

The director of the department shall appoint members of the board, including four massage therapists and three persons who are not massage therapists and who shall represent the general public. A majority of the members of the board constitutes a quorum. Members shall be compensated for their actual and necessary expenses incurred in the performance of their duties. Expense moneys paid to the members shall be paid from funds appropriated to the department. The board shall advise the department regarding licensure and continuing education requirements, standards of practice and professional ethics, disciplinary actions, and other issues of concern to the board.

Sec. 8. Section 152D.7, unnumbered paragraph 2, Code 1995, is amended to read as follows:

The members of the advisory board shall include three licensed athletic trainers, three physicians licensed to practice medicine in all its branches, and one public member. Not more than a simple majority of the advisory board shall be of one gender. A majority of the members of the board constitutes a quorum. Members shall be appointed by the governor, subject to confirmation by the senate, and shall serve three-year terms beginning and ending in accordance with section 69.19. Members shall be compensated for their actual and necessary expenses incurred in the performance of their duties. Expense moneys paid to the members shall be paid from funds appropriated to the department. Each member of the board may also be eligible to receive compensation as provided in section 7E.6.

Approved April 17, 1996

CHAPTER 1129

MENTAL AND PHYSICAL CONDITIONS - TERMINOLOGY CHANGES AND RELATED MATTERS

S.F. 2438

AN ACT relating to the terminology used to describe persons with certain mental and physical conditions, and providing for related matters concerning persons with mental illness.

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

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

15. ~~MENTALLY ILL PERSONS WITH MENTAL ILLNESS.~~ The words ~~"mentally ill person"~~ ~~"persons with mental illness"~~ include ~~mental retardates,~~ ~~psychotic persons with psychosis,~~ ~~severely depressed persons who are severely depressed,~~ and persons ~~of unsound mind with any type of mental disease or mental disorder, except that mental illness does not refer to mental retardation as defined in section 222.2, or to insanity, diminished responsibility, or mental incompetency as defined and used in the Iowa criminal code or in the rules of criminal procedure, Iowa court rules, 3d ed.~~ A person who is hospitalized or detained for treatment of mental illness shall not be deemed or presumed to be incompetent in the absence of a finding of incompetence made pursuant to section 229.27.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49.90 ASSISTING VOTER.

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

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

A state employees disability insurance program is created, which shall be administered by the director of the department of personnel and which shall provide disability benefits in an amount and for the employees as provided in this section. The monthly disability benefits shall provide twenty percent of monthly earnings if employed less than one year, forty percent of monthly earnings if employed one year or more but less than two years, and sixty percent of monthly earnings thereafter, reduced by primary and family social security determined at the time social security disability payments commence, railroad retirement disability income, workers' compensation if applicable, and any other state-sponsored sickness or disability benefits payable. However, the amount of benefits payable under the Iowa public employees' retirement system pursuant to chapter 97B shall not reduce the benefits payable pursuant to this section. Subsequent social security or railroad retirement increases shall not be used to further reduce the insurance benefits payable. As used in this section, "primary and family social security" shall not include social security benefits awarded to ~~a disabled an~~ adult child with a disability of the ~~disabled~~ state employee with a disability who does not reside with the ~~disabled~~ state employee with a disability if the social security benefits were awarded to the ~~disabled~~ adult child with a disability prior to the approval of the state employee's benefits under this section, regardless of whether the United States social security administration records the benefits to the social security number of the ~~disabled~~ adult child with a disability, the ~~disabled~~ state employee with a disability, or any other family member, and such social security benefits shall not reduce the benefits payable pursuant to this section. As used in

this section, unless the context otherwise requires, "adult" means a person who is eighteen years of age or older. State employees shall receive credit for the time they were continuously employed prior to and on July 1, 1974. The following provisions apply to the employees disability insurance program:

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

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

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

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

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

85.49 TRUSTEES FOR INCOMPETENT MINORS AND DEPENDENTS.

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

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

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

85.68 ACTIONS.

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

less the necessary and reasonable expenses incurred by the treasurer of state, shall be paid to the treasurer of state and credited to the fund.

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

85.69 FEDERAL CONTRIBUTIONS.

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

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

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

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

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

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

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

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

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

classification shall define the problem or condition to which the special classification is relevant and establish requirements for an approved program of care commensurate with the problem or condition. The rules may grant special variances or considerations to facilities licensed within the special classification.

