, aid to handicapped persons with disabilities, and other services as deemed necessary for identifying appropriate emergency response services may be provided by the 911 service.

Sec. 14. Section 48A.2, subsection 3, Code 1995, is amended to read as follows:

3. ~~"Mentally-incompetent-person"~~ "Person who is mentally incompetent" means a person who has been legally determined to be severely or profoundly mentally retarded, or has been found incompetent in a proceeding held pursuant to section 229.27.

Sec. 15. Section 49.21, unnumbered paragraph 4, Code 1995, is amended to read as follows:

In the selection of polling places, preference shall also be given to the use of buildings accessible to ~~elderly-and physically-disabled~~ persons who are elderly and persons with disabilities.

Sec. 16. Section 49.90, Code 1995, is amended to read as follows:

49.90 ASSISTING VOTER.

Any voter who may declare upon oath that the voter is blind, cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be

assisted by said the two officers as provided in section 49.89, or alternatively by any other person the voter may select in casting the vote. Said The officers, or the person selected by the voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the vote cast. If any elector because of a handicap disability cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the handicapped elector with a disability and allow the elector to cast the ballot in the vehicle. If a-handicapped an elector with a disability cannot cast a ballot on a voting machine the elector shall be allowed to cast a paper ballot, which shall be opened immediately after the closing of the polling place by the two precinct election officials designated under section 49.89, who shall register the votes cast thereon on a voting machine in the polling place before the votes cast there are tallied pursuant to section 52.21. To preserve so far as possible the confidentiality of each handicapped-elector's ballot of an elector with a disability, the two officers shall proceed substantially in the same manner as provided in section 53.24. In precincts where all voters use paper ballots, those cast by handicapped voters with disabilities shall be deposited in the regular ballot box and counted in the usual manner.

Sec. 17. Section 70A.20, unnumbered paragraph 1, Code Supplement 1995, is amended to read as follows:

A state employees disability insurance program is created, which shall be administered by the director of the department of personnel and which shall provide disability benefits in an amount and for the employees as provided in this section. The monthly disability benefits shall provide twenty percent of monthly earnings if employed less than one year, forty percent of monthly earnings if employed one year or more but less than two years, and sixty percent of monthly earnings thereafter,

reduced by primary and family social security determined at the time social security disability payments commence, railroad retirement disability income, workers' compensation if applicable, and any other state-sponsored sickness or disability benefits payable. However, the amount of benefits payable under the Iowa public employees' retirement system pursuant to chapter 97B shall not reduce the benefits payable pursuant to this section. Subsequent social security or railroad retirement increases shall not be used to further reduce the insurance benefits payable. As used in this section, "primary and family social security" shall not include social security benefits awarded to a-disabled an adult child with a disability of the disabled state employee with a disability who does not reside with the disabled state employee with a disability if the social security benefits were awarded to the disabled adult child with a disability prior to the approval of the state employee's benefits under this section, regardless of whether the United States social security administration records the benefits to the social security number of the disabled adult child with a disability, the disabled state employee with a disability, or any other family member, and such social security benefits shall not reduce the benefits payable pursuant to this section. As used in this section, unless the context otherwise requires, "adult" means a person who is eighteen years of age or older. State employees shall receive credit for the time they were continuously employed prior to and on July 1, 1974. The following provisions apply to the employees disability insurance program:

Sec. 18. Section 85.38, subsection 2, Code 1995, is amended to read as follows:

2. CREDIT FOR BENEFITS PAID UNDER GROUP PLANS. In the event the disabled employee with a disability shall receive any benefits, including medical, surgical or hospital benefits, under any group plan covering nonoccupational

disabilities contributed to wholly or partially by the employer, which benefits should not have been paid or payable if any rights of recovery existed under this chapter, chapter 85A or chapter 85B, then such the amounts so paid to said the employee from any-such the group plan shall be credited to or against any compensation payments, including medical, surgical or hospital, made or to be made under this chapter, chapter 85A or chapter 85B. Such The amounts so credited shall be deducted from the payments made under these chapters. Any nonoccupational plan shall be reimbursed in the amount so deducted. This section shall not apply to payments made under any group plan which would have been payable even though there was an injury under this chapter or an occupational disease under chapter 85A or an occupational hearing loss under chapter 85B. Any employer receiving such credit shall keep such the employee safe and harmless from any and all claims or liabilities that may be made against them by reason of having received such the payments only to the extent of such the credit.

Sec. 19. Section 85.45, subsection 4, Code 1995, is amended to read as follows:

4. When a person seeking a commutation is a surviving spouse, ~~a-permanently-and-totally-disabled~~ an employee with a permanent and total disability, or a dependent who is entitled to benefits as provided in section 85.31, subsection 1, paragraphs "c" and "d", the future payments which may be commuted shall not exceed the number of weeks which shall be indicated by probability tables designated by the industrial commissioner for death and remarriage, subject to the provisions of chapter 17A.

Sec. 20. Section 85.49, Code 1995, is amended to read as follows:

85.49 TRUSTEES FOR INCOMPETENT MINORS AND DEPENDENTS.

When a minor or mentally-incompetent a dependent who is mentally incompetent is entitled to weekly benefits under this

chapter, or chapter 85A or 85B, payment shall be made to the parent, guardian, or conservator, who shall act as trustee, and the money coming into the trustee's hands shall be expended for the use and benefit of the person entitled to it under the direction and orders of a district judge. The trustee shall qualify and give bond in an amount as the district judge directs, which may be increased or diminished from time to time.

If the domicile or residence of such the minor or mentally incompetent dependent be who is mentally incompetent is outside the state of Iowa the industrial commissioner may order and direct that benefits to such the minors or incompetents dependents be paid to a guardian, conservator, or legal representative duly qualified under the laws of the jurisdiction wherein the minors or incompetents dependents shall be domiciled or reside. Proof of the identity and qualification of such the guardian, conservator, or other legal representative shall be furnished to the industrial commissioner.

Sec. 21. Section 85.68, Code 1995, is amended to read as follows:

85.68 ACTIONS.

The treasurer of state, on behalf of the second injury fund created under this division, shall have a cause of action under section 85.22 to the same extent as an employer against any person not in the same employment by reason of whose negligence or wrong the subsequent injury of the previously disabled person with the previous disability was caused. The action shall be brought by the treasurer of state on behalf of the fund, and any recovery, less the necessary and reasonable expenses incurred by the treasurer of state, shall be paid to the treasurer of state and credited to the fund.

Sec. 22. Section 85.69, Code 1995, is amended to read as follows:

85.69 FEDERAL CONTRIBUTIONS.

The treasurer of state is hereby authorized to receive and credit to said the second injury fund any sum or sums that may at any time be contributed to the state by the United States or any agency thereof, under any Act of Congress or otherwise, to which the state may be or become entitled by reason of any payments made to any previously-disabled person with a previous disability out of said the fund.

Sec. 23. Section 135.11, subsection 19, Code 1995, is amended to read as follows:

19. Administer the statewide maternal and child health program and the crippled-children's program for children with disabilities by conducting mobile and regional child health specialty clinics and conducting other activities to improve the health of low-income women and children and to promote the welfare of children with actual or potential handicapping conditions which may cause disabilities and children with chronic illnesses in accordance with the requirements of Title V of the federal Social Security Act. The department shall provide technical assistance to encourage the coordination and collaboration of state agencies in developing outreach centers which provide publicly supported services for pregnant women, infants, and children. The department shall also, through cooperation and collaborative agreements with the department of human services and the mobile and regional child health specialty clinics, establish common intake proceedings for maternal and child health services. The department shall work in cooperation with the legislative fiscal bureau in monitoring the effectiveness of the maternal and child health centers, including the provision of transportation for patient appointments and the keeping of scheduled appointments.

