

Senate Study Bill 2327

Conference Committee Text

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1 1 Section 1. Section 4.1, subsections 15 and 39, Code
1 2 Supplement 1995, are amended to read as follows:
1 3 15.

~~MENTALLY ILL~~

- ~~PERSONS WITH MENTAL ILLNESS.~~ The words
1 4

~~"mentally ill person"~~

- ~~"persons with mental illness"~~ include
1 5

~~mental retardates, psychotic~~

- ~~persons with psychosis,~~

~~severely~~

-
1 6

~~depressed~~

- ~~persons who are severely depressed,~~ and persons of
1 7 unsound mind. A person who is hospitalized or detained for
1 8 treatment of mental illness shall not be deemed or presumed to
1 9 be incompetent in the absence of a finding of incompetence
1 10 made pursuant to section 229.27.

1 11 39. WRITTEN - IN WRITING - SIGNATURE. The words

1 12 "written" and "in writing" may include any mode of

1 13 representing words or letters in general use. A signature,

1 14 when required by law, must be made by the writing or markings

1 15 of the person whose signature is required. If a person is

1 16 unable due to a physical

~~handicap~~

- ~~disability~~ to make a written
1 17 signature or mark, that person may substitute either of the
1 18 following in lieu of a signature required by law:
1 19 a. The

~~handicapped person's~~

- ~~name of the person with a~~

1 20 ~~disability~~ written by another upon the request and in the

1 21 presence of the

~~handicapped~~

- ~~person~~

~~; or,~~

- ~~with a disability.~~

1 22 b. A rubber stamp reproduction of the

~~handicapped person's~~

-
1 23 name or facsimile of the actual signature when adopted by the

1 24

~~handicapped~~

- person with a disability for all purposes
1 25 requiring a signature and then only when affixed by that
1 26 person or another upon request and in the

~~handicapped person's~~

-
1 27 presence of the person with a disability.
1 28 Sec. 2. Section 7.14, subsection 3, Code 1995, is amended
1 29 to read as follows:
1 30 3. Whenever a governor who is unable to discharge the
1 31 duties of the office believes the disability to be removed,
1 32 the governor may call a conference consisting of the three
1 33 persons referred to as members of such a conference in
1 34 subsection 1. The three members of the conference shall
1 35 within ten days examine the

~~disabled~~

- governor. Within seven
2 1 days after the examination they shall conduct a secret ballot
2 2 and by unanimous vote may find the disability removed.
2 3 Sec. 3. Section 15.225, subsection 1, paragraph b, Code
2 4 1995, is amended to read as follows:
2 5 b. A public service employment program for disadvantaged
2 6

~~and handicapped~~

- youth and youth with disabilities attending
2 7 school to be known as the "in-school program".
2 8 Sec. 4. Section 15.286, subsection 4, paragraph b,
2 9 subparagraph (3), Code 1995, is amended to read as follows:
2 10 (3) Programs to assist persons of lower income,

~~the~~

-
2 11 persons who are disadvantaged, or

~~the disabled~~

- persons with
2 12 disabilities.
2 13 Sec. 5. Section 16.1, subsections 7 and 14, Code 1995, are
2 14 amended by striking the subsections.
2 15 Sec. 6. Section 16.1, subsections 13 and 24, Code 1995,
2 16 are amended to read as follows:
2 17 13. a. "Families" includes but is not limited to families
2 18 consisting of a single adult person who is primarily
2 19 responsible for the person's own support, is at least sixty-
2 20 two years of age, is

~~disabled, is handicapped~~

- a person with a
2 21 disability, is displaced, or is the remaining member of a
2 22 tenant family.
2 23 b. "Families" includes but is not limited to two or more
2 24 persons living together who are at least sixty-two years of
2 25 age, are

~~disabled, or are handicapped~~

- persons with
2 26 disabilities, or one or more such individuals living with
2 27 another person who is essential to such individual's care or
2 28 well-being.
2 29 24. "Low or moderate income families" means families who
2 30 cannot afford to pay enough to cause private enterprise in
2 31 their locality to build an adequate supply of decent, safe,
2 32 and sanitary dwellings for their use, and also includes, but
2 33 is not limited to, (1) elderly families, families in which one
2 34 or more persons are

~~handicapped or disabled~~

~~persons with~~

2 35 disabilities, lower income families and very low income
3 1 families, and (2) families purchasing or renting qualified
3 2 residential housing.
3 3 Sec. 7. Section 16.1, Code 1995, is amended by adding the
3 4 following new subsection:
3 5 NEW SUBSECTION. 29A. "Person with a disability" means a
3 6 person who is unable to engage in any substantial gainful
3 7 activity by reason of a medically determinable physical or
3 8 mental impairment, or a person having a physical or mental
3 9 impairment which is expected to be of long-continued and
3 10 indefinite duration, substantially impedes the ability to live
3 11 independently, and is of a nature that the ability to live
3 12 independently could be improved by more suitable housing
3 13 conditions.
3 14 Sec. 8. Section 16.1, subsection 32, paragraph c, Code
3 15 1995, is amended to read as follows:
3 16 c. Housing for low or moderate income families, elderly
3 17 families, and families which include one or more persons

~~who~~

3 18

~~are handicapped or disabled~~

~~with disabilities.~~

3 19 Sec. 9. Section 16.2, subsection 1, unnumbered paragraph
3 20 1, Code 1995, is amended to read as follows:
3 21 The Iowa finance authority is established, and constituted
3 22 a public instrumentality and agency of the state exercising
3 23 public and essential governmental functions, to undertake
3 24 programs which assist in attainment of adequate housing for
3 25 low or moderate income families, elderly families, and
3 26 families which include one or more persons

~~who are handicapped~~

3 27

~~or disabled~~

~~with disabilities~~, and to undertake the Iowa
3 28 homesteading program, the small business loan program, the
3 29 export business finance program, and other finance programs.
3 30 The powers of the authority are vested in and shall be
3 31 exercised by a board of nine members appointed by the governor
3 32 subject to confirmation by the senate. No more than five
3 33 members shall belong to the same political party. As far as
3 34 possible the governor shall include within the membership
3 35 persons who represent community and housing development
4 1 industries, housing finance industries, the real estate sales
4 2 industry, elderly families, minorities, lower income families,
4 3 very low income families,

~~handicapped and disabled~~

~~families~~

4 4 which include persons with disabilities, average taxpayers,
4 5 local government, business and international trade interests,
4 6 and any other person specially interested in community
4 7 housing, finance, small business, or export business
4 8 development.
4 9 Sec. 10. Section 16.3, subsection 13, Code 1995, is
4 10 amended to read as follows:
4 11 13. There is a need in areas of the state for new
4 12 construction of certain group homes of fifteen beds or less
4 13 licensed as health care facilities or child foster care

4 14 facilities to provide adequate housing and care for elderly
4 15

~~and handicapped~~

- Iowans and Iowans with disabilities, and to

4 16 provide adequate housing and foster care for children.

4 17 Sec. 11. Section 16.100, subsection 2, paragraph b, Code
4 18 1995, is amended to read as follows:

4 19 b. A home maintenance and repair program providing repair
4 20 services to

~~elderly, handicapped, or disabled~~

- families which

4 21 include persons who are elderly or persons with disabilities

4 22 and which qualify as lower income or very low income families.

4 23 Sec. 12. Section 19B.2, unnumbered paragraph 2, Code 1995,
4 24 is amended to read as follows:

4 25 It is the policy of this state to permit special
4 26 appointments by bypassing the usual testing procedures for any
4 27 applicant for whom the division of vocational rehabilitation
4 28 services of the department of education or the department for
4 29 the blind has certified the applicant's disability and
4 30 competence to perform the job. The department of personnel,
4 31 in cooperation with the department for the blind and the
4 32 division of vocational rehabilitation services, shall develop
4 33 appropriate certification procedures. This paragraph should
4 34 not be interpreted to bar promotional opportunities for

~~blind~~

-

4 35

~~and physically or mentally disabled~~

- persons who are blind or

5 1 persons with physical or mental disabilities. If this
5 2 paragraph conflicts with any other provisions of this chapter,
5 3 the provisions of this paragraph govern.

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

5 6 A 911 system shall be capable of transmitting requests for
5 7 law enforcement, fire fighting, and emergency medical and
5 8 ambulance services to a public safety agency or agencies that
5 9 provide the requested service at the place where the call
5 10 originates. A 911 system may also provide for transmitting
5 11 requests for emergency management, poison control, suicide
5 12 prevention, and other emergency services. The public safety
5 13 answering point shall be capable of receiving calls from deaf
5 14 and hard-of-hearing persons through a telecommunications
5 15 device for the deaf. Conferencing capability with counseling,
5 16 aid to

~~handicapped~~

- persons with disabilities, and other

5 17 services as deemed necessary for identifying appropriate
5 18 emergency response services may be provided by the 911
5 19 service.

5 20 Sec. 14. Section 36.10, subsection 2, paragraph b, Code
5 21 1995, is amended to read as follows:

5 22 b. This exclusion of litigation proceeds from benefit or
5 23 entitlement program calculations are available only to
5 24

~~disabled~~

- veterans with disabilities or their beneficiaries,

5 25 whether payment is received in a lump sum or payable in
5 26 installments over a period of years.

5 27 Sec. 15. Section 48A.2, subsection 3, Code 1995, is

5 28 amended to read as follows:
5 29 3.

~~"Mentally incompetent person"~~
- ~~"Person who is mentally~~

5 30 incompetent" means a person who has been legally determined to
5 31 be severely or profoundly mentally retarded, or has been found
5 32 incompetent in a proceeding held pursuant to section 229.27.
5 33 Sec. 16. Section 49.21, unnumbered paragraph 4, Code 1995,
5 34 is amended to read as follows:
5 35 In the selection of polling places, preference shall also
6 1 be given to the use of buildings accessible to

~~elderly and~~

6 2

~~physically disabled~~
- ~~persons who are elderly and persons with~~
6 3 disabilities.

6 4 Sec. 17. Section 49.90, Code 1995, is amended to read as
6 5 follows:
6 6 49.90 ASSISTING VOTER.
6 7 Any voter who may declare upon oath that the voter is
6 8 blind, cannot read the English language, or is, by reason of
6 9 any physical disability other than intoxication, unable to
6 10 cast a vote without assistance, shall, upon request, be
6 11 assisted by

~~said~~

- ~~the two officers as provided in section~~
6 12 49.89, or alternatively by any other person the voter may
6 13 select in casting the vote.

~~Said~~

- ~~The officers, or the person~~
6 14 selected by the voter, shall cast the vote of the voter
6 15 requiring assistance, and shall thereafter give no information
6 16 regarding the vote cast. If any elector because of a

~~handicap~~

6 17 disability cannot enter the building where the polling place
6 18 for the elector's precinct of residence is located, the two
6 19 officers shall take a paper ballot to the vehicle occupied by
6 20 the

~~handicapped~~

- ~~elector with a disability~~ and allow the
6 21 elector to cast the ballot in the vehicle. If

~~a handicapped~~

6 22 an elector with a disability cannot cast a ballot on a voting
6 23 machine the elector shall be allowed to cast a paper ballot,
6 24 which shall be opened immediately after the closing of the
6 25 polling place by the two precinct election officials
6 26 designated under section 49.89, who shall register the votes
6 27 cast thereon on a voting machine in the polling place before
6 28 the votes cast there are tallied pursuant to section 52.21.
6 29 To preserve so far as possible the confidentiality of each
6 30

~~handicapped elector's~~

- ~~ballot of an elector with a disability~~,
6 31 the two officers shall proceed substantially in the same
6 32 manner as provided in section 53.24. In precincts where all

6 33 voters use paper ballots, those cast by

~~handicapped~~

- voters

6 34 with disabilities shall be deposited in the regular ballot box
6 35 and counted in the usual manner.