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

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

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

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

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

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

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

216.14 PROMOTION OR TRANSFER.

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

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

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

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

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

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

216C.1 PARTICIPATION BY PERSONS WITH DISABILITIES.

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

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

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

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

Sec. 34. Section 216C.3, Code 1995, is amended to read as follows:
216C.3 FREE USE OF PUBLIC FACILITIES.

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

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

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

Sec. 36. Section 216C.8, Code 1995, is amended to read as follows:
216C.8 WHITE CANE SAFETY DAY.

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

Sec. 37. Section 216C.9, subsection 1, Code 1995, is amended to read as follows:

1. Curbs constructed along any public street in this state, when the street is paralleled or intersected by sidewalks, or when city ordinances or other lawful regulations will require the construction of sidewalks parallel to or intersecting the street, shall be constructed with not less than two curb cuts or ramps per lineal block which shall be located on or near the crosswalks at intersections. Each curb cut or ramp shall be at least thirty inches wide, shall be sloped at not greater than one inch of rise per twelve inches lineal distance, except that a slope no greater than one inch of rise per eight inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for ~~physically handicapped persons with physical disabilities~~ using the sidewalk.

Sec. 38. Section 217.1, Code 1995, is amended to read as follows:
217.1 PROGRAMS OF DEPARTMENT.

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

Sec. 39. Section 218.95, Code 1995, is amended to read as follows:
218.95 SYNONYMOUS TERMS.

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

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

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

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

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

5. 2. "Parole" and "convalescent leave";

6. 3. "Resident" and "patient";

7. 4. "Escape" and "depart without proper authorization";

8. 5. "Warrant" and "order of admission";

9. 6. "Escapee" and "patient";

10. 7. "Sane" and "in good mental health";

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

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

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

14. 8. "Asylum" and "hospital";

15. 9. "Commitment" and "admission".

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

Sec. 40. Section 220A.1, Code 1995, is amended to read as follows:
220A.1 PURPOSE.

The purpose of this chapter is to permit information concerning persons who are believed to ~~be mentally handicapped~~ have mental disabilities to be efficiently used by and exchanged among the state and local governments, their departments and agencies, and with other public or private agencies, where the use or exchange of the information is for the purpose of assisting any of the agencies in providing care, evaluation, services, assistance, education, or habilitation to such persons.

Sec. 41. Section 220A.4, Code 1995, is amended to read as follows:
220A.4 AGENCIES INVOLVED.

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

Sec. 42. Section 220A.6, Code 1995, is amended to read as follows:
220A.6 INFORMATION TO OTHERS.

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

Sec. 43. Section 220A.7, Code 1995, is amended to read as follows:
220A.7 RESTRICTIONS NOT APPLICABLE.

Any law or departmental rule of the state of Iowa which restricts or declares confidential information concerning persons who are believed to ~~be mentally handicapped~~ have mental disabilities shall not apply to information exchanged through the service for the purposes of this chapter. Information supplied under a restriction by the government of the United States, its departments or agencies, or by other state government, its departments and agencies, shall be processed in compliance with such restrictions. Any case information restricted by any order of court shall be processed in compliance with the order.

Sec. 44. Section 222.16, Code 1995, is amended to read as follows:
222.16 PETITION FOR ADJUDICATION OF MENTAL RETARDATION.

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

Sec. 45. Section 222.18, unnumbered paragraph 2, Code 1995, is amended to read as follows:

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

Sec. 46. Section 222.21, Code 1995, is amended to read as follows:
222.21 ORDER REQUIRING ATTENDANCE.

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

Sec. 47. Section 222.22, Code 1995, is amended to read as follows:
222.22 TIME OF APPEARANCE.

The time of appearance shall not be less than five days after completed service unless the court orders otherwise. Appearance on behalf of ~~such alleged mentally retarded~~ the person who is alleged to have mental retardation may be made by any citizen of the county or by any relative. The district court shall assign counsel for the ~~alleged mentally retarded~~ person who is alleged to have mental retardation. Counsel shall prior to proceedings personally consult with ~~such~~ the person who is alleged to have mental retardation unless the

judge appointing ~~such~~ counsel certifies that in the judge's opinion, ~~such~~ consultation shall serve no useful purpose. ~~Such~~ The certification shall be made a part of the record. An attorney ~~so~~ assigned by the court shall receive ~~such~~ compensation as the district court shall fix to be paid in the first instance by the county.