Sec. 24. Section 135C.1, subsections 6, 8, and 9, Code 1995, are amended to read as follows:

6. "Health care facility" or "facility" means a residential care facility, a nursing facility, an intermediate care facility for ~~the-mentally-ill~~ persons with mental

illness, or an intermediate care facility for the-mentally-retarded persons with mental retardation.

8. "Intermediate care facility for the-mentally-ill persons with mental illness" means an institution, place, building, or agency designed to provide accommodation, board, and nursing care for a period exceeding twenty-four consecutive hours to three or more individuals, who primarily have mental illness and who are not related to the administrator or owner within the third degree of consanguinity.

9. "Intermediate care facility for the-mentally-retarded persons with mental retardation" means an institution or distinct part of an institution with a primary purpose to provide health or rehabilitative services to three or more individuals, who primarily have mental retardation or a related condition and who are not related to the administrator or owner within the third degree of consanguinity, and which meets the requirements of this chapter and federal standards for intermediate care facilities for the-mentally-retarded persons with mental retardation established pursuant to the federal Social Security Act, § 1905(c)(d), as codified in 42 U.S.C. § 1936d which are contained in 42 C.F.R. pt. 483, subpt. D, § 410-480.

Sec. 25. Section 135C.2, subsection 3, paragraph b, Code Supplement 1995, is amended to read as follows:

b. The department may also establish by administrative rule special classifications within the residential care facility, intermediate care facility for the-mentally-ill persons with mental illness, intermediate care facility for the-mentally-retarded persons with mental retardation, or nursing facility categories, for facilities intended to serve individuals who have special health care problems or conditions in common. Rules establishing a special classification shall define the problem or condition to which the special classification is relevant and establish

requirements for an approved program of care commensurate with the problem or condition. The rules may grant special variances or considerations to facilities licensed within the special classification.

Sec. 26. Section 135C.2, subsection 5, paragraph g, Code Supplement 1995, is amended to read as follows:

g. The facilities licensed under this subsection shall be eligible for funding utilized by other licensed residential care facilities for ~~the mentally-retarded~~ persons with mental retardation, or licensed residential care facilities for the ~~mentally-ill~~ persons with mental illness, including but not limited to funding under or from the federal social services block grant, the state supplementary assistance program, state mental health and developmental disabilities services funds, and county funding provisions.

Sec. 27. Section 216.6, subsection 1, paragraph c, unnumbered paragraph 2, Code 1995, is amended to read as follows:

An employer, employment agency, or their employees, servants or agents may offer employment or advertise for employment to only ~~the-disabled~~ persons with disabilities, when other applicants have available to them, other employment compatible with their ability which would not be available to ~~the-disabled~~ persons with disabilities because of their ~~handicap~~ disabilities. Any such employment or offer of employment shall not discriminate among ~~the-disabled~~ persons with disabilities on the basis of race, color, creed, sex or national origin.

Sec. 28. Section 216.8A, subsection 3, paragraph d, Code 1995, is amended to read as follows:

d. Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for ~~physically-handicapped~~ people persons with disabilities, commonly cited as "ANSI A 117.1", satisfies the requirements of paragraph "c", subparagraph (3), subparagraph subdivision (c).

Sec. 29. Section 216.14, Code 1995, is amended to read as follows:

216.14 PROMOTION OR TRANSFER.

After a ~~handicapped-individual~~ person with a disability is employed, the employer shall not be required under this chapter to promote or transfer ~~such-handicapped~~ the person to another job or occupation, unless, prior to ~~such~~ the transfer, ~~such-handicapped~~ the person with the disability, by training or experience, is qualified for ~~such~~ the job or occupation. Any collective bargaining agreement between an employer and labor organization shall contain this section as part of ~~such~~ the agreement.

Sec. 30. Section 216B.3, subsection 9, Code Supplement 1995, is amended to read as follows:

9. Provide library services to ~~blind-and-physically~~ handicapped persons who are blind and persons with physical disabilities.

Sec. 31. Section 216B.4, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The administrator may accept financial aid from the government of the United States for carrying out rehabilitation and physical restoration of the blind and for providing library services to ~~the-blind-and-physically~~ handicapped persons who are blind and persons with physical disabilities.

Sec. 32. Section 216C.1, Code 1995, is amended to read as follows:

216C.1 PARTICIPATION BY PERSONS WITH DISABILITIES.

It is the policy of this state to encourage and enable ~~the~~ persons who are blind, the or partially blind and the ~~physically-disabled~~ persons with physical disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

To encourage participation by ~~the-disabled~~ persons with disabilities, it is the policy of this state to ensure

compliance with federal requirements concerning persons with disabilities.

Sec. 33. Section 216C.2, Code 1995, is amended to read as follows:

216C.2 PUBLIC EMPLOYMENT.

~~The Persons who are blind, the or partially blind and the physically-disabled persons with physical disabilities~~ shall be employed in the state service, the service of the political subdivisions of the state, the public schools, and all other employment supported in whole or in part by public funds, on the same terms and conditions as ~~the-able-bodied other persons~~, unless it is shown that the particular disability prevents the performance of the work required.

Sec. 34. Section 216C.3, Code 1995, is amended to read as follows:

216C.3 FREE USE OF PUBLIC FACILITIES.

~~The Persons who are blind, the or partially blind and the physically-disabled persons with physical disabilities~~ have the same right as ~~the-able-bodied other persons~~ to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public elevators, public facilities and other public places.

Sec. 35. Section 216C.4, Code 1995, is amended to read as follows:

216C.4 ACCOMMODATIONS.

~~The Persons who are blind, the or partially blind and the physically-disabled persons with physical disabilities~~ are entitled to full and equal accommodations, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, other public conveyances or modes of transportation, hotels, lodging places, eating places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Sec. 36. Section 216C.8, Code 1995, is amended to read as follows:

216C.8 WHITE CANE SAFETY DAY.

The governor shall annually take suitable public notice of October 15 as white cane safety day. The governor shall issue a proclamation commenting upon the significance of the white cane; calling upon the citizens to observe the provisions of this chapter and sections 321.332 and 321.333 and to take precautions necessary for the safety of ~~the-disabled persons with disabilities~~; reminding the citizens of the policies herein declared and urging the citizens to ~~co-operate~~ cooperate in giving effect to them; and emphasizing the need of the citizens to be aware of the presence of ~~disabled persons with disabilities~~ in the community and to offer assistance to ~~disabled persons with disabilities~~ upon appropriate occasions.

Sec. 37. Section 216C.9, subsection 1, Code 1995, is amended to read as follows:

1. Curbs constructed along any public street in this state, when the street is paralleled or intersected by sidewalks, or when city ordinances or other lawful regulations will require the construction of sidewalks parallel to or intersecting the street, shall be constructed with not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one inch of rise per twelve inches lineal distance, except that a slope no greater than one inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for ~~physically-handicapped persons with physical disabilities~~ using the sidewalk.

Sec. 38. Section 217.1, Code 1995, is amended to read as follows:

217.1 PROGRAMS OF DEPARTMENT.

There is established a department of human services to administer programs designed to improve the well-being and productivity of the people of the state of Iowa. The department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child, and adult welfare, economic assistance including costs of medical care, rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of juvenile offenders, care and treatment of ~~the mentally-ill and mentally-retarded~~ persons with mental illness or mental retardation, and other related programs as provided by law.

