

Regular Session, 2014

HOUSE BILL NO. 63

BY REPRESENTATIVES LEGER, ANDERS, ARMES, ARNOLD, BADON, BILLIOT, WESLEY BISHOP, BROSSETT, BROWN, HENRY BURNS, TIM BURNS, CARTER, CHAMPAGNE, COX, DIXON, GUINN, HARRIS, HENRY, HILL, HOFFMANN, HOWARD, KATRINA JACKSON, KLECKLEY, LEBAS, LOPINTO, MILLER, MORENO, POPE, PRICE, SCHRODER, SHADOIN, SMITH, STOKES, THIBAUT, THOMPSON, AND PATRICK WILLIAMS

EXCEPTIONAL PERSONS: Revises terminology referring to persons with disabilities and other persons with exceptionalities

1 AN ACT

2 To amend and reenact R.S. 4:163.1(D)(2)(d) and 715(B)(2), R.S. 6:747(A), R.S. 9:1613,
3 2799(A)(2) and (B)(1), 2799.3, the heading of Part V-A of Chapter 2 of Code Title
4 XII of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, and
5 3541.21(1) and (3), R.S. 11:202, 203(A) and (C), 204(A), 206, 207(A) and (B), 208
6 through 210, 211(A) and (B), 213(A), 215(A), 218(A), (C), and (D)(3), 293(C),
7 701(19), 768(D)(2), 778(A), (B), and (D), 783(G)(1)(a), (I)(1)(a), and (K)(1),
8 784(C)(2) and (E), 804, 805(A) and (B), 901.36, 901.37, 952.36, 1147(A) and (C)(1),
9 1151(D), 1151.1(B)(1), (C)(2), and (D)(1), 1313(A), (B)(introductory paragraph),
10 and (C), 1318, 1323(B)(1), (C)(2), and (D)(1), 1345.8(B), 1402(5), 1431,
11 1432(A)(introductory paragraph), 1442, 1483(B), 1503(6), 1522(A)(1)(introductory
12 paragraph) and (B)(introductory paragraph), 1523(G), 1530(K)(3), 1614(D), 1634(A)
13 and (B)(introductory paragraph), 1636(B)(5), 1732(20), 1758(A) and (F), 1763(J)(2),
14 1784(introductory paragraph), 1785(A)(2), 1804(introductory paragraph),
15 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(introductory
16 paragraph), 1945(A)(2), 1964(A)(introductory paragraph), 1974(A), 2074(A) and
17 (B)(1)(introductory paragraph), 2077(A)(introductory paragraph) and

1 (B)(introductory paragraph) and (2), 2144(K), 2165.6(A) and (B)(introductory
2 paragraph), 2178(B)(introductory paragraph), (1)(b), and (3)(c) and (C)(1)(c)(iv)(aa),
3 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and (B)(2)(a)(ii), 2221(K)(4)(a) and
4 (M), 2223(A)(1), 2241.7(A)(1), 2241.8(2)(a)(ii), 2242.7(A)(1), 2242.8(2)(a)(ii),
5 2256(B)(2)(a) and (3), 2256.2(A), 2257(K)(4), 2258(A), (B)(introductory paragraph)
6 and (1)(c) and (d), (2)(a), and (C) through (E), 2259(A)(1), 3005.1(I)(2) and (J)(4),
7 3039.1(K)(4), 3041(B), 3101, 3107(5), 3113(6), 3132, 3143(1) and (2), 3145(D),
8 3166(A), 3178(C)(2), 3192, 3200(1) and (2), 3222, 3232(A), (B), and (C), 3281,
9 3288(B)(5), 3293(1), 3317(C)(5), 3322(B)(1)(a), 3341(A), 3346(3), 3363(A),
10 3377(A), 3378(A)(1)(g) and (2)(c), 3385.1(K)(6) and (7)(f), 3402, 3410(5), 3431,
11 3438(B)(4)(b) and (5)(b), 3442(1) through (4), 3447(C), 3461, 3473(1) through (4),
12 3514(A), 3515(B), 3516(C)(1) and (2), 3548(A), 3552(A) and (B), 3553(B)(2),
13 3601(A), 3605(A)(5), 3609(A), 3644, 3645(E), 3647(E) and (F), 3685.1(B)(2)(a) and
14 (D), 3686(B)(1)(a) and (b), 3724(1) through (3), 3731(introductory paragraph) and
15 (B), 3761, 3771(2)(a)(introductory paragraph), 3773, 3778(A), 3780, 3791, 3802(3)
16 and (4), 3804(A), 3805, and 3808, R.S. 13:1278 and 3881(A)(8), R.S. 14:32(D)(3),
17 35.2(A)(introductory paragraph), (B), and (C), 39(D)(3), 45(A)(3), 67.16(A)(1),
18 (C)(1)(b), (2)(b), (3)(b), and (4)(b), 67.21(A) through (D), 79.1(A)(2), 89.1(A)(4),
19 the heading of Subpart B(3) of Part V of Chapter 1 of Title 14 of the Louisiana
20 Revised Statutes of 1950, 93.3(A) through (D) and (E)(1), 93.4, 93.5(A)(introductory
21 paragraph) and (D), 106(D)(2)(introductory paragraph) and (d), 107.1(C)(2) and (3),
22 126.3(A), and 202.1(F)(4), R.S. 15:536(A), 537(A), 541(2)(m), 571.3(B)(3)(r),
23 571.34(A), 581, 830(A) and (B), 830.1(A), 1039, 1402(A), 1503(6) and (7), and
24 1510(C), R.S. 17:67(G), 124, 158(H)(2)(f), 240(A)(1) and (B)(2), 407.2, 421.4,
25 422.6(B), 1947(A)(1) and (2), and 3217.2(D), R.S. 18:106(C)(2)(b),
26 106.1(A)(introductory paragraph), 564(D)(1)(a)(ii) and (2)(a)(ii) and (E),
27 1303(I)(introductory paragraph) and (1)(a), 1309.3(D)(1)(a)(ii) and (E), and
28 1400.21(B)(4), R.S. 21:51(C) and 52(A) and (B), R.S. 22:941(B)(7),
29 1000(A)(1)(a)(vi)(bb)(IV) and (2)(a) and (b)(iv), 1001(B), 1003(A)(2)(d), 1012(B),

1 1097(B), 1242(6), and 1288(B), R.S. 23:251(A)(3), 322(3), (5), (6), (8), and
2 (9)(introductory paragraph), 323(A), (B)(1) through (7), (C)(2), and (D)(1) and (2),
3 324(A), 1017.1(5), 1226(B)(1)(introductory paragraph) and (C)(1)(introductory
4 paragraph), 1371.1(introductory paragraph), (5), and (6), 1378(F)(34)(introductory
5 paragraph), (a), and (c), 1472(12)(F)(IV), 1823(4)(e), 1829(G), 2061(introductory
6 paragraph) and (10), and 3004(A)(1), R.S. 25:33(B)(4), R.S. 28:2(14) and (20), 22.5,
7 22.7(A), 22.9, 22.10, 25.1(C)(1)(a)(v), 50(1) and (3), 52(B) and (G), 55(G), 64(B)
8 through (G), 146, 148, 172(A), the heading of Part VIII of Chapter 1 of Title 28 of
9 the Louisiana Revised Statutes of 1950, 200 through 205, 215.5(B)(5), the heading
10 of Chapter 5 of Title 28 of the Louisiana Revised Statutes of 1950, 475, 476, 477(1)
11 and (3)(a)(introductory paragraph) and (b), 478(A), 831(A)(introductory paragraph),
12 (2), (3), (C)(1)(a) and (b)(i) through (iii), (E), and (F)(1), (4), and (5), 854(A)(2) and
13 (3), 864(A)(2) and (3), 874(A)(2) and (3), 904(A)(2) and (3), and 915(A)(2), R.S.
14 29:403(8), 726(E)(17)(a) and (20)(a)(i) and (iii)(aa), and 729(E)(13)(a)(i) and
15 (iii)(aa), R.S. 32:295.1(D)(1), (2)(a), and (3)(a), 351(A)(2), 401(introductory
16 paragraph) and (9), 403.2, and 863.1(C)(7), R.S. 33:1236(42), 1947(C)(2), 2411,
17 4720.62(C), 4720.112(C), and 4720.138(C), R.S. 36:151(B), 251(B), and
18 254(A)(10)(c) and (h), (B)(9), and (E)(1), R.S. 37:752(9)(a), (c)(ii), and (d)(ii),
19 775(A)(10), 776(A)(9)(b) and (10)(b), 961(2), 1360.64(C)(1), 2363(C)(1), and 3003,
20 R.S. 38:2261(A), (B), (E)(2), (3)(introductory paragraph) and (a), (4), (5), and (7),
21 R.S. 39:302, 362(B)(3)(a)(iii) and (4)(a) and (F), 1484(B)(1)(introductory paragraph)
22 and (h), (2)(c), and (5)(introductory paragraph) and (a), 1494.1(A)(3), 1554(D)(3),
23 1594(I)(1), 1595.4(A) and (E)(2), (3)(introductory paragraph) and (a), (4), (5), and
24 (7), and 1952(14)(introductory paragraph) and (e), R.S. 40:5(18), 384(11), 442(2),
25 501(A)(2), 1299.27(A), (B)(introductory paragraph) and (2), and (C), 1299.52,
26 1299.58(A)(introductory paragraph), (1), and (3), 1299.78.5(A)(1) and (2),
27 1299.113(A)(4), 1299.114(9), 1299.118(3), 1299.119(A), 1300.85(C),
28 1300.361(B)(introductory paragraph), 1355(B), 1379.3(C)(5), 1400(A) and (C)
29 through (F), 1472.3(E)(2)(d), 1485.2(3), 1563(C)(6), 1573.1(A), 1574.1(A)(13)(a),

1 1730.39(B), 1730.66(A), 1735, 1742(A)(1), (3), and (4)(a), (B)(1), (2)(c), and (6),
2 and (C), 1742.1, 1742.2(A)(1), (3), and (4) and (B)(1), the heading of Part V-A of
3 Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, 1748(A), 2009.21,
4 2009.25(F)(12), 2010.8(A)(2)(b)(v) and (vi), 2013(6), 2013.2, 2013.3, 2017(A)(1),
5 (2), and (4), 2102(A)(3), 2113.5, 2116(B)(1) and (G), 2142(A), 2405.5(A) and (B)(1)
6 and (2)(c) through (f), and 2471, R.S. 42:808(E), R.S. 46:51(8) and (13), 53(B),
7 56(B)(2) and (H)(1), 61(A)(3), the heading of Subpart A of Part I of Chapter 3 of
8 Title 46 of the Louisiana Revised Statutes of 1950, 151, 156(A) and (C), 230.1(A),
9 231.6(B), 437.14(A)(7), the heading of Part III of Chapter 4 of Title 46 of the
10 Louisiana Revised Statutes of 1950, 541, 932(9) and (10), 1053(E),
11 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), (1), and
12 (3), 1953(A), (B)(introductory paragraph), (C), and (D), 1954, 1955, 1956(A), 1957,
13 1959, the heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of
14 1950, the heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the
15 Louisiana Revised Statutes of 1950, 2251, 2252(B), 2253(1), (2), (4), and (5),
16 2254(A), (F)(1), (2), (4), and (5), (G)(introductory paragraph), (I), and (J), 2255,
17 2256(A) and (B), 2582(1), (2), (4), and (6), 2584(introductory paragraph), (4), and
18 (5), and 2673(C)(5), R.S. 47:34(C)(2)(introductory paragraph) and (d)(ii), 44.1(B),
19 79(A)(2) and (B)(5), 287.749(C)(2)(introductory paragraph) and (d)(ii), 305.38,
20 305.69(B)(2) and (3), 337.9(D)(17), 360(G), 463.4(A)(1), (2), (4), and (6), (B)(1),
21 (2), (3)(a), (4)(a) and (b), (5), and (6), (C)(2), (D), (E)(1)(introductory paragraph),
22 (F), (G)(1) through (5) and (7), (I), (J)(1) through (3), (4)(introductory paragraph),
23 (a), (c), and (d), (K), and (L), 463.4.1(A), 463.4.2(A)(1) and (B)(1) and (4),
24 463.4.3(A), 463.5(C), 463.21(A), 463.51(D)(2), 473.2(B) and (D), 490.4(E), 492(E),
25 and 1061(B), R.S. 48:23(B) and 261(A)(1), R.S. 49:121(E), the heading of Subpart
26 D of Part VII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950,
27 148, and 148.1(G)(1), (H), and (I), R.S. 51:1402(4), 1407(C) and (D)(1) through (3)
28 and (4)(introductory paragraph), (b), (c), and (f), 2232(11)(a)(ii), 2303(3),
29 2312(A)(3), 2602(A), 2603(9)(a)(introductory paragraph), 2606(A)(3) through (5),

1 (6)(a)(introductory paragraph), (b)(introductory paragraph), (c)(i), (iii)(aa) and (bb),
2 (d), and (B), 2607(A) and (C), and 2608, R.S. 56:104.1(A), 109(A), 302.1(F)(1) and
3 (3) through (5), 302.3(B)(2)(b) and (4)(b), 1699(A), (B), (C)(1) and (2), and (D), and
4 1762(C)(6) and (7), the heading of Section 12 of Chapter 1 of Title VIII of Book I
5 of the Louisiana Civil Code and Civil Code Articles 354, 356, 358 through 360, and
6 3107, Code of Criminal Procedure Articles 334.4(A)(7), 573.1, 648(B)(3)(q) through
7 (s), 658(A), 814(A)(58), and 905.5.1(A) through (G), (H)(1), (2)(introductory
8 paragraph), and (n), Code of Evidence Article 510(B)(2)(k) and (C)(2)(f), and
9 Children's Code Articles 559(B)(introductory paragraph) and (C)(introductory
10 paragraph), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3) and (G),
11 837.1(A)(3), 894(introductory paragraph) and (3), 895(A), 910(E), 916, 1003(9),
12 1125(B), 1402(1) and (3), 1404(15) through (17) and (24), 1405(C), 1416(D) and
13 (E), 1417(A), 1420(A), 1451(A), 1465(A) and (B), 1467(B)(1), 1468(A), and
14 1469(A), to enact R.S. 28:64(H) and (I) and Children's Code Article
15 1003(introductory paragraph), and to repeal R.S. 17:348(C), Part IX of Chapter 1 of
16 Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:211 and
17 213, R.S. 40:2113.1, Chapter 9 of Title 46 of the Louisiana Revised Statutes of 1950,
18 comprised of R.S. 46:981 and 982, Chapter 27 of Title 46 of the Louisiana Revised
19 Statutes of 1950, comprised of R.S. 46:2111 through 2114, Chapter 33 of Title 46
20 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2391 through 2397,
21 and Chapter 53 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of
22 R.S. 46:2681, relative to laws that refer to persons with disabilities and other persons
23 with exceptionalities; to delete and make substitutions for obsolete, derogatory, or
24 offensive terms; to provide for corrections in names of agencies, institutions, private
25 organizations, and other entities; to remove references to offices, bureaus, and other
26 subdivisions of state agencies and to programs, funds, and services that have
27 otherwise been repealed or no longer exist; to provide for revision of terminology
28 relative to persons with disabilities in administrative rules, policy documents,
29 professional resources, reference materials, manuals, and other publications; to make

1 technical changes and corrections; to provide for legislative intent; to provide for
2 construction; and to provide for related matters.

3 Notice of intention to introduce this Act has been published
4 as provided by Article III, Section 13 and Article X, Section
5 29(C) of the Constitution of Louisiana.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 4:163.1(D)(2)(d) and 715(B)(2) are hereby amended and reenacted
8 to read as follows:

9 §163.1. Parish license fees for conducting race meetings

10 * * *

11 D.

12 * * *

13 (2) The avails of the license fee collected pursuant to this Subsection shall
14 be allocated by the parish governing body as follows:

15 * * *

16 (d) The Arc of Caddo-Bossier Association of

17 ~~Retarded Citizens~~ 1.3 %

18 * * *

19 §715. Personnel to hold games; commissions or salaries; equipment and supplies;
20 expenses

21 * * *

22 B.

23 * * *

24 (2) Notwithstanding any provision of law to the contrary, any person,
25 association, or corporation licensed to hold, operate, or conduct any games of chance
26 that benefit ~~the visually and hearing impaired or either, paraplegics, quadriplegics,~~
27 mentally retarded, persons with visual or hearing impairments, paraplegia,
28 quadriplegia, intellectual disabilities, or persons sixty years of age or older, under
29 any license issued pursuant to this Chapter, may compensate for services rendered,

1 any fifteen employees who assist in the holding, operating, or conducting of such
 2 games. The rate of compensation shall be no more than ten dollars per hour and in
 3 any event shall not exceed fifty dollars per session for any employee. Each
 4 employee or volunteer worker may also be provided meals and beverages to be eaten
 5 on the premises not to exceed a total value of fifteen dollars per person. Expenditures
 6 made under the provisions of this Subsection shall be subject to the reporting
 7 provisions of R.S. 4:716. Compensation provided for in this Subsection shall not
 8 constitute a violation of the prohibition against the payment or giving of a
 9 commission, salary, compensation, reward, or recompense to any person holding,
 10 operating, or conducting, or assisting in the holding, operation, or conduct of any
 11 such game.

12 Section 2. R.S. 6:747(A) is hereby amended and reenacted to read as follows:

13 §747. Contract for savings programs

14 A. School savings. An association may contract with the proper authorities
 15 of any public or nonpublic elementary or secondary school or institution of higher
 16 learning, or any public or charitable institution caring for minors or ~~disabled~~
 17 with disabilities, for the participation and implementation by the association, in any
 18 school or institutional thrift or savings plan, and it may accept funds for shares or
 19 savings accounts at such a school or institution, either by its own collector or by any
 20 representative of the school or institution.

21 * * *

22 Section 3. R.S. 9:1613, 2799(A)(2) and (B)(1), 2799.3, the heading of Part V-A of
 23 Chapter 2 of Code Title XII of Code Book III of Title 9 of the Louisiana Revised Statutes
 24 of 1950, and 3541.21(1) and (3) are hereby amended and reenacted to read as follows:

25 §1613. Disposition of funds; apportionment and allocation

26 Any funds realized from any such administration or compromise shall be paid
 27 into the state treasury and credited to the treasurer's special fund for the payment of
 28 old age assistance, aid to dependent children, aid to the needy blind, ~~mothers' and~~
 29 ~~child health services~~ health services for mothers and their children, and aid to

1 §2799.3. Limitation of liability of restaurants, schools, churches, civic
2 organizations, and certain food donors for damages from donated food

3 No person shall have a cause of action against a restaurant, church, civic
4 organization, or school, or against any individual, farmer, manufacturer, processor,
5 packer, wholesaler, or retailer of food who donates perishable, salvageable food
6 which is prepared and subsequently donated by the restaurant, church, civic
7 organization, or school to a facility which operates an on-premises feeding program
8 for ~~the persons who are needy, the ill, the handicapped~~ or have a disability, infants,
9 or individuals or families in need of assistance for damages caused by the condition
10 of the food, unless the damages result from the intentional act or omission or the
11 negligence of the restaurant or donor.

12 * * *

13 PART V-A. HOME SOLICITATION OF ~~AGED PERSONS~~

14 PERSONS WHO ARE AGED

15 §3541.21. Definitions

16 In this Part, the following words and terms have these meanings:

17 (1) ~~"Aged person"~~ "Person who is aged" means a natural person who is
18 sixty-five years of age or older.

19 * * *

20 (3) ~~"Disabled person"~~ "Person with a disability" means a natural person who
21 has a physical or mental impairment which substantially limits one or more major
22 life activities.

23 * * *

24 Section 4. R.S. 11:202, 203(A) and (C), 204(A), 206, 207(A) and (B), 208 through
25 210, 211(A) and (B), 213(A), 215(A), 218(A), (C), and (D)(3), 293(C), 701(19), 768(D)(2),
26 778(A), (B), and (D), 783(G)(1)(a), (I)(1)(a), and (K)(1), 784(C)(2) and (E), 804, 805(A) and
27 (B), 901.36, 901.37, 952.36, 1147(A) and (C)(1), 1151(D), 1151.1(B)(1), (C)(2), and (D)(1),
28 1313(A), (B)(introductory paragraph), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1),
29 1345.8(B), 1402(5), 1431, 1432(A)(introductory paragraph), 1442, 1483(B), 1503(6),

1 1522(A)(1)(introductory paragraph) and (B)(introductory paragraph), 1523(G), 1530(K)(3),
 2 1614(D), 1634(A) and (B)(introductory paragraph), 1636(B)(5), 1732(20), 1758(A) and (F),
 3 1763(J)(2), 1784(introductory paragraph), 1785(A)(2), 1804(introductory paragraph),
 4 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(introductory paragraph),
 5 1945(A)(2), 1964(A)(introductory paragraph), 1974(A), 2074(A) and (B)(1)(introductory
 6 paragraph), 2077(A)(introductory paragraph) and (B)(introductory paragraph) and (2),
 7 2144(K), 2165.6(A) and (B)(introductory paragraph), 2178(B)(introductory paragraph),
 8 (1)(b), and (3)(c) and (C)(1)(c)(iv)(aa), 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and
 9 (B)(2)(a)(ii), 2221(K)(4)(a) and (M), 2223(A)(1), 2241.7(A)(1), 2241.8(2)(a)(ii),
 10 2242.7(A)(1), 2242.8(2)(a)(ii), 2256(B)(2)(a) and (3), 2256.2(A), 2257(K)(4), 2258(A),
 11 (B)(introductory paragraph) and (1)(c) and (d), (2)(a), and (C) through (E), 2259(A)(1),
 12 3005.1(I)(2) and (J)(4), 3039.1(K)(4), 3041(B), 3101, 3107(5), 3113(6), 3132, 3143(1) and
 13 (2), 3145(D), 3166(A), 3178(C)(2), 3192, 3200(1) and (2), 3222, 3232(A), (B), and (C),
 14 3281, 3288(B)(5), 3293(1), 3317(C)(5), 3322(B)(1)(a), 3341(A), 3346(3), 3363(A), 3377(A),
 15 3378(A)(1)(g) and (2)(c), 3385.1(K)(6) and (7)(f), 3402, 3410(5), 3431, 3438(B)(4)(b) and
 16 (5)(b), 3442(1) through (4), 3447(C), 3461, 3473(1) through (4), 3514(A), 3515(B),
 17 3516(C)(1) and (2), 3548(A), 3552(A) and (B), 3553(B)(2), 3601(A), 3605(A)(5), 3609(A),
 18 3644, 3645(E), 3647(E) and (F), 3685.1(B)(2)(a) and (D), 3686(B)(1)(a) and (b), 3724(1)
 19 through (3), 3731(introductory paragraph) and (B), 3761, 3771(2)(a)(introductory
 20 paragraph), 3773, 3778(A), 3780, 3791, 3802(3) and (4), 3804(A), 3805, and 3808 are
 21 hereby amended and reenacted to read as follows:

22 §202. District Attorneys' Retirement System

23 A member who ~~becomes disabled~~ acquires a disability, and who files for
 24 disability benefits while in service, and who upon medical examination and
 25 certification, as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~
 26 have a total disability for any cause, shall be entitled to disability benefits under the
 27 provisions of R.S. 11:1634(B) provided the member has at least ten years of
 28 creditable service and provided that the disability was incurred while the member
 29 was an active contributing member in active service. However, if the application for

1 disability benefits is not filed while the member is in service, it shall be presumed
2 that the disability was not incurred while the member was an active contributing
3 member in active service. Such presumption may be overcome only by clear,
4 competent, and convincing evidence that the disability was incurred while the
5 member was an active contributing member in active service.

6 §203. Teachers' Retirement System

7 A. A member who ~~becomes disabled~~ acquires a disability, and who files for
8 disability benefits while in service, and who upon medical examination and
9 certification, as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~
10 have a total disability for any cause, shall be entitled to disability benefits under the
11 provisions of R.S. 11:778 and 779, provided that the disability was incurred while
12 the member was an active contributing member in active service. However, if the
13 application for disability benefits is not filed while the member is in service, it shall
14 be presumed that the disability was not incurred while the member was an active
15 contributing member in active service. Such presumption may be overcome only by
16 clear, competent, and convincing evidence that the disability was incurred while the
17 member was an active contributing member in active service.

18 * * *

19 C. A member covered by R.S. 11:801 of this system, who ~~becomes disabled~~
20 acquires a disability, and who files for disability benefits while in service, and who
21 upon medical examination and certification as provided for elsewhere in this
22 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
23 entitled to disability benefits under the provisions of R.S. 11:805, provided the
24 member has at least five years of creditable service, and provided that the disability
25 was incurred while the member was an active contributing member in active service.
26 However, if the application for disability benefits is not filed while the member is in
27 service, it shall be presumed that the disability was not incurred while the member
28 was an active contributing member in active service. Such presumption may be

1 overcome only by clear, competent, and convincing evidence that the disability was
2 incurred while the member was an active contributing member in active service.

3 §204. School Employees' Retirement System

4 A. A member who ~~becomes disabled~~ acquires a disability, and who files for
5 disability benefits while in service, and who upon medical examination and
6 certification, as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~
7 have a total disability for any cause, shall be entitled to disability benefits under the
8 provisions of R.S. 11:1147(C), provided that the disability was incurred while the
9 member was an active contributing member in active service. However, if the
10 application for disability benefits is not filed while the member is in state service, it
11 shall be presumed that the disability was not incurred while the member was an
12 active contributing member in active service. Such presumption may be overcome
13 only by clear, competent, and convincing evidence that the disability was incurred
14 while the member was an active contributing member in active service.

15 * * *

16 §206. Registrars of Voters Employees' Retirement System

17 A member who ~~becomes disabled~~ acquires a disability, and who files for
18 disability benefits while in service, and who upon medical examination and
19 certification, as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~
20 have a total disability for any cause, shall be entitled to disability benefits under the
21 provisions of R.S. 11:2074(B), provided the member has at least ten years of
22 creditable service, and provided that the disability was incurred while the member
23 was an active contributing member in active service. However, if the application for
24 disability benefits is not filed while the member is in service, it shall be presumed
25 that the disability was not incurred while the member was an active contributing
26 member in active service. Such presumption may be overcome only by clear,
27 competent, and convincing evidence that the disability was incurred while the
28 member was an active contributing member in active service.

1 §207. Sheriffs' Pension and Relief Fund

2 A. A member who ~~becomes disabled~~ acquires a disability, and who files an
3 application for disability benefits while in service, and who upon medical
4 examination and certification as provided for elsewhere in this Subpart, is found to
5 ~~be totally disabled~~ have a total disability solely as the result of injuries sustained in
6 the performance of his official duties, shall be entitled to disability benefits under
7 the provisions of R.S. 11:2178(B)(1).

8 B. A member who ~~becomes disabled~~ acquires a disability, and who files for
9 disability benefits while in service, and who upon medical examination and
10 certification as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~
11 have a total disability for any cause other than injuries sustained in the performance
12 of his official duties, provided the member has at least ten years of creditable service,
13 and provided that the disability was incurred while the member was an active
14 contributing member in active service, shall be entitled to disability benefits under
15 the provisions of R.S. 11:2178(B)(3).

16 * * *

17 §208. Municipal Police Employees' Retirement System

18 A member who ~~becomes disabled~~ acquires a disability, and who files for
19 disability benefits while in service, and who upon medical examination and
20 certification as provided for elsewhere in this Subpart is found to ~~be totally disabled~~
21 have a total disability solely as the result of injuries sustained in the performance of
22 his official duties, or for any cause if the member has at least ten years of creditable
23 service, provided that the disability was incurred while the member was an active
24 contributing member in active service, shall be entitled to disability benefits under
25 the provisions of R.S. 11:2223(B). However, if the application for disability benefits
26 is not filed while the member is in service, it shall be presumed that the disability
27 was not incurred while the member was an active contributing member in active
28 service. Such presumption may be overcome only by clear, competent, and

1 convincing evidence that the disability was incurred while the member was an active
2 contributing member in active service.

3 §209. Parochial Employees' Retirement System

4 A. A member covered by Plan A of this system, who ~~becomes disabled~~
5 acquires a disability, and who files for disability benefits while in service, and who
6 upon medical examination and certification, as provided for elsewhere in this
7 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
8 entitled to disability benefits under the provisions of R.S. 11:1943 and 1944,
9 provided the member has at least five years of creditable service, and provided that
10 the disability was incurred while the member was an active contributing member in
11 active service. However, if the application for disability benefits is not filed while
12 the member is in service, it shall be presumed that the disability was not incurred
13 while the member was an active contributing member in active service. Such
14 presumption may be overcome only by clear, competent, and convincing evidence
15 that the disability was incurred while the member was an active contributing member
16 in active service.

17 B. A member covered by Plan B of this system who ~~becomes disabled~~
18 acquires a disability, and who files for disability benefits while in service, and who
19 upon medical examination and certification, as provided for elsewhere in this
20 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
21 entitled to disability benefits under the provisions of R.S. 11:1963 and 1964,
22 provided the member has at least five years of creditable service, and provided that
23 the disability was incurred while the member was an active contributing member in
24 active service. However, if the application for disability benefits is not filed while
25 the member is in service, it shall be presumed that the disability was not incurred
26 while the member was an active contributing member in active service. Such
27 presumption may be overcome only by clear, competent, and convincing evidence
28 that the disability was incurred while the member was an active contributing member
29 in active service.

1 C. A member covered by Plan C of this system who ~~becomes disabled~~
2 acquires a disability, and who files for disability benefits while in service, and who
3 upon medical examination and certification, as provided for elsewhere in this
4 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
5 entitled to disability benefits under the provisions of R.S. 11:1973 and 1974,
6 provided the member has at least five years of creditable service, and provided that
7 the disability was incurred while the member was an active contributing member in
8 active service. However, if the application for disability benefits is not filed while
9 the member is in service, it shall be presumed that the disability was not incurred
10 while the member was an active contributing member in active service. Such
11 presumption may be overcome only by clear, competent, and convincing evidence
12 that the disability was incurred while the member was an active contributing member
13 in active service.