7 1 Sec. 18. Section 70A.20, unnumbered paragraph 1, Code
7 2 Supplement 1995, is amended to read as follows:

7 3 A state employees disability insurance program is created,
7 4 which shall be administered by the director of the department
7 5 of personnel and which shall provide disability benefits in an
7 6 amount and for the employees as provided in this section. The
7 7 monthly disability benefits shall provide twenty percent of
7 8 monthly earnings if employed less than one year, forty percent
7 9 of monthly earnings if employed one year or more but less than
7 10 two years, and sixty percent of monthly earnings thereafter,
7 11 reduced by primary and family social security determined at
7 12 the time social security disability payments commence,
7 13 railroad retirement disability income, workers' compensation
7 14 if applicable, and any other state-sponsored sickness or
7 15 disability benefits payable. However, the amount of benefits
7 16 payable under the Iowa public employees' retirement system
7 17 pursuant to chapter 97B shall not reduce the benefits payable
7 18 pursuant to this section. Subsequent social security or
7 19 railroad retirement increases shall not be used to further
7 20 reduce the insurance benefits payable. As used in this
7 21 section, "primary and family social security" shall not
7 22 include social security benefits awarded to

~~a disabled~~

- an

7 23 adult child with a disability of the

~~disabled~~

- state employee

7 24 with a disability who does not reside with the

~~disabled~~

- state

7 25 employee with a disability if the social security benefits
7 26 were awarded to the

~~disabled~~

- adult child with a disability

7 27 prior to the approval of the state employee's benefits under
7 28 this section, regardless of whether the United States social
7 29 security administration records the benefits to the social
7 30 security number of the

~~disabled~~

- adult child with a disability,

7 31 the

~~disabled~~

- state employee with a disability, or any other

7 32 family member, and such social security benefits shall not
7 33 reduce the benefits payable pursuant to this section. As used
7 34 in this section, unless the context otherwise requires,
7 35 "adult" means a person who is eighteen years of age or older.

8 1 State employees shall receive credit for the time they were
8 2 continuously employed prior to and on July 1, 1974. The
8 3 following provisions apply to the employees disability
8 4 insurance program:

8 5 Sec. 19. Section 85.38, subsection 2, Code 1995, is
8 6 amended to read as follows:

8 7 2. CREDIT FOR BENEFITS PAID UNDER GROUP PLANS. In the
8 8 event the

~~disabled~~

- employee with a disability shall receive
8 9 any benefits, including medical, surgical or hospital
8 10 benefits, under any group plan covering nonoccupational
8 11 disabilities contributed to wholly or partially by the
8 12 employer, which benefits should not have been paid or payable
8 13 if any rights of recovery existed under this chapter, chapter
8 14 85A or chapter 85B, then

~~such~~

- the amounts so paid to

~~said~~

- the

8 15 employee from

~~any such~~

- the group plan shall be credited to or
8 16 against any compensation payments, including medical, surgical
8 17 or hospital, made or to be made under this chapter, chapter
8 18 85A or chapter 85B.

~~Such~~

- The amounts so credited shall be
8 19 deducted from the payments made under these chapters. Any
8 20 nonoccupational plan shall be reimbursed in the amount

~~so~~

-
8 21 deducted. This section shall not apply to payments made under
8 22 any group plan which would have been payable even though there
8 23 was an injury under this chapter or an occupational disease
8 24 under chapter 85A or an occupational hearing loss under
8 25 chapter 85B. Any employer receiving such credit shall keep
8 26

~~such~~

- the employee safe and harmless from any and all claims or
8 27 liabilities that may be made against them by reason of having
8 28 received

~~such~~

- the payments only to the extent of

~~such~~

- the

8 29 credit.
8 30 Sec. 20. Section [85.45](#), subsection 4, Code 1995, is
8 31 amended to read as follows:
8 32 4. When a person seeking a commutation is a surviving
8 33 spouse,

~~a permanently and totally disabled~~

- an employee with a

8 34 permanent and total disability, or a dependent who is entitled
8 35 to benefits as provided in section 85.31, subsection 1,
9 1 paragraphs "c" and "d", the future payments which may be
9 2 commuted shall not exceed the number of weeks which shall be
9 3 indicated by probability tables designated by the industrial
9 4 commissioner for death and remarriage, subject to the
9 5 provisions of chapter 17A.
9 6 Sec. 21. Section [85.49](#), Code 1995, is amended to read as
9 7 follows:
9 8 85.49 TRUSTEES FOR

~~INCOMPETENT~~

- MINORS AND DEPENDENTS.

9 9 When a minor or

~~mentally incompetent~~

- a dependent who is

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

9 19 If the domicile or residence of

~~such~~

- the minor or

~~mentally~~

-
9 20

~~incompetent~~

- dependent

~~be~~

- who is mentally incompetent is

9 21 outside the state of Iowa the industrial commissioner may
9 22 order and direct that benefits to

~~such~~

- the minors or

9 23

~~incompetents~~

- dependents be paid to a guardian, conservator, or

9 24 legal representative duly qualified under the laws of the
9 25 jurisdiction wherein the minors or

~~incompetents~~

- dependents

9 26 shall be domiciled or reside. Proof of the identity and
9 27 qualification of

~~such~~

- the guardian, conservator, or other

9 28 legal representative shall be furnished to the industrial
9 29 commissioner.

9 30 Sec. 22. Section [85.68](#), Code 1995, is amended to read as
9 31 follows:

9 32 85.68 ACTIONS.

9 33 The treasurer of state, on behalf of the second injury fund
9 34 created under this division, shall have a cause of action

9 35 under section 85.22 to the same extent as an employer against

10 1 any person not in the same employment by reason of whose

10 2 negligence or wrong the subsequent injury of the

~~previously~~

-
10 3

~~disabled~~

- person with the previous disability was caused. The

10 4 action shall be brought by the treasurer of state on behalf of

10 5 the fund, and any recovery, less the necessary and reasonable

10 6 expenses incurred by the treasurer of state, shall be paid to

10 7 the treasurer of state and credited to the fund.
10 8 Sec. 23. Section 85.69, Code 1995, is amended to read as
10 9 follows:
10 10 85.69 FEDERAL CONTRIBUTIONS.
10 11 The treasurer of state is hereby authorized to receive and
10 12 credit to

~~—said~~

- the second injury fund any sum or sums that may
10 13 at any time be contributed to the state by the United States
10 14 or any agency thereof, under any Act of Congress or otherwise,
10 15 to which the state may be or become entitled by reason of any
10 16 payments made to any

~~—previously disabled~~

- person with a
10 17 previous disability out of

~~—said~~

- the fund.
10 18 Sec. 24. Section 135.11, subsection 19, Code 1995, is
10 19 amended to read as follows:
10 20 19. Administer the statewide maternal and child health
10 21 program and the

~~—crippled children's~~

- program for children with
10 22 disabilities by conducting mobile and regional child health
10 23 specialty clinics and conducting other activities to improve
10 24 the health of low-income women and children and to promote the
10 25 welfare of children with actual or potential

~~—handicapping~~

-
10 26 conditions which may cause disabilities and children with
10 27 chronic illnesses in accordance with the requirements of Title
10 28 V of the federal Social Security Act. The department shall
10 29 provide technical assistance to encourage the coordination and
10 30 collaboration of state agencies in developing outreach centers
10 31 which provide publicly supported services for pregnant women,
10 32 infants, and children. The department shall also, through
10 33 cooperation and collaborative agreements with the department
10 34 of human services and the mobile and regional child health
10 35 specialty clinics, establish common intake proceedings for
11 1 maternal and child health services. The department shall work
11 2 in cooperation with the legislative fiscal bureau in
11 3 monitoring the effectiveness of the maternal and child health
11 4 centers, including the provision of transportation for patient
11 5 appointments and the keeping of scheduled appointments.

11 6 Sec. 25. Section 135C.1, subsections 6, 8, and 9, Code
11 7 1995, are amended to read as follows:
11 8 6. "Health care facility" or "facility" means a
11 9 residential care facility, a nursing facility, an intermediate
11 10 care facility for

~~—the mentally ill~~

- persons with mental
11 11 illness, or an intermediate care facility for

~~—the mentally~~

-
11 12

~~—retarded~~

- persons with mental retardation.
11 13 8. "Intermediate care facility for

~~the mentally ill~~

11 14 persons with mental illness" means an institution, place,
11 15 building, or agency designed to provide accommodation, board,
11 16 and nursing care for a period exceeding twenty-four
11 17 consecutive hours to three or more individuals, who primarily
11 18 have mental illness and who are not related to the
11 19 administrator or owner within the third degree of
11 20 consanguinity.
11 21 9. "Intermediate care facility for

~~the mentally retarded~~

11 22 persons with mental retardation" means an institution or
11 23 distinct part of an institution with a primary purpose to
11 24 provide health or rehabilitative services to three or more
11 25 individuals, who primarily have mental retardation or a
11 26 related condition and who are not related to the administrator
11 27 or owner within the third degree of consanguinity, and which
11 28 meets the requirements of this chapter and federal standards
11 29 for intermediate care facilities for

~~the mentally retarded~~

11 30 persons with mental retardation established pursuant to the
11 31 federal Social Security Act, } 1905(c)(d), as codified in 42
11 32 U.S.C. } 1936d which are contained in 42 C.F.R. pt. 483,
11 33 subpt. D, } 410-480.
11 34 Sec. 26. Section 135C.2, subsection 3, paragraph b, Code
11 35 Supplement 1995, is amended to read as follows:
12 1 b. The department may also establish by administrative
12 2 rule special classifications within the residential care
12 3 facility, intermediate care facility for

~~the mentally ill~~

12 4 persons with mental illness, intermediate care facility for
12 5

~~the mentally retarded~~

~~persons with mental retardation~~, or
12 6 nursing facility categories, for facilities intended to serve
12 7 individuals who have special health care problems or
12 8 conditions in common. Rules establishing a special
12 9 classification shall define the problem or condition to which
12 10 the special classification is relevant and establish
12 11 requirements for an approved program of care commensurate with
12 12 the problem or condition. The rules may grant special
12 13 variances or considerations to facilities licensed within the
12 14 special classification.
12 15 Sec. 27. Section 135C.2, subsection 5, paragraph g, Code
12 16 Supplement 1995, is amended to read as follows:
12 17 g. The facilities licensed under this subsection shall be
12 18 eligible for funding utilized by other licensed residential
12 19 care facilities for

~~the mentally retarded~~

~~persons with mental~~
12 20 retardation, or licensed residential care facilities for

~~the~~

12 21

~~mentally ill~~

~~person with mental illness~~, including but not
12 22 limited to funding under or from the federal social services

12 23 block grant, the state supplementary assistance program, state
12 24 mental health and developmental disabilities services funds,
12 25 and county funding provisions.
12 26 Sec. 28. Section 216.6, subsection 1, paragraph c,
12 27 unnumbered paragraph 2, Code 1995, is amended to read as
12 28 follows:
12 29 An employer, employment agency, or their employees,
12 30 servants or agents may offer employment or advertise for
12 31 employment to only

~~the disabled~~

~~persons with disabilities,~~

12 32 when other applicants have available to them, other employment
12 33 compatible with their ability which would not be available to
12 34

~~the disabled~~

~~persons with disabilities~~ because of their

12 35

~~handicap~~

~~disabilities.~~ Any such employment or offer of

13 1 employment shall not discriminate among

~~the disabled~~

~~persons~~

13 2 with disabilities on the basis of race, color, creed, sex or
13 3 national origin.

13 4 Sec. 29. Section 216.8A, subsection 3, paragraph d, Code
13 5 1995, is amended to read as follows:

13 6 d. Compliance with the appropriate requirements of the
13 7 American national standard for buildings and facilities pro-
13 8 viding accessibility and usability for

~~physically handicapped~~

13 9

~~people~~

~~persons with disabilities,~~ commonly cited as "ANSI A

13 10 117.1", satisfies the requirements of paragraph "c",
13 11 subparagraph (3), subparagraph subdivision (c).

13 12 Sec. 30. Section [216.14](#), Code 1995, is amended to read as
13 13 follows:

13 14 216.14 PROMOTION OR TRANSFER.

13 15 After a

~~handicapped individual~~

~~person with a disability~~ is

13 16 employed, the employer shall not be required under this
13 17 chapter to promote or transfer

~~such handicapped~~

~~the person to~~

13 18 another job or occupation, unless, prior to

~~such~~

~~the transfer,~~

13 19

~~such handicapped~~

~~the person with the disability,~~ by training

13 20 or experience, is qualified for

~~such~~

~~the job or occupation.~~

13 21 Any collective bargaining agreement between an employer and

13 22 labor organization shall contain this section as part of

~~such~~

13 23 the agreement.

13 24 Sec. 31. Section 216B.3, subsection 9, Code Supplement

13 25 1995, is amended to read as follows:

13 26 9. Provide library services to

~~blind and physically~~

13 27

~~handicapped~~

~~persons who are blind and persons with physical~~
13 28 disabilities.

13 29 Sec. 32. Section 216B.4, unnumbered paragraph 1, Code

13 30 1995, is amended to read as follows:

13 31 The administrator may accept financial aid from the

13 32 government of the United States for carrying out

13 33 rehabilitation and physical restoration of the blind and for

13 34 providing library services to

~~the blind and physically~~

13 35

~~handicapped~~

~~persons who are blind and persons with physical~~
14 1 disabilities.

