

Before indebtedness can be contracted in excess of one and one-quarter percent of the assessed value of the taxable property, a petition signed by ~~a number~~ eligible electors equal in number to twenty-five percent of those voting at the last election of school officials shall be filed with the president of the board of directors, asking that an election be called, stating the amount of bonds proposed to be issued and the purpose or purposes for which the indebtedness is to be created, and that the purpose or purposes cannot be accomplished within the limit of one and one-quarter percent of the valuation. The petition may request the calling of an election on one or more propositions and a proposition may include one or more purposes.

Sec. 21. Section 384.12, subsection 20, paragraph a, Code 1995, is amended to read as follows:

a. The election may be held as specified ~~herein in this subsection~~ if notice is given by the city council, not later than ~~February 15~~ thirty-two days before the second Tuesday in March, to the county commissioner of elections that the election is to be held.

Approved May 24, 1995

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## CHAPTER 190

### PERSONS WITH MENTAL RETARDATION – PAYMENT OF EXPENSES

H.F. 505

**AN ACT** relating to payment of expenses for persons with mental retardation.

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

Section 1. Section 222.60, Code 1995, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. Prior to a county of legal settlement approving the payment of expenses for a person under this section, the county may require that the person be diagnosed to determine if the person has mental retardation or that the person be evaluated to determine the appropriate level of services required to meet the person's needs relating to mental retardation. The diagnosis and the evaluation may be performed concurrently and shall be performed by an individual or individuals approved by the county who are qualified to perform the diagnosis or the evaluation. Following the initial approval for payment of expenses, the county of legal settlement may require that an evaluation be performed at reasonable time periods. The cost of a county-required diagnosis and an evaluation is at the county's expense. In the case of a person without legal settlement or whose legal settlement is unknown, the state may apply the diagnosis and evaluation provisions of this paragraph at the state's expense. A diagnosis or an evaluation under this section may be part of a county's single entry point process under section 331.440, provided that a diagnosis is performed only by an individual qualified as provided in this section.

NEW UNNUMBERED PARAGRAPH. A diagnosis of mental retardation under this section shall be made only when the onset of the person's condition was prior to the age of eighteen years and shall be based on an assessment of the person's intellectual functioning and level of adaptive skills. The diagnosis shall be made by an individual who is a psychologist or psychiatrist who is professionally trained to administer the tests required to assess intellectual functioning and to evaluate a person's adaptive skills.

NEW UNNUMBERED PARAGRAPH. A diagnosis of mental retardation shall be made in accordance with the criteria provided in the diagnostic and statistical manual of mental disorders, fourth edition, published by the American psychiatric association.

Sec. 2. SUPPLEMENTAL EXPENSE PAYMENT. If the amendments adopted by the department of human services in 1993 through 1995 in 441 Iowa administrative code, rules 22.1 and 24.1, which revise the definition of the term "persons with mental retardation," have the result of increasing costs to a county during the fiscal period beginning July 1, 1993, and ending June 30, 1995, the county shall report the increased costs to the department of human services. The department shall compile the county reports of increased costs to develop a total of the increased costs submitted by counties pursuant to this section. The total increased costs shall be included in a report submitted to the governor and the general assembly for budget consideration during the 1996 legislative session. If the total increased costs exceeds \$2,000,000, the report shall include a recommendation for a supplemental appropriation for the amount in excess of \$2,000,000 to be used for a supplemental expense payment to counties. The amount of a county's supplemental expense payment would be equal to the amount of the county's proportion of the total of the increased costs submitted applied to the amount of the supplemental appropriation. The council on human services shall adopt rules in consultation with the state-county management committee to establish forms and other requirements implementing the provisions of this section.

Approved May 25, 1995

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**CHAPTER 191**  
CRIMINAL AND JUVENILE JUSTICE  
*H.F. 528*

†AN ACT relating to criminal and juvenile justice, including authorizing the suspension of the juvenile's motor vehicle license, authorizing a criminal justice agency to retain a copy of a juvenile's fingerprint card, providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, exempting certain offenses from the jurisdiction of the juvenile court, placing a juvenile in short-term secure custody as a dispositional alternative, waiving a juvenile to adult court, the release or detention of certain criminal defendants pending sentencing or appeal following conviction, limiting the circumstances under which a juvenile may consume alcoholic beverages, providing for notice to parents when a juvenile is taken into custody for alcohol offenses, authorizing school districts to adopt a dress code policy, adding custody and adjudication information regarding juveniles to state criminal history files, establishing a juvenile justice task force, and enhancing or establishing penalties.

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

Section 1. Section 22.7, subsection 13, Code 1995, is amended to read as follows:

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

Sec. 2. Section 80.9, subsection 2, paragraph d, Code 1995, is amended to read as follows:

d. To collect and classify, and keep at all times available, complete information useful for the detection of crime, and the identification and apprehension of criminals.

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†Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State