14 §210. Municipal Employees' Retirement System

15 A. A member covered by Plan A of this system, who ~~becomes disabled~~
16 acquires a disability, and who files for disability benefits while in service, and who
17 upon medical examination and certification, as provided for elsewhere in this
18 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
19 entitled to disability benefits under the provisions of R.S. 11:1784, provided the
20 member has at least five years of creditable service, and provided that the disability
21 was incurred while the member was an active contributing member in active service.
22 However, if the application for disability benefits is not filed while the member is in
23 service, it shall be presumed that the disability was not incurred while the member
24 was an active contributing member in active service. Such presumption may be
25 overcome only by clear, competent, and convincing evidence that the disability was
26 incurred while the member was an active contributing member in active service.

27 B. A member covered by Plan B of this system, who ~~becomes disabled~~
28 acquires a disability, and who files for disability benefits while in service, and who
29 upon medical examination and certification as provided for elsewhere in this

1 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
2 entitled to disability benefits under the provisions of R.S. 11:1804, provided the
3 member has at least ten years of creditable service, and provided that the disability
4 was incurred while the member was an active contributing member in active service.
5 However, if the application for disability benefits is not filed while the member is in
6 service, it shall be presumed that the disability was not incurred while the member
7 was an active contributing member in active service. Such presumption may be
8 overcome only by clear, competent, and convincing evidence that the disability was
9 incurred while the member was an active contributing member in active service.

10 §211. Louisiana State Police Retirement System

11 A. A member whose first employment making him eligible for membership
12 in one of the state systems occurred on or before December 31, 2010, who ~~becomes~~
13 ~~disabled~~ acquires a disability, and who files for disability benefits while in service,
14 and who upon medical examination and certification as provided for elsewhere in
15 this Subpart is found to ~~be either totally or partially disabled~~ have either a total or
16 partial disability solely as the result of injuries sustained in the performance of his
17 official duties, or ~~totally disabled~~ to have a total disability for any cause, provided
18 the member has at least five years of creditable service, and provided that the
19 disability was incurred while the member was an active contributing member in
20 active service, shall be entitled to disability benefits under the provisions of R.S.
21 11:1313(B).

22 B. A member whose first employment making him eligible for membership
23 in one of the state systems occurred on or after January 1, 2011, who ~~becomes~~
24 ~~disabled~~ acquires a disability and who files for disability benefits while in service,
25 and who upon medical examination and certification as provided for elsewhere in
26 this Subpart is found to ~~be either totally or partially disabled~~ have either a total or
27 partial disability solely as the result of injuries sustained in the performance of his
28 official duties, or ~~totally disabled~~ to have a total disability for any cause, provided
29 the member has at least ten years of creditable service, and provided that the

1 disability was incurred while the member was an active contributing member in
2 active service, shall be entitled to disability benefits under the provisions of R.S.
3 11:1345.7.

4 * * *

5 §213. Assessors' Retirement Fund

6 A. A member who ~~becomes disabled~~ acquires a disability, and who files for
7 disability benefits while in service, and who upon medical examination and
8 certification as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~
9 have a total disability solely as the result of injuries sustained in the performance of
10 his official duties, or for any cause, provided the member has at least twelve years
11 of creditable service, and provided that the disability was incurred while the member
12 was an active contributing member in active service, shall be entitled to disability
13 benefits under the provisions of R.S. 11:1432. However, if the application for
14 disability benefits is not filed while the member is in service, it shall be presumed
15 that the disability was not incurred while the member was an active contributing
16 member in active service. Such presumption may be overcome only by clear,
17 competent, and convincing evidence that the disability was incurred while the
18 member was an active contributing member in active service.

19 * * *

20 §215. Firefighters' Retirement System

21 A. A member who ~~becomes disabled~~ acquires a disability, and who files for
22 disability benefits while in service, and who upon medical examination and
23 certification as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~
24 have a total disability solely as the result of injuries sustained in the performance of
25 his official duties, or for any cause, provided the member has at least five years of
26 creditable service and provided that the disability was incurred while the member
27 was an active contributing member in active service, shall be entitled to disability
28 benefits under the provisions of R.S. 11:2258(B).

29 * * *

1 §218. Application and examination procedures; certification of disability

2 A. Any eligible member of a state or statewide retirement system listed in
3 this Subpart who ~~becomes disabled~~ acquires a disability may apply for disability
4 benefits to the board of trustees of the retirement system of which he is a member.
5 The board of trustees shall require the supervisor of the applicant to submit to the
6 board a report which shall include a brief history of the case and the supervisor's
7 opinion as to the applicant's present ability to perform the normal duties required of
8 him.

9 * * *

10 C. The examining physician shall submit to the appropriate board of trustees
11 an in-depth report which shall include a medical evaluation and his conclusions as
12 to the applicant's claimed disability. Each member of the State Medical Disability
13 Board and any board designated physician shall have full authority to certify total
14 disability in those applicants whom he examines. An applicant shall be considered
15 as certified ~~totally disabled~~ as having a total disability if in the in-depth report
16 submitted by the examining physician to the board of trustees, the physician declares
17 the applicant to be totally incapacitated for the further performance of his normal
18 duties and states that such incapacity is likely to be permanent. In the case of partial
19 disability, the physician shall indicate the degree of incapacity.

20 D.

21 * * *

22 (3) If the second examining physician disagrees with the findings and
23 recommendations of the first physician, the two physicians shall select a third
24 specialist to conduct another examination and prepare and file a third report in the
25 same manner as provided for above. The majority opinion of the three examining
26 physicians shall be final and binding and not subject to further appeal other than
27 through the courts. The cost of the third medical examination shall be borne by the

1 retirement system of the applicant if he is certified as ~~disabled~~ having a disability,
2 or by the applicant if his disability claim is denied.

3 * * *

4 §293. Forfeiture of retirement benefits; public corruption crimes

5 * * *

6 C. Notwithstanding the provisions of Subsection B of this Section, survivor
7 benefits being received by the surviving unmarried spouse, the surviving minor
8 child, or the surviving ~~physically or mentally handicapped~~ child with a physical or
9 mental disability who is entitled to a survivor benefit of a deceased public servant
10 convicted of a public corruption crime shall be based solely on the amount of the
11 public servant's benefit forfeited to the retirement system and shall not be based on
12 any amount remitted to the public servant.

13 * * *

14 §701. Definitions

15 * * *

16 (19) "Minor child" means an unmarried child under the age of twenty-one
17 years or an unmarried student under the age of twenty-three years who is the issue
18 of a marriage of a member of this system, the legally adopted child of a member of
19 this system, a child born outside of marriage of a female member of this system, or
20 the child of a male member of this system if a court of competent jurisdiction has,
21 pursuant to the provisions of the Civil Code rendered a judgment of filiation
22 declaring the paternity of such member for the child. An unmarried child who ~~has~~
23 ~~become mentally disabled or totally and permanently disabled~~ acquires a mental
24 disability or a total and permanent physical disability prior to age twenty-one, as
25 certified by the medical board, shall be considered a "minor child" for the purposes
26 of the benefit provisions of this Chapter and shall remain a "minor child" provided
27 the medical board certifies he ~~is mentally disabled or totally and permanently~~

1 procedures governing the restoration to active service of ~~a formerly disabled~~ an
2 employee who formerly had a disability are specifically described and provided for
3 in R.S. 11:201 through 224.

4 B. The board of trustees shall award disability benefits to eligible members
5 who have been officially certified as ~~disabled~~ having a disability by the State
6 Medical Disability Board.

7 * * *

8 D. Disability retirees whose first employment making them eligible for
9 membership in one of the state systems occurred on or before December 31, 2010,
10 and who had at least fifteen years of service prior to being certified as ~~disabled~~
11 having a disability and who have been receiving disability benefits for at least ten
12 years and who have attained at least age fifty shall be eligible to convert from
13 disability benefits to regular retirement benefits, provided that any such retiree's
14 regular retirement benefits shall be based on the number of years actually credited
15 to the member's account, and provided that such conversion does not produce a
16 benefit that creates an actuarial cost to the system.

17 * * *

18 §783. Selection of option for method of payment after death of member

19 * * *

20 G.(1)(a) Notwithstanding any other provision of law to the contrary, if
21 Option 2, 2A, 3, 3A, 4, 4A, or the Initial Lump-Sum Benefit of Subsection A of this
22 Section was selected, and the retiree's designated beneficiary, who is not the spouse
23 of the retiree, is officially certified as ~~permanently disabled~~ having a permanent
24 disability by the State Medical Disability Board, the originally selected option shall
25 be considered revoked.

26 * * *

27 I.(1)(a) Notwithstanding any other provision of law to the contrary, if Option
28 2, 2A, 3, 3A, 4, 4A, or the Initial Lump-Sum Benefit of Subsection A of this Section
29 was selected, and the retiree's designated beneficiary, who is not the spouse of the

1 retiree, is officially certified as ~~mentally retarded~~ having an intellectual disability by
2 the State Medical Disability Board, the originally selected option shall be considered
3 revoked if such selection or receipt of benefits would cause the designated
4 beneficiary to become ineligible for federal benefits of greater value.

5 * * *

6 K.(1) If both an optional benefit under Subsection A of this Section and a
7 survivor benefit under R.S. 11:762(C) and/or (I) are applicable, only the larger
8 benefit shall be owed and paid. Notwithstanding any other provision of law to the
9 contrary, if one of the Options 2 through 4A of Subsection A of this Section was
10 selected, and the retiree's designated beneficiary is not the spouse of the retiree, and
11 the child is ~~totally and permanently disabled~~ has a total and permanent disability and
12 the mental or physical incapacity is certified by the State Medical Disability Board,
13 the optional benefit, when it becomes payable, shall be paid to the person having
14 legal custody of the property of the child.

15 * * *

16 §784. Payment of benefits

17 * * *

18 C.

19 * * *

20 (2) Paragraph (1) shall not apply to any portion of a member's benefit which
21 is payable to or for the benefit of a designated beneficiary or beneficiaries, over the
22 life of or over the life expectancy of such beneficiary, so long as such distributions
23 begin not later than one year after the date of the member's death, or, in the case of
24 the member's surviving spouse, the date the member would have attained the age of
25 seventy and one-half years. If the designated beneficiary is the member's surviving
26 spouse and if the surviving spouse dies before the distribution of benefits
27 commences, then Paragraph (1) shall be applied as if the surviving spouse were the
28 member. If the designated beneficiary is a child of the member, for purposes of
29 satisfying the requirement of Paragraph (1), any amount paid to such child shall be

1 treated as if paid to the member's surviving spouse if such amount would become
 2 payable to such surviving spouse (if alive) upon the child's reaching age eighteen or,
 3 if later, upon the child's completing a designated event. For purposes of the
 4 preceding sentence, a designated event shall be the later of the date the child ~~is no~~
 5 ~~longer disabled~~ no longer has a disability or the date the child ceases to be a full-time
 6 student (or attains age twenty-three, if earlier).

7 * * *

8 E. If by operation of law or by action of the board of trustees a survivor
 9 benefit is payable to a specified person or persons, the member shall be considered
 10 to have designated such person as an alternate beneficiary hereunder. If there is
 11 more than one such person, then the youngest ~~disabled~~ child with a disability shall
 12 be considered to have been so designated, or, if none, then the youngest person
 13 entitled to receive a survivor benefit shall be considered to have been so designated.
 14 The designation of a designated beneficiary hereunder shall not prevent payment to
 15 multiple beneficiaries but shall only establish the permitted period of payments.

16 * * *

17 §804. Eligibility for disability retirement

18 An active contributing member covered by R.S. 11:801, who becomes
 19 disabled, and who files for disability benefits while in service, and who upon medical
 20 examination and certification as provided for in R.S. 11:201 through ~~R.S. 11:224~~, is
 21 found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled to
 22 disability benefits under the provisions of R.S. 11:805, provided the member has at
 23 least five years of creditable service.

24 §805. Computation of disability benefits

25 A. Eligibility for disability retirement, procedures for application for
 26 disability benefits, procedures for the certification of continuing eligibility for
 27 disability benefits, the authority of the board of trustees to modify disability benefits,
 28 and procedures governing the restoration to active service of a ~~formerly disabled~~ an

1 employee who formerly had a disability are specifically described and provided for
2 in R.S. 11:201 through 224.

3 B. The retirement system shall award disability benefits to eligible members
4 who have been officially certified as ~~disabled~~ having a disability by the State
5 Medical Disability Board. The disability benefit shall be determined as follows.

6 * * *

7 §901.36. Disability payments to teachers; amount; parish school boards' authority
8 to pay

9 Whenever a teacher ~~becomes disabled or incapacitated~~ acquires a disability
10 or incapacitating condition and has been employed as a teacher in a particular parish
11 for a period of twenty-five years or more, the parish school board of the parish is
12 authorized to pay him, upon his application, an amount which, when added to any
13 retirement benefits received by the teacher, shall not exceed one-half his monthly
14 salary during the last year of his employment in the public schools. The word
15 "teacher" as used in this Part means principal, supervisor, and superintendent of
16 public schools, as well as ~~class-room~~ classroom teachers.

17 §901.37. Retirement of ~~disabled~~ teachers with disabilities by parish school boards;
18 authority; amount of retirement benefits

19 A parish school board may, upon the application of a ~~disabled or~~
20 ~~incapacitated~~ teacher with a disability or incapacitating condition, retire from regular
21 duty the teacher who has been on active duty as such in that parish for a period of
22 twenty-five years or more, whenever the board deems the retirement of the teacher
23 to be in the interest of the public school system. When so retired, the teacher shall
24 be entitled to an amount which, when added to any retirement benefits he may
25 receive, shall not exceed one-half his monthly salary during the last year of his
26 employment in the public schools.

27 * * *

1 §952.36. Disability retirement

2 A. Eligibility for disability benefits, procedures for application for disability
3 benefits, procedures for the certification of continuing eligibility for disability
4 benefits, the authority of the board of trustees to modify disability benefits, and
5 procedures governing the restoration to active service of ~~a formerly disabled~~ an
6 employee who formerly had a disability are specifically described and provided for
7 in R.S. 42:702 through ~~R.S. 42:706~~.

8 B. The board of trustees shall award disability benefits to eligible members
9 who have been officially certified as ~~disabled~~ having a disability by the State
10 Medical Disability Board. The disability benefit shall consist of:

11 A service retirement allowance computed on the basis of the member's
12 average regular compensation and years of credited service at the time of disability
13 retirement without any reduction for reason of age.

14 * * *

15 §1147. Disability retirement

16 A. Eligibility for disability benefits, procedures for application for disability
17 benefits, procedures for the certification of continuing eligibility for disability
18 benefits, the authority of the board of trustees to modify disability benefits, and
19 procedures governing the restoration to active service for ~~a formerly disabled~~ an
20 employee who formerly had a disability are specifically described and provided for
21 in R.S. 11:201 through 224.

22 * * *

23 C.(1) The board of trustees shall award disability benefits to eligible
24 members who have been officially certified as ~~disabled~~ having a disability by the
25 State Medical Disability Board.

26 * * *

27 §1151. Survivor benefits; members hired on or before June 30, 2010

28 * * *

1 D.(1) ~~The surviving totally physically handicapped or mentally disabled~~
2 ~~child or children~~ Any surviving child of a deceased member, whether under or over
3 the age of eighteen years, shall be entitled to the same benefits, payable in the same
4 manner as are provided by this Part for minor children, if the ~~totally physically~~
5 ~~handicapped or mentally disabled~~ child has a total physical disability or mental
6 disability, is dependent upon the surviving spouse or other legal guardian, and is not
7 receiving assistance from other state agencies. Should it be determined that the
8 ~~totally physically handicapped or mentally disabled~~ child with a total physical
9 disability or mental disability is receiving assistance from other state agencies, then
10 the amount of his benefit shall be reduced to an amount which, when added to the
11 other state assistance being received, does not exceed the maximum survivor benefit
12 payable.

13 (2) The applicant shall provide adequate proof of ~~handicap~~ physical or
14 mental disability of such surviving child or children and shall notify the board of any
15 subsequent changes in the child's condition to such an extent that the child is no
16 longer dependent upon the surviving spouse or legal guardian and any changes in the
17 assistance being received from other state agencies. The board may require a
18 certified statement of the child's eligibility status at the end of each calendar year.

* * *

§1151.1. Survivors' benefits; members hired on or after July 1, 2010

* * *

22 B.(1) A surviving spouse with a minor ~~or handicapped~~ child or a child with
23 a physical disability, or ~~mentally disabled~~ a child with a mental disability, or children
24 shall be paid per month, for so long as one or more children remain eligible for
25 benefits under Subsection C of this Section, fifty percent of the benefit to which the
26 member would have been entitled if he had retired on the date of his death using the
27 member's applicable accrual rate regardless of years of service or age, or six hundred
28 dollars per month, whichever is greater, provided the deceased member was an active
29 member at the time of death and had five or more years of service credit, at least two

1 years of which were earned immediately prior to death or provided the deceased
2 member had twenty or more years of service credit regardless of when earned or
3 whether the deceased member was in active service at the time of death.

4 * * *

5 C.

6 * * *

7 (2)(a) In addition to the amount payable in accordance with Subsection B of
8 this Section, ~~the surviving totally physically handicapped or mentally disabled child~~
9 ~~or children~~ any surviving child of a deceased member, whether under or over the age
10 of eighteen years, shall be entitled to the same benefits, payable in the same manner,
11 as are provided by this Section for minor children, if the child ~~was totally physically~~
12 ~~handicapped or mentally disabled~~ has a total physical disability or mental disability,
13 and had such disability at the time of the death of the member and is dependent upon
14 the surviving spouse or other legal guardian.

15 (b) The surviving spouse or legal guardian shall provide adequate proof of
16 ~~handicap~~ physical or mental disability of such surviving child or children and shall
17 notify the board of any subsequent changes in the child's condition which cause the
18 child to no longer be dependent upon the surviving spouse or legal guardian and any
19 changes in the assistance being received from other state agencies. The board may
20 require a certified statement of the child's eligibility status at the end of each calendar
21 year.

22 D.(1) A surviving spouse without a minor ~~or handicapped~~ child or a child
23 with a physical disability, or ~~mentally disabled~~ a child with a mental disability, or
24 children shall be paid per month, for the remainder of his life, the benefit payable in
25 accordance with R.S. 11:1150(B)(2) based on years of service that the member had
26 earned to the date of his death using the applicable accrual rate; or six hundred
27 dollars per month, whichever is greater, provided the surviving spouse had been
28 married to the deceased member for at least one year prior to death, and provided the
29 deceased member was an active member at the time of death and had ten or more

1 years of service credit, at least two years of which were earned immediately prior to
2 death or provided the deceased member had twenty or more years of service credit
3 regardless of when earned or whether the deceased member was in active service at
4 the time of death.

5 * * *

6 §1313. Disability retirement; eligibility

7 A. Eligibility for disability benefits, procedures for application for disability
8 benefits, procedures for the certification of continuing eligibility for disability
9 benefits, the authority of the board of trustees to modify disability benefits, and
10 procedures governing the restoration to active service of ~~a formerly disabled~~ an
11 employee who formerly had a disability are specifically described and provided for
12 in R.S. 11:201 through 224.

13 B. The board of trustees shall award disability benefits to any sworn,
14 commissioned law enforcement officer of the office of state police whose first
15 employment making him eligible for membership in one of the state systems
16 occurred on or before December 31, 2010, who is eligible and who has been
17 officially certified as ~~disabled~~ having a disability by the State Medical Disability
18 Board. The disability benefit shall be determined as follows:

19 * * *

20 C. The board of trustees shall award disability benefits to any sworn,
21 commissioned law enforcement officer of the office of state police whose first
22 employment making him eligible for membership in one of the state systems
23 occurred on or after January 1, 2011, who is eligible and who has been officially
24 certified as ~~disabled~~ having a disability by the State Medical Disability Board. The
25 disability benefit shall be determined as provided in R.S. 11:1345.7.

26 * * *

1 §1318. Pension of ~~physically handicapped or mentally disabled~~ children with
2 physical or mental disabilities of deceased employee hired on or before
3 December 31, 2010

4 A. ~~The surviving totally physically handicapped or mentally disabled child~~
5 ~~or children~~ Any child of a deceased member whose first employment making him
6 eligible for membership in one of the state systems occurred on or before December
7 31, 2010, whether under or over the age of eighteen years, shall be entitled to the
8 same benefits, payable in the same manner as provided by this Chapter for surviving
9 spouses, if the child has a total physical disability or mental disability.

10 B. The applicant shall provide adequate proof of ~~handicap~~ physical or mental
11 disability of such surviving child or children and shall notify the board of any
12 subsequent changes in the child's condition. The board may require a certified
13 statement of the child's eligibility status at the end of each calendar year.

14 * * *

15 §1323. Death of employee not in performance of duty; employees hired on or after
16 January 1, 2011

17 * * *

18 B.(1) A surviving spouse with a minor ~~or handicapped~~ child or child with a
19 physical disability, or ~~mentally disabled~~ a child with a mental disability, or children
20 shall be paid per month, for so long as one or more children remain eligible for
21 benefits under Subsection C of this Section, fifty percent of the benefit to which the
22 member would have been entitled if he had retired on the date of his death using the
23 member's applicable accrual rate regardless of years of service or age, or six hundred
24 dollars per month, whichever is greater, provided the deceased member was an active
25 member at the time of death and had five or more years of service credit, at least two
26 years of which were earned immediately prior to death or provided the deceased

1 member had twenty or more years of service credit regardless of when earned or
2 whether the deceased member was in active service at the time of death.

3 * * *

4 C.

5 * * *

6 (2)(a) In addition to the amount payable in accordance with Subsection B of
7 this Section, ~~the surviving totally physically handicapped or mentally disabled child~~
8 ~~or children~~ any surviving child of a deceased member, whether under or over the age
9 of eighteen years, shall be entitled to the same benefits, payable in the same manner,
10 as are provided by this Section for minor children, if the child ~~was totally physically~~
11 ~~handicapped or mentally disabled~~ has a total physical disability or mental disability,
12 and had such disability at the time of the death of the member and is dependent upon
13 the surviving spouse or other legal guardian.

14 (b) The applicant shall provide adequate proof of ~~handicap~~ physical or
15 mental disability of such surviving child or children and shall notify the board of any
16 subsequent changes in the child's condition to such an extent that the child is no
17 longer dependent upon the surviving spouse or legal guardian and any changes in the
18 assistance being received from other state agencies. The board may require a
19 certified statement of the child's eligibility status at the end of each calendar year.

20 D.(1) A surviving spouse without a minor ~~or handicapped~~ child or a child
21 with a physical disability, or ~~mentally disabled~~ a child with a mental disability, or
22 children shall be paid per month, for the remainder of his life, a benefit based on
23 years of service that the member had earned to the date of his death using the
24 applicable accrual rate, or six hundred dollars per month, whichever is greater,
25 provided the surviving spouse had been married to the deceased member for at least
26 one year prior to death, and provided the deceased member was an active member
27 at the time of death and had ten or more years of service credit, at least two years of
28 which were earned immediately prior to death or provided the deceased member had

1 twenty or more years of service credit regardless of when earned or whether the
2 deceased member was in active service at the time of death.

3 * * *

4 §1345.8. Survivors' benefit for members killed in the line of duty

5 * * *

6 B. If the member has a surviving spouse, ~~minor, or handicapped or mentally~~
7 ~~incapacitated~~ child or children who are minors, have a disability, or are mentally
8 incapacitated, the amount of the total benefit shall equal eighty percent of the
9 member's average compensation. The benefit shall be shared equally by the
10 surviving spouse and children. When a child who ~~is not handicapped or~~ neither has
11 a disability nor is mentally incapacitated no longer meets the definition of minor
12 child under R.S. 11:1301, his benefit shall cease, and the remaining beneficiaries
13 shall have their shares adjusted accordingly.

14 * * *

15 §1402. Definitions

16 As used in this Chapter, the following words and phrases shall have the
17 meanings ascribed to them unless the context clearly indicates otherwise:

18 * * *

19 (5) "Minor child" means a child who is less than the age of eighteen years
20 or who ~~is physically or mentally disabled~~ has a physical or mental disability,
21 regardless of age, who is the issue of a marriage of the member or former member,
22 the legally adopted child of a member or former member, the natural child of a
23 female member or former member, or the child of a male member or former member
24 if a court of competent jurisdiction has, during the lifetime of such male member or
25 former member, issued an order of filiation declaring the paternity of such male
26 member for the child.

27 * * *

1 §1431. Eligibility for disability retirement

2 Eligibility for disability benefits, procedures for application for disability
3 benefits, procedures for the certification of continuing eligibility for disability
4 benefits, the authority of the board of trustees to modify disability benefits, and
5 procedures governing the restoration to active service of ~~a formerly disabled~~ an
6 employee who formerly had a disability are specifically described and provided for
7 in R.S. 11:201 through 224.

8 §1432. Computation of disability retirement benefit

9 A. The board of trustees shall award disability benefits to eligible members
10 who have been officially certified as ~~disabled~~ having a disability by the State
11 Medical Disability Board. The disability benefit shall be the lesser of (1) or (2) as
12 set forth below:

13 * * *

14 §1442. Surviving minor children

15 Should a member of this fund die solely from injuries received in line of
16 duty, or should he die from natural causes after four years creditable service, and
17 should leave no surviving spouse, but should leave a child or children under the age
18 of eighteen years, or a child or children over the age of eighteen years who ~~are~~
19 ~~physically or mentally disabled~~ have a physical or mental disability and who are
20 dependent upon him or her for support, the sum of fifty dollars per month shall be
21 paid for one child, and ten dollars per month shall be paid for each additional child
22 until he reaches the age of eighteen years, or as long as he ~~is physically or mentally~~
23 ~~disabled~~ has a physical or mental disability.

24 * * *

25 §1483. Control and expenditure of funds; investments; warrants; expenses; deposits

26 * * *

27 B. All monies ordered to be paid from the retirement fund to any person or
28 persons, shall be paid by the secretary of said board only upon warrants signed by
29 the president and secretary of the board and countersigned by the treasurer thereof,

1 §1634. Disability retirement

2 A. Eligibility for disability benefits, procedures for application for disability
3 benefits, procedures for the certification of continuing eligibility for disability
4 benefits, the authority of the board of trustees to modify disability benefits, and
5 procedures governing the restoration to active service of ~~a formerly disabled~~ an
6 employee who formerly had a disability are specifically described and provided for
7 in R.S. 11:201 through 224.

8 B. The board of trustees shall award disability benefits to eligible members
9 who have been officially certified as ~~disabled~~ having a disability by the State
10 Medical Disability Board. Upon retirement caused by disability, the disability
11 benefit shall be determined as provided in Paragraph (1) or Paragraph (2) of this
12 Subsection, whichever is less:

13 * * *

14 §1636. Survivors' benefits

15 * * *

16 B. Upon the death of any active contributing member with five or more years
17 of creditable service, or any member with twenty-three years of service who has not
18 retired, the following benefits shall be paid:

19 * * *

20 (5) Definitions. For purposes of this Section, "surviving spouse" shall mean
21 the spouse to whom the member was married and living with for at least one year
22 prior to death; "surviving minor children" shall include children under the age of
23 eighteen, children over the age of eighteen and under the age of twenty-three who
24 are attending an institution of higher learning, and children over the age of eighteen
25 ~~who are physically or mentally disabled~~ with physical or mental disabilities and who
26 are dependent upon the member for support.

27 * * *

1 §1732. Definitions

2 The following words and phrases, as used in this Chapter, unless a different
3 meaning is plainly required by the context, shall have the following meaning:

4 * * *

5 (20) "Minor child" means a child born of the marriage or adopted child of
6 a member who has not attained the age of eighteen, or who ~~was disabled~~ had a
7 disability at the time of the member's death and who remains in such disability status.

8 * * *

9 §1758. Disability retirement

10 A. Eligibility for disability benefits, procedures for application for disability
11 benefits, procedures for the certification of continuing eligibility for disability
12 benefits, the authority of the board of trustees to modify disability benefits, and
13 procedures governing the restoration to active service of ~~a formerly disabled~~ an
14 employee who formerly had a disability are specifically described and provided for
15 in R.S. 11:201 through 224.

16 * * *

17 F. Should the medical board determine, and the board of trustees concur, that
18 any disability beneficiary ~~is no longer disabled~~ no longer has a disability, or should
19 any disability beneficiary who has not attained normal retirement age refuse to
20 submit to at least one medical examination in any one year, such disability
21 beneficiary shall forfeit all rights to his benefits which shall be revoked by the board
22 of trustees.

23 * * *

1 §1763. Deferred Retirement Option Plan

2 * * *

3 J.

4 * * *

5 (2) If a person dies or ~~becomes disabled~~ acquires a disability during the
6 period of additional service, he shall be considered as having retired on the date of
7 death or commencement of disability.

8 * * *

9 §1784. Computation of disability benefits

10 The board of trustees shall award disability benefits to eligible members who
11 have been officially certified as ~~disabled~~ having a disability by the State Medical
12 Disability Board. The disability benefit shall be determined as follows:

13 * * *

14 §1785. Survivor benefits; eligibility

15 A. Upon the death of any member with five or more years of creditable
16 service, not eligible for normal retirement, the following benefits shall be paid:

17 * * *

18 (2) Surviving spouse with no minor children--Either (a) an amount equal to
19 forty percent of final compensation payable upon the attainment of age sixty by the
20 spouse, or upon ~~becoming disabled~~ acquiring a disability, and payable for as long as
21 such spouse lives, or (b) an amount equal to the actuarial equivalent of forty percent
22 of final compensation, but not less than twenty percent of final compensation,
23 payable upon the death of the member and payable for as long as such spouse lives.
24 In order to select the actuarial equivalent option, a surviving spouse must notify the
25 system of the selection within ninety days of the death of the member; such selection
26 shall be final and irrevocable and shall be in lieu of eligibility for the forty percent
27 benefits.