Sec. 39. Section 218.95, Code 1995, is amended to read as follows:

218.95 SYNONYMOUS TERMS.

For purposes of construing the provisions of this and the following subtitles of this title and chapters 16, 35B, 347B, 709A, 904, 913, and 914 relating to ~~the mentally-ill persons with mental illness~~ and reconciling same these provisions with other former and present provisions of statute, the following terms shall be considered synonymous:

1. "Mentally ill" and "insane", except that the hospitalization or detention of any person for treatment of mental illness shall not constitute a finding or create a presumption that the individual is legally insane in the absence of a finding of incompetence made pursuant to section 229.27;

~~2. "Mental-defectives" and "mentally-retarded";~~

~~3. "Feeble-minded" and "mentally-retarded";~~

~~4. "Defectiveness" and "retardation";~~

5. 2. "Parole" and "convalescent leave";

6. 3. "Resident" and "patient";

7. 4. "Escape" and "depart without proper authorization";

8. 5. "Warrant" and "order of admission";

9. 6. "Escapee" and "patient";

~~10. 7.~~ "Sane" and "in good mental health";

~~11. "Commissioners-of-insanity" and "commissioners-of hospitalization";~~

~~12. "Idiot" and "mental-retardate";~~

~~13. "Recapture" and "take-into-protective-custody";~~

14. 8. "Asylum" and "hospital";

15. 9. "Commitment" and "admission".

It is hereby declared to be the policy of the general assembly that words which have come to have a degrading meaning shall not be employed in institutional records having reference to the mentally-afflicted persons with various mental conditions and that in all such records pertaining to persons with various mental conditions the less discriminatory of the foregoing synonyms shall be employed.

Sec. 40. Section 220A.1, Code 1995, is amended to read as follows:

220A.1 PURPOSE.

The purpose of this chapter is to permit information concerning persons who are believed to be mentally-handicapped have mental disabilities to be efficiently used by and exchanged among the state and local governments, their departments and agencies, and with other public or private agencies, where the use or exchange of the information is for the purpose of assisting any of the agencies in providing care, evaluation, services, assistance, education, or habilitation to such persons.

Sec. 41. Section 220A.4, Code 1995, is amended to read as follows:

220A.4 AGENCIES INVOLVED.

The service shall receive from and make available to the following state agencies case information on persons who are believed to be mentally-handicapped have mental disabilities: The the Iowa department of public health, the department of education, the state board of regents, and the department of human services.

Sec. 42. Section 220A.6, Code 1995, is amended to read as follows:

220A.6 INFORMATION TO OTHERS.

The state agencies designated in section 220A.4 may receive from and disseminate to other public agencies or private agencies such information as is necessary or proper for the purpose of providing evaluation services, treatment services, education, support or habilitation services to the mentally handicapped person with a mental disability. The enumerated state agencies or their designated staff shall be authorized to make determination of the proper receipt or dissemination of information to other public or private agencies.

Sec. 43. Section 220A.7, Code 1995, is amended to read as follows:

220A.7 RESTRICTIONS NOT APPLICABLE.

Any law or departmental rule of the state of Iowa which restricts or declares confidential information concerning persons who are believed to be mentally-handicapped have mental disabilities shall not apply to information exchanged through the service for the purposes of this chapter. Information supplied under a restriction by the government of the United States, its departments or agencies, or by other state government, its departments and agencies, shall be processed in compliance with such restrictions. Any case information restricted by any order of court shall be processed in compliance with the order.

Sec. 44. Section 222.16, Code 1995, is amended to read as follows:

222.16 PETITION FOR ADJUDICATION OF MENTAL RETARDATION.

A petition for the adjudication of the mental retardation of a person within the meaning of this chapter may, with the permission of the court be filed without fee against such a person with the clerk of the district court of the county or city in which ~~such-alleged-mentally-retarded~~ the person who is alleged to have mental retardation resides or is found. The

petition may be filed by any relative of such the person, by a guardian, or by any reputable citizen of the county of-such residence-or-of-such-place-of-finding where the person who is alleged to have mental retardation resides or is found.

Sec. 45. Section 222.18, unnumbered paragraph 2, Code 1995, is amended to read as follows:

Upon the filing of the petition, the court shall enter an order directing the county attorney of the county in which the allegedly-mentally-retarded person who is alleged to have mental retardation resides to make a full investigation regarding the financial condition of that person and of those persons legally liable for that person's support under section 222.78.

Sec. 46. Section 222.21, Code 1995, is amended to read as follows:

222.21 ORDER REQUIRING ATTENDANCE.

If the person alleged to be-mentally-retarded have mental retardation is not before the court, the court may issue an order requiring the person, who has the care, custody, and control of the alleged-mentally-retarded person who is alleged to have mental retardation to bring said-alleged-mentally-retarded the person into court at the time and place stated in said the order.

Sec. 47. Section 222.22, Code 1995, is amended to read as follows:

222.22 TIME OF APPEARANCE.

The time of appearance shall not be less than five days after completed service unless the court orders otherwise. Appearance on behalf of such-alleged-mentally-retarded the person who is alleged to have mental retardation may be made by any citizen of the county or by any relative. The district court shall assign counsel for the alleged-mentally-retarded person who is alleged to have mental retardation. Counsel shall prior to proceedings personally consult with such the person who is alleged to have mental retardation unless the

judge appointing such counsel certifies that in the judge's opinion, such consultation shall serve no useful purpose. Such The certification shall be made a part of the record. An attorney so assigned by the court shall receive such compensation as the district court shall fix to be paid in the first instance by the county.

Sec. 48. Section 222.25, Code 1995, is amended to read as follows:

222.25 CUSTODY PENDING HEARING.

Pending final hearing, the court may at any time after the filing of the petition and on satisfactory showing that it is in the best interest of the alleged-mentally-retarded person who is alleged to have mental retardation and of the community that such the person be at once taken into custody, or that service of notice will be ineffectual if the person is not taken into custody, issue an order for the immediate production of such the person before the court. In such case, the court may make any proper order for the custody or confinement of such the person as will protect the person and the community and insure the presence of such the person at the hearing. Such The person shall not be confined with those accused or convicted of crime.

Sec. 49. Section 222.50, Code 1995, is amended to read as follows:

222.50 COUNTY OF LEGAL SETTLEMENT TO PAY.

When the proceedings are instituted in a county in which the alleged-mentally-retarded person who is alleged to have mental retardation was found but which is not the county of legal settlement of the person, and the costs are not taxed to the petitioner, the county which is the legal settlement of such the person shall, on presentation of a properly itemized bill for such costs, repay the same costs to the former county. When the person's legal settlement is outside the state or is unknown, the costs shall be paid out of money in the state treasury not otherwise appropriated, itemized on

vouchers executed by the auditor of the county which paid the costs, and approved by the administrator.

Sec. 50. Section 222.80, Code 1995, is amended to read as follows:

222.80 LIABILITY TO COUNTY.

Any A person admitted or committed to a county institution or home or admitted or committed at county expense to any a private hospital, sanitarium, or other facility for treatment, training, instruction, care, habilitation, and support as a mentally-retarded patient thereof with mental retardation shall be liable to the county for the reasonable cost of such the support as provided in section 222.78.

Sec. 51. Section 222.88, subsection 1, Code 1995, is amended to read as follows:

1. Psychiatric and related services to mentally-retarded children with mental retardation and adults who are also emotionally disturbed or otherwise mentally ill.

Sec. 52. Section 225C.21, subsection 1, Code 1995, is amended to read as follows:

1. As used in this section, "community, supervised apartment living arrangement" means the provision of a residence in a noninstitutional setting to mentally-ill, mentally-retarded, or developmentally-disabled adults adult persons with mental illness, mental retardation, or developmental disabilities who are capable of living semi-independently but require minimal supervision.