Sec. 48. Section 222.25, Code 1995, is amended to read as follows:

222.25 CUSTODY PENDING HEARING.

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

Sec. 49. Section 222.50, Code 1995, is amended to read as follows:

222.50 COUNTY OF LEGAL SETTLEMENT TO PAY.

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

Sec. 50. Section 222.80, Code 1995, is amended to read as follows:

222.80 LIABILITY TO COUNTY.

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

Sec. 51. Section 222.88, subsection 1, Code 1995, is amended to read as follows:

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

Sec. 52. Section 225C.21, subsection 1, Code 1995, is amended to read as follows:

1. As used in this section, "community, supervised apartment living arrangement" means the provision of a residence in a noninstitutional setting to ~~mentally ill, mentally retarded, or developmentally disabled adults~~ adult persons with mental illness, mental retardation, or developmental disabilities who are capable of living semi-independently but require minimal supervision.

Sec. 53. Section 227.2, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The director of inspections and appeals shall make, or cause to be made, at least one licensure inspection each year of every county care facility. Either the administrator of the division or the director of inspections and appeals, in ~~co-operation~~ cooperation with each other, upon receipt of a complaint or for good cause, may make, or cause to be made, a review of a county care facility or of any other private or county institution where ~~mentally ill or mentally retarded~~ persons with mental illness or mental retardation reside. A licensure inspection or a review shall be made by a competent and disinterested person who is

acquainted with and interested in the care of ~~mentally ill and mentally retarded~~ persons with mental illness and persons with mental retardation. The objective of a licensure inspection or a review shall be an evaluation of the programming and treatment provided by the facility. After each licensure inspection of a county care facility, the person who made the inspection shall consult with the county authorities on plans and practices that will improve the care given patients and shall make recommendations to the administrator of the division and the director of public health for ~~co-ordinating~~ coordinating and improving the relationships between the administrators of county care facilities, the administrator of the division, the director of public health, the superintendents of state mental health institutes and hospital-schools, community mental health centers, and other ~~co-operating~~ co-operating agencies, to cause improved and more satisfactory care of patients. A written report of each licensure inspection of a county care facility under this section shall be filed with the administrator of the division and the director of public health and shall include:

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

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

Sec. 55. Section 227.2, subsection 4, paragraphs a and b, Code 1995, are amended to read as follows:

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

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

Sec. 56. Section 227.6, Code 1995, is amended to read as follows:

227.6 REMOVAL OF RESIDENTS.

If a county care facility fails to comply with rules and standards adopted under this chapter, the administrator may remove all ~~mentally ill and mentally retarded~~ persons with mental illness and all persons with mental retardation cared for in the county care facility at public expense, to the proper state mental health institute or hospital-school, or to some private or county institution or hospital for the care of ~~the mentally ill or mentally retarded~~ persons with mental illness or mental retardation that has complied with the rules prescribed by the administrator. Residents being transferred to a state mental health institute or hospital-school shall be accompanied by an attendant or attendants sent from the institute or hospital-school. If a resident is transferred under this section, at least one attendant shall be of the same sex. If the administrator finds that the needs of ~~mentally ill and mentally retarded~~ residents with mental illness and residents with mental retardation of any other county or private institution are not being adequately met, those residents may be removed from that institution upon order of the administrator.

Sec. 57. Section 229.1, subsection 14, Code Supplement 1995, is amended to read as follows:

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

- a. Is likely to physically injure the person's self or others if allowed to remain at liberty without treatment.
- b. Is likely to inflict serious emotional injury on members of the person's family or others who lack reasonable opportunity to avoid contact with the afflicted person with mental illness if the afflicted person with mental illness is allowed to remain at liberty without treatment.
- c. Is unable to satisfy the person's needs for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer physical injury, physical debilitation, or death.

Sec. 58. Section 229.26, Code 1995, is amended to read as follows:

229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY HOSPITALIZATION.