28 * * *

1 §1804. Computation of disability benefits

2 The board of trustees shall award disability benefits to eligible members who
3 have been officially certified as ~~disabled~~ having a disability by the State Medical
4 Disability Board. The disability benefit shall be determined as follows:

5 * * *

6 §1805. Survivor benefits; eligibility

7 A.(1) Upon the death of any member with five or more years of creditable
8 service, who was not eligible for normal retirement, but who is survived by a spouse,
9 the surviving spouse shall be paid either:

10 (a) An amount equal to thirty percent of the deceased member's final
11 compensation, which becomes payable when the surviving spouse attains age sixty
12 or ~~becomes disabled~~ acquires a disability and remains payable for the life of the
13 surviving spouse; or

14 * * *

15 §1902. Definitions

16 As used in this Chapter, the following words and phrases shall have the
17 following meanings, unless a different meaning is plainly required by context:

18 * * *

19 (19) "Minor child" means an unmarried child under the age of eighteen years
20 who is: the issue of a marriage; the legally adopted child of a member of this system;
21 the natural child of a female member of this system; the child of a male member of
22 this system if a court of competent jurisdiction has made an order of filiation
23 declaring the paternity of such a member for the child or if the father has formally
24 acknowledged the child; or, who ~~was disabled~~ had a disability at the time of the
25 member's death and who remains in such disability status.

26 * * *

27 §1934. Disability retirement

28 A. Eligibility for disability benefits, procedures for application for disability
29 benefits, procedures for the certification of continuing eligibility for disability

1 benefits, the authority of the board of trustees to modify disability benefits, and
2 procedures governing the restoration to active service of ~~a formerly disabled~~ an
3 employee who formerly had a disability, as specifically described and provided for
4 in R.S. 11:201 through 224, shall remain in full force except as otherwise provided
5 in R.S. 11:1943, 1963, and 1973.

6 * * *

7 F. Should the medical board determine, and the board of trustees concur, that
8 any disability beneficiary ~~is no longer disabled~~ no longer has a disability, or should
9 any disability beneficiary who has not attained normal retirement age refuse to
10 submit to at least one medical examination in any one year, such disability
11 beneficiary shall forfeit all rights to his benefits which shall be revoked by the board
12 of trustees.

13 * * *

14 §1938. Deferred Retirement Option Plan

15 * * *

16 J.

17 * * *

18 (4)

19 * * *

20 (c) If a person dies or ~~becomes disabled~~ acquires a disability during the
21 period of additional service, he shall be considered as having retired on the date of
22 death or commencement of disability.

23 * * *

24 §1944. Computation of disability benefits

25 A. The board of trustees shall award disability benefits to eligible members
26 who have been officially certified as ~~disabled~~ having a disability by the State
27 Medical Disability Board. In no event shall any such benefit exceed one hundred

1 percent of final compensation. The disability benefit shall be determined as provided
2 in this Section:

3 * * *

4 §1945. Survivor benefits; eligibility

5 A. Upon the death of any member with five or more years of creditable
6 service, not eligible for normal retirement, the following benefits shall be paid:

7 * * *

8 (2) Surviving unmarried spouse with no minor children. An amount equal
9 to forty percent of final compensation payable upon the attainment of age sixty by
10 the spouse, or upon ~~becoming disabled~~ acquiring a disability, and payable for as long
11 as such spouse lives and remains unmarried.

12 * * *

13 §1964. Computation of disability benefits

14 A. The board of trustees shall award disability benefits to eligible members
15 who have been officially certified as ~~disabled~~ having a disability by the State
16 Medical Disability Board. In no event shall such benefit exceed one hundred percent
17 of final compensation. The disability benefit shall be determined as provided in this
18 Section:

19 * * *

20 §1974. Computation of disability benefits

21 A. The board of trustees shall award disability benefits to eligible members
22 who have been officially certified as ~~disabled~~ having a disability by the State
23 Medical Disability Board.

24 * * *

25 §2074. Disability retirement

26 A. Eligibility for disability benefits, procedures for application for disability
27 benefits, procedures for the certification of continuing eligibility for disability
28 benefits, the authority of the board of trustees to modify disability benefits, and
29 procedures governing the restoration to active service of ~~a formerly disabled~~ an

1 employee who formerly had a disability are specifically described and provided for
2 in R.S. 11:201 through ~~R.S. 11:224~~.

3 B.(1) The board of trustees shall award disability benefits to eligible
4 members who have been officially certified as ~~disabled~~ having a disability by the
5 State Medical Disability Board. The disability benefit shall be determined as follows:

6 * * *

7 §2077. Survivors' benefits

8 A. For a surviving spouse with or without surviving minor ~~or handicapped~~
9 children or children with disabilities:

10 * * *

11 B. For surviving minor ~~or handicapped~~ children or children with disabilities
12 with no surviving spouse:

13 * * *

14 (2) If the member has more than five years of service credit, pay eighty
15 percent of the accrued retirement benefit to the surviving children until the age of
16 majority or for the duration of the ~~handicap~~ disability for a ~~handicapped~~ child with
17 a disability. Children receive equal portions with portions readjusted for remaining
18 children as each child becomes ineligible to receive benefits.

19 * * *

20 §2144. Deferred Retirement Option Plan

21 * * *

22 K. In the event a member ~~becomes disabled~~ acquires a disability during the
23 period of subsequent participation, supplemental benefits earned by virtue of
24 subsequent participation shall be computed as though the member retired on the date
25 disability began.

26 * * *

27 §2165.6. Disability retirement

28 A. Eligibility for disability benefits, procedures for application for disability
29 benefits, procedures for the certification of continuing eligibility for disability

1 benefits, the authority of the board of trustees to modify disability benefits, and
2 procedures governing the restoration to active service of ~~a formerly disabled~~ an
3 employee who formerly had a disability are specifically provided for in Subpart E
4 of Part II of Chapter 4 of Subtitle I of this Title.

5 B. The board of trustees shall award disability benefits to eligible members
6 who have been officially certified as ~~disabled~~ having a disability by the State
7 Medical Disability Board. The disability benefit shall be determined as follows:

8 * * *

9 §2178. Disability benefits; retirement benefits; death benefits

10 * * *

11 B. Eligibility for disability benefits, procedures for application for disability
12 benefits, procedures for the certification of continuing eligibility for disability
13 benefits, the authority of the board of trustees to modify disability benefits, and
14 procedures governing the restoration to active service of ~~a formerly disabled~~ an
15 employee who formerly had a disability are specifically described and provided for
16 in R.S. 11:201 through 225. The board of trustees shall award disability benefits to
17 eligible members who have been officially certified as ~~disabled~~ having a disability
18 by the State Medical Disability Board. The disability benefit shall be as follows:

19 (1) Service related disability benefit.

20 * * *

21 (b) A member who is classified as ~~totally disabled~~ having a total disability
22 for any employment shall be entitled to earn twenty-five percent of his disability
23 benefit in a calendar year before being reclassified as ~~partially disabled~~ having a
24 partial disability.

25 * * *

26 (3) Non-service related disability benefit.

27 * * *

28 (c) A member who is classified as ~~totally disabled~~ having a total disability
29 for any employment shall be entitled to earn twenty-five percent of his disability

1 benefit in a calendar year before being reclassified as ~~partially disabled~~ having a
2 partial disability.

3 * * *

4 C.(1)

5 * * *

6 (c)

7 * * *

8 (iv)(aa) Notwithstanding the provisions of Item (iii) of this Subparagraph,
9 a member whose first employment making him eligible for membership in the
10 system began on or after January 1, 2012, who retires with thirty or more years of
11 creditable service or any member who in the performance of his official duties as a
12 commissioned law enforcement officer suffers a violent act or accident during the
13 pursuit, apprehension, or arrest of a criminal suspect and as a result ~~becomes totally~~
14 ~~and permanently disabled~~ acquires a total and permanent disability or dies, shall be
15 paid a monthly sum equal to three and one-third percent of the member's final
16 average compensation multiplied by the number of years of creditable service in the
17 fund.

18 * * *

19 §2180. Limitations on payment of benefits

20 * * *

21 C.

22 * * *

23 (2) Paragraph (1) shall not apply to any portion of a member's benefit which
24 is payable to or for the benefit of a designated beneficiary, over the life of or over the
25 life expectancy of such beneficiary, so long as such distributions begin not later than
26 one year after the date of the member's death, or, in the case of the member's
27 surviving spouse, the date the member would have attained age seventy and one-half.
28 If the designated beneficiary is the member's surviving spouse and if the surviving
29 spouse dies before the distribution of benefits commences, then Paragraph (1) shall

1 be applied as if the surviving spouse were the member. If the designated beneficiary
 2 is the child of the member, for purposes of satisfying the requirement of Paragraph
 3 (1), any amount paid to such child shall be treated as if paid to the member's
 4 surviving spouse if such amount would become payable to such surviving spouse,
 5 if alive, upon the child's reaching age eighteen or, if later, upon the child's
 6 completing a designated event. For purposes of the preceding sentence, a designated
 7 event shall be the later of the date the child ~~is no longer disabled~~ ceases to have a
 8 disability or the date the child ceases to be a full-time student, or attains age
 9 twenty-three, if earlier.

10 * * *

11 §2214. Membership

12 A. The membership of the retirement system shall be composed as follows:

13 * * *

14 (2)

15 * * *

16 (e) Any person who is receiving or has received a disability retirement
 17 benefit from any law enforcement or police retirement plan or pension and relief
 18 fund for policemen, except disability retirees of this system, shall not be eligible for
 19 membership in the Municipal Police Employees' Retirement System if he ~~becomes~~
 20 ~~no longer disabled~~ ceases to have a disability and returns to service in the same
 21 municipality or becomes employed as a policeman or law enforcement officer while
 22 receiving a disability benefit.

23 * * *

24 §2220. Benefits; contribution limit

25 A.(1)

26 * * *

27 (g) Upon termination of employment, the retiree shall receive an additional
 28 retirement benefit based on his additional service rendered since reemployment using

1 the normal method of computation of benefits or as provided in Subparagraph (h) of
2 this Paragraph, subject to the following:

3 * * *

4 (v) If the member dies or ~~becomes disabled~~ acquires a disability during the
5 period of additional service, he shall be considered as having retired on the date of
6 death or commencement of disability.

7 * * *

8 B. Benefits shall be payable to any survivor of an active contributing
9 member who dies before retirement or a disability retiree who dies after retirement
10 as specified in the following:

11 * * *

12 (2)(a) If an active contributing member or a disability retiree dies and leaves,
13 in addition to a surviving spouse, one or more children under eighteen years of age,
14 each child under age eighteen shall be paid monthly benefits equal to ten percent of
15 the deceased member's average compensation, or two hundred dollars per month,
16 whichever is greater. However, benefits payable on account of each child, when
17 added to the benefits payable to the surviving spouse, shall not exceed an aggregate
18 of one hundred percent of the deceased member's average compensation. Benefits
19 for a surviving child shall cease upon the child's attainment of age eighteen years or
20 upon marriage, whichever occurs first, except that benefits shall continue:

21 * * *

22 (ii) For a surviving ~~totally physically handicapped or mentally retarded~~ child
23 with a total physical disability or intellectual disability if such child ~~was totally~~
24 ~~physically handicapped or mentally retarded~~ had a total physical disability or
25 intellectual disability at the time of death of the member or ~~became so~~ acquired such
26 disability prior to the attainment of age eighteen and is dependent upon the surviving
27 spouse or other legal guardian for subsistence.

28 * * *

1 §2221. Deferred Retirement Option Plan

2 * * *

3 K. The following shall also apply if employment is not terminated at the end
4 of the period of participation:

5 * * *

6 (4)(a) If he dies or ~~becomes disabled~~ acquires a disability during the period
7 of additional service, he shall be considered as having retired on the date of death or
8 commencement of disability.

9 * * *

10 M. For purposes of R.S. 17:1681 and 1681.1, any member who is killed or
11 who ~~becomes permanently disabled~~ acquires a permanent disability solely as the
12 result of injuries sustained in the course and scope of the performance of his official
13 duties, while participating in the Deferred Retirement Option Plan or during
14 continued employment after participation in the Deferred Retirement Option Plan has
15 ended, shall be considered as having died in service or retired for disability purposes,
16 provided satisfactory proof of such fatal or disabling injury is furnished to the
17 retirement system by the member's employing municipality.

18 * * *

19 §2223. Disability retirement

20 A.(1) Eligibility for disability benefits, procedures for application for
21 disability benefits, procedures for the certification of continuing eligibility for
22 disability benefits, the authority of the board of trustees to modify disability benefits,
23 and procedures governing the restoration to active service of a ~~formerly disabled~~ an
24 employee who formerly had a disability are specifically described and provided for
25 in R.S. 11:201 through 225.

26 * * *

27 §2241.7. Disability retirement

28 A.(1) Eligibility for disability benefits, procedures for application for
29 disability benefits, procedures for the certification of continuing eligibility for

1 disability benefits, the authority of the board of trustees to modify disability benefits,
2 and procedures governing the restoration to active service of ~~a formerly disabled~~ an
3 employee who formerly had a disability shall be as provided in R.S. 11:202 through
4 225.

5 * * *

6 §2241.8. Survivor benefits

7 Benefits shall be payable to any survivor of an active contributing member
8 who dies before retirement or a disability retiree who dies after retirement as
9 specified in the following:

10 * * *

11 (2)(a) If an active contributing member or a disability retiree either of whom
12 has at least ten years of creditable service in the system dies and leaves, in addition
13 to a surviving spouse, one or more children under eighteen years of age, each child
14 under age eighteen shall be paid monthly benefits equal to ten percent of the
15 deceased member's average final compensation, or two hundred dollars per month,
16 whichever is greater. However, benefits payable on account of each child, when
17 added to the benefits payable to the surviving spouse, shall not exceed an aggregate
18 of one hundred percent of the deceased member's average final compensation.
19 Benefits for a surviving child shall cease upon the child's attainment of age eighteen
20 years or upon marriage, whichever occurs first, except that benefits shall continue:

21 * * *

22 (ii) For a surviving ~~totally physically handicapped or mentally handicapped~~
23 child with a total physical disability or mental disability if such child ~~was totally~~
24 ~~physically handicapped or mentally handicapped~~ had a total physical disability or
25 mental disability at the time of death of the member or ~~became so~~ acquired such
26 disability prior to the attainment of age eighteen and is dependent upon the surviving
27 spouse or other legal guardian for subsistence.

28 * * *

1 §2242.7. Disability retirement

2 A.(1) Eligibility for disability benefits, procedures for application for
3 disability benefits, procedures for the certification of continuing eligibility for
4 disability benefits, the authority of the board of trustees to modify disability benefits,
5 and procedures governing the restoration to active service of ~~a formerly disabled~~ an
6 employee who formerly had a disability shall be as provided in R.S. 11:202 through
7 225.

8 * * *

9 §2242.8. Survivor benefits

10 Benefits shall be payable to any survivor of an active contributing member
11 who dies before retirement or a disability retiree who dies after retirement as
12 specified in the following:

13 * * *

14 (2)(a) If an active contributing member or a disability retiree either of whom
15 has at least ten years of creditable service in the system dies and leaves, in addition
16 to a surviving spouse, one or more children under eighteen years of age, each child
17 under age eighteen shall be paid monthly benefits equal to ten percent of the
18 deceased member's average final compensation, or two hundred dollars per month,
19 whichever is greater. However, benefits payable on account of each child, when
20 added to the benefits payable to the surviving spouse, shall not exceed an aggregate
21 of one hundred percent of the deceased member's average final compensation.
22 Benefits for a surviving child shall cease upon the child's attainment of age eighteen
23 years or upon marriage, whichever occurs first, except that benefits shall continue:

24 * * *

25 (ii) For a surviving ~~totally physically handicapped or mentally handicapped~~
26 child with a total physical disability or mental disability if such child ~~was totally~~
27 ~~physically handicapped or mentally handicapped~~ had a total physical disability or
28 mental disability at the time of death of the member or ~~became so~~ acquired such

1 §2258. Disability retirement

2 A. Eligibility for disability benefits, procedures for application for disability
3 benefits, procedures for the certification of continuing eligibility for disability
4 benefits, the authority of the board of trustees to modify disability benefits, and
5 procedures governing the restoration to active service of ~~a formerly disabled~~ an
6 employee who formerly had a disability are specifically described and provided for
7 in R.S. 11:201 through ~~R.S. 11:224~~.

8 B. The board of trustees shall award disability benefits to eligible members
9 who have been officially certified as ~~disabled~~ having a disability by the State
10 Medical Disability Board. The disability benefit shall be determined as follows:

11 (1)

12 * * *

13 (c) Any member who ~~is totally disabled~~ acquires a total disability from an
14 injury received in the line of duty, even though the member may have less than five
15 years of creditable service, shall be paid, on a monthly basis, an annual pension of
16 sixty percent of the average final compensation being received at the time of
17 disability.

18 (d) Any member of the system who has ~~become disabled or incapacitated~~
19 acquired a disability or incapacitating condition because of continued illness or as
20 a result of any injury received, even though not in the line of duty, and who has five
21 years of creditable service, but is not eligible for retirement under the provisions of
22 R.S. 11:2256 may apply for retirement under the provisions of this Section and shall
23 be retired on seventy-five percent of the retirement salary to which he would be
24 entitled under R.S. 11:2256 if he were eligible thereunder or twenty-five percent of
25 the member's average salary, whichever is greater.

26 (2)(a) Notwithstanding any other provision of law to the contrary, a retired
27 member or a Deferred Retirement Option Plan participant who ~~becomes disabled~~

1 acquires a disability for any reason provided for by law shall be permitted to apply
2 for conversion of a service retirement to a service connected disability retirement.

3 * * *

4 C. Should a member who is on disability retirement die and leave a surviving
5 spouse, the surviving spouse shall receive a benefit of two hundred dollars per
6 month. When the member takes disability retirement he may in addition take an
7 actuarially reduced benefit in which case the member's surviving spouse shall receive
8 fifty percent of the disability benefit being paid immediately prior to the death of the
9 ~~disabled~~ retiree with a disability. If the surviving spouse receiving benefits pursuant
10 to this Subsection remarries, such benefits shall continue without interruption,
11 regardless of when the remarriage occurs.

12 D. Notwithstanding the provisions of R.S. 23:1225, when any member
13 ~~becomes disabled~~ acquires a disability and is entitled to a disability benefit from the
14 retirement system, the disability benefit payable for any month that the member is
15 also receiving worker's compensation benefits shall be reduced, if necessary, so that
16 the total of both benefits shall not exceed the member's average final compensation.
17 The benefit to be paid shall be computed such that the disability benefit from the
18 retirement system and the worker's compensation benefit shall each be paid in
19 respect to the ratio that each individual benefit bears to the total of both benefits, to
20 which the member would be entitled prior to reduction, multiplied by the average
21 final compensation of the member.

22 E. Should any member who is on disability retirement cease to ~~be disabled~~
23 have a disability as determined by the State Medical Disability Board, the disability
24 benefit being paid by the retirement system shall cease, and the former employing
25 agency shall reemploy the member in the same rank and position that he held at the
26 time of the occurrence of his disability, and at the same rate of pay. In the event that
27 no such rank and position is available in the fire service of the former employing
28 agency, the member shall be reemployed in a comparable position in the
29 municipality or parish of the former employing agency if such a position is available.

1 §2259. Optional allowances

2 A.(1) With the provision that no optional selection shall be effective in case
3 a beneficiary dies within thirty days after retirement and that such a beneficiary shall
4 be considered as an active member at the time of death, until the first payment on
5 account of any benefit becomes due, any member may elect to receive his benefit in
6 a retirement allowance payable throughout life, or he may elect to receive the
7 actuarial equivalent at the time of his retirement allowance in a reduced allowance
8 payable throughout life, with the provision that:

9 Option 1. If he dies before he has received in member's annuity payments the
10 present value of his member's annuity as it was at the time of his retirement, the
11 balance shall be paid to such person as he shall nominate by written designation duly
12 acknowledged and filed with the board of trustees; or

13 Option 2. Upon his death, his reduced retirement allowance shall be
14 continued throughout the life and paid to such person as he shall nominate by written
15 designation duly acknowledged and filed with the board of trustees at the time of his
16 retirement; or

17 Option 3. Upon his death, one-half of his reduced retirement allowance shall
18 be continued throughout the life of and paid to such person as he shall nominate by
19 written designation duly acknowledged and filed with the board of trustees at the
20 time of his retirement; or

21 Option 4. Some other benefit or benefits shall be payable to any or all of the
22 following persons: the member, the member's spouse, the member's ~~permanently~~
23 ~~mentally or physically disabled~~ child or children with a permanent mental or
24 physical disability, or the member's dependent minor child or children as he shall
25 nominate, provided such other benefit or benefits, together with the reduced
26 retirement allowance, shall be certified by the actuary to be of equivalent value to his
27 retirement allowance and approved by the board of trustees.

28 * * *

1 §3005.1. Deferred Retirement Option Plan

2 * * *

3 I.

4 * * *

5 (2) If a member ~~becomes disabled~~ acquires a disability during his period of
6 participation in the plan, then he shall be considered as having retired on the date of
7 commencement of disability.

8 * * *

9 J.

10 * * *

11 (4) If the member dies or ~~becomes disabled~~ acquires a disability during the
12 period of additional service, then he shall be considered as having retired on the date
13 of death or commencement of disability.

14 * * *

15 §3039.1. Deferred Retirement Option Plan

16 * * *

17 K.

18 * * *

19 (4) If the member dies or ~~becomes disabled~~ acquires a disability during the
20 period of additional service, he shall be considered as having retired on the date of
21 death or commencement of disability.

22 * * *

23 §3041. Disability retirement annuity; qualification

24 * * *

25 B. A member shall be considered ~~totally and permanently disabled~~ as having
26 a total and permanent disability only after the board shall have received written
27 certification by at least two licensed and practicing physicians selected by the board,

1 that the member is totally and likely to be permanently disabled for further
2 performance of the duties of any assigned position in the service of the City.

3 * * *

4 §3101. Firemen's pension and relief fund for the city of Alexandria; creation

5 There is hereby created a Firemen's Pension and Relief Fund for the City of
6 Alexandria, and a Board of Trustees, to administer and disburse said fund, in order
7 to provide for the pensioning of ~~disabled~~ members of the Fire Department with
8 disabilities, and the widows or minor children of deceased members of said
9 Department, and to permit the retirement and pensioning of members of said Fire
10 Department after the required length of service, all as is hereinafter provided.

11 * * *

12 §3107. Board of trustees; duties

13 The said Board of Trustees shall have the power, and it shall be its duty to:

14 * * *

15 (5) Cause the examination of every ~~disabled~~ pensioner or beneficiary with
16 a disability, at least once a year.

17 * * *

18 §3113. Pensions and benefits

19 Pensions and benefits payable out of said fund shall be as follows:

20 * * *

21 (6) That whenever an active, ~~disabled~~, or retired member or member with a
22 disability of said fire department shall die under circumstances set out in Paragraph
23 (5) ~~hereof of this Section~~, the said board of trustees shall appropriate from the said
24 fund the sum of two hundred fifty dollars for funeral and burial expenses of such
25 deceased member.

26 * * *

27 §3132. Composition of the fund

28 From July 26, 1972, all funds, monies, proceeds, and revenues hereafter
29 provided for shall constitute and be "The Firemen's Pension and Relief Fund of the

1 consolidated fire districts of Bastrop, Louisiana", embracing Bastrop for the
2 pensioning of ~~disabled~~ members with disabilities, members who are superannuated,
3 and/or retired members of the consolidated fire districts, Bastrop, Louisiana, and
4 their widows and/or orphans, and for the relief and aid of any member of said fire
5 department in case of disability.

6 * * *

7 §3143. Pensions and benefits

8 Pensions and benefits shall be as follows:

9 (1) If any member of the said fire department who has been in the active
10 service of said fire department for a period of at least six months, is found by the
11 board of trustees to be totally physically or mentally disabled for service in said fire
12 department by reason of service in said fire department, he shall receive monthly
13 from the fund so long as such disability shall continue or until he becomes eligible
14 for retirement on service basis, whichever is sooner, a sum, which together with any
15 benefits from worker's compensation, shall be equal to thirty-three and one-third
16 percent of the total monthly salary of the active member of the said fire department
17 holding the position corresponding to that held by the beneficiary at the time that he
18 ~~became disabled~~ acquired the disability during the first five years of such disability.
19 During the second five years of such disability he shall receive a sum which together
20 with any benefits from worker's compensation, shall be equal to fifty percent of the
21 total monthly salary of the active member of the said fire department holding the
22 position corresponding to that held by the beneficiary at the time he ~~became disabled~~
23 acquired the disability. After ten years of such disability he shall receive a sum
24 which together with any benefits from worker's compensation shall be equal to
25 sixty-six and two-thirds percent of the total monthly salary of the active member of
26 the said fire; department holding the position corresponding to that held by the
27 beneficiary at the time that he ~~became disabled~~ acquired the disability; provided,
28 however, that if such member has served as a member of the fire department
29 continuously for a period of ten years at the time of such disability, he shall be

1 eligible for retirement without having served the full twenty-five years as stipulated
2 in Paragraph (3) of this Section.

3 (2) If any member of said fire department, while in the active service is
4 found by the board of trustees to be totally physically or mentally disabled for
5 service in said fire department by reason or causes not arising or developing directly
6 from his employment in said fire department, save and except any disability which
7 may arise from the commission or attempted commission of a misdemeanor or
8 felony or use of any drug or intoxicating liquor which use contributes to the
9 disability, he shall receive monthly from the Fund, so long as such disability shall
10 continue a sum which, together with any benefits from worker's compensation, shall
11 equal thirty-three and one-third percent of the monthly salary of the active member
12 of said fire department holding the position corresponding to that held by the
13 beneficiary at the time he ~~became disabled~~ acquired the disability, plus an additional
14 two percent of such salary for each year of active service rendered over five years;
15 provided, however, that the maximum benefit shall be sixty-six and two-thirds
16 percent of the monthly salary of the active member of the said fire department
17 holding the position corresponding to that held by the beneficiary at the time he
18 ~~became disabled~~ acquired the disability. Provided, further, that the time elapsing
19 while said member is receiving benefits under this ~~subsection~~ Paragraph shall not be
20 considered as time served in the said fire department by such member and shall not
21 be included as "time served" in determining eligibility for retirement under this Part.
22 Provided, further, however, that if such member who has been disabled for service
23 in said fire department for causes not arising or developing directly from his
24 employment in said fire department has served as a member of the fire department
25 continuously for a period of ten years at the time of disability, he shall be eligible for
26 retirement without serving the full twenty-five years as stipulated in Paragraph (3)
27 of this Section.

28 * * *

1 §3145. Military service credit

2 * * *

3 D. That period of time during which a fireman ~~is disabled~~ has a disability by
4 reason of service and is drawing disability benefits pursuant to R.S. 11:3143(1) shall
5 be credited to such ~~disabled~~ member with a disability as "time served" for purposes
6 of retirement on years of service.

7 * * *

8 §3166. Pensions and benefits

9 A. The Board of Trustees shall be required to allot disability payments,
10 retirements and death benefits to all members of the Fire Department who are
11 eligible for participation in the benefits of this Fund while in the service of the
12 Department who, upon examination, are found to ~~be physically or mentally~~
13 ~~permanently disabled~~ have a permanent physical or mental disability, said Board of
14 Trustees shall be required to retire such ~~disabled~~ member with a disability from the
15 Fire Department, said examination to be made by the City Physician; provided that
16 should such member or his legal representative or the Board of Trustees be not
17 satisfied with the findings of the City Physician, the dissatisfied party shall select a
18 doctor of his or its own choice and the doctor so selected, together with the City
19 Physician, shall select a third doctor, the three doctors so selected shall constitute a
20 board of arbitration and their findings shall be final and binding upon all parties;
21 provided, further, that upon such retirement, the said Board of Trustees shall order
22 the payment of such ~~disabled~~ members with disabilities of such Fire Department
23 monthly from said Pension and Relief Fund, a sum equal to two-thirds of the
24 monthly compensation paid to such member or members as salary when total
25 disability occurs.

26 * * *

27 §3178. Pensions and benefits

28 * * *

1 C. The board of trustees shall be required to allot and pay disability
2 payments, retirement and death benefits as follows:

3 * * *

4 (2) The disability payments provided for above shall be payable to a member
5 who is entitled to worker's compensation only after the expiration of the number of
6 weeks for which compensation is payable under the worker's compensation law of
7 Louisiana; provided, when a member ~~so disabled~~ with such disability ceases to
8 receive full salary payments from the city of Bogalusa and is only receiving worker's
9 compensation benefits as provided by law, such member shall at that time commence
10 to receive monthly disability payments from the pension fund in an amount which,
11 when added to the aggregate worker's compensation benefits to which he is entitled
12 per month, will equal the full amount of the disability payments per month such
13 member would be entitled to after termination of the period for which worker's
14 compensation benefits are payable. The provisions of this Paragraph shall apply to
15 any member of the fire department who is now or may hereafter be eligible to
16 receive disability payments.

17 * * *

18 §3192. Composition of the fund

19 ~~That from~~ From July 20, 1952, all funds, monies, proceeds, and revenues
20 hereafter provided for shall constitute and be "The Firemen's Pension and Relief
21 Fund of the City of Bossier City, Louisiana", for the pensioning of ~~disabled members~~
22 with disabilities, members who are superannuated, and/or and retired members of the
23 Fire Department of the City of Bossier City, Louisiana, and the operators of the
24 alarm system and their widows and/or orphans and for the relief and aid of members
25 of said Fire Department in the case of temporary disability.

26 * * *

1 §3200. Pensions and benefits

2 Pensions and benefits shall be as follows:

3 (1) If any member of the said fire department while in the active service of
4 said fire department is found by the board of trustees to be totally, physically, or
5 mentally disabled for service in said fire department by reason of service in said fire
6 department, he shall receive monthly from such fund so long as such disability shall
7 continue or until he becomes eligible for retirement on service basis, whichever is
8 sooner, a sum which, with the benefits from the Worker's Compensation Act, shall
9 be equal to seventy-five ~~percent~~ percent of the monthly salary of the active member
10 of the said fire department holding the position corresponding to that held by the
11 beneficiary at the time that he ~~became disabled~~ acquired the disability.