Sec. 53. Section 227.2, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The director of inspections and appeals shall make, or cause to be made, at least one licensure inspection each year of every county care facility. Either the administrator of the division or the director of inspections and appeals, in co-operation cooperation with each other, upon receipt of a complaint or for good cause, may make, or cause to be made, a review of a county care facility or of any other private or

county institution where ~~mentally-ill-or-mentally-retarded~~ persons with mental illness or mental retardation reside. A licensure inspection or a review shall be made by a competent and disinterested person who is acquainted with and interested in the care of ~~mentally-ill-and-mentally-retarded~~ persons with mental illness and persons with mental retardation. The objective of a licensure inspection or a review shall be an evaluation of the programming and treatment provided by the facility. After each licensure inspection of a county care facility, the person who made the inspection shall consult with the county authorities on plans and practices that will improve the care given patients and shall make recommendations to the administrator of the division and the director of public health for ~~co-ordinating~~ coordinating and improving the relationships between the administrators of county care facilities, the administrator of the division, the director of public health, the superintendents of state mental health institutes and hospital-schools, community mental health centers, and other ~~co-operating~~ cooperating agencies, to cause improved and more satisfactory care of patients. A written report of each licensure inspection of a county care facility under this section shall be filed with the administrator of the division and the director of public health and shall include:

Sec. 54. Section 227.2, subsection 1, paragraph g, Code 1995, is amended to read as follows:

g. Any failure to comply with standards adopted under section 227.4 for care of ~~mentally-ill-and-mentally-retarded~~ persons with mental illness and persons with mental retardation in county care facilities, which is not covered in information submitted pursuant to paragraphs "a" to "f", and any other matters which the director of public health, in consultation with the administrator of the division, may require.

Sec. 55. Section 227.2, subsection 4, paragraphs a and b, Code 1995, are amended to read as follows:

a. It is the responsibility of the state to secure the annual evaluation for each person who is on convalescent leave or who has not been discharged from a state mental health institute. It is the responsibility of the county to secure the annual evaluation for all other ~~mentally-ill~~ persons with mental illness in the county care facility.

b. It is the responsibility of the state to secure the annual evaluation for each person who is on leave and has not been discharged from a state hospital-school. It is the responsibility of the county to secure the annual evaluation for all other ~~mentally-retarded~~ persons with mental retardation in the county care facility.

Sec. 56. Section 227.6, Code 1995, is amended to read as follows:

227.6 REMOVAL OF RESIDENTS.

If a county care facility fails to comply with rules and standards adopted under this chapter, the administrator may remove all ~~mentally-ill-and-mentally-retarded~~ persons with mental illness and all persons with mental retardation cared for in the county care facility at public expense, to the proper state mental health institute or hospital-school, or to some private or county institution or hospital for the care of ~~the-mentally-ill-or-mentally-retarded~~ persons with mental illness or mental retardation that has complied with the rules prescribed by the administrator. Residents being transferred to a state mental health institute or hospital-school shall be accompanied by an attendant or attendants sent from the institute or hospital-school. If a resident is transferred under this section, at least one attendant shall be of the same sex. If the administrator finds that the needs of ~~mentally-ill-and-mentally-retarded~~ residents with mental illness and residents with mental retardation of any other county or private institution are not being adequately met,

those residents may be removed from that institution upon order of the administrator.

Sec. 57. Section 229.1, subsection 14, Code Supplement 1995, is amended to read as follows:

14. "Seriously mentally impaired" or "serious mental impairment" describes the condition of a person ~~who is~~ afflicted with mental illness and because of that illness lacks sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment, and who because of that illness meets any of the following criteria:

- a. Is likely to physically injure the person's self or others if allowed to remain at liberty without treatment.
- b. Is likely to inflict serious emotional injury on members of the person's family or others who lack reasonable opportunity to avoid contact with the afflicted person with mental illness if the afflicted person with mental illness is allowed to remain at liberty without treatment.
- c. Is unable to satisfy the person's needs for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer physical injury, physical debilitation, or death.

Sec. 58. Section 229.26, Code 1995, is amended to read as follows:

229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY HOSPITALIZATION.

Sections 229.6 through 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that this chapter does not negate the provisions of section 904.503 relating to transfer of ~~mentally-ill~~ prisoners with mental illness to state hospitals for the ~~mentally-ill~~ persons with mental illness and does not apply to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, 2d ed., or negate the provisions of section 232.51 relating to disposition of ~~mentally-ill-or-mentally-retarded~~ children with mental illness or mental retardation.

Sec. 59. Section 229.38, Code 1995, is amended to read as follows:

229.38 CRUELTY OR OFFICIAL MISCONDUCT.

If any person having the care of a ~~mentally-ill~~ person with mental illness who has voluntarily entered a hospital or other facility for treatment or care, or who is responsible for psychiatric examination care, treatment and maintenance of any person involuntarily hospitalized under sections 229.6 to 229.15, whether in a hospital or elsewhere, with or without proper authority, shall treat such patient with unnecessary severity, harshness, or cruelty, or in any way abuse the patient or if any person unlawfully detains or deprives of liberty any ~~mentally-ill-or-allegedly-mentally-ill~~ person with mental illness or any person who is alleged to have mental illness, or if any officer required by the provisions of this chapter and chapters 226 and 227, to perform any act shall willfully refuse or neglect to perform the same, the offending person shall, unless otherwise provided, be guilty of a serious misdemeanor.

Sec. 60. Section 230.15, Code 1995, is amended to read as follows:

230.15 PERSONAL LIABILITY.

A ~~mentally-ill~~ person with mental illness and a person legally liable for the person's support remain liable for the support of the ~~mentally-ill~~ person with mental illness as provided in this section. Persons legally liable for the support of a ~~mentally-ill~~ person with mental illness include the spouse of the ~~mentally-ill~~ person, any person bound by contract for support of the ~~mentally-ill~~ person, and, with respect to ~~mentally-ill~~ persons with mental illness under eighteen years of age only, the father and mother of the ~~mentally-ill~~ person. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligation created in this section as to all sums advanced by the county. The liability to the county incurred by a

~~mentally-ill~~ person with mental illness or a person legally liable for the person's support under this section is limited to an amount equal to one hundred percent of the cost of care and treatment of the ~~mentally-ill~~ person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment of the cost of care and treatment of the ~~mentally-ill~~ person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a ~~mentally-ill~~ person with mental illness or a person legally liable for the person's support is liable to the county for the care and treatment of the ~~mentally-ill~~ person with mental illness at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of ~~a physically and mentally healthy~~ an individual who is physically and mentally healthy residing in the individual's own home, which standard shall be established and may from time to time be revised by the department of human services. A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of ~~any mentally-ill~~ a person with mental illness.

A substance abuser or chronic substance abuser is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser or chronic substance abuser while a voluntary or committed patient. When a portion of the cost is paid by a county, the substance abuser or chronic substance abuser is legally liable to the county for the amount paid. The substance abuser or chronic substance abuser shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise,

providing for the abuser's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a substance abuser or chronic substance abuser shall be in part credited to the county in proportion to the share of the costs paid by the county. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any ~~mentally-ill~~ person with mental illness, substance abuser, or chronic substance abuser as established by the department of human services.

Sec. 61. Section 230.33, Code 1995, is amended to read as follows:

230.33 RECIPROCAL AGREEMENTS.

The administrator of the division is hereby authorized to enter into agreements with other states, through their duly constituted authorities, to effect the reciprocal return of ~~mentally-ill and mentally-retarded~~ persons with mental illness and persons with mental retardation to the contracting states, and to effect the reciprocal supervision of persons on convalescent leave.

Provided that in the case of a proposed transfer of a ~~mentally-ill or mentally-retarded~~ person with mental illness or mental retardation from this state that no final action be taken without the approval either of the commission of hospitalization, or of the district court, of the county of admission or commitment.

Sec. 62. Section 232.51, Code 1995, is amended to read as follows:

232.51 DISPOSITION OF ~~MENTALLY-ILL OR MENTALLY-RETARDED~~ CHILD WITH MENTAL ILLNESS OR MENTAL RETARDATION.

If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally ill, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's

parent or guardian to initiate civil commitment proceedings in the juvenile court. These proceedings in the juvenile court shall adhere to the requirements of chapter 229. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally retarded, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court. These proceedings shall adhere to the requirements of chapter 222. If the child is committed as a ~~mentally-ill-or-mentally-retarded~~ child with mental illness or mental retardation, any order adjudicating the child to have committed a delinquent act shall be set aside and the petition shall be dismissed.