14 2 Sec. 33. Section [216C.1](#), Code 1995, is amended to read as

14 3 follows:

14 4 216C.1 PARTICIPATION BY PERSONS WITH DISABILITIES.

14 5 It is the policy of this state to encourage and enable

~~the~~

14 6 persons who are blind

~~, the~~

~~or~~ partially blind and

~~the~~

14 7

~~physically disabled~~

~~persons with physical disabilities to~~

14 8 participate fully in the social and economic life of the state

14 9 and to engage in remunerative employment.

14 10 To encourage participation by

~~the disabled~~

~~persons with~~

14 11 disabilities, it is the policy of this state to ensure

14 12 compliance with federal requirements concerning persons with

14 13 disabilities.

14 14 Sec. 34. Section [216C.2](#), Code 1995, is amended to read as

14 15 follows:

14 16 216C.2 PUBLIC EMPLOYMENT.

14 17

~~The~~

~~Persons who are~~ blind

~~, the~~

~~or~~ partially blind and

~~the~~

-
14 18

~~physically disabled~~

- persons with physical disabilities shall

14 19 be employed in the state service, the service of the political
14 20 subdivisions of the state, the public schools, and all other
14 21 employment supported in whole or in part by public funds, on
14 22 the same terms and conditions as

~~the able bodied~~

- other

14 23 persons, unless it is shown that the particular disability
14 24 prevents the performance of the work required.

14 25 Sec. 35. Section [216C.3](#), Code 1995, is amended to read as
14 26 follows:

14 27 216C.3 FREE USE OF PUBLIC FACILITIES.

14 28

~~The~~

- Persons who are blind

~~, the~~

- or partially blind and

~~the~~

-

14 29

~~physically disabled~~

- persons with physical disabilities have

14 30 the same right as

~~the able bodied~~

- other persons to the full

14 31 and free use of the streets, highways, sidewalks, walkways,
14 32 public buildings, public elevators, public facilities and
14 33 other public places.

14 34 Sec. 36. Section [216C.4](#), Code 1995, is amended to read as
14 35 follows:

15 1 216C.4 ACCOMMODATIONS.

15 2

~~The~~

- Persons who are blind

~~, the~~

- or partially blind and

~~the~~

-

15 3

~~physically disabled~~

- persons with physical disabilities are

15 4 entitled to full and equal accommodations, facilities, and
15 5 privileges of all common carriers, airplanes, motor vehicles,
15 6 railroad trains, motorbuses, streetcars, boats, other public
15 7 conveyances or modes of transportation, hotels, lodging
15 8 places, eating places, places of public accommodation,
15 9 amusement, or resort, and other places to which the general
15 10 public is invited, subject only to the conditions and
15 11 limitations established by law and applicable alike to all
15 12 persons.

15 13 Sec. 37. Section [216C.8](#), Code 1995, is amended to read as

15 14 follows:

15 15 216C.8 WHITE CANE SAFETY DAY.

15 16 The governor shall annually take suitable public notice of
15 17 October 15 as white cane safety day. The governor shall issue
15 18 a proclamation commenting upon the significance of the white
15 19 cane; calling upon the citizens to observe the provisions of
15 20 this chapter and sections 321.332 and 321.333 and to take
15 21 precautions necessary for the safety of

~~the disabled~~

~~persons~~

15 22 with disabilities; reminding the citizens of the policies
15 23 herein declared and urging the citizens to

~~co-operate~~

15 24 cooperate in giving effect to them; and emphasizing the need
15 25 of the citizens to be aware of the presence of

~~disabled~~

15 26 persons with disabilities in the community and to offer
15 27 assistance to

~~disabled~~

~~persons with disabilities~~ upon

15 28 appropriate occasions.

15 29 Sec. 38. Section 216C.9, subsection 1, Code 1995, is
15 30 amended to read as follows:

15 31 1. Curbs constructed along any public street in this
15 32 state, when the street is paralleled or intersected by
15 33 sidewalks, or when city ordinances or other lawful regulations
15 34 will require the construction of sidewalks parallel to or
15 35 intersecting the street, shall be constructed with not less
16 1 than two curb cuts or ramps per lineal block which shall be
16 2 located on or near the crosswalks at intersections. Each curb
16 3 cut or ramp shall be at least thirty inches wide, shall be
16 4 sloped at not greater than one inch of rise per twelve inches
16 5 lineal distance, except that a slope no greater than one inch
16 6 of rise per eight inches lineal distance may be used where
16 7 necessary, shall have a nonskid surface, and shall otherwise
16 8 be so constructed as to allow reasonable access to the
16 9 crosswalk for

~~physically handicapped~~

~~persons with physical~~

16 10 disabilities using the sidewalk.

16 11 Sec. 39. Section 217.1, Code 1995, is amended to read as
16 12 follows:

16 13 217.1 PROGRAMS OF DEPARTMENT.

16 14 There is established a department of human services to
16 15 administer programs designed to improve the well-being and
16 16 productivity of the people of the state of Iowa. The
16 17 department shall concern itself with the problems of human
16 18 behavior, adjustment, and daily living through the
16 19 administration of programs of family, child, and adult
16 20 welfare, economic assistance including costs of medical care,
16 21 rehabilitation toward self-care and support, delinquency
16 22 prevention and control, treatment and rehabilitation of
16 23 juvenile offenders, care and treatment of

~~the mentally ill and~~

~~mentally retarded~~

16 24

~~mentally retarded~~

~~persons with mental illness or mental~~

16 25 retardation, and other related programs as provided by law.
16 26 Sec. 40. Section 218.95, Code 1995, is amended to read as
16 27 follows:
16 28 218.95 SYNONYMOUS TERMS.
16 29 For purposes of construing the provisions of this and the
16 30 following subtitles of this title and chapters 16, 35B, 347B,
16 31 709A, 904, 913, and 914 relating to

~~the mentally ill~~

~~persons~~

16 32 with mental illness and reconciling

~~same~~

~~these provisions~~ with

16 33 other former and present provisions of statute, the following
16 34 terms shall be considered synonymous:

16 35 1. "Mentally ill" and "insane", except that the
17 1 hospitalization or detention of any person for treatment of
17 2 mental illness shall not constitute a finding or create a
17 3 presumption that the individual is legally insane in the
17 4 absence of a finding of incompetence made pursuant to section
17 5 229.27;
17 6

~~2. "Mental defectives" and "mentally retarded";~~

17 7

~~3. "Feeble minded" and "mentally retarded";~~

17 8

~~4. "Defectiveness" and "retardation";~~

17 9

~~5.~~

~~2.~~ "Parole" and "convalescent leave"

17 10

~~6.~~

~~3.~~ "Resident" and "patient"

17 11

~~7.~~

~~4.~~ "Escape" and "depart without proper authorization"

17 12

~~8.~~

~~5.~~ "Warrant" and "order of admission"

17 13

~~9.~~

- ~~6.~~ "Escapee" and "patient"

.
-;
-;
17 14

~~10.~~
- ~~7.~~ "Sane" and "in good mental health"

.
-;
-;
17 15

~~11.~~ ~~"Commissioners of insanity" and "commissioners of~~

~~hospitalization";~~
-
17 16
.
-
17 17

~~12.~~ ~~"Idiot" and "mental retardate";~~

-
17 18
.

~~13.~~ ~~"Recapture" and "take into protective custody";~~

-
17 19
.

~~14.~~
- ~~8.~~ "Asylum" and "hospital"

.
-;
-;
17 20

~~15.~~
- ~~9.~~ "Commitment" and "admission".

17 21 It is hereby declared to be the policy of the general
17 22 assembly that words which have come to have a degrading
17 23 meaning shall not be employed in institutional records having
17 24 reference to

~~the mentally afflicted~~
- ~~persons with various~~
17 25 mental conditions and that in all

~~such~~
- records pertaining to
17 26 persons with various mental conditions the less discriminatory
17 27 of the foregoing synonyms shall be employed.

17 28 Sec. 41. Section [220A.1](#), Code 1995, is amended to read as
17 29 follows:

17 30 220A.1 PURPOSE.
17 31 The purpose of this chapter is to permit information
17 32 concerning persons who are believed to

~~be mentally handicapped~~
-
17 33 have mental disabilities to be efficiently used by and
17 34 exchanged among the state and local governments, their
17 35 departments and agencies, and with other public or private
18 1 agencies, where the use or exchange of the information is for
18 2 the purpose of assisting any of the agencies in providing

18 3 care, evaluation, services, assistance, education, or
18 4 habilitation to such persons.
18 5 Sec. 42. Section [220A.4](#), Code 1995, is amended to read as
18 6 follows:
18 7 220A.4 AGENCIES INVOLVED.
18 8 The service shall receive from and make available to the
18 9 following state agencies case information on persons who are
18 10 believed to

~~be mentally handicapped~~
~~have mental disabilities:~~

18 11

~~The~~

~~the~~ Iowa department of public health, the department of
18 12 education, the state board of regents, and the department of
18 13 human services.

18 14 Sec. 43. Section [220A.6](#), Code 1995, is amended to read as
18 15 follows:

18 16 220A.6 INFORMATION TO OTHERS.

18 17 The state agencies designated in section 220A.4 may receive
18 18 from and disseminate to other public agencies or private
18 19 agencies such information as is necessary or proper for the
18 20 purpose of providing evaluation services, treatment services,
18 21 education, support or habilitation services to the

~~mentally~~

18 22

~~handicapped~~

~~person with a mental disability.~~ The enumerated
18 23 state agencies or their designated staff shall be authorized
18 24 to make determination of the proper receipt or dissemination
18 25 of information to other public or private agencies.

18 26 Sec. 44. Section [220A.7](#), Code 1995, is amended to read as
18 27 follows:

18 28 220A.7 RESTRICTIONS NOT APPLICABLE.

18 29 Any law or departmental rule of the state of Iowa which
18 30 restricts or declares confidential information concerning
18 31 persons who are believed to

~~be mentally handicapped~~

~~have~~

18 32 mental disabilities shall not apply to information exchanged
18 33 through the service for the purposes of this chapter.
18 34 Information supplied under a restriction by the government of
18 35 the United States, its departments or agencies, or by other
19 1 state government, its departments and agencies, shall be
19 2 processed in compliance with such restrictions. Any case
19 3 information restricted by any order of court shall be
19 4 processed in compliance with the order.

19 5 Sec. 45. Section [222.16](#), Code 1995, is amended to read as
19 6 follows:

19 7 222.16 PETITION FOR ADJUDICATION OF MENTAL RETARDATION.

19 8 A petition for the adjudication of the mental retardation
19 9 of a person within the meaning of this chapter may, with the
19 10 permission of the court be filed without fee against

~~such~~

~~a~~

19 11 person with the clerk of the district court of the county or
19 12 city in which

~~such alleged mentally retarded~~

~~the person who is~~

19 13 alleged to have mental retardation resides or is found. The

19 14 petition may be filed by any relative of

~~such~~

- ~~the~~ person, by a
19 15 guardian, or by any reputable citizen of the county

~~of such~~

-
19 16

~~residence or of such place of finding~~

- ~~where the person who is~~

19 17 alleged to have mental retardation resides or is found.

19 18 Sec. 46. Section 222.18, unnumbered paragraph 2, Code

19 19 1995, is amended to read as follows:

19 20 Upon the filing of the petition, the court shall enter an

19 21 order directing the county attorney of the county in which the

19 22

~~allegedly mentally retarded~~

- ~~person who is alleged to have~~

19 23 mental retardation resides to make a full investigation

19 24 regarding the financial condition of that person and of those

19 25 persons legally liable for that person's support under section
19 26 222.78.

19 27 Sec. 47. Section [222.21](#), Code 1995, is amended to read as
19 28 follows:

19 29 222.21 ORDER REQUIRING ATTENDANCE.

19 30 If the person alleged to

~~be mentally retarded~~

- ~~have mental~~

19 31 retardation is not before the court, the court may issue an

19 32 order requiring the person, who has the care, custody, and

19 33 control of the

~~alleged mentally retarded~~

- ~~person who is alleged~~

19 34 to have mental retardation to bring

~~said alleged mentally~~

-
19 35

~~retarded~~

- ~~the~~ person into court at the time and place stated in

20 1

~~said~~

- ~~the~~ order.

20 2 Sec. 48. Section [222.22](#), Code 1995, is amended to read as

20 3 follows:

20 4 222.22 TIME OF APPEARANCE.

20 5 The time of appearance shall not be less than five days

20 6 after completed service unless the court orders otherwise.