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

Sec. 59. Section 229.38, Code 1995, is amended to read as follows:

229.38 CRUELTY OR OFFICIAL MISCONDUCT.

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

Sec. 60. Section 230.15, Code 1995, is amended to read as follows:

230.15 PERSONAL LIABILITY.

A ~~mentally ill~~ person with mental illness and a person legally liable for the person's support remain liable for the support of the ~~mentally ill~~ person with mental illness as provided in this section. Persons legally liable for the support of a ~~mentally ill~~ person with mental illness include the spouse of the ~~mentally ill~~ person, any person bound by contract for support of the ~~mentally ill~~ person, and, with respect to ~~mentally ill~~ persons with mental illness under eighteen years of age only, the father and mother of the ~~mentally ill~~ person. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligation created in this section as to all sums advanced by the county. The liability to the county incurred by a ~~mentally ill~~ person with mental illness or a person legally liable for the person's support under this section is limited to an amount equal to one hundred percent of the cost of care and treatment of the ~~mentally ill~~ person with mental illness at a state mental health institute for one hundred twenty days of hospitalization. This limit of liability may be reached by payment of the cost of care and treatment of the ~~mentally ill~~ person with mental illness subsequent to a single admission or multiple admissions to a state mental health institute or, if the person is not discharged as cured, subsequent to a single transfer or multiple transfers to a county care facility pursuant to section 227.11. After reaching this limit of liability, a ~~mentally ill~~ person with mental illness or a person legally liable for the person's support is liable to the county for the care and treatment of

the ~~mentally ill~~ person with mental illness at a state mental health institute or, if transferred but not discharged as cured, at a county care facility in an amount not in excess of the average minimum cost of the maintenance of a ~~physically and mentally healthy~~ an individual who is physically and mentally healthy residing in the individual's own home, which standard shall be established and may from time to time be revised by the department of human services. A lien imposed by section 230.25 shall not exceed the amount of the liability which may be incurred under this section on account of ~~any mentally ill~~ a person with mental illness.

A substance abuser or chronic substance abuser is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser or chronic substance abuser while a voluntary or committed patient. When a portion of the cost is paid by a county, the substance abuser or chronic substance abuser is legally liable to the county for the amount paid. The substance abuser or chronic substance abuser shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the abuser's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a substance abuser or chronic substance abuser shall be in part credited to the county in proportion to the share of the costs paid by the county. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any ~~mentally ill~~ person with mental illness, substance abuser, or chronic substance abuser as established by the department of human services.

Sec. 61. Section 230.33, Code 1995, is amended to read as follows:

230.33 RECIPROCAL AGREEMENTS.

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

Provided that in the case of a proposed transfer of a ~~mentally ill or mentally retarded~~ person with mental illness or mental retardation from this state that no final action be taken without the approval either of the commission of hospitalization, or of the district court, of the county of admission or commitment.

Sec. 62. Section 232.51, Code 1995, is amended to read as follows:

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

If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally ill, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court. These proceedings in the juvenile court shall adhere to the requirements of chapter 229. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally retarded, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court. These proceedings shall adhere to the requirements of chapter 222. If the child is committed as a ~~mentally ill or mentally retarded~~ child with mental illness or mental retardation, any order adjudicating the child to have committed a delinquent act shall be set aside and the petition shall be dismissed.

Sec. 63. Section 233B.5, Code 1995, is amended to read as follows:

233B.5 TRANSFERS.

The administrator may transfer to the home minor wards of the state from any institution under the administrator's charge or under the charge of any other administrator of

the department of human services; but no person shall be so transferred who is ~~not mentally normal~~ a person with mental illness or mental retardation, or who is incorrigible, or has any vicious habits, or whose presence in the home would be inimical to the moral or physical welfare of ~~normal the other~~ the other children therein within the home, and any such child in the home may be transferred to the proper state institution.

Sec. 64. Section 249A.3, subsection 1, paragraph q, Code Supplement 1995, is amended to read as follows:

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

Sec. 65. Section 249A.5, subsection 2, paragraph b, Code Supplement 1995, is amended to read as follows:

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

Sec. 66. Section 249F.1, subsection 2, paragraph b, subparagraph (2), Code 1995, is amended to read as follows:

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

Sec. 67. Section 256.16, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Pursuant to section 256.7, subsection 5, the state board shall adopt rules requiring all higher education institutions providing practitioner preparation to include in the professional education program, preparation that contributes to education of ~~the handicapped and the~~ students with disabilities and students who are gifted and talented, which must be successfully completed before graduation from the practitioner preparation program.