Sec. 63. Section 233B.5, Code 1995, is amended to read as follows:

233B.5 TRANSFERS.

The administrator may transfer to the home minor wards of the state from any institution under the administrator's charge or under the charge of any other administrator of the department of human services; but no person shall be so transferred who is ~~not-mentally-normal~~ a person with mental illness or mental retardation, or who is incorrigible, or has any vicious habits, or whose presence in the home would be inimical to the moral or physical welfare of ~~normal~~ the other children therein within the home, and any such child in the home may be transferred to the proper state institution.

Sec. 64. Section 249A.3, subsection 1, paragraph q, Code Supplement 1995, is amended to read as follows:

q. Is ~~a-disabled~~ an individual with a disability, and is at least eighteen years of age, who receives parental social security benefits under the federal Social Security Act and is not eligible for federal supplemental security income or state supplementary assistance, as defined by section 249.1, because of the receipt of the social security benefits.

Sec. 65. Section 249A.5, subsection 2, paragraph b, Code Supplement 1995, is amended to read as follows:

b. If the collection of all or part of a debt is waived pursuant to subsection 2, paragraph "a", subparagraph (1), the amount waived shall be a debt due from the estate of the recipient's surviving spouse or ~~blind-or-disabled~~ child who is blind or has a disability, upon the death of the spouse or child, or due from a surviving child who was under twenty-one years of age at the time of the recipient's death, upon the child reaching age twenty-one, to the extent the recipient's estate is received by the surviving spouse or child.

Sec. 66. Section 249F.1, subsection 2, paragraph b, subparagraph (2), Code 1995, is amended to read as follows:

(2) Transfers, other than the transfer of a dwelling, to or for the sole benefit of the transferor's child who is blind or ~~disabled~~ has a disability as defined in section 1614 of the federal Social Security Act.

Sec. 67. Section 256.16, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Pursuant to section 256.7, subsection 5, the state board shall adopt rules requiring all higher education institutions providing practitioner preparation to include in the professional education program, preparation that contributes to education of ~~the-handicapped-and-the~~ students with disabilities and students who are gifted and talented, which must be successfully completed before graduation from the practitioner preparation program.

Sec. 68. Section 256B.2, subsection 1, Code 1995, is amended to read as follows:

1. "Children requiring special education" means persons under twenty-one years of age, including children under five years of age, who ~~are-handicapped~~ have a disability in obtaining an education because of a head injury, autism, behavioral disorder, or physical, mental, communication or learning disability, as defined by the rules of the department of education.

Sec. 69. Section 256B.6, subsection 5, Code 1995, is amended to read as follows:

5. Assigned to a program of special education when the child is does not handicapped have a disability.

Sec. 70. Section 256B.9, subsection 1, paragraphs b and d, Code 1995, are amended to read as follows:

b. Children requiring special education who require special adaptations while assigned to a regular classroom for basic instructional purposes and handicapped pupils with disabilities placed in a special education class who receive part of their instruction in regular classrooms are assigned a weighting of one and eight-tenths for the school year commencing July 1, 1975.

Effective July 1, 1991, this paragraph also applies to children requiring special education who require specially designed instruction while assigned to a regular classroom for basic instructional purposes.

d. Children requiring special education who are-severely handicapped have severe disabilities or who have multiple handicaps disabilities are assigned a weighting of four and four-tenths for the school year commencing July 1, 1975.

Effective July 1, 1991, this paragraph also applies to children requiring special education who are-severely have severe and profoundly-handicapped profound disabilities.

Sec. 71. Section 256B.9, subsection 8, Code 1995, is amended to read as follows:

8. Commencing with the school year beginning July 1, 1976, a school district may expend an amount not to exceed two-sevenths of an amount equal to the district cost of a school district for the costs of regular classroom instruction of a child certified under the special education weighting plan in subsection 1, paragraph "b", as a handicapped pupil with disabilities who is enrolled in a special class, but who receives part of the pupil's instruction in a regular classroom. Unencumbered funds generated for special education

instructional programs for the school year beginning July 1, 1975 and for the school year beginning July 1, 1976 shall not be expended for such purpose.

Sec. 72. Section 263.9, Code 1995, is amended to read as follows:

263.9 ESTABLISHMENT AND OBJECTIVES.

The state board of regents is hereby authorized to establish and maintain in reasonable proximity to Iowa City and in conjunction with the state university of Iowa and the university hospital, a hospital-school having as its objects the education and treatment of severely-handicapped children with severe disabilities. Such hospital-schools shall be conducted in conjunction with the activities of the University of Iowa children's hospital. Insofar as is practicable, the facilities of the university children's hospital shall be utilized.

Sec. 73. Section 263.10, Code 1995, is amended to read as follows:

263.10 PERSONS ADMITTED.

Every resident of the state who is not more than twenty-one years of age, who is-so-severely-handicapped has such severe disabilities as to be unable to acquire an education in the common schools, and every such person who is twenty-one and under thirty-five years of age who has the consent of the state board of regents, shall be entitled to receive an education, care, and training in the institution, and nonresidents similarly situated may be entitled to an education and care therein upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance. Residents and persons under the care and control of a director of a division of the department of human services who are-severely-handicapped have severe disabilities may be transferred to the hospital-school upon such terms as may be agreed upon by the state board of regents and such the director.

Sec. 74. Section 263.11, Code 1995, is amended to read as follows:

263.11 DEFINITIONS.

The term "~~severely-handicapped~~" "severe disabilities" shall be interpreted for the purpose of this division as referring to persons who meet both of the following requirements:

1. Persons who are educable but ~~severely-physically-and educationally-handicapped~~ have severe physical and educational disabilities as a result of cerebral palsy, muscular dystrophy, spina bifida, arthritis, poliomyelitis, or other severe physically ~~handicapping disabling conditions,~~ and.
2. Persons who are not eligible for admission to the schools already established for the persons with mental retardation or epilepsy or persons who are deaf, or blind, epileptic, or mentally-retarded.

Sec. 75. Section 280.8, Code 1995, is amended to read as follows:

280.8 SPECIAL EDUCATION.

The board of directors of each public school district shall make adequate educational provisions for each resident child requiring special education appropriate to the nature and severity of the child's ~~handicapping-condition~~ disability pursuant to rules promulgated by the department under the provisions of chapters 256B and 273.

Sec. 76. Section 299.18, Code 1995, is amended to read as follows:

299.18 EDUCATION OF CERTAIN ~~DEAF, BLIND, OR SEVERELY HANDICAPPED~~ CHILDREN WHO ARE DEAF, BLIND, OR HAVE SEVERE DISABILITIES.

Children who are of compulsory attendance age and who are so deaf or blind or ~~severely-handicapped~~ have such severe disabilities so as to be unable to obtain an education in the public or accredited nonpublic schools shall be sent to the appropriate state-operated school, or shall receive appropriate special education under chapter 256B, unless

exempted, and any person having such a child under the person's control or custody shall see that the child attends the state-operated school or special education program during the scholastic year.

Sec. 77. Section 299.19, Code 1995, is amended to read as follows:

299.19 PROCEEDING AGAINST PARENT.

Upon the failure of a person having the custody and control of a ~~deaf, blind, or severely-handicapped~~ child who is blind, deaf, or has severe disabilities to require the child's attendance as provided in section 299.18, the state board of regents may make application to the district court or the juvenile court of the county in which the person resides for an order requiring the person to compel the attendance of the child at the proper state-operated school.