12 (2) If any member of said fire department having at least ten years of
13 creditable service and while in the active service is found by the board of trustees to
14 be totally disabled from either physical or mental causes for service in said fire
15 department by reason of causes not arising or developing directly from his
16 employment in said fire department, save and except any disability which may arise
17 from the commission or attempted commission of a misdemeanor or felony or use
18 of any drug or intoxicating liquor to such extent as to become under the influence
19 thereof or due to his negligence, he shall receive monthly from such fund so long as
20 such disability shall continue or until he becomes eligible for retirement on service
21 basis, whichever is sooner, a sum equal to thirty-three and one-third percent of the
22 monthly salary of the active member of said fire department holding the position
23 corresponding to that held by the beneficiary at the time he ~~became disabled~~ acquired
24 the disability, plus an additional two percent of such salary for each year of active
25 service rendered over five years; provided, however, that the maximum benefit shall
26 be sixty-six and two-thirds percent of the monthly salary of the active member of the
27 said fire department holding the position corresponding to that held by the
28 beneficiary at the time he ~~became disabled~~ acquired the disability, computed on the
29 basis of the respective months. Provided further that the time elapsing while said

1 member is receiving benefits under this Paragraph shall not be considered as time
 2 served in the said fire department by such member and shall not be included as "time
 3 served" in determining eligibility for retirement under this Part. Provided further,
 4 however, that if such member who has been disabled for service in said fire
 5 department for causes not arising or developing directly from his employment in said
 6 fire department has served as a member of the fire department continuously for a
 7 period of ten years at the time of disability, he shall be eligible for retirement without
 8 serving the full twenty years as stipulated in Paragraph (3) of this Section.

9 * * *

10 §3222. Composition of the fund

11 From July 2, 1973, all funds, monies, proceeds, and revenues hereafter
 12 provided for shall constitute and be "The Firemen's Pension and Relief Fund of the
 13 City of Houma, Louisiana," for the pensioning of ~~disabled members with~~
 14 disabilities, members who are superannuated, and/or retired members of the fire
 15 department of the city of Houma, Louisiana, and their widows and/or orphans.

16 * * *

17 §3232. Pensions and benefits

18 Pensions and benefits shall be as follows:

19 A. If any member of the said fire department while in the active service of
 20 said fire department who shall be permanent in rank, be found by the board of
 21 trustees to be totally, physically, or mentally disabled for service in said fire
 22 department by reason of service in said fire department, he shall receive monthly
 23 from the fund so long as such disability shall continue or until he becomes eligible
 24 for retirement on service basis, whichever is sooner, a sum which together with
 25 worker's compensation benefits actually received by the member, shall be equal at
 26 any given time to sixty-six and two-thirds percent of the total monthly fireman's
 27 compensation of the active member of the fire department holding the position
 28 corresponding to that held by the beneficiary at the time he ~~became disabled~~ acquired
 29 the disability.

1 B. If any member of said fire department, while in the active service of said
2 fire department who shall be permanent in rank be found by the board of trustees to
3 be totally, physically, or mentally disabled for service in said fire department by
4 reason of causes not arising or developing directly from his employment in said fire
5 department, save and except any disability which may arise from the commission or
6 attempted commission of a misdemeanor or felony or the use of any drug or
7 intoxicating liquor, which use contributes to the disability, he shall receive monthly
8 from the fund, so long as such disability shall continue, a sum which, together with
9 worker's compensation benefits actually received by the member, shall be equal at
10 any given time to twenty-five percent of the total monthly fireman's compensation
11 of the active member of the fire department holding the position corresponding to
12 that held by the beneficiary at the time he ~~became disabled~~ acquired the disability.
13 In addition thereto, any member entitled to disability under this Section who has
14 more than five years active service with the fire department at the time of disability
15 shall also receive a sum equal at any given time to two percent of the total monthly
16 fireman's compensation of the active member of the fire department holding the
17 position corresponding to that held by the beneficiary at the time he ~~became disabled~~
18 acquired the disability. However, maximum benefits under this ~~subsection~~
19 Subsection for nonservice disability shall never exceed those benefits provided for
20 service disability. Time elapsing during nonservice disability as provided for in this
21 Section shall not be included as time served for retirement purposes. Any member
22 of said fire department who shall become totally, physically, or mentally disabled for
23 service in said fire department while gainfully employed at any other profession or
24 trade, or by any firm or organization other than the City of Houma fire department
25 shall not be entitled to any disability compensation from said pension fund.

26 C. Should any member while drawing disability benefits as hereinabove
27 provided be gainfully employed at some other endeavor other than the fire service
28 then his disability benefits shall be decreased to the point that such benefits, when
29 added to the gross income which the member receives from other employment shall

1 not exceed at any given time the total monthly fireman's compensation of the active
 2 member of the fire department holding the position corresponding to that held by the
 3 beneficiary at the time he ~~became disabled~~ acquired the disability. The board of
 4 trustees will require a beneficiary to report such outside earnings and may reduce
 5 benefits in the quarter following that in which excess earnings are applicable in order
 6 to effectuate the provisions of this ~~subsection~~ Subsection.

7 * * *

8 §3281. Firemen's pension and relief fund for the city of Lafayette; creation

9 There is hereby created a Firemen's Pension and Relief Fund for the City of
 10 Lafayette, and a board of directors, to administer and disburse said fund, in order to
 11 provide for the pensioning of ~~disabled~~ members with disabilities, the widows, minor
 12 children, and mothers and fathers of deceased members and to permit the retirement
 13 and pensioning of members after the required length of service, all as is hereinafter
 14 provided.

15 * * *

16 §3288. Secretary; duties; powers

17 * * *

18 B. The board of directors shall:

19 * * *

20 (5) Cause the examination of every ~~disabled~~ pensioner or beneficiary with
 21 a disability at least once a year.

22 * * *

23 §3293. Pensions and benefits

24 Pensions and benefits payable out of the fund shall be as follows:

25 (1) If a member of the fund ~~becomes disabled~~ acquires a disability for causes
 26 not arising or developing directly from his employment in the fire department and
 27 for which he is, therefore, unable to collect compensation under the worker's
 28 compensation laws of Louisiana, the fireman shall, upon being found ~~so disabled~~ to
 29 have such disability by the board of directors, be paid monthly so long as disability

1 continues, a sum equal to forty-five percent of the salary earned by the employees
 2 who have served up to and including ten years. Employees who have served for a
 3 period of eleven years shall receive forty-six percent. Employees who have served
 4 for a period of twelve years shall receive forty-seven percent. Employees who have
 5 served for a period of thirteen years shall receive forty-eight percent. Employees
 6 who have served for a period of fourteen years shall receive forty-nine percent.
 7 Employees who have served for fifteen years shall receive fifty percent. Employees
 8 who have served for a period of sixteen years shall receive fifty-one percent.
 9 Employees who have served for a period of seventeen years shall receive fifty-two
 10 percent. Employees who have served for a period of eighteen years shall receive
 11 fifty-three percent. Employees who have served for a period of nineteen years shall
 12 receive fifty-four percent. Employees who have served for a period of twenty years
 13 shall receive fifty-five percent. No member shall be eligible for any disability
 14 benefits if his disability is a result of a prior existing condition.

15 * * *

16 §3317. Board of directors; duties; meetings

17 * * *

18 C. The said board of directors shall have the power and it shall be its duty
 19 to:

20 * * *

21 (5) Cause the examination of every ~~disabled~~ pensioner ~~of or~~ beneficiary with
 22 a disability, at least once a year.

23 * * *

24 §3322. Pensions and benefits

25 * * *

26 B. Pensions and benefits payable out of said fund shall be as follows:

27 (1)(a) If a member of the fire department ~~becomes disabled~~ acquires a
 28 disability for service therein for causes not arising or developing directly from his
 29 employment in the said fire department, or his employment elsewhere other than the

1 fire department, and for which he is therefore unable to collect compensation under
2 the Worker's Compensation Laws of Louisiana, said fireman shall, upon being found
3 ~~so disabled~~ by the board of directors to have such disability, be paid monthly so long
4 as such disability shall continue.

5 * * *

6 §3341. Monroe Firemen's Pension and Relief Fund; continuation

7 A. The Monroe Firemen's Pension and Relief Fund created and provided for
8 by Act No. 39 of 1964, as amended, is hereby continued for the pensioning of retired
9 members, members who are superannuated, or disabled and members with
10 disabilities of the fire department and alarm system and the widows and orphans of
11 the same.

12 * * *

13 §3346. Benefits

14 Payment of pensions and benefits shall conform to the following:

15 * * *

16 (3) A member of this organization who ~~becomes totally or permanently~~
17 ~~disabled~~ acquires a total or permanent disability from any cause, either while on or
18 off duty, to such an extent that service cannot be performed for the fire department,
19 shall, upon submission of due proof in accordance with the requirements of this
20 organization and during such period of disability, receive the sum of three hundred
21 dollars per month; provided that at any time during such period of disability the
22 board of trustees may require such member to submit to physical examination in
23 accordance with the provisions of this Part. Upon the death of such member drawing
24 disability and benefits, his widow, as defined in Paragraph (1) of this Section, during
25 the period of her widowhood, shall receive the sum of one hundred seventy-five
26 dollars per month and, if there be a lawful child or children of the deceased who are
27 under eighteen years of age and not married, such widow shall receive an additional
28 thirty-five dollars per month for each such child, not to exceed a total of one hundred

1 five dollars per month for all of such children, until the youngest child shall reach
2 eighteen years of age.

3 * * *

4 §3363. Powers of board; assessment of members; determination of applications for
5 benefits

6 A. The board of trustees shall have exclusive control and management of the
7 fund and all money donated, paid, or assessed for the relief or pensioning of ~~disabled~~
8 members with disabilities, members who are superannuated, and retired members of
9 the fire department, their widows and minor children, or widowed mothers, and for
10 the payment of death benefits. This board is created to administer the funds paid into
11 this system and to invest these funds in accordance with the provisions of this Part.

12 * * *

13 §3377. Retirement for nonservice connected disability; method of establishing
14 pension

15 A. If any member of the fire department ~~shall become physically or mentally~~
16 ~~permanently disabled~~ acquires a total physical or mental disability and becomes
17 incapacitated to perform his duties, and such disability is not the direct result of a
18 service-incurred injury or illness, then, upon application filed by the member in
19 accordance with R.S. 11:3376, the board of trustees, by a two-thirds majority vote
20 of its members, shall determine whether or not such member shall be retired for
21 disability. The procedure to establish such disability and to determine the
22 continuance thereof shall be the same as that prescribed in R.S. 11:3376. The
23 amount of the pension to be received by any member retired in accordance with the
24 provisions of this Section shall be based on the following schedule:

25 (1) If the ~~disabled~~ member with a disability has performed faithful service
26 in the fire department for a period of ten years or less, he shall receive a pension in
27 the amount of thirty percent of his average compensation during the last year of
28 service immediately preceding the date of establishing his disability in accordance
29 with the provisions of this Section.

1 (c) If the firefighter leaves no surviving spouse or if subsequent to the
 2 firefighter's death the surviving spouse dies and there are children under eighteen
 3 years of age, the children shall receive a monthly pension of three hundred dollars
 4 each. The payments of this three hundred dollars for each child shall cease after such
 5 child reaches the age of eighteen years or marries. Any dependent child ~~who is~~
 6 ~~physically or mentally handicapped~~ with a physical or mental disability shall receive
 7 benefits throughout his life if medical or psychological information indicates such
 8 child ~~is totally and permanently disabled~~ has a total and permanent disability. If,
 9 however, medical or psychological information indicates such ~~disabled~~ child with
 10 a disability can benefit from specialized training in order to be rendered
 11 self-supporting, then such child shall receive benefits so long as he is actively
 12 enrolled in a specialized school or training program until such time as such child is
 13 certified as being qualified to engage in gainful employment. The board of trustees
 14 may demand at reasonable intervals that such child submit to a medical or
 15 psychological examination, or both, for current evaluation, subject to the penalty of
 16 all monthly payments being suspended until submission to examination within
 17 fifteen days after request.

18 * * *

19 §3385.1. Deferred Retirement Option Plan

20 * * *

21 K.

22 * * *

23 (6) If the member ~~becomes disabled~~ acquires a disability and terminates his
 24 employment following the period of participation in the Deferred Retirement Option
 25 Plan, a lump sum payment equal to the payments made to his individual account in
 26 the Deferred Retirement Option Plan shall be paid to the member upon written
 27 application to the fund office. The monthly benefits that were being paid into the
 28 Deferred Retirement Option Plan during the period of participation shall begin being
 29 paid to the retiree.

1 §3410. Pensions and benefits

2 Pensions and benefits shall be as follows:

3 * * *

4 (5) After any employee of Fire Protection District No. One shall have been
5 retired upon pension by reason of disability, the board of trustees shall have the right
6 at any time to cause such ~~disabled~~ employee with a disability to be brought before
7 it and again examined by the parish physician and/or other competent physicians and
8 surgeons, to be selected by it, and also to examine other witnesses for the purpose
9 of discovering whether such disability to perform the duties of the position held at
10 the time of his removal from active service yet continues, and whether such retired
11 member should be continued on the disability roll, but such ~~disabled~~ employee with
12 a disability shall remain upon the disability roll until reinstated in the active service
13 of the fire protection district. Such ~~disabled~~ member with a disability shall be
14 entitled to notice and to be present at the hearing of any evidence, and shall be
15 permitted to propound any questions pertinent or relevant to such matter, and also
16 shall have the right to introduce upon his own behalf any competent evidence he may
17 see fit. All witnesses so produced shall be examined under oath. The decision of the
18 board of trustees shall be final and conclusive, and no appeal shall be allowed
19 therefrom, nor shall the same be subject to review except by the board of trustees or
20 upon proper application to the courts.

21 * * *

22 §3431. Firemen's pension and relief fund for the city of Shreveport; creation

23 From July 27, 1938, the assets, funds, monies, and properties presently
24 constituting the Firemen's Pension and Relief Fund of the City of Shreveport,
25 Louisiana, shall, together with the funds, proceeds, and revenues hereinafter
26 provided for, constitute and be "The Firemen's Pension and Relief Fund of the City
27 of Shreveport;" for the pensioning of ~~disabled~~ members with disabilities, members
28 who are superannuated, and/or retired members of the Fire Department of the City
29 of Shreveport, operators of the alarm system, and their widows and/or orphans and

1 for the relief and aid of members of said Fire Department in the case of temporary
2 disability.

3 * * *

4 §3438. Salary deductions paid into the fund; contributions by the city

5 * * *

6 B. Notwithstanding anything contained in Act 222 of 1938, as amended, any
7 other law, or anything herein to the contrary, the following provisions shall apply to
8 all employees of the Shreveport Fire Department who become members of this fund
9 after July 11, 1977 and those persons with no more than ten years creditable service
10 in the fund as of July 11, 1977 who elect to be governed by these provisions by
11 applying to the board prior to June 30, 1978:

12 * * *

13 (4) Benefits shall be payable to survivors of a deceased member who dies
14 before retirement as specified in the following:

15 * * *

16 (b) The surviving minor children of a deceased member who dies leaving
17 one or more children under eighteen years of age shall be paid monthly benefits
18 equal to seventy-five dollars per month for each child under age eighteen, not to
19 exceed one hundred fifty dollars per month, provided that when the surviving
20 children reach the age of eighteen such benefits shall cease, unless the child ~~is~~
21 ~~retarded~~ has an intellectual disability and is not able to earn his own living; provided
22 further that any surviving child who graduates from high school and goes directly to
23 college, shall have his benefits continued for the time he remains in college, not to
24 exceed four years. If the deceased member was married and leaves surviving
25 children under eighteen years of age but no surviving widow, the surviving children
26 shall be paid monthly benefits equal to seventy-five dollars per month for each child,
27 to be paid until such time as the youngest child reaches the age of eighteen years,
28 provided that in the case of a ~~retarded~~ child with an intellectual disability who is not
29 able to earn a living, this benefit shall continue for life. Provided that any surviving

1 child who graduates from high school and goes directly to college shall have his
2 benefit continued for the time he remains in college, not to exceed four years.

3 * * *

4 (5)

5 * * *

6 (b) Upon retirement for disability, a member shall receive a retirement
7 allowance if he has attained the age of fifty years; otherwise he shall receive a
8 disability benefit that shall be computed as follows: In the case of total disability of
9 any member resulting from injury received in the line of duty, even though he has
10 less than five years of creditable service, a monthly pension of sixty ~~per cent~~ percent
11 of the salary being received at the time of disability shall be paid to the ~~disabled~~
12 employee with a disability. Any member of the system who has ~~become disabled~~
13 acquired a disability or ~~incapacitated~~ incapacitating condition because of continued
14 illness or as the result of any injury received, even though not in the line of duty, and
15 who has five years of creditable service, but is not eligible for retirement, may apply
16 for retirement under the provision of this Section.

17 * * *

18 §3442. Pensions and benefits

19 Pensions and benefits shall be as follows:

20 (1) If any member of the said Fire Department, while in the active service
21 of said Fire Department, become and be found by the Board of Trustees to be
22 temporarily totally disabled, mentally or physically, for service in said Fire
23 Department by reason of service therein, the said member shall receive monthly from
24 said Fund, during such total disability or until he becomes eligible for retirement on
25 service basis, but not to exceed one year in any event, a sum equal to sixty-six and
26 two-thirds ~~per cent~~ percent of the monthly salary of the active member of said Fire
27 Department holding the position corresponding to that held by the beneficiary at the
28 time he ~~became disabled~~ acquired the disability.

1 (2) If any member of the said Fire Department while in the active service of
2 said Fire Department become or be found to be totally, permanently physically or
3 mentally disabled for service in said Fire Department, and to do or perform work of
4 any reasonable kind or character by reason of service in said Fire Department and be
5 found to be so by the Board of Trustees, he shall receive monthly from such Fund
6 so long as such disability shall continue, a sum equal to sixty-six and two-thirds ~~per~~
7 ~~cent~~ percent of the monthly salary of the active member of the said Fire Department
8 holding the position corresponding to that held by the beneficiary at the time he
9 ~~became disabled~~ acquired the disability until such time as he becomes eligible for
10 retirement on service basis, but benefits under this ~~subsection~~ Subsection dealing
11 with total and permanent disability shall cease at the time when the recipient, had he
12 not ~~been disabled~~ acquired the disability, would have completed thirty years service
13 on the fire force.

14 (3) If any member of the said Fire Department, become and be found to be
15 totally permanently, physically or mentally disabled for service in the said Fire
16 Department by reason of service therein, but physically and mentally capable and
17 able to do and perform work of any other reasonable kind or character and be so
18 found by said Board of Trustees, he shall receive monthly as long as disability shall
19 continue from such Fund except as hereinafter provided, a sum equal to ~~Fifty~~ fifty
20 ~~per-cent~~ percent of the monthly salary of the active member of the said Fire
21 Department holding the position corresponding to that held by the beneficiary at the
22 time he ~~became so disabled~~ acquired the disability, until such time as he becomes
23 eligible for retirement on service basis; but maximum benefit shall be sixty-six and
24 two-thirds ~~per-cent~~ percent March 31, 2014 of a first class hoseman's salary
25 computed on the basis of the respective months; provided, however, that during any
26 such period of time when the combined total of gross income from pension and other
27 employment which may be procured by a member entitled to benefits under this
28 Paragraph shall exceed the gross monthly salary to which such ~~disabled~~ member with
29 a disability would be entitled were he presently on active duty in the position to

1 which his present seniority would entitle him then, and in that event, and during such
2 period only, the ~~disabled member's benefits~~ of the member with a disability under
3 this Paragraph shall be reduced dollar for dollar by the amount necessary to reduce
4 the member's gross monthly income from pension and other employment to an
5 amount equal to that gross monthly salary which the member would be entitled to
6 receive were he presently on active duty in the position to which his present seniority
7 would entitle him; but in no event shall benefits exceed that limitation of sixty-six
8 and two-thirds ~~per cent~~ percent of a first class hoseman's salary computed on the
9 basis of the respective months; provided that earnings from other employment shall
10 be reported to the board of trustees quarter-annually pursuant to such rules and
11 regulations as the Board may adopt in the enforcement of this provision, the said
12 Board of Trustees being hereby given the authority to adopt such rules and
13 regulations and being further given the power and authority to reduce a member's
14 benefits under this Paragraph in the quarter following that in which excess earnings
15 are reported in order to effectuate the provisions of this Paragraph as to that quarter
16 in which the member received income in excess of that allowed by this Paragraph.

17 (4) If a member of said Fire Department becomes disabled for service in the
18 said Fire Department, while in the active service of said Fire Department for causes
19 not arising or developing directly from his employment in said Fire Department, he
20 shall, upon being found ~~so disabled~~ to have such disability by the said Board of
21 Trustees, be paid monthly, so long as such disability shall continue, a sum equal to
22 ~~Twenty-five~~ twenty-five ~~per cent~~ percent of the monthly salary of the active member
23 of the said Fire Department holding the position corresponding to that held by the
24 beneficiary at the time he ~~became disabled~~ acquired the disability, plus ~~Two~~ two per
25 cent of such salary additional for each year of active service rendered over five years;
26 but the maximum benefit shall be ~~Fifty~~ fifty ~~per cent~~ percent of a first class
27 hoseman's salary, computed on the basis of the respective months. Providing further,
28 that time elapsing while member is receiving benefits under this Paragraph shall not
29 be considered as time served in the said Fire Department by such member and shall

1 not be included as "Time served" in determining eligibility for "retirement" under
2 this Part.

3 * * *

4 §3447. Merger with firefighters' retirement system

5 * * *

6 C. The city of Shreveport is specifically authorized to contract with the
7 active members of its fire department to guarantee that the merger will not result in
8 any active member of the Fund receiving less in regular retirement benefits, provided
9 he meets the age and service requirements of the Fund for a regular retirement
10 benefit, than the member would have received if the Fund had not been merged with
11 the System; provided further, if a member ~~becomes disabled~~ acquires a disability or
12 survivor benefits become payable after the effective date of the merger, the System
13 shall pay such benefits; and the Fund shall pay the difference in disability or
14 survivors benefits at the time such benefits become payable, if the benefits would
15 have been greater under the Fund. Any contract entered into pursuant to the
16 authority granted by this Subsection may designate the entity that will be responsible
17 for administering benefits and resolving disputes that arise under the contract.

18 * * *

19 §3461. Firemen's pension and relief fund for the city of West Monroe; creation;
20 composition of fund

21 From July 27, 1966, the assets, funds, monies, and properties presently
22 constituting the Municipal Employees' Retirement System of Louisiana to the credit
23 of members of the West Monroe Fire Department and to include the funds
24 contributed by the State of Louisiana shall, together with the funds, proceeds, and
25 revenues hereinafter provided for, constitute and be "The Firemen's Pension and
26 Relief Fund of the City of West Monroe" for the pensioning of ~~disabled members~~
27 with disabilities, members who are superannuated, and/or retired members of the
28 Fire Department of the City of West Monroe, operators of the alarm system, and

1 their widows and/or orphans or dependent parents and for the relief and aid of
2 members of said Fire Department in the case of temporary disability.

3 * * *

4 §3473. Pensions and benefits

5 Pensions and benefits shall be as follows:

6 (1) If any member of the said Fire Department, while in the active service
7 of said Fire Department, becomes and be found by the board of trustees to be
8 temporarily totally disabled, mentally or physically, for service in said Fire
9 Department by reason of service therein, the said member shall receive monthly from
10 said fund during such total disability or until he becomes eligible for retirement on
11 service basis, but not to exceed one year in any event, a sum equal to sixty-six and
12 two-thirds percent of the monthly salary of the active member of said Fire
13 Department holding the position corresponding to that held by the beneficiary at the
14 time he ~~became disabled~~ acquired the disability.

15 (2) If any member of the said Fire Department while in the active service of
16 said Fire Department becomes or be found to be totally, permanently, physically or
17 mentally disabled for service in said Fire Department, and to do or perform work of
18 any reasonable kind or character by reason or service in said Fire Department and be
19 found to be so by the board of trustees, he shall receive monthly from such Fund so
20 long as such disability shall continue, a sum equal to sixty-six and two-thirds percent
21 of the monthly salary of the active member of the said Fire Department holding the
22 position corresponding to that held by the beneficiary at the time he ~~became disabled~~
23 acquired the disability until such time as he becomes eligible for retirement on
24 service basis, but benefits under this Paragraph dealing with total and permanent
25 disability shall cease at the time when the recipient, had he not ~~been disabled~~
26 acquired the disability, would have completed twenty-five years service on the fire
27 force.

28 (3) If any member of the said Fire Department, becomes and be found to be
29 totally permanently, physically or mentally disabled for service in the said Fire

1 Department by reason of service therein, but physically and mentally capable and
2 able to do and perform work of any other reasonable kind or character and be so
3 found by said Board of Trustees, he shall receive monthly as long as disability shall
4 continue from such fund except as hereinafter provided, a sum equal to fifty percent
5 of the monthly salary of the active member of the said Fire Department holding the
6 position corresponding to that held by the beneficiary at the time he ~~became so~~
7 ~~disabled~~ acquired the disability, until such time as he becomes eligible for retirement
8 on service basis; but maximum benefit shall be sixty-six and two thirds percent of
9 a first class hoseman's salary computed on the basis of the respective months;
10 provided however, that during any such period of time when the combined total or
11 gross income from pension and other employment which may be procured by a
12 member entitled to benefits under this Paragraph shall exceed the gross monthly
13 salary to which such ~~disabled~~ member with a disability would be entitled were he
14 presently on active duty in the position to which his present seniority would entitle
15 him then, and in that event, and during such period only, the ~~disabled member's~~
16 benefits of the member with a disability under this Paragraph shall be reduced dollar
17 for dollar by the amount necessary to reduce the member's gross monthly income
18 from pension and other employment to an amount equal to that gross monthly salary
19 which the member would be entitled to receive were he presently on active duty in
20 the position to which his present seniority would entitle him; but in no event shall
21 benefits exceed that limitation of sixty-six and two-thirds percent of a first class
22 hoseman's salary computed on the basis of the respective months; provided that
23 earnings from other employment shall be reported to the Board of Trustees
24 quarter-annually pursuant to such rules and regulations as the Board may adopt in
25 the enforcement of this provision, the said Board of Trustees being hereby given the
26 authority to adopt such rules and regulations and being further given the power and
27 authority to reduce a member's benefits under this Paragraph in the quarter following
28 that in which excess earnings are reported in order to effectuate the provisions of this

1 Paragraph as to that quarter in which the member received income in excess of that
2 allowed by this Paragraph.

3 (4) If a member of said Fire Department becomes disabled for service in the
4 said Fire Department, while in the active service of said Fire Department for causes
5 not arising or developing directly from his employment in said Fire Department, he
6 shall, upon being found ~~so disabled~~ to have such disability by the said Board of
7 Trustees, be paid monthly, so long as such disability shall continue, a sum equal to
8 twenty-five percent of the monthly salary of the active member of the said Fire
9 Department holding the position corresponding to that held by the beneficiary at the
10 time he ~~became disabled~~ acquired the disability, plus two percent of such salary
11 additionally for each year of active service rendered over five years; but the
12 maximum benefit shall be fifty percent of a first class hoseman's salary, computed
13 on the basis of the respective months. Providing further, that time elapsing while
14 member is receiving benefits under this Paragraph shall not be considered as time
15 served in the said Fire Department by such member and shall not be included as
16 "Time served" in determining eligibility for "retirement" under this Part.

17 * * *

18 §3514. Retirement for disability or length of service; benefit payments

19 A. The board shall retire from service in the police department any member
20 of the department found by a majority vote of the board to have ~~become physically~~
21 ~~or mentally, permanently or temporarily, disabled~~ acquired a permanent or
22 temporary physical or mental disability while in the performance of his duties, as
23 determined by the report of the department physician, and shall place the retired
24 member on the pension or relief roll.

25 * * *

26 §3515. Examination of ~~disabled~~ member with a disability; resumption of duty

27 * * *

28 B. The department physician shall report his findings to the board, which
29 shall remove the member from the disability list if the report of the physician shows

1 §3552. City of Bogalusa; death benefits

2 A. With respect to the police pension and relief fund for the city of Bogalusa,
3 "child" or "children" as referred to in this Section shall include, regardless of age,
4 any child who is ~~physically and/or mentally handicapped~~ has a physical and/or
5 mental disability and such child shall receive benefits throughout life if medical
6 and/or psychological information indicates such child is ~~totally and permanently~~
7 ~~disabled~~ has a total and permanent disability.

8 B. If, however, medical or psychological information indicates that such
9 ~~disabled~~ child with a disability can benefit from specialized training in order to be
10 rendered self supporting, then such child will receive benefits so long as he is
11 actively enrolled in a specialized school or training program until such time as such
12 child is certified as being qualified to engage in gainful employment.

13 * * *

14 §3553. Death benefits; optional allowances; Bossier City

15 * * *

16 B. If, on or after January 1, 1985, a retired member of the Bossier City police
17 department dies who is receiving a pension, or a member dies, or died, while in
18 police service, while on or off official duty, and leaves, or left, a child or children
19 under eighteen years of age, or a widow, or dependent mother, these survivors shall
20 be paid as follows:

21 * * *

22 (2) Each child under eighteen years of age, shall be paid monthly benefits
23 equal to one hundred fifty dollars per month, however, as each surviving child
24 reaches the age of eighteen his benefits shall cease, unless the child is ~~retarded~~ has
25 an intellectual disability and is not able to earn his own living; further, any surviving
26 child who graduates from high school and goes directly to a board approved or
27 accredited school or college, shall be paid a monthly benefit equal to one hundred

1 fifty dollars per month for the time he remains in a board approved or accredited
2 school or college, not to exceed four years.

3 * * *

4 §3601. Policemen's pension and relief fund for the city of Lafayette; creation

5 A. There is hereby created a Policemen's Pension and Relief Fund for the
6 city of Lafayette, and a board of directors, to administer and disburse the fund, in
7 order to provide for the pensioning of ~~disabled~~ members of the police department
8 with disabilities, the widows, minor children and mothers and fathers of deceased
9 members of the department, and to permit the retirement and pensioning of members
10 of the police department after the required length of service, all as provided in this
11 Subpart.