20 7 Appearance on behalf of

~~such alleged mentally retarded~~

- ~~the~~

20 8 person who is alleged to have mental retardation may be made

20 9 by any citizen of the county or by any relative. The district

20 10 court shall assign counsel for the

~~alleged mentally retarded~~

-
20 11 person who is alleged to have mental retardation. Counsel

20 12 shall prior to proceedings personally consult with

~~such~~

- ~~the~~

20 13 person who is alleged to have mental retardation unless the
20 14 judge appointing

~~such~~

- counsel certifies that in the judge's
20 15 opinion,

~~such~~

- consultation shall serve no useful purpose.
20 16

~~Such~~

- The certification shall be made a part of the record. An
20 17 attorney

~~so~~

- assigned by the court shall receive

~~such~~

-
20 18 compensation as the district court shall fix to be paid in the
20 19 first instance by the county.

20 20 Sec. 49. Section [222.25](#), Code 1995, is amended to read as
20 21 follows:

20 22 222.25 CUSTODY PENDING HEARING.

20 23 Pending final hearing, the court may at any time after the
20 24 filing of the petition and on satisfactory showing that it is
20 25 in the best interest of the

~~alleged mentally retarded~~

- person

20 26 who is alleged to have mental retardation and of the community
20 27 that

~~such~~

- the person be at once taken into custody, or that

20 28 service of notice will be ineffectual if the person is not
20 29 taken into custody, issue an order for the immediate
20 30 production of

~~such~~

- the person before the court. In such case,

20 31 the court may make any proper order for the custody or
20 32 confinement of

~~such~~

- the person as will protect the person and

20 33 the community and insure the presence of

~~such~~

- the person at

20 34 the hearing.

~~Such~~

- The person shall not be confined with those
20 35 accused or convicted of crime.

21 1 Sec. 50. Section [222.50](#), Code 1995, is amended to read as
21 2 follows:

21 3 222.50 COUNTY OF LEGAL SETTLEMENT TO PAY.

21 4 When the proceedings are instituted in a county in which
21 5 the

~~alleged mentally retarded~~

- person who is alleged to have

21 6 mental retardation was found but which is not the county of
21 7 legal settlement of the person, and the costs are not taxed to
21 8 the petitioner, the county which is the legal settlement of
21 9

~~such~~

- the person shall, on presentation of a properly itemized
21 10 bill for such costs, repay the

~~same~~

- costs to the former

21 11 county. When the person's legal settlement is outside the
21 12 state or is unknown, the costs shall be paid out of money in
21 13 the state treasury not otherwise appropriated, itemized on
21 14 vouchers executed by the auditor of the county which paid the
21 15 costs, and approved by the administrator.

21 16 Sec. 51. Section [222.80](#), Code 1995, is amended to read as
21 17 follows:

21 18 222.80 LIABILITY TO COUNTY.

21 19

~~Any~~

- A person admitted or committed to a county institution
21 20 or home or admitted or committed at county expense to

~~any~~

- a
21 21 private hospital, sanitarium, or other facility for treatment,
21 22 training, instruction, care, habilitation, and support as a
21 23

~~mentally retarded~~

- patient

~~thereof~~

- with mental retardation

21 24 shall be liable to the county for the reasonable cost of

~~such~~

- the support as provided in section 222.78.

21 26 Sec. 52. Section [222.88](#), subsection 1, Code 1995, is
21 27 amended to read as follows:

21 28 1. Psychiatric and related services to

~~mentally retarded~~

- children with mental retardation and adults who are also
21 30 emotionally disturbed or otherwise mentally ill.

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

21 33 1. As used in this section, "community, supervised
21 34 apartment living arrangement" means the provision of a
21 35 residence in a noninstitutional setting to

~~mentally ill,~~

-
22 1

~~mentally retarded, or developmentally disabled~~

- adults with

22 2 mental illness, mental retardation, or developmental
22 3 disabilities who are capable of living semi-independently but
22 4 require minimal supervision.

22 5 Sec. 54. Section [227.2](#), subsection 1, unnumbered paragraph
22 6 1, Code 1995, is amended to read as follows:

22 7 The director of inspections and appeals shall make, or

22 8 cause to be made, at least one licensure inspection each year
22 9 of every county care facility. Either the administrator of
22 10 the division or the director of inspections and appeals, in
22 11

~~co operation~~

- cooperation with each other, upon receipt of a
22 12 complaint or for good cause, may make, or cause to be made, a
22 13 review of a county care facility or of any other private or
22 14 county institution where

~~mentally ill or mentally retarded~~

-
22 15 persons with mental illness or mental retardation reside. A
22 16 licensure inspection or a review shall be made by a competent
22 17 and disinterested person who is acquainted with and interested
22 18 in the care of

~~mentally ill and mentally retarded~~

- persons with
22 19 mental illness and persons with mental retardation. The
22 20 objective of a licensure inspection or a review shall be an
22 21 evaluation of the programming and treatment provided by the
22 22 facility. After each licensure inspection of a county care
22 23 facility, the person who made the inspection shall consult
22 24 with the county authorities on plans and practices that will
22 25 improve the care given patients and shall make recommendations
22 26 to the administrator of the division and the director of
22 27 public health for

~~co ordinating~~

- coordinating and improving the
22 28 relationships between the administrators of county care
22 29 facilities, the administrator of the division, the director of
22 30 public health, the superintendents of state mental health
22 31 institutes and hospital-schools, community mental health
22 32 centers, and other

~~co operating~~

- cooperating agencies, to cause
22 33 improved and more satisfactory care of patients. A written
22 34 report of each licensure inspection of a county care facility
22 35 under this section shall be filed with the administrator of
23 1 the division and the director of public health and shall
23 2 include:
23 3 Sec. 55. Section 227.2, subsection 1, paragraph g, Code
23 4 1995, is amended to read as follows:
23 5 g. Any failure to comply with standards adopted under
23 6 section 227.4 for care of

~~mentally ill and mentally retarded~~

-
23 7 persons with mental illness and persons with mental
23 8 retardation in county care facilities, which is not covered in
23 9 information submitted pursuant to paragraphs "a" to "f", and
23 10 any other matters which the director of public health, in
23 11 consultation with the administrator of the division, may
23 12 require.
23 13 Sec. 56. Section [227.2](#), subsection 4, paragraphs a and b,
23 14 Code 1995, are amended to read as follows:
23 15 a. It is the responsibility of the state to secure the
23 16 annual evaluation for each person who is on convalescent leave
23 17 or who has not been discharged from a state mental health
23 18 institute. It is the responsibility of the county to secure
23 19 the annual evaluation for all other

~~mentally ill~~

- persons with

23 20 mental illness in the county care facility.

23 21 b. It is the responsibility of the state to secure the
23 22 annual evaluation for each person who is on leave and has not
23 23 been discharged from a state hospital-school. It is the
23 24 responsibility of the county to secure the annual evaluation
23 25 for all other

~~mentally retarded~~

- persons with mental

23 26 retardation in the county care facility.

23 27 Sec. 57. Section 227.6, Code 1995, is amended to read as
23 28 follows:

23 29 227.6 REMOVAL OF RESIDENTS.

23 30 If a county care facility fails to comply with rules and
23 31 standards adopted under this chapter, the administrator may
23 32 remove all

~~mentally ill and mentally retarded~~

- persons with

23 33 mental illness and all persons with mental retardation cared
23 34 for in the county care facility at public expense, to the
23 35 proper state mental health institute or hospital-school, or to
24 1 some private or county institution or hospital for the care of
24 2

~~the mentally ill or mentally retarded~~

- persons with mental

24 3 illness or mental retardation that has complied with the rules
24 4 prescribed by the administrator. Residents being transferred
24 5 to a state mental health institute or hospital-school shall be
24 6 accompanied by an attendant or attendants sent from the
24 7 institute or hospital-school. If a resident is transferred
24 8 under this section, at least one attendant shall be of the
24 9 same sex. If the administrator finds that the needs of
24 10

~~mentally ill and mentally retarded~~

- residents with mental

24 11 illness and residents with mental retardation of any other
24 12 county or private institution are not being adequately met,
24 13 those residents may be removed from that institution upon
24 14 order of the administrator.

24 15 Sec. 58. Section 229.1, subsection 14, Code Supplement
24 16 1995, is amended to read as follows:

24 17 14. "Seriously mentally impaired" or "serious mental
24 18 impairment" describes the condition of a person

~~who is~~

-

24 19

~~afflicted~~

- with mental illness and because of that illness

24 20 lacks sufficient judgment to make responsible decisions with
24 21 respect to the person's hospitalization or treatment, and who
24 22 because of that illness meets any of the following criteria:

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

24 25 b. Is likely to inflict serious emotional injury on
24 26 members of the person's family or others who lack reasonable
24 27 opportunity to avoid contact with the

~~afflicted~~

- person with

24 28 mental illness if the

~~—afflicted~~

— person with mental illness is

24 29 allowed to remain at liberty without treatment.

24 30 c. Is unable to satisfy the person's needs for

24 31 nourishment, clothing, essential medical care, or shelter so

24 32 that it is likely that the person will suffer physical injury,

24 33 physical debilitation, or death.

24 34 Sec. 59. Section [229.26](#), Code 1995, is amended to read as

24 35 follows:

25 1 229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY

25 2 HOSPITALIZATION.

25 3 Sections 229.6 through 229.19 constitute the exclusive

25 4 procedure for involuntary hospitalization of persons by reason

25 5 of serious mental impairment in this state, except that this

25 6 chapter does not negate the provisions of section 904.503

25 7 relating to transfer of

~~—mentally ill~~

— prisoners with mental

25 8 illness to state hospitals for

~~—the mentally ill~~

— persons with

25 9 mental illness and does not apply to commitments of persons

25 10 under chapter 812 or the rules of criminal procedure, Iowa

25 11 court rules, 2d ed., or negate the provisions of section

25 12 232.51 relating to disposition of

~~—mentally ill or mentally~~

—

25 13

~~—retarded~~

— children with mental illness or mental retardation.

25 14 Sec. 60. Section [229.38](#), Code 1995, is amended to read as

25 15 follows:

25 16 229.38 CRUELTY OR OFFICIAL MISCONDUCT.

25 17 If any person having the care of a

~~—mentally ill~~

— person with

25 18 mental illness who has voluntarily entered a hospital or other

25 19 facility for treatment or care, or who is responsible for

25 20 psychiatric examination care, treatment and maintenance of any

25 21 person involuntarily hospitalized under sections 229.6 to

25 22 229.15, whether in a hospital or elsewhere, with or without

25 23 proper authority, shall treat such patient with unnecessary

25 24 severity, harshness, or cruelty, or in any way abuse the

25 25 patient or if any person unlawfully detains or deprives of

25 26 liberty any

~~—mentally ill or allegedly mentally ill~~

— person with

25 27 mental illness or any person who is alleged to have mental

25 28 illness, or if any officer required by the provisions of this

25 29 chapter and chapters 226 and 227, to perform any act shall

25 30 willfully refuse or neglect to perform the same, the offending

25 31 person shall, unless otherwise provided, be guilty of a

25 32 serious misdemeanor.

25 33 Sec. 61. Section [230.15](#), Code 1995, is amended to read as

25 34 follows:

25 35 230.15 PERSONAL LIABILITY.

26 1 A

~~—mentally ill~~

— person with mental illness and a person

26 2 legally liable for the person's support remain liable for the

26 3 support of the

~~mentally ill~~

- person with mental illness as

26 4 provided in this section. Persons legally liable for the

26 5 support of a

~~mentally ill~~

- person with mental illness include

26 6 the spouse of the

~~mentally ill~~

- person, any person bound by

26 7 contract for support of the

~~mentally ill~~

- person, and, with

26 8 respect to

~~mentally ill~~

- persons with mental illness under

26 9 eighteen years of age only, the father and mother of the

26 10

~~mentally ill~~

- person. The county auditor, subject to the

26 11 direction of the board of supervisors, shall enforce the

26 12 obligation created in this section as to all sums advanced by

26 13 the county. The liability to the county incurred by a

26 14

~~mentally ill~~

- person with mental illness or a person legally

26 15 liable for the person's support under this section is limited

26 16 to an amount equal to one hundred percent of the cost of care

26 17 and treatment of the

~~mentally ill~~

- person with mental illness

26 18 at a state mental health institute for one hundred twenty days

26 19 of hospitalization. This limit of liability may be reached by

26 20 payment of the cost of care and treatment of the

~~mentally ill~~

-

26 21 person with mental illness subsequent to a single admission or

26 22 multiple admissions to a state mental health institute or, if

26 23 the person is not discharged as cured, subsequent to a single

26 24 transfer or multiple transfers to a county care facility

26 25 pursuant to section 227.11. After reaching this limit of

26 26 liability, a

~~mentally ill~~

- person with mental illness or a

26 27 person legally liable for the person's support is liable to

26 28 the county for the care and treatment of the

~~mentally ill~~

-

26 29 person with mental illness at a state mental health institute

26 30 or, if transferred but not discharged as cured, at a county

26 31 care facility in an amount not in excess of the average

26 32 minimum cost of the maintenance of

~~a physically and mentally~~

-

26 33

~~healthy~~

- an individual who is physically and mentally healthy

26 34 residing in the individual's own home, which standard shall be
26 35 established and may from time to time be revised by the
27 1 department of human services. A lien imposed by section
27 2 230.25 shall not exceed the amount of the liability which may
27 3 be incurred under this section on account of

~~any mentally ill~~

27 4 a person with mental illness.