Sec. 78. Section 321.180A, subsection 1, Code 1995, is amended to read as follows:

1. Notwithstanding other provisions of this chapter, a ~~physically-disabled~~ person with a physical disability, who is not suffering from a convulsive disorder and who can provide a favorable medical report, whose license renewal has been denied under section 321.177, subsection 6 or 7, or whose motor vehicle license has been suspended under section 321.210, subsection 1, paragraph "c", upon meeting the requirements of section 321.186, other than a driving demonstration or the person's limitations which caused the denial under section 321.177, subsection 6 or 7, or suspension under section 321.210, subsection 1, paragraph "c", and upon paying the fee required in section 321.191, shall be issued a special instruction permit by the department. Upon issuance of the permit the denial or suspension shall be stayed and the stay shall remain in effect as long as the permit is valid.

Sec. 79. Section 321.445, subsection 5, Code 1995, is amended to read as follows:

5. The department shall adopt rules pursuant to chapter 17A providing exceptions from application of subsections 1 and 2 for front seats and front seat passengers of motor vehicles owned, leased, rented, or primarily used by physically handicapped persons with physical disabilities who use collapsible wheelchairs.

Sec. 80. Section 324A.1, subsection 7, Code 1995, is amended to read as follows:

7. "Transportation disadvantaged persons" means persons ~~who are physically or mentally handicapped persons~~ with physical or mental disabilities, persons who are determined by the department to be economically disadvantaged and other persons or groups determined by the department to be disadvantaged in terms of the transportation services that are available to them.

Sec. 81. Section 324A.3, subsection 3, Code 1995, is amended to read as follows:

3. ~~Handicapped services~~ Services for persons with disabilities.

Sec. 82. Section 325.6, subsection 5, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A motor carrier providing primarily passenger service for ~~elderly, handicapped persons who are elderly, persons with disabilities~~, and other transportation disadvantaged persons is exempt from the certification requirements of this section if it satisfies each of the following requirements:

Sec. 83. Section 331.324, subsection 1, paragraph n, Code 1995, is amended to read as follows:

n. Employ ~~the persons who are blind, the or partially blind, and the disabled persons with physical disabilities~~ persons who are blind, the or partially blind, and the disabled persons with physical disabilities in accordance with section 216C.2.

Sec. 84. Section 331.424, subsection 1, paragraph a, subparagraph (3), Code Supplement 1995, is amended to read as follows:

(3) Clothing, transportation, medical, or other services provided persons attending the Iowa braille and sight saving school, the Iowa school for the deaf, or the state hospital-school for ~~severely-handicapped~~ severely-handicapped children with severe disabilities at Iowa City, for which the county becomes obligated to pay pursuant to sections 263.12, 269.2, and 270.4 through 270.7.

Sec. 85. Section 331.655, subsection 1, paragraph c, Code 1995, is amended to read as follows:

c. For serving and returning a subpoena, for each person served, fifteen dollars, and the necessary expenses incurred while serving subpoenas in criminal cases or cases relating to ~~the mentally-ill-process~~ hospitalization of persons with mental illness.

Sec. 86. Section 384.24, subsection 2, paragraph k, Code 1995, is amended to read as follows:

k. Housing for ~~the elderly or physically handicapped persons who are elderly or persons with physical disabilities.~~

Sec. 87. Section 403A.2, subsection 6, paragraphs d through g, Code 1995, are amended to read as follows:

d. "Families" includes, but is not limited to, families consisting of a single person in the case of any of the following:

(1) A person who is at least sixty-two years of age.

(2) A person ~~who is under~~ with a disability.

~~(3) A person who is handicapped.~~

~~(4) (3)~~ A displaced person.

~~(5) (4)~~ The remaining member of a tenant family.

e. "Families" includes two or more persons living together, who are at least sixty-two years of age, are persons with a disability ~~or are handicapped~~, or one or more such individuals living with another person who is essential to such individual's care or well-being.

f. "Disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment.

~~g.~~ -- "Handicapped" means, or having a physical or mental impairment which is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of a nature that the ability to live independently could be improved by more suitable housing conditions.

Sec. 88. Section 403A.7, Code 1995, is amended to read as follows:

403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

A municipality shall ~~(1)~~ rent do the following:

1. Rent or lease the dwelling accommodations in a housing project only to persons or families of low income and at rentals within their financial reach; ~~(2)~~ rent.

2. Rent or lease to a tenant such dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; ~~and (3)~~ fix.

3. Fix income limits for occupancy and rents after taking into consideration ~~(a)~~ the the following:

a. The family size, composition, age, physical handicaps disabilities, and other factors which might affect the rent-paying ability of the person or family; ~~and (b)~~ the.

b. The economic factors which affect the financial stability and solvency of the project. ~~Provided, however,~~
 PARAGRAPH DIVIDED. However, such determination of eligibility shall be within the limits of the income limits hereinbefore set out.

Nothing contained in this or the preceding section shall be construed as limiting the power of a municipality with respect to a housing project, to vest in an obligee the right, in the event of a default by the municipality, to take possession or cause the appointment of a receiver thereof for the housing project, free from all the restrictions imposed by this or the preceding section.

Sec. 89. Section 410.14, Code 1995, is amended to read as follows:

410.14 DECISION OF BOARD.

The decision of such the board upon such matters shall be final and conclusive, in the absence of fraud, and no appeal shall be allowed therefrom. ~~Such-disabled~~ The member with a disability shall remain upon the pension roll unless and until reinstated in such the department by reason of such examination.

Sec. 90. Section 411.1A, Code 1995, is amended to read as follows:

411.1A PURPOSE OF CHAPTER.

The purpose of this chapter is to promote economy and efficiency in the municipal public safety service by providing an orderly means for police officers and fire fighters to have a retirement system which will provide for the payment of pensions to retired ~~and-disabled~~ members and members incurring disabilities, and to the surviving spouses and dependents of deceased members.

Sec. 91. Section 419.1, subsection 12, paragraph a, subparagraph (13), Code 1995, is amended to read as follows:

(13) A housing unit or complex for ~~the-elderly-or~~ handicapped persons who are elderly or persons with disabilities.

Sec. 92. Section 422.45, subsection 22, paragraphs a and c, Code Supplement 1995, are amended to read as follows:

a. Residential care facilities and intermediate care facilities for ~~the-mentally-retarded~~ persons with mental retardation and residential care facilities for ~~the-mentally~~ ill persons with mental illness licensed by the department of inspections and appeals under chapter 135C.

c. Rehabilitation facilities that provide accredited rehabilitation services to persons with disabilities which are accredited by the commission on accreditation of rehabilitation facilities or the accreditation council for

services for mentally-retarded persons with mental retardation and other developmentally-disabled persons with developmental disabilities and adult day care services approved for reimbursement by the state department of human services.

Sec. 93. Section 425.23, subsection 3, paragraph b, Code 1995, is amended to read as follows:

b. For purposes of this subsection, a-totally-disabled person in computing household income, a person with a total disability shall deduct all medical and necessary care expenses paid during the twelve-month income tax accounting periods used in computing household income which are attributable to the person's total disability. "Medical and necessary care expenses" are those used in computing the federal income tax deduction under section 213 of the Internal Revenue Code as defined in section 422.3.

Sec. 94. Section 427.1, subsection 34, Code Supplement 1995, is amended to read as follows:

34. LOW-RENT HOUSING. The property owned and operated by a nonprofit organization providing low-rent housing for the persons who are elderly and the-physically-and-mentally handicapped persons with physical and mental disabilities. The exemption granted under the provisions of this subsection shall apply only until the terms of the original low-rent housing development mortgage is paid in full or expires, subject to the provisions of subsections 23 and 24.