Sec. 68. Section 256B.2, subsection 1, Code 1995, is amended to read as follows:

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

Sec. 69. Section 256B.6, subsection 5, Code 1995, is amended to read as follows:

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

Sec. 70. Section 256B.9, subsection 1, paragraphs b and d, Code 1995, are amended to read as follows:

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

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

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

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

Sec. 71. Section 256B.9, subsection 8, Code 1995, is amended to read as follows:

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

Sec. 72. Section 263.9, Code 1995, is amended to read as follows:

263.9 ESTABLISHMENT AND OBJECTIVES.

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

Sec. 73. Section 263.10, Code 1995, is amended to read as follows:

263.10 PERSONS ADMITTED.

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

Sec. 74. Section 263.11, Code 1995, is amended to read as follows:

263.11 DEFINITIONS.

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

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

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

Sec. 75. Section 280.8, Code 1995, is amended to read as follows:

280.8 SPECIAL EDUCATION.

The board of directors of each public school district shall make adequate educational provisions for each resident child requiring special education appropriate to the nature

and severity of the child's ~~handicapping condition~~ disability pursuant to rules promulgated by the department under the provisions of chapters 256B and 273.

Sec. 76. Section 299.18, Code 1995, is amended to read as follows:

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

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

Sec. 77. Section 299.19, Code 1995, is amended to read as follows:

299.19 PROCEEDING AGAINST PARENT.

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

Sec. 78. Section 321.180A, subsection 1, Code 1995, is amended to read as follows:

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

Sec. 79. Section 321.445, subsection 5, Code 1995, is amended to read as follows:

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

Sec. 80. Section 324A.1, subsection 7, Code 1995, is amended to read as follows:

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

Sec. 81. Section 324A.3, subsection 3, Code 1995, is amended to read as follows:

3. ~~Handicapped services~~ Services for persons with disabilities.

Sec. 82. Section 325.6, subsection 5, unnumbered paragraph 1, Code 1995, is amended to read as follows:

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

Sec. 83. Section 331.324, subsection 1, paragraph n, Code 1995, is amended to read as follows:

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

Sec. 84. Section 331.424, subsection 1, paragraph a, subparagraph (3), Code Supplement 1995, is amended to read as follows:

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

Sec. 85. Section 331.655, subsection 1, paragraph c, Code 1995, is amended to read as follows:

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

Sec. 86. Section 384.24, subsection 2, paragraph k, Code 1995, is amended to read as follows:

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

Sec. 87. Section 403A.2, subsection 6, paragraphs d through g, Code 1995, are amended to read as follows:

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

- (1) A person who is at least sixty-two years of age.
- (2) A person ~~who is under~~ with a disability.
- ~~(3) A person who is handicapped.~~
- ~~(4) (3)~~ A displaced person.
- ~~(5) (4)~~ The remaining member of a tenant family.

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

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

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

Sec. 88. Section 403A.7, Code 1995, is amended to read as follows:

403A.7 HOUSING RENTALS AND TENANT ADMISSIONS.

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

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

2. Rent or lease to a tenant such dwelling accommodations consisting of the number of rooms which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding; ~~and (3) fix.~~

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

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

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

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

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

Sec. 89. Section 410.14, Code 1995, is amended to read as follows:

410.14 DECISION OF BOARD.

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

Sec. 90. Section 411.1A, Code 1995, is amended to read as follows:

411.1A PURPOSE OF CHAPTER.

The purpose of this chapter is to promote economy and efficiency in the municipal public safety service by providing an orderly means for police officers and fire fighters to have a retirement system which will provide for the payment of pensions to retired ~~and disabled members and members incurring disabilities~~, and to the surviving spouses and dependents of deceased members.

Sec. 91. Section 419.1, subsection 12, paragraph a, subparagraph (13), Code 1995, is amended to read as follows:

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

Sec. 92. Section 422.45, subsection 22, paragraphs a and c, Code Supplement 1995, are amended to read as follows:

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

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

Sec. 93. Section 425.23, subsection 3, paragraph b, Code 1995, is amended to read as follows:

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

Sec. 94. Section 427.1, subsection 34, Code Supplement 1995, is amended to read as follows:

34. LOW-RENT HOUSING. The property owned and operated by a nonprofit organization providing low-rent housing for ~~the~~ persons who are elderly and the physically and

~~mentally handicapped persons with physical and mental disabilities.~~ The exemption granted under the provisions of this subsection shall apply only until the terms of the original low-rent housing development mortgage is paid in full or expires, subject to the provisions of subsections 23 and 24.