27 5 A substance abuser or chronic substance abuser is legally
27 6 liable for the total amount of the cost of providing care,
27 7 maintenance, and treatment for the substance abuser or chronic
27 8 substance abuser while a voluntary or committed patient. When
27 9 a portion of the cost is paid by a county, the substance
27 10 abuser or chronic substance abuser is legally liable to the
27 11 county for the amount paid. The substance abuser or chronic
27 12 substance abuser shall assign any claim for reimbursement
27 13 under any contract of indemnity, by insurance or otherwise,
27 14 providing for the abuser's care, maintenance, and treatment in
27 15 a state hospital to the state. Any payments received by the
27 16 state from or on behalf of a substance abuser or chronic
27 17 substance abuser shall be in part credited to the county in
27 18 proportion to the share of the costs paid by the county.
27 19 Nothing in this section shall be construed to prevent a
27 20 relative or other person from voluntarily paying the full
27 21 actual cost or any portion of the care and treatment of any
27 22

~~mentally ill~~

- person with mental illness, substance abuser, or

27 23 chronic substance abuser as established by the department of
27 24 human services.

27 25 Sec. 62. Section [230.33](#), Code 1995, is amended to read as
27 26 follows:

27 27 230.33 RECIPROCAL AGREEMENTS.

27 28 The administrator of the division is hereby authorized to
27 29 enter into agreements with other states, through their duly
27 30 constituted authorities, to effect the reciprocal return of
27 31

~~mentally ill and mentally retarded~~

- persons with mental illness

27 32 and persons with mental retardation to the contracting states,
27 33 and to effect the reciprocal supervision of persons on
27 34 convalescent leave.

27 35 Provided that in the case of a proposed transfer of a

28 1

~~mentally ill or mentally retarded~~

- person with mental illness

28 2 or mental retardation from this state that no final action be
28 3 taken without the approval either of the commission of
28 4 hospitalization, or of the district court, of the county of
28 5 admission or commitment.

28 6 Sec. 63. Section [232.51](#), Code 1995, is amended to read as
28 7 follows:

28 8 232.51 DISPOSITION OF

~~MENTALLY ILL OR MENTALLY RETARDED~~

28 9 CHILD WITH MENTAL ILLNESS OR MENTAL RETARDATION.

28 10 If the evidence received at an adjudicatory or a
28 11 dispositional hearing indicates that the child is mentally
28 12 ill, the court may direct the juvenile court officer or the

28 13 department to initiate proceedings or to assist the child's
28 14 parent or guardian to initiate civil commitment proceedings in
28 15 the juvenile court. These proceedings in the juvenile court
28 16 shall adhere to the requirements of chapter 229. If the
28 17 evidence received at an adjudicatory or a dispositional
28 18 hearing indicates that the child is mentally retarded, the
28 19 court may direct the juvenile court officer or the department
28 20 to initiate proceedings or to assist the child's parent or
28 21 guardian to initiate civil commitment proceedings in the
28 22 juvenile court. These proceedings shall adhere to the
28 23 requirements of chapter 222. If the child is committed as a
28 24

~~mentally ill or mentally retarded~~

- child with mental illness or

28 25 mental retardation, any order adjudicating the child to have
28 26 committed a delinquent act shall be set aside and the petition
28 27 shall be dismissed.

28 28 Sec. 64. Section [233B.5](#), Code 1995, is amended to read as
28 29 follows:

28 30 233B.5 TRANSFERS.

28 31 The administrator may transfer to the home minor wards of
28 32 the state from any institution under the administrator's
28 33 charge or under the charge of any other administrator of the
28 34 department of human services; but no person shall be so
28 35 transferred who is

~~not mentally normal~~

- a person with mental

29 1 illness or mental retardation, or who is incorrigible, or has
29 2 any vicious habits, or whose presence in the home would be
29 3 inimical to the moral or physical welfare of

~~normal~~

- the other

29 4 children

~~therein~~

- within the home, and any such child in the

29 5 home may be transferred to the proper state institution.

29 6 Sec. 65. Section 249A.3, subsection 1, paragraph q, Code
29 7 Supplement 1995, is amended to read as follows:

29 8 q. Is

~~a disabled~~

- an individual with a disability, and is

29 9 at least eighteen years of age, who receives parental social
29 10 security benefits under the federal Social Security Act and is
29 11 not eligible for federal supplemental security income or state
29 12 supplementary assistance, as defined by section 249.1, because
29 13 of the receipt of the social security benefits.

29 14 Sec. 66. Section 249A.5, subsection 2, paragraph b, Code
29 15 Supplement 1995, is amended to read as follows:

29 16 b. If the collection of all or part of a debt is waived
29 17 pursuant to subsection 2, paragraph "a", subparagraph (1), the
29 18 amount waived shall be a debt due from the estate of the
29 19 recipient's surviving spouse or

~~blind or disabled~~

- child who is

29 20 blind or has a disability, upon the death of the spouse or
29 21 child, or due from a surviving child who was under twenty-one
29 22 years of age at the time of the recipient's death, upon the
29 23 child reaching age twenty-one, to the extent the recipient's
29 24 estate is received by the surviving spouse or child.

29 25 Sec. 67. Section 249F.1, subsection 2, paragraph b,
29 26 subparagraph (2), Code 1995, is amended to read as follows:

29 27 (2) Transfers, other than the transfer of a dwelling, to
29 28 or for the sole benefit of the transferor's child who is blind
29 29 or

~~disabled~~

- ~~has a disability~~ as defined in section 1614 of the
29 30 federal Social Security Act.

29 31 Sec. 68. Section 256.16, unnumbered paragraph 1, Code
29 32 1995, is amended to read as follows:

29 33 Pursuant to section 256.7, subsection 5, the state board
29 34 shall adopt rules requiring all higher education institutions
29 35 providing practitioner preparation to include in the
30 1 professional education program, preparation that contributes
30 2 to education of

~~the handicapped and the~~
- ~~students with~~

30 3 ~~disabilities and students who are~~ gifted and talented, which
30 4 must be successfully completed before graduation from the
30 5 practitioner preparation program.

30 6 Sec. 69. Section [256B.2](#), subsection 1, Code 1995, is
30 7 amended to read as follows:

30 8 1. "Children requiring special education" means persons
30 9 under twenty-one years of age, including children under five
30 10 years of age, who

~~are handicapped~~

- ~~have a disability~~ in

30 11 obtaining an education because of a head injury, autism,
30 12 behavioral disorder, or physical, mental, communication or
30 13 learning disability, as defined by the rules of the department
30 14 of education.

30 15 Sec. 70. Section [256B.6](#), subsection 5, Code 1995, is
30 16 amended to read as follows:

30 17 5. Assigned to a program of special education when the
30 18 child

~~is~~

- ~~does~~ not

~~handicapped~~

- ~~have a disability~~.

30 19 Sec. 71. Section [256B.9](#), subsection 1, paragraphs b and d,
30 20 Code 1995, are amended to read as follows:

30 21 b. Children requiring special education who require
30 22 special adaptations while assigned to a regular classroom for
30 23 basic instructional purposes and

~~handicapped~~

- ~~pupils with~~

30 24 ~~disabilities~~ placed in a special education class who receive
30 25 part of their instruction in regular classrooms are assigned a
30 26 weighting of one and eight-tenths for the school year
30 27 commencing July 1, 1975.

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

30 32 d. Children requiring special education who

~~are severely~~

-
30 33

~~handicapped~~

- ~~have severe disabilities~~ or who have multiple

30 34

~~handicaps~~

- disabilities are assigned a weighting of four and
30 35 four-tenths for the school year commencing July 1, 1975.
31 1 Effective July 1, 1991, this paragraph also applies to
31 2 children requiring special education who

~~are severely~~

- have
31 3 severe and

~~profoundly handicapped~~

- profound disabilities.
31 4 Sec. 72. Section 256B.9, subsection 8, Code 1995, is
31 5 amended to read as follows:
31 6 8. Commencing with the school year beginning July 1, 1976,
31 7 a school district may expend an amount not to exceed two-
31 8 sevenths of an amount equal to the district cost of a school
31 9 district for the costs of regular classroom instruction of a
31 10 child certified under the special education weighting plan in
31 11 subsection 1, paragraph "b", as a

~~handicapped~~

- pupil with
31 12 disabilities who is enrolled in a special class, but who
31 13 receives part of the pupil's instruction in a regular
31 14 classroom. Unencumbered funds generated for special education
31 15 instructional programs for the school year beginning July 1,
31 16 1975 and for the school year beginning July 1, 1976 shall not
31 17 be expended for such purpose.
31 18 Sec. 73. Section 263.9, Code 1995, is amended to read as
31 19 follows:
31 20 263.9 ESTABLISHMENT AND OBJECTIVES.
31 21 The state board of regents is hereby authorized to
31 22 establish and maintain in reasonable proximity to Iowa City
31 23 and in conjunction with the state university of Iowa and the
31 24 university hospital, a hospital-school having as its objects
31 25 the education and treatment of

~~severely handicapped~~

- children
31 26 with severe disabilities. Such hospital-schools shall be
31 27 conducted in conjunction with the activities of the University
31 28 of Iowa children's hospital. Insofar as is practicable, the
31 29 facilities of the university children's hospital shall be
31 30 utilized.
31 31 Sec. 74. Section 263.10, Code 1995, is amended to read as
31 32 follows:
31 33 263.10 PERSONS ADMITTED.
31 34 Every resident of the state who is not more than twenty-one
31 35 years of age, who

~~is so severely handicapped~~

- who has such
32 1 severe disabilities so as to be unable to acquire an education
32 2 in the common schools, and every such person who is twenty-one
32 3 and under thirty-five years of age who has the consent of the
32 4 state board of regents, shall be entitled to receive an
32 5 education, care, and training in the institution, and
32 6 nonresidents similarly situated may be entitled to an
32 7 education and care therein upon such terms as may be fixed by
32 8 the state board of regents. The fee for nonresidents shall be
32 9 not less than the average expense of resident pupils and shall
32 10 be paid in advance. Residents and persons under the care and
32 11 control of a director of a division of the department of human
32 12 services who

~~are severely handicapped~~

~~have severe disabilities~~

32 13 may be transferred to the hospital-school upon such terms as

32 14 may be agreed upon by the state board of regents and

~~such~~

~~the~~

32 15 director.

32 16 Sec. 75. Section [263.11](#), Code 1995, is amended to read as

32 17 follows:

32 18 263.11 DEFINITIONS.

32 19 The term

~~"severely handicapped"~~

~~"severe disabilities" shall~~

32 20 be interpreted for the purpose of this division as referring

32 21 to persons who meet both of the following requirements:

32 22 1. Persons who are educable but

~~severely physically and~~

~~educationally handicapped~~

~~have severe physical and educational~~

32 24 disabilities as a result of cerebral palsy, muscular

32 25 dystrophy, spina bifida, arthritis, poliomyelitis, or other

32 26 severe physically

~~handicapping~~

~~disabling conditions~~

~~, and~~

32 27 2. Persons who are not eligible for admission to the

32 28 schools already established for

~~the~~

~~persons with mental~~

32 29 retardation or epilepsy or persons who are deaf

~~, or blind~~

~~epileptic, or mentally retarded~~

~~Sec. 76. Section [280.8](#), Code 1995, is amended to read as~~

32 31 follows:

32 32 follows:

32 33 280.8 SPECIAL EDUCATION.

32 34 The board of directors of each public school district shall

32 35 make adequate educational provisions for each resident child

33 1 requiring special education appropriate to the nature and

33 2 severity of the child's

~~handicapping condition~~

~~disability~~

33 3 pursuant to rules promulgated by the department under the

33 4 provisions of chapters 256B and 273.