12 * * *

13 §3605. Board of directors; powers and duties

14 A. The board of directors shall have the power, and it shall be its duty to:

15 * * *

16 (5) Cause the examination of every ~~disabled~~ pensioner or beneficiary with
17 a disability at least once a year.

18 * * *

19 §3609. Pensions and benefits

20 A. If a member of the police department becomes disabled for service therein
21 for causes not arising or developing directly from his employment in the police
22 department and for which he is, therefore, unable to collect compensation under the
23 worker's compensation laws of Louisiana, the policeman shall, upon being found ~~so~~
24 ~~disabled~~ to have such disability by the board of directors, be paid monthly so long
25 as such disability continues, a sum equal to forty-five percent of the salary earned by
26 the employee at the time such disability arises in the case of employees who have
27 served up to and including ten years. Employees who have served for a period of
28 eleven years shall receive forty-six percent. Employees who have served for a period
29 of twelve years shall receive forty-seven percent. Employees who have served for

1 a period of thirteen years shall receive forty-eight percent. Employees who have
 2 served for a period of fourteen years shall receive forty-nine percent. Employees
 3 who have served for fifteen years shall receive fifty percent. Employees who have
 4 served for a period of sixteen years shall receive fifty-one percent. Employees who
 5 have served for a period of seventeen years shall receive fifty-two percent.
 6 Employees who have served for a period of eighteen years shall receive fifty-three
 7 percent. Employees who have served for a period of nineteen years shall receive
 8 fifty-four percent. Employees who have served for a period of twenty years shall
 9 receive fifty-five percent.

10 * * *

11 §3644. Disability payments

12 Notwithstanding any other law to the contrary, if any officer, member, or
 13 employee of the police department, at any time, while in the active discharge of duty,
 14 or otherwise, ~~becomes permanently disabled~~ acquires a permanent disability so as
 15 to render his or her retirement from service necessary, he or she shall be retired by
 16 a two-thirds vote of the members of the board and shall receive a sum not to exceed
 17 fifty percent of his salary at the time of the permanent disability, however, such
 18 disability payment shall not be less than five hundred dollars per month. This sum
 19 shall never be reduced from the amount awarded at retirement. The board may
 20 employ a doctor to assist, if necessary, in establishing the disability.

21 §3645. Death benefits

22 * * *

23 E. Dependent child or children as referred to in this ~~section~~ Subsection shall
 24 include, regardless of any age any child who ~~is physically and/or mentally~~
 25 ~~handicapped~~ has a physical and/or mental disability and shall receive benefits
 26 throughout life if medical and/or psychological information indicates such child ~~is~~
 27 ~~totally and permanently disabled~~ has a total and permanent disability. If, however,
 28 medical or psychological information indicates that such ~~disabled~~ child with a
 29 disability can benefit from specialized training in order to be rendered self

1 supporting, then such child will receive benefits so long as he is actively enrolled in
2 a specialized school or training program until such time as such child is certified as
3 being qualified to engage in gainful employment. The board of trustees may demand
4 at reasonable intervals that such child submit to a medical and/or psychological
5 examination for current evaluation, subject to the penalty of all monthly payments
6 being suspended until submission to examination within fifteen days after request.

7 * * *

8 §3647. Retirement of members having twenty years or more of service

9 * * *

10 E. If any member of the police department shall ~~become physically or~~
11 ~~mentally permanently disabled~~ acquire a permanent physical or mental disability and
12 become incapacitated to perform his duties and such disability is not the direct result
13 of a service incurred injury or illness, then, in that event, the board of trustees, by a
14 majority vote of its members, shall determine whether or not such member shall be
15 retired for disability. Provided, that the procedure to establish such disability and to
16 determine the continuance thereof shall be the same as that prescribed in ~~Paragraph~~
17 ~~Of this Part~~ Subsection F of this Section. The amount of the pension to be received
18 by any member retired in accordance with the provisions of this Section shall be
19 based on the following schedule:

20 (1) If the ~~disabled~~ member with a disability has performed faithful service
21 in the police department for a period of ten years or less, he shall receive a pension
22 in the amount of thirty percent of his average salary during the last year of service
23 immediately preceding the date of establishing his disability in accordance with the
24 provisions of this Section.

25 (2) If the ~~disabled~~ member with a disability has performed faithful service
26 in the police department for a period of more than ten years, but not more than
27 fifteen years, he shall receive a pension in the amount of forty percent of his average
28 salary during the last year of service immediately preceding the date of establishing
29 his disability in accordance with the provisions of this Section.

1 such beneficiary, provided that such distributions begin no later than one year after
 2 the date of the member's death, or in the case of the member's surviving spouse, the
 3 date the member would have attained the age of seventy years and six months. If the
 4 designated beneficiary is a child of the member, for purposes of satisfying the
 5 requirement of Paragraph (1) of this Subsection, any amount paid to such child shall
 6 be treated as if paid to the member's surviving spouse if such amount would become
 7 payable to such surviving spouse, if alive, upon the child's reaching age eighteen or,
 8 if later, upon the child's completing a designated event. For purposes of this
 9 Subparagraph, a designated event shall be the later of the date the child is ~~no longer~~
 10 ~~disabled~~ ceases to have a disability or the date the child ceases to be a full-time
 11 student or attains age twenty-three, if earlier.

12 * * *

13 D. If by operation of law or by action of the board of trustees, a survivor
 14 benefit is payable to a specified person, the member shall be considered to have
 15 designated such person as an alternate beneficiary. If there is more than one such
 16 person, then the youngest ~~disabled~~ child with a disability shall be considered to have
 17 been so designated, or, if none, then the youngest person entitled to receive a
 18 survivor benefit shall be considered to have been so designated. The designation of
 19 a designated beneficiary shall not prevent payment to multiple beneficiaries, but
 20 shall only establish the permitted period of payments.

21 * * *

22 §3686. Disability retirement

23 * * *

24 B.(1) Upon retirement for disability, a member shall receive a retirement
 25 allowance if he has attained the age of fifty-five years; otherwise, he shall receive a
 26 disability benefit which shall be computed as follows:

27 (a) In case of total disability of any harbor member resulting from injury
 28 received in line of duty, a monthly pension of sixty percent of his average salary
 29 shall be paid to the ~~disabled~~ employee with a disability.

1 (b) Any member of the system who has ~~become disabled~~ acquired a
 2 disability or ~~incapacitated~~ incapacitating condition because of continued illness or
 3 as a result of any injury received, even though not in the line of duty, and who has
 4 been a member of the system for at least five years but is not eligible for retirement
 5 under the provisions of R.S. 11:3685 may apply for retirement under the provisions
 6 of this Section.

7 * * *

8 §3724. Pensions and benefits

9 Pensions and benefits shall be as follows:

10 (1) If any member of the said police department, while in the active service
 11 of said police department, becomes and is found by the board of trustees to be
 12 temporarily, totally disabled, mentally or physically, for service in said police
 13 department by reason of service therein, the said member shall receive monthly from
 14 said fund, during such total disability or until he becomes eligible for retirement on
 15 service basis, but not to exceed one year in any event, a sum equal to sixty-six and
 16 two-thirds percent of the monthly salary for the active member of said police
 17 department holding the position corresponding to that held by the beneficiary at the
 18 time he ~~became disabled~~ acquired the disability.

19 (2) If any member of the said police department while in the active service
 20 of said police department becomes or is found to be by the board of trustees totally,
 21 permanently, physically or mentally disabled for service in said police department,
 22 and to do or perform work of any reasonable kind or character by reason of service
 23 in said police department, he shall receive monthly from such fund so long as such
 24 disability shall continue, a sum equal to sixty-six and two-thirds percent of the
 25 monthly salary of the active member of the said police department holding the
 26 position corresponding to that held by the beneficiary at the time he ~~became disabled~~
 27 acquired the disability until such time as he becomes eligible for retirement on
 28 service basis.

1 would have received if the Fund had not been merged with the System; provided
 2 further, if a member ~~becomes disabled~~ acquires a disability or survivor benefits
 3 become payable after the effective date of the merger, the System shall pay such
 4 benefits; and the Fund shall pay the difference in disability or survivors benefits at
 5 the time such benefits become payable, if the benefits would have been greater under
 6 the Fund. Any contract entered into pursuant to the authority granted by this
 7 Subsection may designate the entity that will be responsible for administering
 8 benefits and resolving disputes that arise under the contract.

9 * * *

10 §3761. Bus driver's pension and relief fund of the city of Monroe; creation

11 From July 30, 1952, the assets, funds, monies and properties presently
 12 constituting the Bus Drivers' Pension Fund of the City of Monroe, Louisiana, shall,
 13 together with the funds, proceeds and revenues hereinafter provided for, constitute
 14 and be "The Bus Drivers' Pension and Relief Fund of the City of Monroe"; and such
 15 fund is hereby dedicated to the pensioning of ~~disabled~~ members with disabilities,
 16 members who are superannuated, and retired members of the Bus Drivers'
 17 Department of the City of Monroe, and their widows and orphans and for the relief
 18 and aid of members of said Bus Drivers' Department in the case of disability as
 19 ~~hereinafter provided~~ provided in this Part.

20 * * *

21 §3771. Pensions and benefits

22 Payment of pensions and benefits shall conform to the following conditions:

23 * * *

24 (2)(a) A member who has ~~become permanently disabled~~ acquired a
 25 permanent disability from any cause, either while on or off duty, save and except any
 26 disability which may arise out of a result from the commission or the attempted
 27 commission of a misdemeanor or a felony or use of any drug or intoxicating liquor
 28 to such extent as to become under the influence thereof to the extent that service
 29 cannot be performed in the department, shall upon submission of due proof in

1 accordance with the requirements of this organization, be paid monthly during the
2 period of such disability for the balance of his lifetime in accordance with the
3 following scale:

4 * * *

5 §3773. Payments during disability

6 No ~~disabled~~ member with a disability shall be paid pension benefits
7 hereunder during such period of disability while receiving regular wages or salary
8 from the City of Monroe.

9 * * *

10 §3778. Member participation; service not interrupted by physical infirmity; military
11 service; supplement to federal pension

12 A. A member's service period shall not be considered as having been
13 interrupted during such period that such member may not be employed by the
14 Department because of illness, injury, or other physical infirmity or disability; nor
15 shall it be considered as interrupted during such period that a member may be in
16 actual military service of his Country or state in time of war, peril, insurrection,
17 calamity, or other cause that may call the member from private life to military
18 service, and the dues of such member while absent from the Department during such
19 military service shall be waived. Provided also that if a member of the Department
20 is called into the Armed Forces of the United States, and as a result of his service he
21 ~~becomes totally disabled~~ acquires a total disability and receives a pension from the
22 Federal Government, the pension fund herein will pay him an amount sufficient to
23 equal the sum of one hundred forty dollars per month, or if he is killed and his
24 widow or dependent children receive a pension from the Federal Government, the
25 Bus Drivers' Pension and Relief Fund shall pay his widow or dependent children an
26 amount necessary to total the sum of eighty dollars per month.

27 * * *

1 §3780. Transfer to other department

2 If a member of this organization be transferred by a City Official to service
3 for the City of Monroe other than in the department, if such transfer shall exceed six
4 months in duration, it shall operate as a complete termination of such member's
5 membership and forfeiture of all rights, unless said member ~~is partially disabled~~ has
6 a partial disability; but if such transfer does not exceed six months service, it shall
7 not operate to terminate the member's membership herein, if such member returns
8 to the department and works at least one full day in each calendar month during the
9 period.

10 * * *

11 §3791. The Electrical Workers' Pension and Relief Fund of the City of Monroe;
12 creation

13 A Pension and Retirement Fund is herein created and shall hereinafter be
14 known and constituted as "The Electrical Workers' Pension and Relief Fund of the
15 City of Monroe, Louisiana"; and such fund is hereby dedicated to the pensioning of
16 ~~disabled~~ members with disabilities, members who are superannuated, and retired
17 members of the Electric Line Department, Electric Service Department, Street
18 Lighting Department, Electric Inspection Department, the Commercial Manager, and
19 the Electricians of the Water and Light Office of the City of Monroe, Louisiana, and
20 their widows and orphans and for the relief and aid of members of said Electric
21 Departments in the case of disability as hereinafter provided.

22 * * *

23 §3802. Pensions and benefits

24 Payment of pensions and benefits shall conform to the following conditions:

25 * * *

26 (3) A member who has ~~become permanently disabled~~ acquired a permanent
27 disability as a result of an injury sustained or as a result of injuries received in the
28 performance of the employee's official duties to the extent that such employee is
29 mentally or physically incapacitated for the further performance of duty and to the

1 extent that such incapacity is likely to be permanent, such member shall, upon
 2 submission of due proof in accordance with the requirements of the organization and
 3 during the period of such disability, receive a sum per month, which when combined
 4 with Social Security benefits received by him if any, equal two-thirds of the
 5 employee's monthly salary averaged over a period of the best five years prior to the
 6 date of disability less any workman's compensation or Social Security benefits
 7 received, during the balance of his lifetime, provided that any time during said period
 8 of disability the Board of Trustees hereof may require the member to submit to
 9 physical examination in accordance with the requirements of the organization.

10 (4) A member, who has at least ten years of creditable service in this system
 11 and who ~~becomes permanently disabled~~ acquires a permanent disability from any
 12 cause, either while on or off duty, save and except any disability which may arise out
 13 of or result from the commission or attempted commission of either a misdemeanor
 14 or felony or use of any drug or intoxicating liquor to such extent as to become under
 15 the influence thereof, to the extent that service cannot be performed in the
 16 department, such member shall, upon submission of due proof in accordance with
 17 the requirements of the organization, and during the period of such disability receive
 18 a sum per month, which, when combined with Social Security benefits received by
 19 him, if any, shall be equal to two-thirds of the employee's monthly salary averaged
 20 over a period of the best five years prior to date of disability less any compensation
 21 paid, during the balance of his lifetime, provided that any time during said period of
 22 disability the board of trustees hereof may require the member to submit to physical
 23 examination in accordance with the requirements of the organization.

24 * * *

25 §3804. Separation from service; disability; physical examination; leave of absence

26 A. No ~~disabled~~ member with a disability shall be paid pension benefits
 27 hereunder during such period of disability while receiving regular wages or salary
 28 from the City of Monroe.

29 * * *

1 §3805. Military service credit

2 A member's service period shall not be considered as having been interrupted
3 during such period that such member may not be employed by the various Electrical
4 Departments because of illness, injury, or other physical infirmity or disability; nor
5 shall it be considered as interrupted during such period that a member may be in
6 actual military service of his country or state in time of war, peril, insurrection,
7 calamity, or other cause that may call the member from private life to military
8 service, and the dues of such member while absent from the various Electrical
9 Departments during such military service shall be waived. Provided, also, that if a
10 member of the various Electrical Departments is called into the Armed Forces of the
11 United States, and as a result of his service he ~~becomes totally disabled~~ acquires a
12 total disability and receives a pension from the Federal Government, the pension
13 fund herein will pay him per month, an amount which when added to the
14 Government payment, is sufficient to equal two-thirds of his monthly salary but not
15 to exceed the additional amount which he is permitted to receive by the provisions
16 of the government pension act, averaged over a period of the best five years, or if he
17 is killed and his widow or dependent children under eighteen years of age receive a
18 pension from the Federal Government, the Pension and Relief Fund shall pay his
19 widow if living or dependent children, if no widow, until they reach age eighteen,
20 an amount not to exceed forty percent of his salary averaged over the best five years
21 of employment in the various Electrical Departments, provided that the widow's
22 pension shall cease if she remarries.

23 * * *

24 §3808. Transfer to another department

25 If a member of this organization be transferred by a City Official to service
26 for the City of Monroe, other than in the various Electrical Departments, if such
27 transfer shall exceed six months in duration, it shall operate as a complete
28 termination of such member's membership and forfeiture of all rights, unless said
29 member is ~~partially disabled~~ has a partial disability; but if such transfer does not

1 exceed six months service, it shall not operate to terminate the member's membership
2 herein, if such member returns to the department and works at least one full day in
3 each calendar month during the period.

4 Section 5. R.S. 13:1278 and 3881(A)(8) are hereby amended and reenacted to read
5 as follows:

6 §1278. Illness, disability, or absence

7 In the case of the illness, disability, or absence of any court reporter, the
8 judges of the court may assign another court reporter to perform the duties of the ~~ill,~~
9 ~~disabled, or absent~~ court reporter who is ill, has a disability, or is absent. The judges
10 of the court may appoint a qualified person to serve temporarily as a court reporter
11 during such period of illness, disability, or absence. The person so appointed court
12 reporter to serve temporarily shall receive the compensation and fees provided in
13 R.S. 13:1272 and ~~R.S. 13:1273~~.

14 * * *

15 §3881. General exemptions from seizure

16 A. The following income or property of a debtor is exempt from seizure
17 under any writ, mandate, or process whatsoever, except as otherwise herein
18 provided:

19 * * *

20 (8) Seven thousand five hundred dollars in equity value for one motor
21 vehicle per household which vehicle is substantially modified, equipped, or fitted for
22 the purposes of adapting its use to the physical disability of the debtor or his family
23 and is used by the debtor or his family for the transporting of such ~~disabled~~ person
24 with a disability for any use.

25 * * *

26 Section 6. R.S. 14:32(D)(3), 35.2(A)(introductory paragraph), (B), and (C),
27 39(D)(3), 45(A)(3), 67.16(A)(1), (C)(1)(b), (2)(b), (3)(b), and (4)(b), 67.21(A) through (D),
28 79.1(A)(2), 89.1(A)(4), the heading of Subpart B(3) of Part V of Chapter 1 of Title 14 of the
29 Louisiana Revised Statutes of 1950, 93.3(A) through (D) and (E)(1), 93.4,

1 93.5(A)(introductory paragraph) and (D), 106(D)(2)(introductory paragraph) and (d),
2 107.1(C)(2) and (3), 126.3(A), and 202.1(F)(4) are hereby amended and reenacted to read
3 as follows:

4 §32. Negligent homicide

5 * * *

6 D. The provisions of this Section shall not apply to:

7 * * *

8 (3) Any guide or service dog trained at a qualified dog guide or service
9 school who is accompanying any blind person, visually ~~handicapped~~ impaired
10 person, deaf person, hearing impaired person, or ~~otherwise physically disabled~~
11 person with any other physical disability who is using the dog as a guide or for
12 service.

13 * * *

14 §35.2. Simple battery of ~~the infirm~~ persons with infirmities

15 A. Simple battery of ~~the infirm~~ persons with infirmities is a battery
16 committed against ~~an~~ a person who is infirm, disabled ~~has a disability,~~ or is aged
17 ~~person~~ and who is incapable of consenting to the battery due to either of the
18 following:

19 * * *

20 B. For purposes of this Section, "~~infirm, disabled, or aged~~ person who is
21 infirm, has a disability, or is aged" shall include but not be limited to any individual
22 who is a resident of a nursing home, ~~mental retardation~~ facility for persons with
23 intellectual disabilities, mental health facility, hospital, or other residential facility,
24 or any individual who is sixty years of age or older. Lack of knowledge of the
25 person's age shall not be a defense.

26 C. Whoever commits the crime of battery of ~~the infirm~~ persons with
27 infirmities shall be fined not more than five hundred dollars and imprisoned not less
28 than thirty days nor more than six months, or both.

29 * * *

1 §39. Negligent injuring

2 * * *

3 D. The provisions of this Section shall not apply to:

4 * * *

5 (3) Any guide or service dog trained at a qualified dog guide or service
6 school who is accompanying any blind person, visually ~~handicapped~~ impaired
7 person, deaf person, hearing impaired person, or ~~otherwise physically disabled~~
8 person with any other physical disability who is using the dog as a guide or for
9 service.

10 * * *

11 §45. Simple kidnapping

12 A. Simple kidnapping is:

13 * * *

14 (3) The intentional taking, enticing or decoying away, without the consent
15 of the proper authority, of any person who has been lawfully committed to any
16 ~~orphan, insane, feeble-minded~~ institution for orphans, persons with mental illness,
17 persons with intellectual disabilities, or other similar institution.

18 * * *

19 §67.16. Identity theft

20 A. As used in this Section the following terms have the following meanings:

21 (1) ~~"Disabled person" is~~ "Person with a disability" means any person
22 regardless of age who has a mental, physical, or developmental disability that
23 substantially impairs the person's ability to provide adequately for his own care or
24 protection.

25 * * *

26 C.(1)

27 * * *

28 (b) Whoever commits the crime of identity theft when the victim is sixty
29 years of age or older or a ~~disabled~~ person with a disability when the credit, money,

1 goods, services, or any thing else of value is obtained which amounts to a value of
2 one thousand dollars or more, shall be imprisoned, with or without hard labor, for not
3 less than three years and for not more than ten years, or may be fined not more than
4 ten thousand dollars, or both.

5 * * *

6 (2)

7 * * *

8 (b) Whoever commits the crime of identity theft when the victim is sixty
9 years of age or older or a ~~disabled~~ person with a disability when the credit, money,
10 goods, services, or any thing else of value is obtained which amounts to a value of
11 five hundred dollars or more, but less than one thousand dollars, shall be imprisoned,
12 with or without hard labor, for not less than two years and not more than five years,
13 or may be fined not more than five thousand dollars, or both.

14 * * *

15 (3)

16 * * *

17 (b) Whoever commits the crime of identity theft when the victim is sixty
18 years of age or older or a ~~disabled~~ person with a disability when the credit, money,
19 goods, services, or any thing else of value is obtained which amounts to a value of
20 three hundred dollars or more, but less than five hundred dollars, shall be
21 imprisoned, with or without hard labor, for not less than one year and not more than
22 three years, or may be fined not more than three thousand dollars, or both.

23 * * *

24 (4)

25 * * *

26 (b) Whoever commits the crime of identity theft when the victim is sixty
27 years of age or older or a ~~disabled~~ person with a disability when the credit, money,
28 goods, services, or any thing else of value is obtained which amounts to a value less
29 than three hundred dollars, shall be imprisoned with or without hard labor, for not

1 less than six months and not more than one year, or may be fined not more than five
2 hundred dollars, or both.

3 * * *

4 §67.21. Theft of the assets of ~~an aged~~ a person who is aged or ~~disabled~~ person with
5 a disability

6 A. As used in this Section the following terms have the following meanings:

7 (1) "~~Aged person~~" "Person who is aged" is any person sixty years of age or
8 older.

9 (2) "~~Disabled person~~" "Person with a disability" is a person eighteen years
10 of age or older who has a mental, physical, or developmental disability that
11 substantially impairs the person's ability to provide adequately for his own care or
12 protection.

13 (3) "Health care" is any expense resulting from medical, personal,
14 residential, or other care provided or assistance received from any home- and
15 community-based service provider, adult foster home, adult congregate living
16 facility, nursing home, or other institution or agency responsible for the care of any
17 person who is aged or ~~disabled~~ person with a disability.

18 B. Theft of the assets of ~~an aged~~ a person who is aged or ~~disabled~~ person
19 with a disability is any of the following:

20 (1) The intentional use, consumption, conversion, management, or
21 appropriation of ~~an aged person's or disabled person's~~ the funds, assets, or property
22 of a person who is aged or person with a disability without his authorization or
23 consent for the profit, advantage, or benefit of a person other than the ~~aged~~ person
24 who is aged or ~~disabled~~ person with a disability without his authorization or consent.

25 (2) The intentional misuse of ~~an aged or disabled person's~~ the power of
26 attorney of a person who is aged or person with a disability to use, consume, convert,
27 manage, or appropriate any funds, assets, or property of ~~an aged~~ a person who is
28 aged or ~~disabled~~ person with a disability for the profit, advantage, or benefit of a

1 person other than the ~~aged~~ person who is aged or ~~disabled~~ person with a disability
2 without his authorization or consent.

3 (3) The intentional use, consumption, conversion, management, or
4 appropriation of ~~an aged person's or disabled person's~~ the funds, assets, or property
5 of a person who is aged or person with a disability through the execution or
6 attempted execution of a fraudulent or deceitful scheme designed to benefit a person
7 other than the ~~aged~~ person who is aged or ~~disabled~~ person with a disability.

8 C.(1) Whoever commits the crime of theft of the assets of ~~an aged~~ a person
9 who is aged or ~~disabled~~ person with a disability when the value of the theft equals
10 one thousand five hundred dollars or more may be imprisoned, with or without hard
11 labor, for not more than ten years and shall be fined not more than three thousand
12 dollars, or both.

13 (2) Whoever commits the crime of theft of the assets of ~~an aged~~ a person
14 who is aged or ~~disabled~~ person with a disability when the value of the theft equals
15 five hundred dollars or more, but less than one thousand five hundred dollars may
16 be imprisoned, with or without hard labor, for not more than five years and shall be
17 fined not more than two thousand dollars, or both.

18 (3) Whoever commits the crime of theft of the assets of ~~an aged~~ a person
19 who is aged or ~~disabled~~ person with a disability when the value of the theft equals
20 five hundred dollars or less may be imprisoned for not more than six months and
21 shall be fined not more than five hundred dollars, or both.

22 (4) In any case in which an offender has been previously convicted of theft
23 of the assets of ~~an aged~~ a person who is aged or ~~disabled~~ person with a disability the
24 offender shall be imprisoned, with or without hard labor, for not less than two years,
25 and shall be fined not less than two thousand dollars, or both, regardless of the value
26 of the instant theft.

1 D. When there have been a number of distinct acts of theft of the assets of
2 ~~an aged~~ a person who is aged or ~~disabled~~ person with a disability, the aggregate of
3 the values of each act shall determine the grade of the offense.

4 * * *

5 §79.1. Criminal abandonment

6 A. Criminal abandonment is any of the following:

7 * * *

8 (2) The intentional physical abandonment of ~~an~~ a person who is aged or
9 ~~disabled~~ person with a disability by a caregiver as defined in R.S. 14:93.3 who is
10 compensated for providing care to such person. For the purpose of this Paragraph
11 ~~an aged~~ a person who is aged shall mean any individual who is sixty years of age or
12 older.

13 * * *

14 §89.1. Aggravated crime against nature

15 A. Aggravated crime against nature is crime against nature committed under
16 any one or more of the following circumstances:

17 * * *

18 (4) When ~~through idiocy, imbecility,~~ as a result of an intellectual or mental
19 disability or any unsoundness of mind, either temporary or permanent, the victim is
20 incapable of giving consent and the offender knew or should have known of such
21 incapacity;

22 * * *

23 3. OFFENSES AFFECTING THE HEALTH AND SAFETY

24 OF THE INFIRM PERSONS WITH INFIRMITIES

25 §93.3. Cruelty to ~~the infirmed~~ persons with infirmities

26 A. Cruelty to ~~the infirmed~~ persons with infirmities is the intentional or
27 criminally negligent mistreatment or neglect by any person, including a caregiver,
28 whereby unjustifiable pain, malnourishment, or suffering is caused to ~~the infirmed~~
29 a person with an infirmity, a disabled an adult with a disability, or ~~an~~ a person who

1 is aged ~~person~~, including but not limited to a person who is a resident of a nursing
2 home, ~~mental retardation~~ facility for persons with intellectual disabilities, mental
3 health facility, hospital, or other residential facility.

4 B. "Caregiver" is defined as any person or persons who temporarily or
5 permanently is responsible for the care of ~~the infirmed~~, a person with an infirmity;
6 ~~physically or mentally disabled~~ an adult with a physical or mental disability; or a
7 person who is aged ~~person~~, whether such care is voluntarily assumed or is assigned.

8 Caregiver includes but is not limited to adult children, parents, relatives, neighbors,
9 daycare institutions and facilities, adult congregate living facilities, and nursing
10 homes which or who have voluntarily assumed or been assigned the care of ~~an aged~~
11 ~~or infirmed person or disabled adult~~, a person who is aged, a person with an
12 infirmity, or an adult with a disability; or have assumed voluntary residence with ~~an~~
13 ~~aged or infirmed person or disabled adult~~ a person who is aged, a person with an
14 infirmity, or an adult with a disability.

15 C. For the purposes of this Section, ~~an aged~~ a person who is aged is any
16 individual sixty years of age or older.

17 D. The providing of treatment by a caregiver in accordance with a
18 well-recognized spiritual method of healing, in lieu of medical treatment, shall not
19 for that reason alone be considered the intentional or criminally negligent
20 mistreatment or neglect of ~~an infirmed, a disabled adult, or an aged person~~ a person
21 with an infirmity, an adult with a disability, or a person who is aged. The provisions
22 of this Subsection shall be an affirmative defense to a prosecution under this Section.

23 E.(1) Whoever commits the crime of cruelty to any ~~infirmed~~ person with an
24 infirmity, disabled adult with a disability, or aged person who is aged shall be fined
25 not more than ten thousand dollars or imprisoned with or without hard labor for not
26 more than ten years, or both. At least one year of the sentence imposed shall be
27 served without benefit of parole, probation, or suspension of sentence when the act
28 of cruelty to ~~the infirmed~~ persons with infirmities was intentional and malicious.

29 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 §93.4. Exploitation of ~~the infirmed~~ persons with infirmities

2 A. Exploitation of ~~the infirmed~~ persons with infirmities is:

3 (1) The intentional expenditure, diminution, or use by any person, including
4 a caregiver, of the property or assets of ~~the infirmed~~ a person with an infirmity, a
5 ~~disabled~~ an adult with a disability, or an a person who is aged ~~person,~~ including but
6 not limited to a resident of a nursing home, ~~mental retardation~~ facility for persons
7 with intellectual disabilities, mental health facility, hospital, or other residential
8 facility without the express voluntary consent of the resident or the consent of a
9 legally authorized representative of an incompetent resident, or by means of
10 fraudulent conduct, practices, or representations.

11 (2) The use of ~~an infirmed person's, or aged person's, or disabled adult's~~ the
12 power of attorney or guardianship of a person with an infirmity, a person who is
13 aged, or an adult with a disability for one's own profit or advantage by means of
14 fraudulent conduct, practices, or representations.

15 B. Whoever commits the crime of exploitation of ~~the infirmed~~ persons with
16 infirmities shall be fined not more than ten thousand dollars or imprisoned, with or
17 without hard labor, for not more than ten years, or both.