Sec. 95. Section 468.513, Code 1995, is amended to read as follows:

468.513 VOTE OF MINOR OR MENTALLY-~~ILL~~ PERSON UNDER LEGAL INCOMPETENCY.

The vote of any person who is a minor~~7~~-mentally-~~ill~~ or under other legal incompetency shall be cast by the parent, guardian, or other legal representative of such-minor~~7~~ mentally-~~ill~~-or-other-incompetent the person. The person casting such the vote shall deliver to the judges and clerks of election a written sworn statement giving the name, age,

and place of residence of such the minor~~7~~-mentally-~~ill~~ or other-incompetent person under legal incompetency, and any false statement knowingly made to secure permission to cast such vote shall render the party so making it guilty of the crime of perjury.

Sec. 96. Section 477C.1, Code 1995, is amended to read as follows:

477C.1 DUAL PARTY RELAY SERVICE -- PURPOSE.

The general assembly finds that the provision of a statewide dual party relay service will further the public interest and protect the health, safety, and welfare of the people of Iowa through an increase in the usefulness and availability of the telephone system. Many deaf~~7~~-hard-of-hearing~~7~~-and-speech-impaired persons who are deaf, hard-of-hearing, or have speech impairments are not able to utilize the telephone system without this type of service. Therefore, it is the purpose of this chapter to enable the orderly development, operation, promotion, and funding of a statewide dual party relay service.

Sec. 97. Section 481A.38, subsection 1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The commission shall adopt a rule permitting a crossbow to be used only by handicapped individuals with disabilities who are physically incapable of using a bow and arrow under the conditions in which a bow and arrow is permitted. The commission shall prepare an application to be used by an individual requesting the status. The application shall require the individual's physician to sign a statement declaring that the individual is not physically able to use a bow and arrow.

Sec. 98. Section 483A.3, subsection 1, Code 1995, is amended to read as follows:

1. A resident or nonresident person required to have a hunting, fur harvester or fur, fish and game license shall not hunt or trap unless the person carries a valid wildlife

habitat stamp signed in ink with the person's signature across the face of the stamp. This section shall not apply to residents who ~~are-permanently-disabled~~ have permanent disabilities or who are younger than sixteen or older than sixty-five years of age. Special wildlife habitat stamps shall be administered in the same manner as hunting and fur harvester licenses except all revenue derived from the sale of the wildlife habitat stamps shall be used within the state of Iowa for habitat development and shall be deposited in the state fish and game protection fund, except as provided in subsection 2. The revenue may be used for the matching of federal funds. The revenues and any matched federal funds shall be used for acquisition of land, leasing of land or obtaining of easements from willing sellers for use as wildlife habitats. Notwithstanding the exemption provided by section 427.1, any land acquired with the revenues and matched federal funds shall be subject to the full consolidated levy of property taxes which shall be paid from those revenues. In addition such revenue may be used for the development and enhancement of wildlife lands and habitat areas. Not less than fifty percent of all revenue from the sale of wildlife habitat stamps shall be used by the commission to enter into agreements with county conservation boards or other public agencies in order to carry out the purposes of this section. The state share of funding of those agreements provided by the revenue from the sale of wildlife habitat stamps shall not exceed seventy-five percent.

Sec. 99. Section 483A.4, Code 1995, is amended to read as follows:

483A.4 "~~PERMANENTLY-DISABLED~~ PERMANENT DISABILITY"
DEFINED.

For the purpose of obtaining a license, a person is ~~permanently-disabled~~ has a permanent disability if any of the following apply:

1. The person has been found under the provisions of the federal Social Security Act, Title II, or any other public or private pension system to have a total, permanent physical or mental condition which prevents that person from engaging in the person's occupation or qualifies that person for retirement.

2. The person ~~is-physically-severely-handicapped~~ has a severe physical disability and has qualified for a special license under section 483A.24.

Sec. 100. Section 483A.24, subsections 12 and 17, Code 1995, are amended to read as follows:

12. The commission shall issue without charge a special fishing license to residents of Iowa sixteen years or more of age who the commission finds ~~are-mentally-or-physically~~ severely-handicapped have severe mental or physical disabilities. The commission is hereby authorized to prepare an application to be used by the person requesting ~~handicapped status~~ the special license, which would require that the person's attending physician sign the form declaring that the person handicapped has a severe mental or physical disability and is eligible for exempt status.

17. The department shall issue without charge a special annual fishing or combined hunting and fishing license to residents of this state who ~~are-permanently-disabled~~ have permanent disabilities and whose income falls below the federal poverty guidelines as published by the United States department of health and human services or residents of this state who are sixty-five years of age or older and whose income falls below the federal poverty guidelines as published by the United States department of health and human services. The commission shall provide for, by rule, an application to be used by an applicant requesting a ~~permanent-disabled-status or-age-status~~ special license. The commission shall require proof of age, income, and proof of permanent disability.

Sec. 101. Section 598.17, unnumbered paragraph 3, Code 1995, is amended to read as follows:

~~No-marriage~~ A dissolution of marriage granted ~~due-to-the mental-illness-of~~ when one of the spouses has mental illness shall not relieve the other spouse of any obligation imposed by law as a result of the marriage for the support of the ~~mentally-ill~~ spouse with mental illness. The court may make an order for ~~such~~ the support or may waive the support obligation when satisfied from the evidence that it would create an undue hardship on the obliged spouse or that spouse's other dependents.

Sec. 102. Section 600.17, Code 1995, is amended to read as follows:

600.17 FINANCIAL ASSISTANCE.

The department of human services shall, within the limits of funds appropriated to the department of human services and any gifts or grants received by the department for this purpose, provide financial assistance to any person who adopts a ~~physically-or-mentally-handicapped,~~ child with physical or mental disabilities or an older, or otherwise hard-to-place child, if the adoptive parent has the capability of providing a suitable home for the child but the need for special services or the costs of maintenance are beyond the economic resources of the adoptive parent.

1. Financial assistance shall not be provided when the special services are available free of cost to the adoptive parent or are covered by an insurance policy of the adoptive parent.

2. "Special services" means any medical, dental, therapeutic, educational, or other similar service or appliance required by an adopted child by reason of a mental or physical handicap disability.

Sec. 103. Section 602.8102, subsection 41, Code Supplement 1995, is amended to read as follows:

41. Carry out duties relating to the involuntary commitment of ~~mentally-impaired persons~~ with mental impairments as provided in chapter 229.

Sec. 104. Section 607A.5, Code 1995, is amended to read as follows:

607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

A person shall be excused from jury service if the person submits written documentation verifying, to the court's satisfaction, that the person is solely responsible for the daily care of a ~~permanently-disabled person~~ with a permanent disability living in the person's household and that the performance of juror service would cause substantial risk of injury to the health of the ~~disabled person~~ with a disability, or that the person is the mother of a breastfed child and is responsible for the daily care of the child. However, if the person is regularly employed at a location other than the person's household, the person shall not be excused under this section.

Sec. 105. Section 633.63, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. One who is under legal incompetency or is a mental retardate, ~~mentally-ill,~~ a chronic alcoholic, or a spendthrift.

Sec. 106. Section 633.707, subsection 4, Code 1995, is amended to read as follows:

4. "Maximum monthly medical assistance payment rate for services in an intermediate care facility for ~~the-mentally retarded persons with mental retardation~~" means the allowable rate established by the department of human services and as published in the Iowa administrative bulletin.

Sec. 107. Section 694.1, subsection 1, Code 1995, is amended to read as follows:

1. Is ~~physically-or-mentally-disabled~~ a person with a physical or mental disability.

Sec. 108. Section 714.19, subsection 5, Code 1995, is amended to read as follows:

5. Nonprofit schools exclusively engaged in training physically-handicapped persons with physical disabilities in the state of Iowa.