33 5 Sec. 77. Section [299.18](#), Code 1995, is amended to read as

33 6 follows:

33 7 299.18 EDUCATION OF CERTAIN

~~DEAF, BLIND, OR SEVERELY~~

~~HANDICAPPED~~

~~CHILDREN WHO ARE DEAF, BLIND, OR HAVE SEVERE DISABILITIES.~~

33 10 Children who are of compulsory attendance age and who are
33 11 so deaf or blind or

~~severely handicapped~~

~~have such severe~~

33 12 disabilities so as to be unable to obtain an education in the
33 13 public or accredited nonpublic schools shall be sent to the
33 14 appropriate state-operated school, or shall receive
33 15 appropriate special education under chapter 256B, unless
33 16 exempted, and any person having such a child under the
33 17 person's control or custody shall see that the child attends
33 18 the state-operated school or special education program during
33 19 the scholastic year.

33 20 Sec. 78. Section 299.19, Code 1995, is amended to read as
33 21 follows:

33 22 299.19 PROCEEDING AGAINST PARENT.

33 23 Upon the failure of a person having the custody and control
33 24 of a

~~deaf, blind, or severely handicapped~~

~~child who is blind.~~

33 25 deaf, or has severe disabilities to require the child's
33 26 attendance as provided in section 299.18, the state board of
33 27 regents may make application to the district court or the
33 28 juvenile court of the county in which the person resides for
33 29 an order requiring the person to compel the attendance of the
33 30 child at the proper state-operated school.

33 31 Sec. 79. Section 321.34, subsection 12, Code Supplement
33 32 1995, is amended to read as follows:

33 33 12. PEARL HARBOR PLATES. Effective January 1, 1990, the
33 34 owner of a motor vehicle subject to registration under section
33 35 321.109, subsection 1, light delivery truck, panel delivery
34 1 truck or pickup who was at Pearl Harbor, Hawaii, as a member
34 2 of the armed services of the United States on December 7,
34 3 1941, may, upon written application to the department, order
34 4 special registration plates. The special registration plates
34 5 shall bear the notation or emblem reading "PEARL HARBOR
34 6 SURVIVOR, DECEMBER 7, 1941" followed by four identifying
34 7 letters or numbers. Each applicant applying for special
34 8 registration plates under this subsection may purchase only
34 9 one set of registration plates. The application is subject to
34 10 approval by the department. Upon receipt of the special
34 11 registration plates, the applicant shall surrender the regular
34 12 registration plates to the county treasurer. The fee for the
34 13 issuance of the special registration plates is twenty-five
34 14 dollars which shall be in addition to the regular annual
34 15 registration fee.

~~Seriously disabled veterans~~

~~Veterans with~~

34 16 serious disabilities who are exempted from payment of the
34 17 annual registration fee under section 321.105, shall pay only
34 18 the twenty-five dollar fee for issuance of the special
34 19 registration plates. The county treasurer shall validate the
34 20 special registration plates in the same manner as regular
34 21 registration plates are validated under this section with no
34 22 additional registration fee being required other than the
34 23 regular annual registration fee.

34 24 Sec. 80. Section 321.105, unnumbered paragraph 5, Code
34 25 Supplement 1995, is amended to read as follows:

34 26

~~Seriously disabled veterans~~

~~Veterans with serious~~

34 27 disabilities who have been provided with an automobile or
34 28 other vehicle by the United States government under the
34 29 provisions of sections 1901 to 1903, Title 38 of the United
34 30 States Code, [38 U.S.C. } 1901 et seq. (1970)] shall be
34 31 exempt from payment of any automobile registration fee
34 32 provided in this chapter, and shall be provided, without fee,
34 33 with a registration plate.

~~The disabled~~

~~A veteran with a~~

34 34 serious disability, to be able to claim the above benefit,
34 35 must be a resident of the state of Iowa and must produce a
35 1 certificate of title to the automobile owned and registered in
35 2 this state in the name of

~~said~~

~~the veteran.~~

35 3 Sec. 81. Section 321.166, subsection 6, Code Supplement
35 4 1995, is amended to read as follows:
35 5 6. Registration plates issued a

~~disabled~~

~~veteran with a~~

35 6 disability under the provisions of section 321.105, shall
35 7 display the alphabetical characters "DV" which shall precede
35 8 the registration plate number. The plates may also display a
35 9 handicapped identification sticker if issued to the

~~disabled~~

~~-~~

35 10 veteran with a disability by the department under section
35 11 321L.2.

35 12 Sec. 82. Section 321.180A, subsection 1, Code 1995, is
35 13 amended to read as follows:

35 14 1. Notwithstanding other provisions of this chapter, a
35 15

~~physically disabled~~

~~person with a physical disability, who is~~

35 16 not suffering from a convulsive disorder and who can provide a
35 17 favorable medical report, whose license renewal has been
35 18 denied under section 321.177, subsection 6 or 7, or whose
35 19 motor vehicle license has been suspended under section
35 20 321.210, subsection 1, paragraph "c", upon meeting the
35 21 requirements of section 321.186, other than a driving
35 22 demonstration or the person's limitations which caused the
35 23 denial under section 321.177, subsection 6 or 7, or suspension
35 24 under section 321.210, subsection 1, paragraph "c", and upon
35 25 paying the fee required in section 321.191, shall be issued a
35 26 special instruction permit by the department. Upon issuance
35 27 of the permit the denial or suspension shall be stayed and the
35 28 stay shall remain in effect as long as the permit is valid.

35 29 Sec. 83. Section 321.445, subsection 5, Code 1995, is
35 30 amended to read as follows:

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

~~physically~~

~~-~~

35 35

~~handicapped~~

- persons with physical disabilities who use

36 1 collapsible wheelchairs.

36 2 Sec. 84. Section 321L.1, subsection 4, Code 1995, is

36 3 amended to read as follows:

36 4 4. "Handicapped identification device" or "device" means

36 5 an identification device bearing the international symbol of

36 6 accessibility issued by the department, and includes a

36 7 handicapped registration plate issued to or for a handicapped

36 8 person under section 321.34, subsection 7, a handicapped

36 9 identification sticker affixed to a registration plate issued

36 10 to a

~~- disabled~~

- veteran with a disability under section 321.166,

36 11 subsection 6, and a handicapped identification hanging device

36 12 which is a placard for hanging from the rearview mirror when

36 13 the motor vehicle is parked.

36 14 Sec. 85. Section 321L.2, subsection 3, unnumbered

36 15 paragraph 2, Code Supplement 1995, is amended to read as

36 16 follows:

36 17 A handicapped person who owns a motor vehicle for which the

36 18 handicapped person has been issued radio operator registration

36 19 plates under section 321.34, subsection 3, or registration

36 20 plates as a

~~- seriously disabled~~

- veteran with a serious

36 21 disability under section 321.105 may apply to the department

36 22 for a handicapped identification sticker to be affixed to the

36 23 plates. The handicapped identification stickers shall bear

36 24 the international symbol of accessibility. The handicapped

36 25 identification stickers shall be acquired by eligible

36 26 handicapped persons upon application on forms prescribed by

36 27 the department.

36 28 Sec. 86. Section 324A.1, subsection 7, Code 1995, is

36 29 amended to read as follows:

36 30 7. "Transportation disadvantaged persons" means persons

36 31

~~- who are physically or mentally handicapped persons~~

- with

36 32 physical or mental disabilities, persons who are determined by

36 33 the department to be economically disadvantaged and other

36 34 persons or groups determined by the department to be

36 35 disadvantaged in terms of the transportation services that are

37 1 available to them.

37 2 Sec. 87. Section 324A.3, subsection 3, Code 1995, is

37 3 amended to read as follows:

37 4 3.

~~- Handicapped services~~

- Services for persons with

37 5 disabilities.

37 6 Sec. 88. Section 325.6, subsection 5, unnumbered paragraph

37 7 1, Code 1995, is amended to read as follows:

37 8 A motor carrier providing primarily passenger service for

37 9

~~- elderly, handicapped~~

- persons who are elderly, persons with

37 10 disabilities, and other transportation disadvantaged persons

37 11 is exempt from the certification requirements of this section

37 12 if it satisfies each of the following requirements:

37 13 Sec. 89. Section 331.324, subsection 1, paragraph n, Code

37 14 1995, is amended to read as follows:

37 15 n. Employ

~~the~~

- persons who are blind

~~, the~~

- or partially

37 16 blind

~~,~~

- and

~~the disabled~~

- persons with physical disabilities in

37 17 accordance with section 216C.2.

37 18 Sec. 90. Section 331.424, subsection 1, paragraph a,

37 19 subparagraph (3), Code Supplement 1995, is amended to read as

37 20 follows:

37 21 (3) Clothing, transportation, medical, or other services

37 22 provided persons attending the Iowa braille and sight saving

37 23 school, the Iowa school for the deaf, or the state hospital-

37 24 school for

~~severely handicapped~~

- children with severe

37 25 disabilities at Iowa City, for which the county becomes

37 26 obligated to pay pursuant to sections 263.12, 269.2, and 270.4

37 27 through 270.7.

37 28 Sec. 91. Section 331.655, subsection 1, paragraph c, Code

37 29 1995, is amended to read as follows:

37 30 c. For serving and returning a subpoena, for each person

37 31 served, fifteen dollars, and the necessary expenses incurred

37 32 while serving subpoenas in criminal cases or cases relating to

37 33

~~the mentally ill process~~

- hospitalization of persons with

37 34 mental illness.

37 35 Sec. 92. Section 384.24, subsection 2, paragraph k, Code

38 1 1995, is amended to read as follows:

38 2 k. Housing for

~~the elderly or physically handicapped~~

- persons who are elderly or persons with physical disabilities.

38 4 Sec. 93. Section 403A.2, subsection 6, paragraphs d

38 5 through g, Code 1995, are amended to read as follows:

38 6 d. "Families" includes, but is not limited to, families

38 7 consisting of a single person in the case of any of the

38 8 following:

38 9 (1) A person who is at least sixty-two years of age.

38 10 (2) A person

~~who is under~~

- with a disability.

38 11

~~(3) A person who is handicapped.~~

38 12

~~(4)~~

- (3) A displaced person.

38 13

~~(5)~~

- (4) The remaining member of a tenant family.

38 14 e. "Families" includes two or more persons living

38 15 together, who are at least sixty-two years of age, are

~~under~~

38 16 persons with a disability

~~or are handicapped~~

~~, or one or more~~

38 17 such individuals living with another person who is essential
38 18 to such individual's care or well-being.

38 19 f. "Disability" means inability to engage in any
38 20 substantial gainful activity by reason of any medically
38 21 determinable physical or mental impairment

38 22

~~g. "Handicapped" means~~

~~, or having a physical or mental~~

38 23 impairment which is expected to be of long-continued and
38 24 indefinite duration, substantially impedes the ability to live
38 25 independently, and is of a nature that the ability to live
38 26 independently could be improved by more suitable housing
38 27 conditions.

38 28 Sec. 94. Section [403A.7](#), Code 1995, is amended to read as
38 29 follows:

38 30 403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.
38 31 A municipality shall

~~(1) rent~~

~~do the following:~~

38 32 1. Rent or lease the dwelling accommodations in a housing
38 33 project only to persons or families of low income and at
38 34 rentals within their financial reach

~~; (2) rent~~

38 35 2. Rent or lease to a tenant such dwelling accommodations
39 1 consisting of the number of rooms which it deems necessary to
39 2 provide safe and sanitary accommodations to the proposed
39 3 occupants

~~thereof,~~

~~without overcrowding~~

~~; and (3) fix~~

39 4 3. Fix income limits for occupancy and rents after taking
39 5 into consideration

~~(a) the~~

~~the following:~~

39 6 a. The family size, composition, age, physical

~~handicaps~~

39 7 disabilities, and other factors which might affect the rent-
39 8 paying ability of the person or family

~~, and (b) the~~

39 9 b. The economic factors which affect the financial
39 10 stability and solvency of the project.

~~Provided, however,~~

39 11 PARAGRAPH DIVIDED. However, such determination of

39 12 eligibility shall be within the limits of the income limits
39 13 hereinbefore set out.

39 14 Nothing contained in this or the preceding section shall be
39 15 construed as limiting the power of a municipality with respect
39 16 to a housing project, to vest in an obligee the right, in the
39 17 event of a default by the municipality, to take possession or
39 18 cause the appointment of a receiver

~~thereof~~

~~for the housing~~

39 19 project, free from all the restrictions imposed by this or the
39 20 preceding section.

39 21 Sec. 95. Section [410.14](#), Code 1995, is amended to read as
39 22 follows:

39 23 410.14 DECISION OF BOARD.