18 C. Whoever is convicted, or who enters a plea agreement for exploitation of
19 ~~the infirmed~~ persons with infirmities shall be prohibited from having access to the
20 ~~victim's or any other disabled or aged person's~~ assets or property of the victim or of
21 any other person with a disability or person who is aged. The offender shall be
22 prohibited from being appointed as a power of attorney or guardian for the victim or
23 any other ~~disabled or aged person~~ person with a disability or person who is aged.
24 The provisions of this Subsection shall not be construed to prohibit the offender from
25 inheriting from the ~~infirmed~~ victim with an infirmity.

1 §93.5. Sexual battery of ~~the infirm~~ persons with infirmities

2 A. Sexual battery of ~~the infirm~~ persons with infirmities is the intentional
3 engaging in any of the sexual acts listed in Subsection B of this Section with another
4 person, who is not the spouse of the offender, when:

5 * * *

6 D. Whoever commits the crime of sexual battery of ~~the infirm~~ persons with
7 infirmities shall be punished by imprisonment, with or without hard labor, for not
8 more than ten years.

9 * * *

10 §106. Obscenity

11 * * *

12 D.

13 * * *

14 (2) For the purpose of this ~~Paragraph~~ Subsection, the following words and
15 terms shall have the respective meanings defined as follows:

16 * * *

17 (d) "Medical clinics and hospitals" means any clinic or hospital of licensed
18 physicians or psychiatrists used for the reception and care of ~~the persons who are~~
19 sick, wounded, or infirm.

20 * * *

21 §107.1. Ritualistic acts

22 * * *

23 C.

24 * * *

25 (2) No person shall commit ritualistic sexual abuse of children or of
26 ~~physically or mentally disabled~~ adults with physical or mental disabilities as part of
27 a ceremony, rite, initiation, observance, performance, or practice.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (3) No person shall commit ritualistic psychological abuse of children or of
2 ~~physically or mentally disabled~~ adults with physical or mental disabilities as part of
3 a ceremony, rite, initiation, observance, performance, or practice.

4 * * *

5 §126.3. False statements concerning employment in a nursing or health care facility

6 A. The crime of health care facility application fraud is the knowing and
7 intentional offering of a false written or oral statement in any employment
8 application or in an effort to obtain employment as a caretaker in any nursing home,
9 ~~mental retardation~~ facility for persons with intellectual disabilities, mental health
10 facility, hospital, home health agency, hospice, or other residential facility required
11 to be licensed or operated under the laws of this state or established by the laws of
12 this state. Such false statement must be relevant to the caretaking obligation of such
13 employee, but shall specifically apply to but not be limited to educational and
14 professional background and licensing and credential qualifications.

15 * * *

16 §202.1. Home improvement fraud; penalties

17 * * *

18 F. Whoever commits the crime of home improvement fraud shall be fined
19 not more than twenty thousand dollars and shall be imprisoned, with or without hard
20 labor, for not more than ten years, if the home improvement fraud is committed
21 under any of the following circumstances:

22 * * *

23 (4) The person with whom the contract for home improvement is entered
24 into is a ~~disabled~~ person with a disability.

25 * * *

26 Section 7. R.S. 15:536(A), 537(A), 541(2)(m), 571.3(B)(3)(r), 571.34(A), 581,
27 830(A) and (B), 830.1(A), 1039, 1402(A), 1503(6) and (7), and 1510(C) are hereby amended
28 and reenacted to read as follows:

1 §536. Definitions

2 A. For purposes of this Chapter, "sexual offender" means a person who has
3 violated R.S. 14:78 (incest), R.S. 14:78.1 (aggravated incest), R.S. 14:89 (crime
4 against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:93.5 (sexual
5 battery of ~~the infirm~~ persons with infirmities) or any provision of Subpart C of Part
6 II, or Subpart A(1) of Part V, of Chapter 1 of Title 14 of the Louisiana Revised
7 Statutes of 1950.

8 * * *

9 §537. Sentencing of sexual offenders; serial sexual offenders

10 A. If a person is convicted of or pleads guilty to, or where adjudication has
11 been deferred or withheld for a violation of R.S. 14:78 (incest), R.S. 14:78.1
12 (aggravated incest), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81
13 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles),
14 R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental
15 disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:89 (crime
16 against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:93.5 (sexual
17 battery of ~~the infirm~~ persons with infirmities), or any provision of Subpart C of Part
18 II of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, and is
19 sentenced to imprisonment for a stated number of years or months, the person shall
20 not be eligible for diminution of sentence for good behavior.

21 * * *

22 §541. Definitions

23 For the purposes of this Chapter, the definitions of terms in this Section shall
24 apply:

25 * * *

26 (2) "Aggravated offense" means a conviction for the perpetration or
27 attempted perpetration of, or conspiracy to commit, any of the following:

28 * * *

1 (m) Sexual battery of ~~the infirm~~ persons with infirmities (R.S. 14:93.5).

2 * * *

3 §571.3. Diminution of sentence for good behavior

4 * * *

5 B.

6 * * *

7 (3) A person shall not be eligible for diminution of sentence for good
8 behavior if he has been convicted of or pled guilty to, or where adjudication has
9 been deferred or withheld for, a violation of any one of the following offenses:

10 * * *

11 (r) Sexual battery of ~~the infirm~~ persons with infirmities (R.S. 14:93.5).

12 * * *

13 §571.34. Alternative to traditional imprisonment; prisoners who are elderly or
14 infirm ~~prisoners~~

15 A. Not later than October 1, 1997, contingent upon legislative appropriation,
16 the Department of Public Safety and Corrections shall implement a pilot project
17 using an alternative mode of incarceration to traditional imprisonment involving
18 electronic monitoring for executing the sentences of certain offenders who are
19 elderly or infirm ~~offenders~~ as determined by the department. The project shall
20 provide for active electronic monitoring of the prisoner.

21 * * *

22 §581. Authorized audits and investigations

23 With the written authorization of the deputy secretary, any employee or agent
24 of the bureau, for purpose of audit or investigation of violations of any provisions
25 herein, or any official rule or regulation of the bureau, shall be granted access by any
26 public or private criminal justice agency collecting, processing, storing, or
27 maintaining any documents, or automated, microfilmed, or manual records
28 containing, or which may reasonably be expected to be used to substantiate and
29 verify, any information or statistics the bureau is empowered to require from such

1 public or private criminal justice agency. Upon written authorization of the deputy
 2 secretary, any employee or agent of the bureau may enter any institution to which
 3 persons have been committed, who have been convicted of crime, or declared to be
 4 criminally insane or to be ~~feeble-minded~~ delinquents with intellectual disabilities, to
 5 take or cause to be taken fingerprints or photographs or to make investigations
 6 relative to any person confined therein, for the purpose of obtaining information
 7 which will lead to the identification of criminals.

8 * * *

9 §830. Treatment of ~~mentally ill and mentally retarded~~ inmates with mental illness
 10 or intellectual disability

11 A. The department may establish resources and programs for the treatment
 12 of ~~mentally ill and mentally retarded~~ inmates with a mental illness or an intellectual
 13 disability, either in a separate facility or as part of other institutions or facilities of
 14 the department.

15 B. On the recommendation of appropriate medical personnel and with the
 16 consent of the Department of Health and Hospitals or other appropriate department,
 17 the secretary of the Department of Corrections may transfer an inmate for
 18 observation and diagnosis to the Department of Health and Hospitals or other
 19 appropriate department or institution for a period not to exceed the length of his
 20 sentence. If the inmate is found to be subject to civil commitment for psychosis or
 21 other mental illness or ~~retardation~~ intellectual disability, the secretary of the
 22 Department of Corrections shall initiate legal proceedings for such commitment. If
 23 the inmate is not represented by counsel at such legal proceedings, the court shall
 24 appoint an attorney to represent him. Reasonable attorney fees shall be fixed by the
 25 judge and shall be paid by the state. While the inmate is in such other institution his
 26 sentence shall continue to run.

27 * * *

1 §830.1. Refusal of treatment by ~~mentally ill or mentally retarded~~ inmates with
2 mental illness or intellectual disability

3 A. Whenever a ~~mentally ill or mentally retarded~~ an inmate with a mental
4 illness or an intellectual disability refuses treatment and any staff physician, staff
5 psychiatrist, or consulting psychiatrist of the institution certifies that the treatment
6 is necessary to prevent harm or injury to the inmate or to others, such treatment will
7 be permitted for a period not to exceed fifteen days. If treatment for a longer period
8 is deemed necessary, a petition shall be filed in a court of competent jurisdiction
9 setting forth the reasons for the treatment. Treatment shall continue while the
10 hearing is pending. After a hearing at which the ~~mentally ill or mentally retarded~~
11 inmate with a mental illness or intellectual disability is represented by counsel, the
12 court shall determine whether the inmate is competent and, if not, he shall order that
13 appropriate treatment be provided. If the inmate does not have counsel, the court
14 shall appoint an attorney to represent him. Reasonable attorney fees shall be fixed
15 by the judge and paid by the state.

16 * * *

17 §1039. Return of inmates to committing court for transfer

18 The board of commissioners of the school may return to the juvenile court
19 of the parish any inmate committed to the school with recommendation for the
20 transfer of the inmate to the state reformatory, to a hospital for ~~the insane persons~~
21 with mental illness, to an institution for the care of ~~feeble minded~~ persons with
22 intellectual disabilities, or other appropriate institution to which the inmate might
23 have been committed in the first instance, and thereupon, the court may cause the
24 inmate to be committed to an appropriate institution or dealt with according to law.

25 * * *

26 §1402. Legislative findings and declaration

27 A. The legislature hereby finds and declares that it is the right of every
28 person, regardless of race, color, creed, religion, national origin, sex, age, or
29 ~~handicap~~ disability, to be secure and protected from fear, intimidation, and physical

1 harm caused by the activities of violent groups and individuals. It is not the intent
2 of this Chapter to interfere with the constitutional exercise of the protected rights of
3 freedom of expression and association. The legislature hereby recognizes the right
4 of every citizen to harbor and constitutionally express beliefs on any lawful subject
5 whatsoever, to associate lawfully with others who share similar beliefs, to petition
6 lawfully constituted authority for a redress of perceived grievances, and to
7 participate in the electoral process.

8 * * *

9 §1503. Definitions

10 For the purposes of this Chapter, the following terms shall have the following
11 meanings, unless the context clearly indicates a different meaning:

12 * * *

13 (6) "Caregiver" means any person or persons, either temporarily or
14 permanently, responsible for the care of ~~an aged~~ a person who is aged or ~~a physically~~
15 ~~or mentally disabled~~ an adult with a physical or mental disability. "Caregiver"
16 includes but is not limited to adult children, parents, relatives, neighbors, daycare
17 personnel, adult foster home sponsors, personnel of public and private institutions
18 and facilities, adult congregate living facilities, and nursing homes which have
19 voluntarily assumed the care of ~~an aged person, or disabled adult~~ a person who is
20 aged or an adult with a disability, have assumed voluntary residence with ~~an aged~~
21 ~~person or disabled adult~~ a person who is aged or an adult with a disability, or have
22 assumed voluntary use or tutelage of ~~an aged or disabled person's~~ the assets, funds,
23 or property of a person who is aged or a person with a disability, and specifically
24 shall include city, parish, or state law enforcement agencies.

25 (7) "Exploitation" means the illegal or improper use or management of ~~an~~
26 ~~aged person's or disabled adult's~~ the funds, assets, or property of a person who is
27 aged or an adult with a disability, or the use of ~~an aged person's or disabled adult's~~

1 power of attorney or guardianship of a person who is aged or an adult with a
2 disability for one's own profit or advantage.

3 * * *

4 §1510. Implementation

5 * * *

6 C. The adult protection agencies shall implement adult protective services
7 for ~~aged and disabled adults~~ persons who are aged and adults with disabilities in
8 accordance with an agency plan and shall submit an annual funding request in
9 accordance with its plan. No funds shall be expended to implement the plan until the
10 budget is approved by the commissioner of administration and by the legislature in
11 the annual state appropriations act.

12 * * *

13 Section 8. R.S. 17:67(G), 124, 158(H)(2)(f), 240(A)(1) and (B)(2), 407.2, 421.4,
14 422.6(B), 1947(A)(1) and (2), and 3217.2(D) are hereby amended and reenacted to read as
15 follows:

16 §67. Southeast Baton Rouge Community School Board and school system; creation;
17 membership; qualifications; apportionment; election; powers, duties, and
18 functions; system operation

19 * * *

20 G. The East Baton Rouge Parish School System shall transfer ownership of
21 at least fifty school buses, each with at least sixty-passenger capacity that are of
22 equal quality, age, and condition to the fleet owned and operated by the East Baton
23 Rouge Parish School System to the Southeast Baton Rouge Community School
24 System, including a sufficient number of ~~handicapped-accessible~~ accessible buses
25 to be used to transport the students needing special transportation services.

26 * * *

27 §124. Appropriations, authority to make

28 The Orleans Parish School Board may make annual appropriations out of any
29 of its funds to the teachers' retirement fund of the public schools of the parish; these

1 appropriations shall not be less than Thirty Thousand Dollars (\$30,000.00) each year.
2 The board may make additional appropriations to be used as a special fund for such
3 ~~aged and infirm~~ teachers who are aged or infirm as are, under the laws in effect on
4 July 26, 1922, receiving less than Twenty-Five Dollars (\$25.00) a month.

5 * * *

6 §158. School buses for transportation of students; employment of bus operators;
7 alternative means of transportation; improvement of school bus turnarounds

8 * * *

9 H.

10 * * *

11 (2) Any parish or city school board seeking approval to eliminate or reduce
12 the level of transportation services to students for economically justifiable reasons
13 shall submit with its request for approval the following information:

14 * * *

15 (f) A written statement attested to by the chief transportation officer of the
16 school system, the local superintendent of schools, and the presiding officer of the
17 school board that the proposed reduction in or elimination of transportation services
18 to students does not have a disparate impact on any group of students by reason of
19 race, creed, sex, ~~handicap~~ disability, residence, or school attended, whether public
20 or approved nonpublic, elementary or secondary.

21 * * *

22 §240. Prohibition against use of tobacco in schools; prohibition against smoking on
23 school bus; rules and regulations

24 A. For purposes of this Section the following terms shall have the following
25 meanings unless the context clearly indicates otherwise:

26 (1) "School building" means any building located on the property of any
27 elementary or secondary school, ~~state schools for the deaf, blind, spastic, and~~
28 ~~cerebral palsied~~ the Louisiana School for the Deaf, the Louisiana School for the

1 Visually Impaired, the Louisiana Special Education Center, and schools in the
2 Special School District ~~No. 1.~~

3 * * *

4 B.

5 * * *

6 (2) No person shall smoke or carry a lighted cigar, cigarette, pipe, or any
7 other form of smoking object or device on the grounds of any public or private
8 elementary or secondary school property, ~~or state schools for the deaf, blind, spastic,~~
9 ~~and cerebral palsied and~~ the Louisiana School for the Deaf, the Louisiana School for
10 the Visually Impaired, the Louisiana Special Education Center, or schools in the
11 Special School District ~~No. 1,~~ except in an area specifically designated as a smoking
12 area.

13 * * *

14 §407.2. Louisiana Early Childhood Opportunity Program

15 The department shall establish the Louisiana Early Childhood Opportunity
16 Program to assist in the development and funding of appropriate early childhood
17 programs for educationally at-risk children ages three to five years. Beginning with
18 the 1992-1993 school year, the department, with the approval of its governing
19 authority, shall award grants or contracts to qualified early childhood programs,
20 including but not limited to Head Start, HIPPIY, Parents as Teachers (PAT), and
21 programs for ~~developmentally disabled and~~ youngsters with developmental
22 disabilities or who are educationally or environmentally at-risk ~~youngsters,~~ selected
23 by the department in accordance with specified programmatic standards and
24 guidelines to be established by the department with the approval of its governing
25 authority.

26 * * *

27 §421.4. Salary increases, noninstructional school personnel

28 A. The salary increase funded by Act No. 12 of the 1991 Regular Session of
29 the Legislature for noninstructional school employees, including teacher aides and

1 a city or parish school board, of ~~a state school for the deaf, blind, spastic, or cerebral~~
 2 ~~paroled~~ the Louisiana School for the Deaf, the Louisiana School for the Visually
 3 Impaired, the Louisiana Special Education Center, or of ~~State~~ the Special School
 4 District ~~No. 1~~ who is not required to hold a teacher's certificate as a condition of
 5 employment.

* * *

7 §1947. Funding

8 A. Funding for public school special educational services as provided by
 9 local education agencies shall be as follows:

10 (1) Each local education agency shall provide special education and related
 11 services to students with exceptionalities who are located within its geographical
 12 boundaries, including children who are placed in a private residential facility or an
 13 intermediate care facility for ~~the developmentally disabled~~ persons with
 14 developmental disabilities for any reason by any individual or agency; however, the
 15 agency shall pay the cost of such services only for such students who are residents
 16 within the geographical boundaries of the agency. Each local education agency shall
 17 provide child find and evaluation to nonresident students who attend a parentally
 18 placed private elementary or secondary school.

19 (2) If a local education agency provides special education and related
 20 services to a student with an exceptionality who is located within the geographical
 21 boundaries of such agency but is not a resident thereof, including children who are
 22 placed in a private residential facility or an intermediate care facility for ~~the~~
 23 ~~developmentally disabled~~ persons with developmental disabilities for any reason by
 24 any individual or agency, the cost of any special education and related services shall
 25 be reimbursed by the local education agency within the boundaries of which the
 26 student resides, except as provided in Paragraph (3) of this Subsection.

* * *

1 §3217.2. Orleans Regional Technical Institute, merger with Delgado Community
2 College

3 * * *

4 D. Notwithstanding any provision of law to the contrary, Delgado
5 Community College shall give preference in the operation of vending stands,
6 vending machines, and other concessions operated on the premises of the former
7 technical institute to blind persons pursuant to programs for such persons
8 administered by the ~~Department of Children and Family Services~~ Louisiana
9 Workforce Commission. Additionally, no other vending stands, vending machines,
10 or other concessions shall be operated on the same premises as the vending stands,
11 vending machines, and other concessions given preference by this Subsection. No
12 blind person shall be required to pay any fee, service charge, or other cost to operate
13 any vending stand, vending machine, or other concession on the premises of the
14 former technical institute and no blind person operating such a vending stand,
15 vending machine, or other concession on such premises shall be adversely impacted
16 in any way in the operation of such stand, machine, or concession without reasonable
17 or just cause.

18 * * *

19 Section 9. R.S. 18:106(C)(2)(b), 106.1(A)(introductory paragraph), 564(D)(1)(a)(ii)
20 and (2)(a)(ii) and (E), 1303(I)(introductory paragraph) and (1)(a), 1309.3(D)(1)(a)(ii) and
21 (E), and 1400.21(B)(4) are hereby amended and reenacted to read as follows:

22 §106. Physical disability; inability to write English; language minority groups;
23 execution of documents; assistance

24 * * *

25 C.

26 * * *

27 (2) For purposes of this Subsection proof of disability means one of the
28 following:

29 * * *

1 (b) A copy of a current ~~mobility-impaired~~ mobility impairment identification
2 card bearing a photograph of the voter and the international symbol of accessibility
3 issued by the secretary of the Department of Public Safety and Corrections as
4 authorized by R.S. 47:463.4.

5 * * *

6 §106.1. Change of registration for ~~disabled~~ voters with disabilities and
7 documentation establishing disability

8 A. If a ~~disabled~~ person with a disability who is registered to vote in one
9 parish changes his registration to another parish, he shall be eligible to vote absentee
10 by mail in his new parish of registration without having to submit to the registrar of
11 voters for the new parish additional documentation establishing his disability,
12 provided the person is otherwise qualified to vote and meets one of the following
13 conditions:

14 * * *

15 §564. Assistance in voting on election day

16 * * *

17 D.(1)(a) Prior to receiving assistance under this Section due to a disability,
18 including visual impairment, the voter shall file with the registrar in person or by
19 mail a statement setting forth the necessity and reasons for this assistance and shall
20 furnish the registrar one of the following:

21 * * *

22 (ii) A copy of a current ~~mobility-impaired~~ mobility impairment identification
23 card bearing a photograph of the voter and the international symbol of accessibility
24 issued by the secretary of the Department of Public Safety and Corrections as
25 authorized by the provisions of R.S. 47:463.4.

26 * * *

27 (2)(a) A voter shall also be entitled to assistance without having filed with
28 the registrar a statement setting forth the necessity and reasons for this assistance if,

1 on election day, the voter presents to the commissioner-in-charge one of the
2 following as proof of disability:

3 * * *

4 (ii) A current ~~mobility-impaired~~ mobility impairment identification card
5 bearing a photograph of the voter and the international symbol of accessibility issued
6 by the secretary of the Department of Public Safety and Corrections as authorized
7 by the provisions of R.S. 47:463.4.

8 * * *

9 E. A voter who has a visible physical disability or who presents a current
10 ~~mobility-impaired~~ mobility impairment identification card bearing a photograph of
11 the voter and the international symbol of accessibility issued by the secretary of the
12 Department of Public Safety and Corrections as authorized by the provisions of R.S.
13 47:463.4, and the person who will be assisting him in voting, shall be allowed to go
14 to the front of the line to cast a ballot at the polls.

15 * * *

16 §1303. Persons entitled to vote in compliance with this Chapter

17 * * *

18 I. ~~Disabled voters~~ Voters with disabilities. (1) Any qualified voter who
19 submits any of the following to the registrar of voters may vote absentee by mail
20 upon meeting the requirements of this Chapter:

21 (a) A copy of a current ~~mobility-impaired~~ mobility impairment identification
22 card bearing a photograph of the voter and the international symbol of accessibility
23 issued by the secretary of the Department of Public Safety and Corrections as
24 authorized by the provisions of R.S. 47:463.4.

25 * * *

1 §1309.3. Assistance in voting during early voting

2 * * *

3 D.(1)(a) Prior to receiving assistance under this Section because of a
4 disability, including visual impairment, the voter shall file with the registrar in
5 person or by mail a statement setting forth the necessity and reasons for this
6 assistance and shall furnish the registrar one of the following:

7 * * *

8 (ii) A copy of a current ~~mobility-impaired~~ mobility impairment identification
9 card bearing a photograph of the voter and the international symbol of accessibility
10 issued by the secretary of the Department of Public Safety and Corrections as
11 authorized by the provisions of R.S. 47:463.4.

12 * * *

13 E. A voter who has a visible physical disability or who presents a current
14 ~~mobility-impaired~~ mobility impairment identification card bearing a photograph of
15 the voter and the international symbol of accessibility issued by the secretary of the
16 Department of Public Safety and Corrections as authorized by the provisions of R.S.
17 47:463.4, and the person who will be assisting him in voting, shall be allowed to go
18 to the front of the line to cast a ballot when early voting.

19 * * *

20 §1400.21. Help Louisiana Vote Fund

21 * * *

22 B.

23 * * *

24 (4) The Voting Access Account is established within the fund, into which the
25 state treasurer shall deposit monies received pursuant to Title II of HAVA with
26 respect to assuring voting access for individuals with disabilities. Monies in this
27 account shall be appropriated only for (a) improvement of polling places to ensure
28 accessibility to individuals with disabilities in a manner that provides the same
29 opportunity for participation, privacy, and independence as for other voters; and (b)

1 providing ~~disabled~~ individuals with disabilities with information about accessible
2 polling places, including outreach programs and training for election officials.

3 * * *

4 Section 10. R.S. 21:51(C) and 52(A) and (B) are hereby amended and reenacted to
5 read as follows:

6 §51. Pet animals, taking into hotel rooms, etc., prohibited; penalty; exemptions

7 * * *

8 C. This Section shall not apply to guide dogs or service dogs used by blind
9 persons, visually ~~handicapped~~ impaired persons, deaf persons, hearing impaired
10 persons, and other ~~physically disabled~~ persons with physical disabilities who have
11 been taught to use such dogs at a qualified dog guide or service school.

12 §52. Guide or service dog, rights and privileges of owners and trainers; penalties for
13 violations

14 A. Any blind person, visually ~~handicapped~~ impaired person, deaf person,
15 hearing impaired person, or ~~otherwise physically disabled~~ person with any other
16 physical disability who is accompanied by a properly controlled dog which such
17 person has been taught to use as a guide or for service at a qualified dog guide or
18 service school, or any person who is qualified to provide training for a guide dog or
19 service animal and is accompanied by a guide dog in training, is entitled to the full
20 and equal accommodations, advantages, facilities, and privileges of all public
21 accommodation, amusement, or resort, and other places to which the general public
22 is invited, and shall be entitled to take such dog into such conveyances and places,
23 subject only to the accommodations and limitations applicable to all persons not so
24 accompanied, provided that the dog shall not occupy a seat in any public
25 conveyance.

26 B. Any person, firm, or corporation, or agent, representative, or employee
27 of any person, firm, or corporation who deprives any blind person, visually
28 ~~handicapped~~ impaired person, deaf person, hearing impaired person, or ~~otherwise~~
29 ~~physically disabled~~ person with any other physical disability, or any person who is

1 accompanied by a guide dog in training of any right conferred by Subsection A of
 2 this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof,
 3 shall be fined a sum not to exceed five hundred dollars, or be imprisoned in the
 4 parish jail for a period not to exceed ninety days, or both, within the discretion of the
 5 judge; and for every such offense such person shall forfeit and pay a sum not to
 6 exceed five hundred dollars to any person aggrieved thereby, to be recovered in any
 7 court of competent jurisdiction in the parish where such offense was committed.

8 * * *

9 Section 11. R.S. 22:941(B)(7), 1000(A)(1)(a)(vi)(bb)(IV) and (2)(a) and (b)(iv),
 10 1001(B), 1003(A)(2)(d), 1012(B), 1097(B), 1242(6), and 1288(B) are hereby amended and
 11 reenacted to read as follows:

12 §941. Group life insurance defined; eligibility; payment of premiums; limits and
 13 coverage

14 * * *

15 B.

16 * * *

17 (7) Insurance under any group life insurance policy except those policies
 18 issued pursuant to Paragraph (A)(3) of this Section, may be extended to insure any
 19 one person, with or without any eligible members, including spouse and unmarried
 20 children under twenty-one years of age or, in the case of full-time students,
 21 unmarried children under the age of twenty-four, and unmarried grandchildren under
 22 twenty-one years of age in the legal custody of and residing with the grandparent or,
 23 in the case of full-time students, unmarried grandchildren under the age of
 24 twenty-four who are in the legal custody of and residing with the grandparent, except
 25 that the policy may provide for continuing coverage for any unmarried child or
 26 grandchild in the legal custody of and residing with the grandparent who is incapable
 27 of self-sustaining employment by reason of ~~mental retardation~~ intellectual
 28 physical ~~handicap~~ disability, who became so incapable prior to attainment of age
 29 twenty-one, and any other person dependent upon the insured employee or member

1 in accordance with the plan which precludes individual selection by the employees
2 or members or by the employer or trustee.

3 §1000. Group, family group, blanket, and association health and accident insurance

4 A.

5 * * *

6 (1) Group health and accident insurance is any policy of health and accident
7 insurance, or similar coverage issued by a health maintenance organization, covering
8 more than one person, except family group, and blanket policies hereinafter
9 specifically provided for, which shall conform to the following requirements:

10 (a)

11 * * *

12 (vi)

13 * * *

14 (bb) Notwithstanding any other provision of law to the contrary, coverage
15 of dependent children or grandchildren for excepted benefits and for benefits of
16 short-term, limited duration insurance as defined pursuant to 45 CFR 144.103 shall
17 be controlled by this Subitem with regard to requirements for age. For excepted
18 benefits, as defined in R.S. 22:1061(3)(b) and (c) and for benefits of short-term,
19 limited duration insurance as defined pursuant to 45 CFR 144.103, the following
20 requirements for coverage of dependent children or grandchildren shall apply:

21 * * *

22 (IV) To an unmarried dependent child or grandchild who is incapable of
23 self-sustaining employment by reason of ~~mental retardation~~ intellectual or physical
24 ~~handicap~~ disability, who became incapable prior to attainment of the age of
25 twenty-one, there may be continuous coverage for excepted benefits regardless of
26 age.

1 A dependent grandchild shall be in the legal custody of and residing with the
2 grandparent.

3 * * *

4 (2)(a) Family group health and accident insurance or similar coverage issued
5 by a health maintenance organization is an individual policy covering any one
6 person, with or without any eligible members, including spouse and children until
7 the age of twenty-six, and grandchildren until the age of twenty-six who are in the
8 legal custody of and residing with the grandparent pursuant to R.S. 22:1003 and
9 1003.1, except that the policy may provide for continuing coverage for any child or
10 grandchild in the legal custody of and residing with the grandparent who is incapable
11 of self-sustaining employment by reason of ~~mental retardation~~ intellectual or
12 physical ~~handicap~~ disability, who became so incapable prior to attainment of age
13 twenty-six, and any other person dependent upon the policyholder, written under a
14 master policy issued to the head of such family. The policy shall contain a provision
15 that the policy, and the application of the head of the family if attached to the policy,
16 shall constitute the entire contract between the parties.

17 (b) Notwithstanding any other provision of law to the contrary, coverage of
18 dependent children or grandchildren for excepted benefits and for benefits of
19 short-term, limited duration insurance as defined pursuant to 45 CFR 144.103 shall
20 be controlled by this Subparagraph with regard to requirements for age. For
21 excepted benefits, as defined in R.S. 22:1061(3)(b) and (c) and for benefits of
22 short-term, limited duration insurance as defined pursuant to 45 CFR 144.103, the
23 following requirements for coverage of dependent children or grandchildren shall
24 apply:

25 * * *

26 (iv) To an unmarried dependent child or grandchild who is incapable of
27 self-sustaining employment by reason of ~~mental retardation~~ intellectual or physical
28 ~~handicap~~ disability, who became so incapable prior to attainment of the age of
29 twenty-one, there may be continuous coverage for excepted benefits regardless of

1 age. A dependent grandchild shall be in the legal custody of and residing with the
2 grandparent.