Sec. 109. Section 726.6, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

A person who is the parent, guardian, or person having custody or control over a child or a mentally-or-physically handicapped minor under the age of eighteen with a mental or physical disability, commits child endangerment when the person does any of the following:

Sec. 110. Section 726.6A, Code 1995, is amended to read as follows:

726.6A MULTIPLE ACTS OF CHILD ENDANGERMENT -- PENALTY.

A person who engages in a course of conduct including three or more acts of child endangerment as defined in section 726.6 within a period of twelve months involving the same child or a mentally-or-physically-handicapped minor with a mental or physical disability, where one or more of the acts results in serious injury to the child or minor or results in a skeletal injury to a child under the age of four years, is guilty of a class "B" felony. Notwithstanding section 902.9, subsection 1, a person convicted of a violation of this section shall be confined for no more than fifty years.

Sec. 111. Section 904.108, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. Establish and maintain acceptable standards of treatment, training, education, and rehabilitation in the various state penal and corrective institutions which shall include habilitative services and treatment for mentally retarded offenders with mental retardation. For the purposes of this paragraph, habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a mentally-retarded person

with mental retardation to become self-reliant. However, the director may also provide rehabilitative treatment and services to other persons who require the services. The director shall identify all individuals entering the correctional system who are mentally-retarded persons with mental retardation, as defined in section 222.2, subsection 3. Identification shall be made by a qualified mental-retardation professional in the area of mental retardation. In assigning a mentally-retarded an offender with mental retardation, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the director shall consider both the program needs and the security needs of the offender. The director shall consult with the department of human services in providing habilitative services and treatment to mentally-ill-and mentally-retarded offenders with mental illness or mental retardation.

Sec. 112. Section 904.205, Code 1995, is amended to read as follows:

904.205 CLARINDA CORRECTIONAL FACILITY.

The state correctional facility at Clarinda shall be utilized as a secure men's correctional facility primarily for chemically-dependent,-mentally-retarded,-and-socially inadequate offenders with chemical dependence, mental retardation, or social inadequacies.

Sec. 113. AMENDMENTS CHANGING TERMINOLOGY -- DIRECTIVES TO CODE EDITOR.

1. Sections 7D.15, 15.225, 16.4, 16.9, 16.12, 16.17, 16.18, 16.26, 16.155, 21.4, 49.25, 135.64, 216.8A, and 217.8, Code 1995, and sections 303C.4 and 321.1, Code Supplement 1995, are amended by striking from the sections the words "persons who are handicapped or disabled", "handicapped or disabled persons", "the handicapped", "handicapped or disabled individuals", "handicapped persons", or "disabled persons", and inserting in lieu thereof the words "persons with disabilities".

2. Sections 225C.35, 256B.2, 256B.4, 260C.1, 285.11, 403A.7, and 514E.7, Code 1995, and section 216.2, Code Supplement 1995, are amended by striking from the sections the words "handicap" or "handicaps", and inserting in lieu thereof, as appropriate, the words "disability" or "disabilities".

3. Section 256B.4, Code 1995, is amended by striking from the section the words "handicapped children" and inserting in lieu thereof the words "children with disabilities".

4. Sections 216.6, 216.8A, 216C.11, 321.109, 321.124, Code 1995, are amended by striking from the sections the words "disabled person" or "disabled or handicapped person", and inserting in lieu thereof the words "person with a disability".

5. Sections 285.10 and 403.17, Code 1995, and section 285.1, Code Supplement 1995, are amended by striking from the sections the word "handicapped", and inserting in lieu thereof the words "persons with disabilities,".

6. Sections 422.7 and 422.35, Code Supplement 1995, are amended by striking from the sections the words "A handicapped individual", and inserting in lieu thereof the words "An individual with a disability".

7. Sections 135C.3, 135C.23, 155.1, 218.46, 222.7, 222.55, 222.56, 225.5, 226.1, 226.9, 226.30, 227.1, 227.10, 227.11, 227.14, 227.15, 229.3, 229.19, 229.44, 230.5, 230.6, 230.8, 230.9, 230.10, 230.11, 230.14, 230.18, 230.19, 331.381, 331.502, 331.657, 614.8, 904.201, and 904.503, Code 1995, and sections 135.63, 229.1, 230.12, 331.552, 331.653, and 331.756, Code Supplement 1995, are amended by striking from the sections the words "the mentally ill" or "mentally ill persons", and inserting in lieu thereof the words "persons with mental illness".

8. Sections 225C.12, 230.1, 230.31, 448.12, 486.32, 597.6, and 597.9, Code 1995, are amended by striking from the sections the words "mentally ill person", and inserting in lieu thereof the words "person with mental illness".

9. Sections 587.12, 614.19, 614.27, and 633.31, Code 1995, are amended by striking from the sections the words "insane persons" or "insane person", and inserting in lieu thereof, as appropriate, the words "persons with mental illness" or "person with mental illness".

10. Section 681.27, Code 1995, is amended by striking from the section the word "insane" and inserting in lieu thereof the words "mentally ill".

11. Sections 23A.2, 135.64, 135C.23, 155.1, 218.92, 222.6, 222.9, 222.10, 222.12, 222.27, 222.34, 222.38, 222.43, 222.45, 222.51, 222.56, 222.66, 222.88, 226.8, 249A.2, 331.381, 331.502, 335.25, 414.22, and 633.709, Code 1995, and sections 135.63, 135C.2, 249A.5, 249A.12, 331.756, and 602.8102, Code Supplement 1995, are amended by striking from the sections the words "the mentally retarded", "mentally retarded persons", or "mentally retarded person", and inserting in lieu thereof, as appropriate, the words "persons with mental retardation" or "person with mental retardation".

12. The Code editor is directed to substitute the words "persons with disabilities" for the words "persons who are handicapped or disabled", "handicapped or disabled persons", "the handicapped", "handicapped or disabled individuals", "handicapped persons", or "disabled persons" when there appears to be no doubt as to the intent to refer to persons with disabilities, except where the term is intended to refer to provisions related to handicapped parking as provided in chapter 321L.

13. The Code editor is directed to substitute the words "disability" or "disabilities" for the words "handicap" or "handicaps" when there appears to be no doubt as to the intent to refer to the condition of a person, except where the term is intended to refer to provisions related to handicapped parking as provided in chapter 321L.

14. The Code editor is directed to substitute the words "children with disabilities" for the words "handicapped

children" or "disabled children" when there appears to be no doubt as to the intent to refer to children with disabilities, except where the term is intended to refer to provisions related to handicapped parking as provided in chapter 321L.

15. The Code editor is directed to substitute the words "person with a disability" for the words "disabled person", "handicapped person", "disabled or handicapped person", or "handicapped or disabled person" when there appears to be no doubt as to the intent to refer to a person with a disability, except where the term is intended to refer to provisions related to handicapped parking as provided in chapter 321L.

16. The Code editor is directed to substitute the words "an individual with a disability" for the words "a disabled individual" or "a handicapped individual" when there appears to be no doubt as to the intent to refer to an individual with a disability, except where the term is intended to refer to provisions related to handicapped parking as provided in chapter 321L.

17. The Code editor is directed to substitute the words "persons with mental illness" for the words "the mentally ill" or "mentally ill persons" when there appears to be no doubt as to the intent to refer to persons with mental illness.

18. The Code editor is directed to substitute the words "person with mental illness" for the words "mentally ill persons" when there appears to be no doubt as to the intent to refer to a person with mental illness.

19. The Code editor is directed to substitute the words "persons with mental retardation" for the words "the mentally retarded" or "mentally retarded persons" when there appears to be no doubt as to the intent to refer to persons with mental retardation.

20. The Code editor is directed to substitute the words "person with mental retardation" for the words "mentally retarded person" when there appears to be no doubt as to the intent to refer to a person with mental retardation.

21. The Code editor shall not apply a directive established in this section to a section of the Code which establishes an interstate compact.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2438, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *C. P. 17*, 1996

TERRY E. BRANSTAD
Governor