39 24 The decision of

~~such~~

~~the board upon such matters shall be~~

39 25 final and conclusive, in the absence of fraud, and no appeal
39 26 shall be allowed therefrom.

~~Such disabled~~

~~The member with a~~

39 27 disability shall remain upon the pension roll unless and until
39 28 reinstated in

~~such~~

~~the department by reason of such~~

39 29 examination.

39 30 Sec. 96. Section [411.1A](#), Code 1995, is amended to read as
39 31 follows:

39 32 411.1A PURPOSE OF CHAPTER.

39 33 The purpose of this chapter is to promote economy and
39 34 efficiency in the municipal public safety service by providing
39 35 an orderly means for police officers and fire fighters to have
40 1 a retirement system which will provide for the payment of
40 2 pensions to retired

~~and disabled~~

~~members and members incurring~~

40 3 disabilities, and to the surviving spouses and dependents of
40 4 deceased members.

40 5 Sec. 97. Section 419.1, subsection 12, paragraph a,
40 6 subparagraph (13), Code 1995, is amended to read as follows:

40 7 (13) A housing unit or complex for

~~the elderly or~~

~~handicapped~~

~~persons who are elderly or persons with~~

40 9 disabilities.

40 10 Sec. 98. Section [422.7](#), subsection 20, unnumbered
40 11 paragraph 1, Code Supplement 1995, is amended to read as
40 12 follows:

40 13 20. Subtract, to the extent included, the proceeds
40 14 received pursuant to a judgment in or settlement of a lawsuit
40 15 against the manufacturer or distributor of a Vietnam herbicide
40 16 for damages resulting from exposure to the herbicide. This
40 17 subsection applies to proceeds received by a taxpayer who is a
40 18

~~disabled~~

~~veteran with a disability or who is a beneficiary of~~

40 19 a

~~disabled~~

- veteran with a disability.

40 20 Sec. 99. Section 422.45, subsection 22, paragraphs a and
40 21 c, Code Supplement 1995, are amended to read as follows:
40 22 a. Residential care facilities and intermediate care
40 23 facilities for

~~the mentally retarded~~

- persons with mental

40 24 retardation and residential care facilities for

~~the mentally~~

-

40 25

~~ill~~

- persons with mental illness licensed by the department of

40 26 inspections and appeals under chapter 135C.

40 27 c. Rehabilitation facilities that provide accredited
40 28 rehabilitation services to persons with disabilities which are
40 29 accredited by the commission on accreditation of
40 30 rehabilitation facilities or the accreditation council for
40 31 services for

~~mentally retarded~~

- persons with mental retardation

40 32 and other

~~developmentally disabled~~

- persons with developmental

40 33 disabilities and adult day care services approved for
40 34 reimbursement by the state department of human services.

40 35 Sec. 100. Section 425.23, subsection 3, paragraph b, Code
41 1 1995, is amended to read as follows:

41 2 b. For purposes of this subsection,

~~a totally disabled~~

-

41 3

~~person~~

- in computing household income, a person with a total

41 4 disability shall deduct all medical and necessary care
41 5 expenses paid during the twelve-month income tax accounting
41 6 periods used in computing household income which are
41 7 attributable to the person's total disability. "Medical and
41 8 necessary care expenses" are those used in computing the
41 9 federal income tax deduction under section 213 of the Internal
41 10 Revenue Code as defined in section 422.3.

41 11 Sec. 101. Section 427.1, subsections 12 and 34, Code
41 12 Supplement 1995, are amended to read as follows:

41 13 12. HOMES FOR SOLDIERS. The buildings and grounds of
41 14 homes owned and operated by organizations of soldiers,
41 15 sailors, or marines of any of the wars of the United States
41 16 when used for a home for

~~disabled~~

- soldiers, sailors, or

41 17 marines with disabilities and not operated for pecuniary
41 18 profit.

41 19 34. LOW-RENT HOUSING. The property owned and operated by
41 20 a nonprofit organization providing low-rent housing for

~~the~~

-

41 21 persons who are elderly and

~~the physically and mentally~~

41 22

~~handicapped~~

~~persons with physical and mental disabilities.~~

41 23 The exemption granted under the provisions of this subsection

41 24 shall apply only until the terms of the original low-rent

41 25 housing development mortgage is paid in full or expires,

41 26 subject to the provisions of subsections 23 and 24.

41 27 Sec. 102. Section [468.513](#), Code 1995, is amended to read

41 28 as follows:

41 29 468.513 VOTE OF MINOR OR

~~MENTALLY ILL~~

~~PERSON WITH MENTAL~~

41 30 ~~ILLNESS.~~

41 31 The vote of any person who is a minor,

~~mentally ill~~

~~has a~~

41 32 ~~mental illness~~, or under other legal incompetency shall be

41 33 cast by the parent, guardian, or other legal representative of

41 34

~~such minor, mentally ill, or other incompetent~~

~~the person.~~

41 35 The person casting

~~such~~

~~the~~ vote shall deliver to the judges

42 1 and clerks of election a written sworn statement giving the

42 2 name, age, and place of residence of

~~such~~

~~the~~ minor

~~, mentally~~

42 3

~~ill,~~

~~or~~

~~other incompetent~~

~~person with mental illness or other~~

42 4 ~~legal incompetency~~, and any false statement knowingly made to

42 5 secure permission to cast such vote shall render the party so

42 6 making it guilty of the crime of perjury.

42 7 Sec. 103. Section [477C.1](#), Code 1995, is amended to read as

42 8 follows:

42 9 477C.1 DUAL PARTY RELAY SERVICE - PURPOSE.

42 10 The general assembly finds that the provision of a

42 11 statewide dual party relay service will further the public

42 12 interest and protect the health, safety, and welfare of the

42 13 people of Iowa through an increase in the usefulness and

42 14 availability of the telephone system. Many

~~deaf, hard-of-~~

42 15

~~hearing, and speech impaired~~

~~persons who are deaf, hard-of-~~

42 16 ~~hearing, or have speech impairments~~ are not able to utilize

42 17 the telephone system without this type of service. Therefore,

42 18 it is the purpose of this chapter to enable the orderly
42 19 development, operation, promotion, and funding of a statewide
42 20 dual party relay service.
42 21 Sec. 104. Section [481A.38](#), subsection 1, unnumbered
42 22 paragraph 2, Code 1995, is amended to read as follows:
42 23 The commission shall adopt a rule permitting a crossbow to
42 24 be used only by

~~handicapped~~

- individuals with disabilities who

42 25 are physically incapable of using a bow and arrow under the
42 26 conditions in which a bow and arrow is permitted. The
42 27 commission shall prepare an application to be used by an
42 28 individual requesting the status. The application shall
42 29 require the individual's physician to sign a statement
42 30 declaring that the individual is not physically able to use a
42 31 bow and arrow.

42 32 Sec. 105. Section [483A.3](#), subsection 1, Code 1995, is
42 33 amended to read as follows:

42 34 1. A resident or nonresident person required to have a
42 35 hunting, fur harvester or fur, fish and game license shall not
43 1 hunt or trap unless the person carries a valid wildlife
43 2 habitat stamp signed in ink with the person's signature across
43 3 the face of the stamp. This section shall not apply to
43 4 residents who

~~are permanently disabled~~

- have permanent

43 5 disabilities or who are younger than sixteen or older than
43 6 sixty-five years of age. Special wildlife habitat stamps
43 7 shall be administered in the same manner as hunting and fur
43 8 harvester licenses except all revenue derived from the sale of
43 9 the wildlife habitat stamps shall be used within the state of
43 10 Iowa for habitat development and shall be deposited in the
43 11 state fish and game protection fund, except as provided in
43 12 subsection 2. The revenue may be used for the matching of
43 13 federal funds. The revenues and any matched federal funds
43 14 shall be used for acquisition of land, leasing of land or
43 15 obtaining of easements from willing sellers for use as
43 16 wildlife habitats. Notwithstanding the exemption provided by
43 17 section 427.1, any land acquired with the revenues and matched
43 18 federal funds shall be subject to the full consolidated levy
43 19 of property taxes which shall be paid from those revenues. In
43 20 addition such revenue may be used for the development and
43 21 enhancement of wildlife lands and habitat areas. Not less
43 22 than fifty percent of all revenue from the sale of wildlife
43 23 habitat stamps shall be used by the commission to enter into
43 24 agreements with county conservation boards or other public
43 25 agencies in order to carry out the purposes of this section.
43 26 The state share of funding of those agreements provided by the
43 27 revenue from the sale of wildlife habitat stamps shall not
43 28 exceed seventy-five percent.

43 29 Sec. 106. Section [483A.4](#), Code 1995, is amended to read as
43 30 follows:

43 31 483A.4 "

~~PERMANENTLY DISABLED~~

- PERMANENT DISABILITY"

43 32 DEFINED.

43 33 For the purpose of obtaining a license, a person

~~is~~

-
43 34

~~permanently disabled~~

- has a permanent disability if any of the

43 35 following apply:

44 1 1. The person has been found under the provisions of the
44 2 federal Social Security Act, Title II, or any other public or
44 3 private pension system to have a total, permanent physical or
44 4 mental condition which prevents that person from engaging in
44 5 the person's occupation or qualifies that person for
44 6 retirement.
44 7 2. The person

~~is physically severely handicapped~~

~~has a~~

44 8 severe physical disability and has qualified for a special
44 9 license under section 483A.24.

44 10 Sec. 107. Section 483A.24, subsections 12 and 17, Code
44 11 1995, are amended to read as follows:

44 12 12. The commission shall issue without charge a special
44 13 fishing license to residents of Iowa sixteen years or more of
44 14 age who the commission finds

~~are mentally or physically~~

~~severely handicapped~~

~~have severe mental or physical~~

44 16 disabilities. The commission is hereby authorized to prepare
44 17 an application to be used by the person requesting

~~handicapped~~

~~status~~

~~the special license~~, which would require that the
44 19 person's attending physician sign the form declaring that the
44 20 person

~~handicapped~~

~~has a severe mental or physical disability~~
44 21 and is eligible for exempt status.

44 22 17. The department shall issue without charge a special
44 23 annual fishing or combined hunting and fishing license to
44 24 residents of this state who

~~are permanently disabled~~

~~have~~

44 25 permanent disabilities and whose income falls below the
44 26 federal poverty guidelines as published by the United States
44 27 department of health and human services or residents of this
44 28 state who are sixty-five years of age or older and whose
44 29 income falls below the federal poverty guidelines as published
44 30 by the United States department of health and human services.
44 31 The commission shall provide for, by rule, an application to
44 32 be used by an applicant requesting a

~~permanent disabled status~~

~~or age status~~

~~the special license~~. The commission shall

44 34 require proof of age, income, and proof of permanent
44 35 disability.

45 1 Sec. 108. Section 598.17, unnumbered paragraph 3, Code
45 2 1995, is amended to read as follows:

45 3

~~No marriage~~

- A dissolution of marriage granted due to the
45 4 mental illness of one of the spouses shall not relieve the
45 5 other spouse of any obligation imposed by law as a result of
45 6 the marriage for the support of the

~~mentally ill~~

- spouse with
45 7 mental illness. The court may make an order for

~~such~~

- the

45 8 support or may waive the support obligation when satisfied
45 9 from the evidence that it would create an undue hardship on
45 10 the obliged spouse or that spouse's other dependents.
45 11 Sec. 109. Section 600.17, Code 1995, is amended to read as
45 12 follows:

45 13 600.17 FINANCIAL ASSISTANCE.

45 14 The department of human services shall, within the limits
45 15 of funds appropriated to the department of human services and
45 16 any gifts or grants received by the department for this
45 17 purpose, provide financial assistance to any person who adopts
45 18 a

~~physically or mentally handicapped,~~

- child with physical or

45 19 mental disabilities or an older

~~or otherwise hard-to-place~~

45 20 child, if the adoptive parent has the capability of providing
45 21 a suitable home for the child but the need for special
45 22 services or the costs of maintenance are beyond the economic
45 23 resources of the adoptive parent.

45 24 1. Financial assistance shall not be provided when the
45 25 special services are available free of cost to the adoptive
45 26 parent or are covered by an insurance policy of the adoptive
45 27 parent.

45 28 2. "Special services" means any medical, dental,
45 29 therapeutic, educational, or other similar service or
45 30 appliance required by an adopted child by reason of a mental
45 31 or physical

~~handicap~~

- disability.

45 32 Sec. 110. Section 602.8102, subsection 41, Code Supplement
45 33 1995, is amended to read as follows:

45 34 41. Carry out duties relating to the involuntary
45 35 commitment of

~~mentally impaired~~

- persons with mental

46 1 impairments as provided in chapter 229.