3 * * *

4 §1001. Mandatory coverage and continued coverage of ~~physically or mentally~~
5 ~~handicapped~~ children with physical or mental disabilities of insured

6 * * *

7 B. Any hospital or medical expense insurance policy described in Subsection
8 A and delivered in this state on or prior to ninety days after July 2, 1973, shall be
9 endorsed to include coverage for such child who had attained the limiting age on or
10 prior to ninety days after July 2, 1973, while such child is or continues to be both (1)
11 incapable of self sustaining employment by reason of mental or physical ~~handicap~~
12 disability, and (2) chiefly dependent upon the policyholder, employee or member for
13 support and maintenance, provided such incapacity existed prior to the attainment
14 of the limiting age for dependent children under such group policy and proof of such
15 incapacity and dependency is furnished to the insurer by the employee or member
16 on or before January 1, 1975, and subsequently as may be required by the insurer,
17 but not more frequently than annually.

18 * * *

19 §1003. Coverage of children for group and individual health and accident insurance;
20 exception

21 A.

22 * * *

23 (2) Notwithstanding any other provision of law to the contrary, coverage of
24 dependent children or grandchildren for excepted benefits and for benefits of
25 short-term, limited duration insurance as defined pursuant to 45 CFR 144.103 shall
26 be controlled by this ~~Subparagraph~~ Paragraph with regard to requirements for age.
27 For excepted benefits, as defined in R.S. 22:1061(3)(b) and (c) and for benefits of
28 short-term, limited duration insurance as defined pursuant to 45 CFR 144.103, the

1 following requirements for coverage of dependent children or grandchildren shall
2 apply:

3 * * *

4 (d) To an unmarried dependent child or grandchild who is incapable of
5 self-sustaining employment by reason of ~~mental retardation~~ intellectual or physical
6 ~~handicap~~ disability, who became incapable prior to attainment of the age of
7 twenty-one, there may be continuous coverage for excepted benefits regardless of
8 age. A dependent grandchild shall be in the legal custody of and residing with the
9 grandparent.

10 * * *

11 §1012. Cancellation prohibited after claim for terminal, incapacitating, or
12 debilitating condition

13 * * *

14 B. In this Section "terminal, incapacitating, or debilitating condition" means
15 any aggressive malignancy, chronic end stage cardiovascular or cerebral vascular
16 disease, diabetes and its long-term associated complications, pregnancy, acquired
17 immunodeficiency syndrome (AIDS), human immunodeficiency virus (HIV), or any
18 other disease, illness, or condition which a physician diagnoses as terminal, or any
19 mental or physical ~~handicap~~ disability which renders a person incapable of
20 self-employment, provided that the ~~handicapped~~ person with a disability is chiefly
21 dependent upon the policyholder, employee, or member for support and
22 maintenance.

23 * * *

24 §1097. Discrimination in rates or failure to provide coverage because of severe
25 disability or sickle cell trait prohibited

26 * * *

27 B. "Severe disability", as used in this Section, means any disease of, or
28 injury to, the spinal cord resulting in permanent and total disability, amputation of
29 any extremity that requires prosthesis, permanent visual acuity of twenty/two

1 hundred or worse in the better eye with the best correction, or a peripheral field so
 2 contracted that the widest diameter of such field subtends an angular distance no
 3 greater than twenty degrees, total deafness, inability to hear a normal conversation
 4 or use a telephone without the aid of an assistive device, or persons who have
 5 developmental disabilities, including but not limited to autism, cerebral palsy,
 6 epilepsy, ~~mental retardation~~ intellectual disabilities, and other neurological
 7 impairments.

8 * * *

9 §1242. Definitions

10 As used in this Subpart:

11 * * *

12 (6) "Enrollee" or "insured" means a person, including a spouse or dependent,
 13 who is enrolled in or insured by a health insurance issuer for health insurance
 14 coverage. A dependent includes unmarried children under twenty-one years of age
 15 or, in the case of full-time students, unmarried children under the age of twenty-four,
 16 and unmarried grandchildren under twenty-one years of age in the legal custody of
 17 and residing with the grandparent or, in the case of full-time students, unmarried
 18 grandchildren under the age of twenty-four who are in the legal custody of and
 19 residing with the grandparent, except that the policy may provide for continuing
 20 coverage for any unmarried child or grandchild in the legal custody of and residing
 21 with the grandparent who is incapable of self-sustaining employment by reason of
 22 ~~mental retardation~~ intellectual or physical ~~handicap~~ disability, who became so
 23 incapable prior to attainment of age twenty-one, and any other person dependent
 24 upon the employee. Any unmarried child who is placed in the home of an insured
 25 or enrollee pursuant to an adoption placement agreement executed with an adoption
 26 agency licensed in accordance with the Child Care Facility and Child-Placing
 27 Agency Licensing Act (R.S. 46:1401 et seq.), or corresponding law of any other

1 state, shall be considered a dependent child of the insured from the date of placement
2 in the home of the insured or enrollee.

3 * * *

4 §1288. Discrimination in automobile liability insurance prohibited

5 * * *

6 B. Where the owner of the covered vehicle has a physical or mental ~~handicap~~
7 disability that prevents him from operating his own motor vehicle, an insurance
8 company issuing a policy of motor vehicle liability insurance shall not require the
9 operator of the vehicle to carry liability insurance.

10 Section 12. R.S. 23:251(A)(3), 322(3), (5), (6), (8), and (9)(introductory paragraph),
11 323(A), (B)(1) through (7), (C)(2), and (D)(1) and (2), 324(A), 1017.1(5),
12 1226(B)(1)(introductory paragraph) and (C)(1)(introductory paragraph), 1371.1(introductory
13 paragraph), (5), and (6), 1378(F)(34)(introductory paragraph), (a), and (c), 1472(12)(F)(IV),
14 1823(4)(e), 1829(G), 2061(introductory paragraph) and (10), and 3004(A)(1) are hereby
15 amended and reenacted to read as follows:

16 §251. Minors under sixteen; prohibited employments or occupations; penalty

17 A. No minor under sixteen years of age shall be employed, exhibited, used,
18 or trained for the purpose of exhibition:

19 * * *

20 (3) In the exhibition of such minor ~~when insane or idiotic~~ if he has a mental
21 illness or an intellectual disability, or ~~when presenting~~ presents the appearance of any
22 deformity or unnatural physical formation or development.

23 * * *

24 §322. Definitions

25 For the purposes of this Part, the following terms shall have the following
26 meanings ascribed to them:

27 * * *

28 (3) ~~"Disabled person"~~ "Person with a disability" means any person who has
29 a physical or mental impairment which substantially limits one or more of the major

1 life activities, or has a record of such an impairment, or is regarded as having such
2 an impairment.

3 * * *

4 (5) "Essential functions" means the fundamental job duties of the
5 employment position the ~~disabled~~ person with a disability holds or desires.
6 "Essential functions" does not include the marginal functions of the position.

7 (6) "Impairment" means ~~retardation~~ an intellectual disability, any physical
8 or physiological disorder or condition, or prior mental disorder or condition, but, at
9 the discretion of the employer, may not include chronic alcoholism or any other form
10 of active drug addiction, any cosmetic disfigurement, or an anatomical loss of body
11 systems.

12 * * *

13 (8) "Otherwise qualified ~~disabled~~ person with a disability" means a ~~disabled~~
14 person with a disability who, with reasonable accommodation, can perform the
15 essential functions of the employment position that such person holds or desires.

16 (9) "Reasonable accommodation" means an adjustment or modification to
17 a known physical limitation of an otherwise qualified ~~disabled~~ person with a
18 disability which would not impose an undue hardship on the employer. This shall
19 not require an employer to spend more for architectural modifications than that
20 amount now allowed as a federal tax deduction. However, "reasonable
21 accommodation" shall not be construed to impose on any private sector employer,
22 unless otherwise required by law or under any contract with a federal, state, or local
23 governmental body or subdivision, any additional costs in the hiring or the
24 promotion of a ~~disabled~~ person with a disability. Undue hardship is determined on
25 a case-by-case basis taking into account all of the following:

26 * * *

27 §323. Discrimination

28 A. No otherwise qualified ~~disabled~~ person with a disability shall, on the basis
29 of a disability, be subjected to discrimination in employment.

1 B. An employer, labor organization, or employment agency shall not engage
2 in any of the following practices:

3 (1) Fail or refuse to hire, promote, or reasonably accommodate an otherwise
4 qualified ~~disabled~~ person with a disability on the basis of a disability, when it is
5 unrelated to the individual's ability, with reasonable accommodation, to perform the
6 duties of a particular job or position.

7 (2) Discharge or otherwise discriminate against an otherwise qualified
8 ~~disabled~~ person with a disability with respect to compensation or the terms,
9 conditions, or privileges of employment on the basis of a disability when it is
10 unrelated to the individual's ability to perform the duties of a particular job or
11 position.

12 (3) Limit, segregate, or classify an otherwise qualified ~~disabled~~ person with
13 a disability in a way which deprives the individual of employment opportunities or
14 otherwise adversely affects the status of the individual on the basis of a disability
15 when it is unrelated to the individual's ability to perform the duties of a particular job
16 or position.

17 (4) Fail or refuse to hire or to promote an otherwise qualified ~~disabled~~ person
18 with a disability on the basis of physical or mental examinations or preemployment
19 interviews that are not directly related to the requirements of the specific job, or
20 which are not required of all employees or applicants.

21 (5) Discharge or take other discriminatory action against an otherwise
22 qualified ~~disabled~~ person with a disability on the basis of physical or mental
23 examinations or preemployment interviews that are not directly related to the
24 requirements of the specific job, or are not required of all employees or applicants.

25 (6) Fail or refuse to hire or to promote an otherwise qualified ~~disabled~~ person
26 with a disability when adaptive devices or aids may need to be utilized to enable that
27 individual, at the individual's own expense, to perform the specific requirements of
28 the job.

1 §324. Defenses

2 A. It may be a defense to a charge of discrimination under this Part that an
3 alleged application of qualification standards, tests, or selection criteria that screen
4 out or tend to screen out or otherwise deny a job or benefit to a ~~disabled~~ person with
5 a disability has been shown to be job-related and consistent with business necessity,
6 and such performance cannot be accomplished by reasonable accommodation, as
7 required under this Part.

8 * * *

9 §1017.1. Definitions

10 Unless the context clearly indicates otherwise, the following words and
11 terms, when used in this Part, shall have the following meanings:

12 * * *

13 (5) "Essential functions" means the fundamental job duties of the
14 employment position that the disabled person with a disability held.

15 * * *

16 §1226. Rehabilitation of injured employees

17 * * *

18 B.(1) The goal of rehabilitation services is to return a ~~disabled~~ worker with
19 a disability to work, with a minimum of retraining, as soon as possible after an injury
20 occurs. The first appropriate option among the following must be chosen for the
21 worker:

22 * * *

23 C.(1) Rehabilitation services required for ~~disabled~~ workers with disabilities
24 may be initiated by:

25 * * *

26 §1371.1. Definitions

27 As used in this Part, unless the context clearly indicates otherwise, the
28 following terms shall ~~be given~~ have the meanings ascribed to them in this Section:

29 * * *

1 (e) Is ~~a handicapped individual whose~~ a person with a disability and has
2 income that meets the requirements of Subparagraph (a) or (b) of this Paragraph, but
3 who is a member of a family whose income does not meet such requirements.

4 * * *

5 §1829. Special conditions

6 * * *

7 G. Youths participating in programs, projects, and activities under this
8 Chapter shall include youths who are experiencing severe handicaps in obtaining
9 employment, including individuals who lack credentials such as a high school
10 diploma, require substantial basic and remedial skill development, are of limited
11 English proficiency, are women and minorities, are veterans of military service, are
12 offenders, are ~~handicapped persons with disabilities~~, have dependents, or have
13 otherwise demonstrated special need, as determined by the executive director.

14 * * *

15 §2061. Definitions

16 As used in this Chapter, the following terms shall have the meaning herein
17 ascribed to them:

18 * * *

19 (10) "Supportive services" means any services that assist workforce
20 development and preparation needs. It may include transportation, health care,
21 special services and materials for ~~the handicapped~~ persons with disabilities, child
22 care, meals, temporary shelter, financial counseling, and other reasonable expenses
23 for participation in the training program and may be provided in-kind or through
24 cash assistance.

25 * * *

26 §3004. Fees for vocational work evaluation services performed by Louisiana
27 Workforce Commission

28 A.(1) The executive director of the Louisiana Workforce Commission shall
29 promulgate rules and regulations for the assessment of fees for payment of costs of

1 vocational work evaluation services performed by the Louisiana Workforce
2 Commission regarding any ~~handicapped individual~~ person with a disability who has
3 insurance coverage for this purpose.

4 * * *

5 Section 13. R.S. 25:33(B)(4) is hereby amended and reenacted to read as follows:

6 §33. Administration of program; specific purposes

7 * * *

8 B. Monies appropriated or otherwise made available to implement this
9 Subpart shall be used for the improvement of the collections of the State Library of
10 Louisiana and local public library resources, including the following purposes:

11 * * *

12 (4) To develop library collections to meet the needs of specific groups of
13 underserved citizens or citizens without service, such as ~~the handicapped persons~~
14 with disabilities, ~~the persons who are~~ elderly, or ~~those persons~~ with limited language
15 skills.

16 * * *

17 Section 14. R.S. 28:2(14) and (20), 22.5, 22.7(A), 22.9, 22.10, 25.1(C)(1)(a)(v),
18 50(1) and (3), 52(B) and (G), 55(G), 64(B) through (G), 146, 148, 172(A), the heading of
19 Part VIII of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, 200 through
20 205, 215.5(B)(5), the heading of Chapter 5 of Title 28 of the Louisiana Revised Statutes of
21 1950, 475, 476, 477(1) and (3)(a)(introductory paragraph) and (b), 478(A),
22 831(A)(introductory paragraph), (2), (3), (C)(1)(a) and (b)(i) through (iii), (E), and (F)(1),
23 (4), and (5), 854(A)(2) and (3), 864(A)(2) and (3), 874(A)(2) and (3), 904(A)(2) and (3), and
24 915(A)(2) are hereby amended and reenacted and R.S. 28:64(H) and (I) are hereby enacted
25 to read as follows:

26 §2. Definitions

27 Whenever used in this Title, the masculine shall include the feminine, the
28 singular shall include the plural, and the following definitions shall apply:

29 * * *

1 any site located more than five air miles from the administrative office of East
2 Louisiana State Hospital or more than one air mile from the administrative office of
3 Central Louisiana State Hospital. Persons admitted to such geriatric hospitals or
4 units or their responsible relatives shall pay the cost of their maintenance and care.

5 * * *

6 §22.9. Rosenblum Mental Health Center

7 The name of the Hammond Mental Health Center is changed to the
8 Rosenblum Mental Health Center and under such name it shall continue to serve as
9 an outpatient center for the care, treatment, and rehabilitation of ~~the mentally ill~~
10 persons with mental illness and ~~the~~ persons who are mentally defective at the region
11 level.

12 §22.10. New Orleans Adolescent Hospital

13 The Department of Health and Hospitals is hereby authorized to provide
14 inpatient and outpatient services ~~to substance abuse patients, emotionally disturbed~~
15 ~~patients, mentally ill patients, or developmentally disabled patients~~ at the New
16 Orleans Adolescent Hospital ~~under~~ to patients who are younger than nineteen years
17 of age: and who meet any of the following criteria:

18 (1) Are suffering from substance abuse.

19 (2) Are emotionally disturbed.

20 (3) Have a mental illness.

21 (4) Have a developmental disability.

22 * * *

23 §25.1. Establishment of Feliciana Forensic Facility; authorization to establish
24 forensic facilities in New Orleans, Baton Rouge, Shreveport, and Alexandria

25 * * *

26 C.(1)(a) The superintendent of any such facility shall admit only those
27 persons:

28 * * *

1 (v) Judicially committed to and transferred from any state hospital for ~~the~~
2 ~~mentally ill and inebriant~~ persons with mental illness or who are inebriate.

3 * * *

4 §50. Declaration of policy

5 The underlying policy of this Chapter is as follows:

6 (1) That ~~mentally ill~~ persons with mental illness and persons suffering from
7 substance abuse be encouraged to seek voluntary treatment.

8 * * *

9 (3) That continuity of care for ~~the mentally ill~~ persons with mental illness
10 and persons suffering from substance abuse be provided.

11 * * *

12 §52. Voluntary admissions; general provisions

13 * * *

14 B. Admitting physicians are encouraged to admit ~~mentally ill~~ persons with
15 mental illness or persons suffering from substance abuse to treatment facilities on
16 voluntary admission status whenever medically feasible.

17 * * *

18 G.(1) No admission may be deemed voluntary unless the admitting physician
19 determines that the person to be admitted has the capacity to make a knowing and
20 voluntary consent to the admission.

21 (2) Knowing and voluntary consent shall be determined by the ability of the
22 individual to understand all of the following:

23 ~~(1)~~ (a) That the treatment facility to which the patient is requesting
24 admission is one for ~~mentally ill~~ persons with mental illness or persons suffering
25 from substance abuse;

26 ~~(2)~~ (b) That he is making an application for admission, ~~and~~

27 ~~(3)~~ (c) The nature of his status and the provisions governing discharge or
28 conversion to an involuntary status.

29 * * *

1 §55. Judicial hearings

2 * * *

3 G. Each court shall keep a record of the cases relating to ~~mentally ill~~ persons
4 with mental illness coming before it under this Title and the disposition of them. It
5 shall also keep on file the original petition and certificates of physicians required by
6 this Section, or a microfilm duplicate of such records. All records maintained in the
7 courts under the provisions of this Section shall be sealed and available only to the
8 respondent or his attorney, unless the court, after hearing held with notice to the
9 respondent, determines such records should be disclosed to a petitioner for cause
10 shown.

11 * * *

12 §64. Mental Health Advocacy Service; creation; board of trustees; organization;
13 powers; duties

14 * * *

15 B. Members of the board shall be reimbursed actual expenses incurred in the
16 performance of their duties.

17 C. The board of trustees shall have the following duties:

18 (1) ~~Appoint~~ To appoint a director of the service.

19 (2) ~~Establish~~ To establish general policy guidelines for the operation of the
20 service to provide legal counsel and representation for ~~the mentally disabled~~ persons
21 of this state with mental disabilities in order to ensure that their legal rights are
22 protected. However, the board shall not have supervisory power over the conduct
23 of particular cases.

24 (3) ~~Review~~ To review and evaluate the operations of the service and
25 emphasize special training for attorneys hired by the service.

26 (4) ~~Review~~ To review and approve an annual budget for the service.

27 (5) ~~Review~~ To review and approve an annual report on the operation of the
28 service and submit such report to the legislature, the governor, and the chief justice
29 of the supreme court, ~~and~~.

1 (6) ~~Approve~~ To approve and authorize contractual arrangements sought by
2 the director.

3 ~~E. D.~~ The director shall be an attorney at law licensed to practice in the state.
4 The director shall be qualified by experience to perform the duties of his office. The
5 director shall devote full time to the duties of his office and shall not engage in the
6 private practice of law.

7 E.(1) The director shall have the following duties:

8 ~~(1) Organize~~ (a) To organize and administer programs to provide legal
9 counsel and representation for ~~the mentally disabled persons~~ persons of this state with mental
10 disabilities in order to ensure that their rights are protected, subject to the approval
11 of the board of trustees.

12 ~~(2) Identify~~ (b) To identify the needs of ~~mentally disabled~~ persons with
13 mental disabilities for legal counsel and representation within the state and the
14 resources necessary to meet those needs, subject to the approval of the board of
15 trustees.

16 ~~(3) Institute~~ (c) To institute or cause to be instituted such legal proceedings
17 as may be necessary to enforce and give effect to any of the duties or powers of the
18 service.

19 ~~(4) Hire~~ (d) To hire and train attorneys and other professional and
20 nonprofessional staff that may be necessary to carry out the functions of the service.
21 All attorneys employed by the service shall be licensed to practice law in Louisiana.

22 ~~(5) Establish~~ (e) To establish official rules and regulations for the conduct
23 of work of the service, subject to the approval of the board of trustees.

24 ~~(6) Take~~ (f) To take such actions as he deems necessary and appropriate to
25 secure private, federal, and other public funds to help support the service, subject to
26 the approval of the board of trustees, ~~and~~.

27 ~~(7) (2)~~ (2) The director may contract with organizations or individuals for the
28 provision of legal services for ~~the mentally disabled persons with mental disabilities~~,
29 subject to the approval of the board of trustees.

1 §146. Expenses incident to discharge, removal, or funeral

2 A. If financially able, the patient or his legally responsible relative shall pay
3 the costs of the patient's funeral or his discharge and removal, including traveling
4 expenses to his home; otherwise the institution shall pay these costs. If discharge is
5 ordered by the department and the institution has to pay the patient's traveling
6 expenses to his home, the department shall reimburse the institution out of
7 appropriations for ~~the persons who are~~ indigent mentally ill and have a mental
8 illness.

9 B. If a patient committed in accordance with R.S. 28:59 is ordered returned
10 by the court, the parish in which the court is located shall pay these costs.

11 * * *

12 §148. Expenses of deportation

13 Expenses for deporting a nonresident patient shall be paid by the department
14 out of appropriations for ~~the persons who are~~ indigent mentally ill and have a mental
15 illness.

16 * * *

17 §172. Deposit of patients' funds; disbursement

18 A. The superintendent of each hospital for ~~the mentally ill~~ persons with
19 mental illness is authorized to receive and receipt for funds belonging to a patient
20 and shall keep such funds on deposit for the use and benefit of the patient. Such
21 funds shall be considered as being on deposit with an agency of the state of
22 Louisiana and no bond shall be required of the superintendent. Disbursement thereof
23 shall ~~only be made~~ be made only on order of the court having jurisdiction over the
24 patient if he has been judicially interdicted or if not, an order of the person or
25 governmental agency making the deposit in behalf of the patient.

26 * * *

1 PART VIII. COMMUNITY ~~MENTAL~~ BEHAVIORAL HEALTH AND
2 MENTAL RETARDATION DEVELOPMENTAL DISABILITIES
3 CENTERS, FACILITIES, AND SERVICES

4 §200. Promotion of a community-based system of care

5 It is hereby declared to be a function of the Department of Health and
6 Hospitals to promote the establishment and administration of a community-based
7 system of care, including but not limited to community ~~mental~~ behavioral health
8 centers for ~~the mentally ill persons with mental illness, or mentally retarded persons~~
9 with developmental disabilities, or both conditions as contemplated by the provisions
10 of R.S. 40:2013. ~~Mental~~ Behavioral health centers as used herein shall include
11 guidance centers.

12 §201. Transfer of administration

13 The department may continue to administer any such existing centers but its
14 primary endeavor shall be to transfer responsibility for the administration of existing
15 facilities or facilities that may hereafter be created to local associations, nonprofit
16 corporations, police juries, school boards, municipalities, or other public agencies
17 that have demonstrated a desire to establish, maintain, and operate facilities for ~~the~~
18 mentally ill or retarded persons with mental illness, developmental disabilities, or
19 both conditions on a municipal, parish, or other local area basis.

20 §202. Lease of land, buildings, equipment

21 The department may lease to responsible local organizations or to the
22 governing bodies of local public agencies any state owned land, buildings, and
23 equipment designed for or being operated as a ~~mental~~ behavioral health center.

24 §203. Standards of operation and maintenance; enforcement; entry and inspection

25 The department shall adopt standards of operation and maintenance of ~~mental~~
26 behavioral health centers and ~~mental-retardation~~ facilities for persons with
27 developmental disabilities and the secretary shall enforce such rules and regulations
28 as provided in R.S. 40:2017.7. The department shall have the right to enter upon and
29 inspect community ~~mental~~ behavioral health and ~~mental-retardation~~ developmental

1 §215.5. Coroner's Strategic Initiative for a Health Information and Intervention
2 Program; advisory board

3 * * *

4 B. The membership of the advisory board shall be the following:

5 * * *

6 (5) One member appointed by the National Alliance ~~for the Mentally Ill~~ on
7 Mental Illness for the parish in which the CSI/HIP is located.

8 * * *

9 CHAPTER 5. GROUP HOME FOR ~~HANDICAPPED~~ PERSONS WITH MENTAL
10 ILLNESS OR DEVELOPMENTAL DISABILITIES ACT

11 §475. Short title

12 This Chapter shall be known and may be cited as the Group Home for
13 ~~Handicapped~~ Persons with Mental Illness or Developmental Disabilities Act.

14 §476. Declaration of policy

15 The legislature hereby declares that it is the policy of this state as declared
16 and established in this Title, ~~and in the mental retardation law and in the mental~~
17 ~~health law~~ particularly in the Developmental Disability Law and the Mental Health
18 Law, that ~~mentally and physically handicapped~~ persons with mental or physical
19 disabilities are entitled to live in the least restrictive environment in their own
20 community and in normal residential surroundings and should not be excluded
21 therefrom because of their disabilities. The legislature further declares that the
22 provisions of this Chapter are intended to secure to all of the citizens of this state the
23 right to individual dignity as provided in Article I, Section 3 of the Constitution of
24 Louisiana and to protect the rights and promote the happiness and general welfare
25 of the people of this state. To that end, the legislature hereby declares that the
26 provisions of this Chapter are an exercise of the police power reserved to the state
27 by Article I, Section 4 and Article VI, Section 9(B) of the Constitution of Louisiana.

1 §477. Definitions

2 As used in this Chapter, unless otherwise clearly indicated, these words and
3 phrases have the following meanings:

4 (1) "Community home" means a facility certified, licensed, or monitored by
5 the Department of Health and Hospitals to provide resident services and supervision
6 to six or fewer ~~handicapped~~ persons with mental illness or developmental
7 disabilities. Such facility shall provide supervisory personnel in order to function as
8 a single family unit but not to exceed two live-in persons.

9 * * *

10 (3)(a) ~~"Handicapped person"~~ "Person with mental illness or a developmental
11 disability" means any person who has a physical or mental impairment which
12 substantially limits one or more of the following major life activities:

13 * * *

14 (b) This definition shall not include persons ~~handicapped by reason of~~
15 ~~current drug abuse or alcohol abuse~~ with substance use disorders, nor shall it apply
16 to ~~handicapped~~ persons with mental illness or developmental disabilities currently
17 under sentence or on parole from any criminal violation or who have been found not
18 guilty of a criminal charge by reason of insanity.

19 §478. Promotion of community based homes

20 A. In order to achieve uniform statewide implementation of the policies of
21 this Title and of those of the ~~mental retardation law and of the mental health law~~
22 Developmental Disabilities Law and of the Mental Health Law, it is necessary to
23 establish the statewide policy that community homes are permitted by right in all
24 residential districts zoned for multiple-family dwellings.

25 * * *

26 §831. Jefferson Parish Human Services Authority; creation; jurisdiction; powers,
27 duties, and functions

28 A. The Jefferson Parish Human Services Authority, hereinafter referred to
29 as the "authority" is hereby created as a special parish district, which through its

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 board shall direct the operation and management of mental health, ~~mental retardation~~
2 intellectual disabilities, and substance abuse services for Jefferson Parish only. The
3 authority shall:

4 * * *

5 (2) Be responsible for the programs and functions relating to the care,
6 diagnosis, training, treatment, case management, and education of ~~the mentally~~
7 ~~retarded, the developmentally disabled, and the autistic~~ persons with intellectual
8 disabilities, persons with developmental disabilities, and persons with autism.

9 (3) Perform the functions relating to the care, diagnosis, training, treatment,
10 and education of ~~alcohol or drug abusers~~ persons suffering from substance abuse and
11 the prevention of alcohol and drug abuse.

12 * * *

13 C.(1) The authority shall be governed by a twelve-member board consisting
14 of residents of Jefferson Parish as follows:

15 (a) Three members appointed by the governor, one each with experience in
16 the fields of mental health, ~~mental retardation~~ intellectual disabilities, and substance
17 abuse.

18 (b) Nine members appointed by the Jefferson Parish Council to consist of the
19 following:

20 (i) Three members, one each with experience in the fields of mental health,
21 ~~mental retardation~~ intellectual disabilities, and substance abuse.

22 (ii) Three members representing parents, consumers, or advocacy groups,
23 one each in the fields of mental health, ~~mental retardation~~ intellectual disabilities,
24 and substance abuse.

25 (iii) Three members representing professionals in the fields of mental health,
26 ~~mental retardation~~ intellectual disabilities, and substance abuse.

27 * * *

1 E. The primary duty of the authority shall be to direct the operation and
2 management of mental health, ~~mental retardation~~ intellectual disabilities, and
3 substance abuse services for Jefferson Parish.

4 F. In addition to its primary duties as provided above, the authority shall
5 have the following powers, duties, and functions:

6 (1) To have possession and operating control, but not title to, all real and
7 personal property owned by the state and dedicated to the provision of mental health,
8 ~~mental retardation~~ intellectual disabilities, and substance abuse services in Jefferson
9 Parish.

10 * * *

11 (4) To establish mental health, ~~mental retardation~~ intellectual disabilities,
12 and substance abuse program policies in conformance with applicable state and
13 federal laws and regulations.

14 (5) To maintain services in mental health, ~~mental retardation~~ intellectual
15 disabilities, and substance abuse ~~at~~ on at least the same level as the state maintains
16 similar programs in other parishes or regions of the state.

17 * * *

18 §854. Authority; functions, powers, and duties

19 A. The authority shall:

20 * * *

21 (2) Be responsible for community-based programs and functions relating to
22 the care, diagnosis, training, treatment, case management, and education of ~~the~~
23 ~~mentally retarded, the developmentally disabled, and the autistic~~ persons with
24 intellectual disabilities, persons with developmental disabilities, and persons with
25 autism.

26 (3) Perform residential and community-based functions relating to the care,
27 diagnosis, training, treatment, and education of ~~alcohol or drug abusers~~ persons
28 suffering from substance abuse and the prevention of addictive disorders. The
29 agreement between the authority and the secretary shall provide for the gradual

1 assumption of these community-based public health services which will be
2 determined to be feasible through consultation with the office of public health.

3 * * *

4 §864. Authority; functions, powers, and duties

5 A. The district shall:

6 * * *

7 (2) Be responsible for community-based programs and functions relating to
8 the care, diagnosis, training, treatment, case management, and education of ~~the~~
9 ~~mentally retarded, the developmentally disabled, and the autistic~~ persons with
10 intellectual disabilities, persons with developmental disabilities, and persons with
11 autism.