Sec. 95. Section 468.513, Code 1995, is amended to read as follows:

468.513 VOTE OF MINOR OR ~~MENTALLY ILL~~ PERSON UNDER LEGAL INCOMPETENCY.

The vote of any person who is a minor, ~~mentally ill~~, or under ~~other~~ legal incompetency shall be cast by the parent, guardian, or other legal representative of ~~such minor, mentally ill, or other incompetent~~ the person. The person casting ~~such~~ the vote shall deliver to the judges and clerks of election a written sworn statement giving the name, age, and place of residence of ~~such~~ the minor, ~~mentally ill~~, or ~~other incompetent~~ person under legal incompetency, and any false statement knowingly made to secure permission to cast such vote shall render the party so making it guilty of the crime of perjury.

Sec. 96. Section 477C.1, Code 1995, is amended to read as follows:

477C.1 DUAL PARTY RELAY SERVICE – PURPOSE.

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

Sec. 97. Section 481A.38, subsection 1, unnumbered paragraph 2, Code 1995, is amended to read as follows:

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

Sec. 98. Section 483A.3, subsection 1, Code 1995, is amended to read as follows:

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

Sec. 99. Section 483A.4, Code 1995, is amended to read as follows:

483A.4 "~~PERMANENTLY DISABLED~~ PERMANENT DISABILITY" DEFINED.

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

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

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

Sec. 100. Section 483A.24, subsections 12 and 17, Code 1995, are amended to read as follows:

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

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

Sec. 101. Section 598.17, unnumbered paragraph 3, Code 1995, is amended to read as follows:

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

Sec. 102. Section 600.17, Code 1995, is amended to read as follows:

600.17 FINANCIAL ASSISTANCE.

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

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

2. "Special services" means any medical, dental, therapeutic, educational, or other similar service or appliance required by an adopted child by reason of a mental or physical ~~handi-~~ cap disability.

Sec. 103. Section 602.8102, subsection 41, Code Supplement 1995, is amended to read as follows:

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

Sec. 104. Section 607A.5, Code 1995, is amended to read as follows:

607A.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

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

Sec. 105. Section 633.63, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. One who is under legal incompetency or is a mental retardate, ~~mentally ill~~, a chronic alcoholic; or a spendthrift.

Sec. 106. Section 633.707, subsection 4, Code 1995, is amended to read as follows:

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

Sec. 107. Section 694.1, subsection 1, Code 1995, is amended to read as follows:

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

Sec. 108. Section 714.19, subsection 5, Code 1995, is amended to read as follows:

5. Nonprofit schools exclusively engaged in training ~~physically handicapped~~ persons with physical disabilities in the state of Iowa.

Sec. 109. Section 726.6, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

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

Sec. 110. Section 726.6A, Code 1995, is amended to read as follows:

726.6A MULTIPLE ACTS OF CHILD ENDANGERMENT - PENALTY.

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

Sec. 111. Section 904.108, subsection 1, paragraph d, Code 1995, is amended to read as follows:

d. Establish and maintain acceptable standards of treatment, training, education, and rehabilitation in the various state penal and corrective institutions which shall include habilitative services and treatment for ~~mentally retarded~~ offenders with mental retardation. For the purposes of this paragraph, habilitative services and treatment means medical, mental health, social, educational, counseling, and other services which will assist a

~~mentally-retarded~~ person with mental retardation to become self-reliant. However, the director may also provide rehabilitative treatment and services to other persons who require the services. The director shall identify all individuals entering the correctional system who are ~~mentally-retarded persons with mental retardation~~, as defined in section 222.2, subsection 3. Identification shall be made by a qualified ~~mental-retardation professional in the area of mental retardation~~. In assigning a ~~mentally-retarded~~ an offender with mental retardation, or an offender with an inadequately developed intelligence or with impaired mental abilities, to a correctional facility, the director shall consider both the program needs and the security needs of the offender. The director shall consult with the department of human services in providing habilitative services and treatment to ~~mentally ill and mentally-retarded~~ offenders with mental illness or mental retardation.

Sec. 112. Section 904.205, Code 1995, is amended to read as follows:

904.205 CLARINDA CORRECTIONAL FACILITY.

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

Sec. 113. AMENDMENTS CHANGING TERMINOLOGY - DIRECTIVES TO CODE EDITOR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21. The Code editor shall not apply a directive established in this section to a section of the Code which establishes an interstate compact.