46 2 Sec. 111. Section 607A.5, Code 1995, is amended to read as
46 3 follows:

46 4 607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

46 5 A person shall be excused from jury service if the person
46 6 submits written documentation verifying, to the court's
46 7 satisfaction, that the person is solely responsible for the
46 8 daily care of a

~~permanently disabled~~

- person with a permanent

46 9 disability living in the person's household and that the
46 10 performance of juror service would cause substantial risk of
46 11 injury to the health of the

~~disabled~~

- person with a disability,

46 12 or that the person is the mother of a breastfed child and is
46 13 responsible for the daily care of the child. However, if the
46 14 person is regularly employed at a location other than the
46 15 person's household, the person shall not be excused under this
46 16 section.

46 17 Sec. 112. Section 633.63, subsection 1, paragraph a, Code
46 18 1995, is amended to read as follows:

46 19 a.

~~One who is a mental retardate, mentally ill, a chronic~~

46 20

~~alcoholic~~

- A person with mental retardation, mental illness, or

46 21 chronic alcoholism, or a person who is a spendthrift.

46 22 Sec. 113. Section [633.707](#), subsection 4, Code 1995, is
46 23 amended to read as follows:

46 24 4. "Maximum monthly medical assistance payment rate for
46 25 services in an intermediate care facility for

~~the mentally~~

46 26

~~retarded~~

- persons with mental retardation" means the allowable

46 27 rate established by the department of human services and as
46 28 published in the Iowa administrative bulletin.

46 29 Sec. 114. Section [694.1](#), subsection 1, Code 1995, is
46 30 amended to read as follows:

46 31 1. Is

~~physically or mentally disabled~~

- a person with a

46 32 physical or mental disability.

46 33 Sec. 115. Section [714.19](#), subsection 5, Code 1995, is
46 34 amended to read as follows:

46 35 5. Nonprofit schools exclusively engaged in training
47 1

~~physically handicapped~~

- persons with physical disabilities in

47 2 the state of Iowa.

47 3 Sec. 116. Section [726.6](#), subsection 1, Code 1995, is
47 4 amended to read as follows:

47 5 1. A person who is the parent, guardian, or person having
47 6 custody or control over a child or a

~~mentally or physically~~

47 7

~~handicapped~~

- minor under the age of eighteen with a mental or

47 8 physical disability, commits child endangerment when the
47 9 person does any of the following:

47 10 Sec. 117. Section [726.6A](#), Code 1995, is amended to read as
47 11 follows:

47 12 726.6A MULTIPLE ACTS OF CHILD ENDANGERMENT - PENALTY.

47 13 A person who engages in a course of conduct including three
47 14 or more acts of child endangerment as defined in section 726.6
47 15 within a period of twelve months involving the same child or a
47 16

~~mentally or physically handicapped~~

~~minor with a mental or~~

47 17 physical disability, where one or more of the acts results in
47 18 serious injury to the child or minor or results in a skeletal
47 19 injury to a child under the age of four years, is guilty of a
47 20 class "B" felony. Notwithstanding section 902.9, subsection
47 21 1, a person convicted of a violation of this section shall be
47 22 confined for no more than fifty years.

47 23 Sec. 118. Section 904.108, subsection 1, paragraph d, Code
47 24 1995, is amended to read as follows:

47 25 d. Establish and maintain acceptable standards of
47 26 treatment, training, education, and rehabilitation in the
47 27 various state penal and corrective institutions which shall
47 28 include habilitative services and treatment for

~~mentally~~

47 29

~~retarded~~

~~offenders with mental retardation.~~ For the purposes

47 30 of this paragraph, habilitative services and treatment means
47 31 medical, mental health, social, educational, counseling, and
47 32 other services which will assist a

~~mentally retarded~~

~~person~~

47 33 with mental retardation to become self-reliant. However, the
47 34 director may also provide rehabilitative treatment and
47 35 services to other persons who require the services. The
48 1 director shall identify all individuals entering the
48 2 correctional system who are

~~mentally retarded~~

~~persons with~~

48 3 mental retardation, as defined in section 222.2, subsection 3.
48 4 Identification shall be made by a qualified

~~mental retardation~~

48 5 professional in the area of mental retardation. In assigning
48 6

~~a mentally retarded~~

~~an offender with mental retardation,~~ or an

48 7 offender with an inadequately developed intelligence or with
48 8 impaired mental abilities, to a correctional facility, the
48 9 director shall consider both the program needs and the
48 10 security needs of the offender. The director shall consult
48 11 with the department of human services in providing
48 12 habilitative services and treatment to

~~mentally ill and~~

48 13

~~mentally retarded~~

~~offenders with mental illness or mental~~
48 14 retardation.

48 15 Sec. 119. Section [904.205](#), Code 1995, is amended to read
48 16 as follows:

48 17 904.205 CLARINDA CORRECTIONAL FACILITY.

48 18 The state correctional facility at Clarinda shall be
48 19 utilized as a secure men's correctional facility primarily for
48 20

~~chemically dependent, mentally retarded, and socially~~

~~inadequate~~

~~offenders with chemical dependence, mental~~

~~retardation, or social inadequacies.~~

48 22 Sec. 120. AMENDMENTS CHANGING TERMINOLOGY - DIRECTIVES TO
48 23 CODE EDITOR.

48 24 1. Sections 7D.15, 15.225, 16.4, 16.9, 16.12, 16.17,
48 25 16.18, 16.26, 16.155, 21.4, 49.25, 135.64, 216.8A, and 217.8,
48 26 Code 1995, and sections 303C.4 and 321.1, Code Supplement
48 27 1995, are amended by striking from the sections the words
48 28 "persons who are handicapped or disabled", "handicapped or
48 29 disabled persons", "the handicapped", "handicapped or
48 30 disabled individuals", "handicapped persons", or "disabled
48 31 persons", and inserting in lieu thereof the words "persons
48 32 with disabilities".

48 33 2. Sections 225C.35, 256B.2, 256B.4, 260C.1, 285.11,
48 34 403A.7, and 514E.7, Code 1995, and section 216.2, Code
48 35 Supplement 1995, are amended by striking from the sections the
49 1 words "handicap" or "handicaps", and inserting in lieu
49 2 thereof, as appropriate, the words "disability" or
49 3 "disabilities".

49 4 3. Section [256B.4](#), Code 1995, is amended by striking from
49 5 the section the words "handicapped children" and inserting in
49 6 lieu thereof the words "children with disabilities".

49 7 4. Sections 216.6, 216.8A, 216C.11, 321.109, 321.124, Code
49 8 1995, are amended by striking from the sections the words
49 9 "disabled person" or "disabled or handicapped person", and
49 10 inserting in lieu thereof the words "person with a
49 11 disability".

49 12 5. Sections 285.10 and 403.17, Code 1995, and section
49 13 285.1, Code Supplement 1995, are amended by striking from the
49 14 sections the word "handicapped", and inserting in lieu thereof
49 15 the words "persons with disabilities,".

49 16 6. Sections 422.7 and 422.35, Code Supplement 1995, are
49 17 amended by striking from the sections the words "A handicapped
49 18 individual", and inserting in lieu thereof the words "An
49 19 individual with a disability".

49 20 7. Sections 135C.3, 135C.23, 155.1, 218.46, 222.7, 222.55,
49 21 222.56, 225.5, 226.1, 226.9, 226.30, 227.1, 227.10, 227.11,
49 22 227.14, 227.15, 229.3, 229.19, 229.44, 230.5, 230.6, 230.8,
49 23 230.9, 230.10, 230.11, 230.14, 230.18, 230.19, 331.381,
49 24 331.502, 331.657, 614.8, 904.201, and 904.503, Code 1995, and
49 25 sections 135.63, 229.1, 230.12, 331.552, 331.653, and 331.756,
49 26 Code Supplement 1995, are amended by striking from the
49 27 sections the words "the mentally ill" or "mentally ill
49 28 persons", and inserting in lieu thereof the words "persons
49 29 with mental illness".

49 30 8. Sections 225C.12, 230.1, 230.31, 448.12, 486.32, 597.6,
49 31 and 597.9, Code 1995, are amended by striking from the
49 32 sections the words "mentally ill person", and inserting in
49 33 lieu thereof the words "person with mental illness".

49 34 9. Sections 587.12, 614.19, 614.27, and 633.31, Code 1995,
50 1 are amended by striking from the sections the words "insane
50 2 persons" or "insane person", and inserting in lieu thereof, as
50 3 appropriate, the words "persons with mental illness" or
50 4 "person with mental illness".

50 5 10. Section [681.27](#), Code 1995, is amended by striking from
50 6 the section the word "insane" and inserting in lieu thereof
50 7 the words "mentally ill".

50 8 11. Sections 23A.2, 135.64, 135C.23, 155.1, 218.92, 222.6,
50 9 222.9, 222.10, 222.12, 222.27, 222.34, 222.38, 222.43, 222.45,
50 10 222.51, 222.56, 222.66, 222.88, 226.8, 249A.2, 331.381,
50 11 331.502, 335.25, 414.22, and 633.709, Code 1995, and sections
50 12 135.63, 135C.2, 249A.5, 249A.12, 331.756, and 602.8102, Code
50 13 Supplement 1995, are amended by striking from the sections the

50 14 words "the mentally retarded", "mentally retarded persons", or
50 15 "mentally retarded person", and inserting in lieu thereof, as
50 16 appropriate, the words "persons with mental retardation" or
50 17 "person with mental retardation".

50 18 12. The Code editor is directed to substitute the words
50 19 "persons with disabilities" for the words "persons who are
50 20 handicapped or disabled", "handicapped or disabled persons",
50 21 "the handicapped", "handicapped or disabled individuals",
50 22 "handicapped persons", or "disabled persons" when there
50 23 appears to be no doubt as to the intent to refer to persons
50 24 with disabilities, except where the term is intended to refer
50 25 to provisions related to handicapped parking as provided in
50 26 chapter 321L.

50 27 13. The Code editor is directed to substitute the words
50 28 "disability" or "disabilities" for the words "handicap" or
50 29 "handicaps" when there appears to be no doubt as to the intent
50 30 to refer to the condition of a person, except where the term
50 31 is intended to refer to provisions related to handicapped
50 32 parking as provided in chapter 321L.

50 33 14. The Code editor is directed to substitute the words
50 34 "children with disabilities" for the words "handicapped
50 35 children" or "disabled children" when there appears to be no
51 1 doubt as to the intent to refer to children with disabilities,
51 2 except where the term is intended to refer to provisions
51 3 related to handicapped parking as provided in chapter 321L.

51 4 15. The Code editor is directed to substitute the words
51 5 "person with a disability" for the words "disabled person",
51 6 "handicapped person", "disabled or handicapped person", or
51 7 "handicapped or disabled person" when there appears to be no
51 8 doubt as to the intent to refer to a person with a disability,
51 9 except where the term is intended to refer to provisions
51 10 related to handicapped parking as provided in chapter 321L.

51 11 16. The Code editor is directed to substitute the words
51 12 "an individual with a disability" for the words "a disabled
51 13 individual" or "a handicapped individual" when there appears
51 14 to be no doubt as to the intent to refer to an individual with
51 15 a disability, except where the term is intended to refer to
51 16 provisions related to handicapped parking as provided in
51 17 chapter 321L.

51 18 17. The Code editor is directed to substitute the words
51 19 "persons with mental illness" for the words "the mentally ill"
51 20 or "mentally ill persons" when there appears to be no doubt as
51 21 to the intent to refer to persons with mental illness.

51 22 18. The Code editor is directed to substitute the words
51 23 "person with mental illness" for the words "mentally ill
51 24 persons" when there appears to be no doubt as to the intent to
51 25 refer to a person with mental illness.

51 26 19. The Code editor is directed to substitute the words
51 27 "persons with mental retardation" for the words "the mentally
51 28 retarded" or "mentally retarded persons" when there appears to
51 29 be no doubt as to the intent to refer to persons with mental
51 30 retardation.

51 31 20. The Code editor is directed to substitute the words
51 32 "person with mental retardation" for the words "mentally
51 33 retarded person" when there appears to be no doubt as to the
51 34 intent to refer to a person with mental retardation.

51 35 EXPLANATION

52 1 This bill makes numerous changes in terminology to various
52 2 provisions pertaining to persons with certain mental and
52 3 physical conditions. In addition, the bill directs the Code
52 4 editor to make similar changes. The bill pertains primarily
52 5 to terminology used to identify persons with mental illness,
52 6 persons with mental retardation, and persons with
52 7 disabilities.

52 8 LSB 4355SC 76