12 (3) Perform residential and community-based functions relating to the care,
13 diagnosis, training, treatment, and education of ~~alcohol or drug abusers~~ persons
14 suffering from substance abuse and the prevention of addictive disorders.

15 * * *

16 §874. Authority; functions, powers, and duties

17 A. The authority, in accordance with R.S. 28:911 et seq. and the framework
18 created pursuant thereto, shall:

19 * * *

20 (2) Be responsible for community-based programs and functions relating to
21 the care, diagnosis, training, treatment, case management, and education of ~~the~~
22 ~~mentally retarded, the developmentally disabled, and the autistic~~ persons with
23 intellectual disabilities, persons with developmental disabilities, and persons with
24 autism.

25 (3) Perform residential and community-based functions relating to the care,
26 diagnosis, training, treatment, and education of ~~alcohol or drug abusers~~ persons
27 suffering from substance abuse and the prevention of addictive disorders.

28 * * *

1 §904. District; functions, powers, and duties

2 A. The district shall:

3 * * *

4 (2) Be responsible for community-based programs and functions relating to
5 the care, diagnosis, training, treatment, case management, and education of ~~the~~
6 ~~developmentally disabled and the autistic~~ persons with developmental disabilities
7 and persons with autism.

8 (3) Perform community-based functions relating to the care, diagnosis,
9 training, treatment, and education of ~~alcohol or drug abusers~~ persons suffering from
10 substance abuse and the prevention of alcohol and drug abuse.

11 * * *

12 §915. Districts; functions, powers, and duties

13 A. Pursuant to a contract with the department, all human services districts
14 shall:

15 * * *

16 (2) Be responsible for community-based programs and functions relating to
17 the care, diagnosis, training, treatment, case management, and education of ~~the~~
18 ~~developmentally disabled and the autistic~~ persons with developmental disabilities
19 and persons with autism.

20 * * *

21 Section 15. R.S. 29:403(8), 726(E)(17)(a) and (20)(a)(i) and (iii)(aa), and
22 729(E)(13)(a)(i) and (iii)(aa) are hereby amended and reenacted to read as follows:

23 §403. Definitions

24 As used in this Part, the following terms shall have the definitions ascribed
25 in this Section unless the context clearly requires otherwise:

26 * * *

27 (8) "Essential functions" means the fundamental job duties of the
28 employment position the ~~disabled~~ person with a disability held or desires.

29 * * *

1 §726. Governor's Office of Homeland Security and Emergency Preparedness;
2 authority and responsibilities

3 * * *

4 E. The office shall either directly or through authorized assignment to
5 another state agency or department:

6 * * *

7 (17) By May 31, 2006, promulgate standards and regulations in accordance
8 with the Administrative Procedure Act for local governments when a mandatory
9 evacuation has been ordered for the evacuation of people located in high-risk areas
10 utilizing all available modes of transportation, including but not limited to school and
11 municipal buses, government-owned vehicles, vehicles provided by volunteer
12 agencies, trains, and ships in advance of the approach of the storm to public shelters
13 located outside of the risk area with priority consideration being given to the special
14 needs of the following classes of people:

15 (a) The people with specific special needs such as ~~the~~ persons who are
16 elderly and the persons who are infirm.

17 * * *

18 (20)(a)

19 * * *

20 (i) Require that persons with disabilities who utilize service animals, as
21 defined in the Americans with Disabilities Act, are evacuated, transported, and
22 sheltered with those service animals and inform all facilities that provide shelter to
23 persons with disabilities who are accompanied by their service animals of their legal
24 obligation to provide shelter to both the ~~disabled~~ person with a disability and the
25 service animal.

26 * * *

27 (iii)(aa) Enable, wherever possible, pet and pet-owner evacuations for
28 ~~disabled, elderly, special needs~~ residents with disabilities, who are elderly, or who

1 Section 16. R.S. 32:295.1(D)(1), (2)(a), and (3)(a), 351(A)(2), 401(introductory
2 paragraph) and (9), 403.2, and 863.1(C)(7) are hereby amended and reenacted to read as
3 follows:

4 §295.1. Safety belt use; tags indicating exemption

5 * * *

6 D.(1) This Section shall not apply to an occupant of a passenger car or
7 operator with a physically or mentally disabling condition whose physical or mental
8 disability would prevent appropriate restraint in the safety belt; however, the
9 condition shall be duly certified by a physician who shall state the nature of the
10 handicap disability, as well as the reason such restraint is inappropriate.

11 (2)(a) On the application of any ~~mentally or physically disabled individual~~
12 person with a mental or physical disability whose impairment is permanent and
13 prevents use of a seat belt, the commissioner shall issue a special tag for the benefit
14 of the applicant which indicates such condition. The fee for the tag shall be five
15 dollars. In lieu of issuance of the special tag, the commissioner shall indicate on the
16 face of the applicant's driver's license, as provided in R.S. 32:403.2 and 410, that the
17 applicant is not required to use a seat belt.

18 * * *

19 (3)(a) On application of any ~~mentally or physically disabled individual~~
20 person with a mental or physical disability whose impairment prevents use of a seat
21 belt, but is not permanent, the commissioner shall issue a special temporary tag for
22 the benefit of the applicant which indicates such condition. The fee for the
23 temporary tag shall be five dollars.

24 * * *

25 §351. Horns and warning devices

26 A.

27 * * *

28 (2) Persons with mobility impairments, while operating a motor vehicle upon
29 any state or local highway of this state, may utilize the horn of such vehicle if the

1 nature of the operator's physical impairment requires use of the horn in a situation
2 other than one required to ensure safe operation of the motor vehicle and the operator
3 is operating a motor vehicle with a ~~mobility-impaired~~ mobility impairment license
4 plate or the operator has been issued a ~~mobility-impaired~~ mobility impairment hang
5 tag.

6 * * *

7 §401. Definitions

8 The following words and phrases when used in this Chapter shall have the
9 meaning herein assigned unless the context clearly indicates otherwise:;

10 * * *

11 (9) "Driver rehabilitation specialist" means an individual who provides
12 comprehensive services in clinical evaluation of physical functioning,
13 visual/perceptual/cognitive screening, as it pertains to the driving test, and
14 wheelchair/seating assessment, driving assessment, vehicle modification
15 prescription, and driver education; possesses at a minimum an undergraduate degree
16 in a rehabilitation, education, health, safety, physical, occupational, kinesio, or
17 recreational therapy, or related profession or an equivalent of eight years experience
18 in driver rehabilitation/education; and has a minimum of one year of experience in
19 the area of driver evaluation and training for persons with disabilities or possesses
20 current recognition from the Association of ~~Driver Educators for the Disabled~~ for
21 Driver Rehabilitation Specialists (ADED) as a driver rehabilitation specialist.

22 * * *

23 §403.2. Application of persons with physical disability or mental disability

24 Every ~~physically or mentally handicapped~~ person with a physical or mental
25 disability applying for a license under the provisions of this Chapter for the first time
26 shall attach to his application a detailed medical report, or a report from an
27 optometrist if it is a visual defect, from a duly licensed physician indicating the
28 severity of his disability and the limitations imposed thereby which might impair the
29 applicant's ability to exercise ordinary and reasonable control in the operation of a

1 motor vehicle. The department may waive the furnishing of said report by any
2 person applying for a renewal license under the provisions of this Chapter, except for
3 a person subject to the provisions of R.S. 32:403.4.

4 * * *

5 §863.1. Evidence of compulsory motor vehicle liability security contained in
6 vehicle; enforcement; penalty; fees

7 * * *

8 C.

9 * * *

10 (7) In those instances when there is a passenger in the motor vehicle under
11 the age of twelve or when the driver or a passenger in the motor vehicle ~~is~~
12 ~~handicapped~~ has a disability or when considering the location and the time of day of
13 the stop, the law enforcement officer perceives that there would be a threat to the
14 public safety or to the occupants in the motor vehicle, such law enforcement officer
15 enforcing the provision of this Section may in lieu of the impoundment provisions
16 of this Section, seize the license plate and issue a temporary sticker valid for three
17 calendar days. Upon expiration of the sticker, the vehicle shall not be driven until
18 the owner has complied with the requirements of this Section. In the event the
19 vehicle is being driven after the expiration of the temporary sticker provided for
20 herein, the vehicle shall be immediately impounded pursuant to the provisions of this
21 Section.

22 * * *

23 Section 17. R.S. 33:1236(42), 1947(C)(2), 2411, 4720.62(C), 4720.112(C), and
24 4720.138(C) are hereby amended and reenacted to read as follows:

25 §1236. Powers of parish governing authorities

26 The police juries and other parish governing authorities shall have the
27 following powers:

28 * * *

1 §2411. Nature of tests; eligibility for tests; adaptation for ~~handicapped~~ candidates
2 with disabilities

3 A. Tests of fitness for original entrance and for promotion shall be
4 competitive, and open to all citizens who, if over eighteen years of age, are qualified
5 voters of the city and who meet the prerequisites established for admission to the
6 tests as specified in the rules or in the public notices of the tests. The prerequisites
7 may relate to age, sex, residence, health, habits, physical characteristics, experience,
8 moral character, training, education, and other qualifications, and, in the case of
9 promotion tests, to service in positions of classes for which lower maximum pay is
10 prescribed involving experience tending to qualify for positions of the classes sought.
11 Whenever, after diligent effort, it has been found impracticable to obtain a sufficient
12 number of eligibles who are citizens and, if over eighteen years of age, are qualified
13 voters of the city, for positions of any class, persons otherwise qualified who are not
14 citizens may be admitted to the tests and may become eligible for appointment and
15 be appointed to such positions subject to all other provisions of this Part. The tests
16 for positions of each class shall be practical in their character and, so far as possible,
17 shall relate to those matters which will fairly test the relative capacity and fitness of
18 the candidates to discharge the duties of characteristic positions of the class to which
19 they seek to be appointed with due reference also to ability to develop in such ways
20 as to merit advancement to positions of higher classes. The tests may include written
21 or oral questions, trials in the performance of work characteristic of the class,
22 inquiries into facts relating to education or experience or accomplishments, and
23 investigations of the records and success attained and of personal characteristics, or
24 any combination of these and other elements duly related to the purposes of the tests.
25 Promotion tests shall be based on the same standards of required qualifications as
26 original entrance tests for the same classes, and the same degrees of excellence in the
27 tests shall be required for eligibility. No question shall be so framed as to elicit
28 information concerning the political, factional, or religious opinions or affiliations
29 of an applicant.

1 §151. Department of Elderly Affairs; creation; domicile; composition; purposes and
2 functions

3 * * *

4 B. The Department of Elderly Affairs, through its offices and officers, shall
5 be responsible for the functions of the state that are designed to meet the needs of
6 Louisiana residents sixty years of age or older and for planning, monitoring,
7 coordination, and delivery of services to ~~the elderly persons~~ of the state who are
8 elderly, including but not limited to coordination of services of all state agencies
9 serving ~~the elderly persons who are elderly~~ and requiring reports from ~~them~~ such
10 agencies; developing a plan for efficient coordination of functions and services for
11 ~~the elderly persons who are elderly~~ and for consolidation of such functions and
12 services within the department with local administration by the parish voluntary
13 councils on aging; administration of the Older Americans Act and related programs;
14 administration of all federal funds appropriated, allocated, or otherwise made
15 available to the state for services to the elderly, except funds for programs
16 administered by other state departments or agencies as specified by the Louisiana
17 Revised Statutes of 1950; exercising functions relative to nutrition programs for the
18 ~~elderly and handicapped~~ citizens of Louisiana who are elderly or have disabilities,
19 homemaker services, home repair and maintenance services, employment and
20 training services, recreational and transportation services, counseling, information
21 and referral services, protective services as provided in R.S. 15:1501 et seq., and
22 health-related outreach, but excluding the transportation program for ~~the elderly and~~
23 ~~the handicapped persons who are elderly or have disabilities~~ administered by the
24 Department of Transportation and Development under Section 16(b)(2) of the
25 Federal Urban Mass Transportation Act of 1964 as amended and other such
26 programs and services assigned to other departments of state government as provided
27 in Title 36 of the Louisiana Revised Statutes of 1950; collection of facts and
28 statistics and making special studies of conditions pertaining to the employment,
29 health, financial status, recreation, social adjustment, or other conditions affecting
30 the welfare of ~~the aged persons who are aged~~ persons who are aged; keeping abreast of the latest

1 developments in aging throughout the nation and interpreting such findings to the
2 public; providing for a mutual exchange of ideas and information on national, state,
3 and local levels; and making recommendations to the governor and to the legislature
4 for needed improvements and additional resources to promote the welfare of the
5 aging in the state.

6 * * *

7 §251. Department of Health and Hospitals; creation; domicile; composition;
8 purpose and functions

9 * * *

10 B. The Department of Health and Hospitals, through its offices and officers,
11 shall be responsible for the development and providing of health and medical
12 services for the prevention of disease for the citizens of Louisiana. The Department
13 of Health and Hospitals shall provide health and medical services for the uninsured
14 and medically indigent citizens of Louisiana. The secretary and the chancellor of the
15 Louisiana State University Health Sciences Center shall provide for coordination in
16 the delivery of services provided by the Louisiana State University Health Sciences
17 Center with those services provided by the Department of Health and Hospitals, local
18 health departments, and federally qualified health centers, including but not limited
19 to ~~services for the mentally ill, for persons with mental retardation and~~
20 ~~developmental disabilities, for those suffering from addictive disorders, public health~~
21 ~~services, and services provided under the Medicaid program.~~ the following:

22 (1) Services for any of the following persons:

23 (a) Persons with mental illness.

24 (b) Persons with intellectual disabilities.

25 (c) Persons with developmental disabilities.

26 (d) Persons with addictive disorders.

27 (2) Public health services.

28 (3) Services provided under the medical assistance program (Medicaid).

29 * * *

1 §254. Powers and duties of the secretary of the Department of Health and Hospitals

2 A. In addition to the functions, powers, and duties otherwise vested in the
3 secretary by law, he shall:

4 * * *

5 (10) Perform the functions of the state relating to:

6 * * *

7 (c) Licensing of institutions for ~~the mentally retarded~~ persons with
8 intellectual disabilities;

9 * * *

10 (h) In accordance with R.S. 15:1501 et seq., Provision ~~provision~~ of adult
11 protective services to ~~disabled~~ adults with disabilities, ~~in accordance with R.S.~~
12 ~~15:1501, et seq.~~

13 * * *

14 B. The secretary shall have authority to:

15 * * *

16 (9) Assign the function of diagnosis and case management of ~~alcohol or drug~~
17 ~~abusers, the mentally retarded, the developmentally disabled, and the autistic persons~~
18 suffering from substance abuse, persons with intellectual disabilities, persons with
19 developmental disabilities, and persons with autism to the appropriate office with the
20 Department of Health and Hospitals or the appropriate level of government.

21 * * *

22 E.(1) The functions relative to the operation and management of mental
23 health, ~~mental retardation~~ intellectual disabilities, and substance abuse services for
24 Jefferson Parish having been transferred by department rules to the Jefferson Parish
25 Human Services Authority in accordance with Chapter 14 of Title 28 of the
26 Louisiana Revised Statutes of 1950 shall be the responsibility of and shall be
27 performed by the Jefferson Parish Human Services Authority.

28 * * *

1 Section 19. R.S. 37:752(9)(a), (c)(ii), and (d)(ii), 775(A)(10), 776(A)(9)(b) and
2 (10)(b), 961(2), 1360.64(C)(1), 2363(C)(1), and 3003 are hereby amended and reenacted to
3 read as follows:

4 §752. Exemptions from license

5 The licensing provisions of this Chapter shall not apply to:

6 * * *

7 (9)(a) Contracting with a licensed dentist by the spouse or the personal
8 representative of the estate of a deceased dentist, or the spouse or the personal
9 representative of a ~~disabled~~ dentist with a ~~licensed dentist~~ disability, to manage the
10 dental practice at an establishment where dental operations, oral surgery, or dental
11 services are provided for the purpose of selling or otherwise disposing of the dental
12 practice of a deceased licensee or a ~~disabled licensee's dental practice~~ licensee with
13 a disability for a period not to exceed twenty-four months.

14 * * *

15 (c) When used in this Section, the following terms shall have the following
16 meanings ascribed to them:

17 * * *

18 (ii) ~~"Disabled" has the same meaning as "disabled person" as provided~~
19 "Dentist with a disability" means a dentist who is a "person with a disability" as
20 defined in R.S. 9:3541.21(3).

21 * * *

22 (d) The twenty-four-month period provided for in this Section begins when:

23 * * *

24 (ii) The spouse or personal representative of the ~~disabled~~ dentist with a
25 disability files a verified copy of disability status signed by a physician attesting to
26 the dentist's disability with the Louisiana State Board of Dentistry.

27 * * *

28 §775. Unprofessional conduct defined

29 A. As used in this Chapter, "unprofessional conduct" means:

30 * * *

1 representative of a ~~disabled~~ dentist with a disability to manage the dental practice at
 2 an establishment where dental operations, oral surgery, or dental services are
 3 provided for the purpose of selling, liquidating, or otherwise disposing of the dental
 4 practice of a deceased ~~or disabled~~ licensee or a licensee with a disability for a period
 5 not to exceed twenty-four months in accordance with the provisions of R.S.
 6 37:752(9). Notwithstanding any other provisions of law to the contrary, nothing in
 7 this Subparagraph shall prohibit a dentist from contracting with any person or entity
 8 for management of a dental practice prior to the death or disability of such dentist
 9 subject to Subparagraph (10)(a) of this ~~Section~~ Subsection.

10 * * *

11 §961. Definitions

12 As used in this Part:

13 * * *

14 (2) The "practice of practical nursing" means the performance for
 15 compensation of any acts, not requiring the education, training, and preparation
 16 required in professional nursing, in the care, treatment, or observation of ~~the~~ persons
 17 who are ill, injured, or infirm and for the maintenance of the health of others and the
 18 promotion of health care, including the administration of medications and treatments
 19 or in on-job training or supervising licensed practical nurses, subordinate personnel,
 20 or instructing patients consistent with the licensed practical nurse's education and
 21 preparation, under the direction of a licensed physician, optometrist, or dentist acting
 22 individually or in his capacity as a member of the medical staff, or registered nurse.
 23 The licensed practical nurse may perform any of the foregoing duties, and with
 24 appropriate training may perform additional specified acts which are authorized by
 25 the Louisiana State Board of Practical Nurse Examiners when directed to do so by
 26 the licensed physician, optometrist, or dentist acting individually or in his capacity
 27 as a member of the medical staff, or registered nurse.

28 * * *

1 §1360.64. Privileged communications

2 * * *

3 C. This privilege may not be claimed by or on behalf of the patient in the
4 following circumstances:

5 (1) Where child abuse, elder abuse, or the abuse of ~~disabled~~ individuals with
6 disabilities or incompetent individuals is known or reasonably suspected.

7 * * *

8 §2363. Privileged communications

9 * * *

10 C. This privilege may not be claimed by or on behalf of the patient or client
11 in the following circumstances:

12 (1) Where child abuse, elder abuse, or the abuse of ~~disabled~~ individuals with
13 disabilities or incompetent individuals is known or reasonably suspected.

14 * * *

15 §3003. Definitions

16 As used in this Chapter the following words shall have the meanings
17 hereinafter ascribed to each:

18 ~~A.(1)~~ "Board" means the Louisiana State Board of Medical Examiners
19 established in R.S. 37:1263.

20 ~~B.(1)(2)(a)~~ "Occupational therapy" means the application of any activity in
21 which one engages for the purposes of evaluation, interpretation, treatment planning,
22 and treatment of problems interfering with functional performance in persons
23 impaired by physical illness or injury, emotional disorders, congenital or
24 developmental disabilities, or the aging process, in order to achieve optimum
25 functioning and prevention and health maintenance. The occupational therapist may
26 enter a case for the purposes of providing consultation and indirect services and
27 evaluating an individual for the need of services. Prevention, wellness, and
28 education related services shall not require a referral; however, in workers'
29 compensation injuries preauthorization shall be required by the employer or workers'
30 compensation insurer or provider. Implementation of direct occupational therapy to

1 individuals for their specific medical condition or conditions shall be based on a
2 referral or order from a physician, advanced practice registered nurse, dentist,
3 podiatrist, or optometrist licensed to practice. Practice shall be in accordance with
4 published standards of practice established by the American Occupational Therapy
5 Association, Inc., and the essentials of accreditation established by the agencies
6 recognized to accredit specific facilities and programs.

7 ~~(2)~~(b) Specific occupational therapy services include, but are not limited to
8 activities of daily living (ADL); the design, fabrication, and application of prescribed
9 temporary splints; sensorimotor activities; the use of specifically designed crafts;
10 guidance in the selection and use of adaptive equipment; therapeutic activities to
11 enhance functional performance; prevocational evaluation and training and
12 consultation concerning the adaptation of physical environments for ~~the handicapped~~
13 persons with disabilities. These services are provided to individuals or groups
14 through medical, health, educational, and social systems.

15 ~~(3)~~(c) "Occupational therapy" shall not include the administration of
16 massages by employees of the Hot Wells Rehabilitation Center.

17 ~~E.~~(3) "Occupational therapist" means a person who is certified as an
18 occupational therapist, registered (OTR) by the American Occupational Therapy
19 Association, Inc. (AOTA), and licensed to practice occupational therapy, as defined
20 in this Chapter, and whose license is in good standing.

21 ~~D.~~(4) "Occupational therapy assistant" means a person who is certified as a
22 certified occupational therapy assistant (COTA) by the American Occupational
23 Therapy Association, Inc. (AOTA), and is licensed to assist in the practice of
24 occupational therapy under the supervision of, and in activity programs with the
25 consultation of, an occupational therapist licensed under this Act.

26 ~~E.~~(5) "Person" means any individual, partnership, unincorporated
27 association, or corporate body, except that only an individual may be licensed under
28 this Chapter.

29 ~~F.~~(6) "Association" means the Louisiana Occupational Therapy Association,
30 Inc. (LOTA).

1 Section 20. R.S. 38:2261(A), (B), (E)(2), (3)(introductory paragraph) and (a), (4),
2 (5), and (7) are hereby amended and reenacted to read as follows:

3 §2261. Preference for goods manufactured, or services performed, by sheltered
4 workshops; non-applicability of competitive bidding requirements;
5 coordinating council

6 A. Every agency, board, commission, department, or other instrumentality
7 of the state shall give a preference in its purchasing practices to goods manufactured
8 and services performed by ~~severely handicapped~~ individuals with severe disabilities
9 in state-operated and state-supported sheltered workshops.

10 B. The requirements for competitive bidding contained in Part II of this
11 Chapter shall be inapplicable to cases in which an agency, board, commission,
12 department, or other instrumentality of the state can utilize goods manufactured, or
13 services performed, by ~~severely handicapped~~ individuals with severe disabilities in
14 state-operated and state-supported sheltered workshops.

15 * * *

16 E. For the purposes of this Section, the following terms are defined as
17 follows:

18 * * *

19 (2) "Goods manufactured and services performed by ~~severely handicapped~~
20 individuals with severe disabilities" means goods and services for which not less
21 than seventy-five percent of the man-hours of direct labor required for manufacture
22 or performance is provided by ~~severely handicapped~~ individuals with severe
23 disabilities.

24 (3) "Qualified nonprofit agency for ~~the severely handicapped~~ individuals
25 with severe disabilities" means an agency that:

26 (a) Is incorporated under the Louisiana Nonprofit Corporation Law and
27 operated in the interests of ~~severely handicapped~~ individuals with severe disabilities,
28 and the income of which does not inure in whole or in part to the benefit of any
29 shareholder or other private individual, and

30 * * *

1 management program as specified in R.S. 39:361. These rules and regulations shall
2 include but not be limited to the following:

3 * * *

4 (3)(a) Personal assignment of a fleet vehicle shall be permitted only in
5 individual situations in which cost savings to the state are substantiated or the health
6 and welfare of the general public are essentially affected or in which the
7 commissioner of administration deems it to be in the best interest of the state.
8 Personal assignment of fleet vehicles is not permitted without specific approval from
9 the commissioner of administration. Criteria which merit request for personal
10 assignment include:

11 * * *

12 (iii) A state employee whose employment requires, in performance of
13 assigned duties, regular and unscheduled use of a special use vehicle or a vehicle
14 with special equipment installed, including but not limited to, hazardous waste spill
15 investigation equipment, bar lights for use in emergency situations, or ~~handicapped~~
16 driver equipment for drivers with disabilities.

17 * * *

18 (4) A set of specifications appropriate for the intended use of fleet vehicles
19 shall be prepared by the ~~Division of Administration~~ division of administration for the
20 purchase or lease of vehicles. In preparing vehicle specifications, consideration shall
21 be given to current vehicle manufacturer size; standard equipment items designed to
22 promote safety, handling, and roadability of the vehicle; reasonable levels of
23 comfort; and a minimum cost over the life of the vehicle. Vehicle specifications
24 shall be developed and used by the ~~Division of Administration~~ division of
25 administration to bid for the purchase or lease of fleet vehicles in accordance with
26 rules and regulations in effect at the time the bid document is prepared. Equipment
27 items not included in the specifications shall not be added by any agency to a fleet
28 vehicle after the purchase or lease of the vehicle except for the following:

1 (a) Any vehicle intended to be operated by a ~~handicapped~~ an individual with
2 a disability for whom the vehicle is purchased or leased.

3 * * *

4 F. The commissioner of administration shall not promulgate rules or
5 regulations which require ~~state schools for the deaf, blind, spastic, and cerebral~~
6 palsied the Louisiana School for the Deaf, the Louisiana School for the Visually
7 Impaired, the Louisiana Special Education Center, the Special School District
8 ~~Number One~~, and any community and group home and residential facilities
9 administered by the Department of Children and Family Services or the Department
10 of Health and Hospitals to have an inscription, painting, stencil, or decal placed
11 conspicuously on an automobile, truck, or other vehicle with the name of the board,
12 commission, department, agency, or subdivision of the state to which the automobile,
13 truck, or other vehicle belongs, if the vehicle is used to transport students or clients.

14 * * *

15 §1484. Definitions and objectives

16 * * *

17 B.(1) Rehabilitation and health ~~support~~ supports include services rendered
18 by a contractor with special knowledge or service available to assist individuals
19 ~~attain or maintain~~ in attaining or maintaining a favorable condition of physical and
20 mental health. These services include but are not limited to:

21 * * *

22 (h) Evaluation and training for ~~physically/mentally handicapped persons~~
23 with physical or mental disabilities.

24 * * *

25 (2) Habilitation and socialization include services rendered by a contractor
26 with special knowledge to assist specified client groups to enhance their
27 self-sufficiency or alleviate their dependency or isolation from the community.
28 These services include but are not limited to:

29 * * *

1 (c) Early intervention for ~~the mentally retarded, developmentally delayed,~~
2 ~~or physically handicapped~~ persons with intellectual disabilities, developmental
3 delays, or physical disabilities.

4 * * *

5 (5) Evaluation, testing, and remedial educational services for exceptional
6 ~~handicapped or learning disabled~~ nonpublic school students with physical or learning
7 disabilities include services rendered by a contractor with special knowledge or
8 services available to provide special educational and related services for exceptional
9 ~~or handicapped~~ students or students with disabilities voluntarily enrolled in approved
10 nonpublic schools of Louisiana who are not otherwise provided with such services
11 through either their local school program or through other services afforded to them
12 by local school boards or other public agencies. These services include but are not
13 limited to:

14 (a) Identification, assessment, appraisal, and evaluation of exceptional ~~or~~
15 ~~handicapped~~ children and children with disabilities.

16 * * *

17 §1494.1. Social service contracts

18 A. Contracts for social services may be awarded without the necessity of
19 competitive bidding or competitive negotiation only if the director of the office of
20 contractual review determines that any one of the following conditions is present.
21 The using agency shall document the condition present and such documentation shall
22 be part of the contract record submitted to the office of contractual review.

23 * * *

24 (3) A quasi-public and/or nonprofit corporation, such as a parish voluntary
25 council on aging, an area agency on aging, an ~~association of retarded citizens~~
26 affiliate of The Arc or equivalent organization serving persons with intellectual or
27 developmental disabilities, an organization serving children, youth, and/or families,
28 or an organization promoting independence from public assistance has been

1 established in coordination with the state to provide the particular service involved
2 in the contract.

3 * * *

4 §1554. Application of this Chapter

5 * * *

6 D.

7 * * *

8 (3) The office for citizens with developmental disabilities in the Department
9 of Health and Hospitals shall be exempt from the requirements of R.S. 39:1643 in
10 order to lease residential living options ~~for mentally retarded or developmentally~~
11 ~~disabled individuals~~ persons with intellectual or developmental disabilities without
12 carrying out the competitive sealed bidding requirement of this Chapter.

13 * * *

14 §1594. Competitive sealed bidding

15 * * *

16 I. Exemption.

17 (1) Purchases of goods manufactured by or services performed by ~~severely~~
18 ~~handicapped~~ individuals with severe disabilities in state-operated and state-supported
19 sheltered workshops as defined in R.S. 39:1595.4 shall be exempt from the
20 provisions of this Section. This exemption shall also apply to goods and services
21 procured by purchase order directly from a central nonprofit agency contracting
22 under R.S. 39:1595.4 to assist qualified sheltered workshops; any purchase order
23 shall be issued directly to the central nonprofit agency for all goods and services
24 within the exemption provided under this Subsection.

25 * * *

26 §1595.4. Preference for goods manufactured, or services performed, by sheltered
27 workshops; definitions; coordinating council

28 A. Every governmental body shall give a preference in its purchasing
29 practices to goods manufactured and services performed by ~~severely handicapped~~

1 individuals with severe disabilities in state-operated and state-supported sheltered
2 workshops.

3 * * *

4 E. For the purposes of this Section, the following terms are defined as
5 follows:

6 * * *

7 (2) "Goods manufactured and services performed by ~~severely handicapped~~
8 individuals with severe disabilities" means goods and services for which not less
9 than seventy-five percent of the man-hours of direct labor required for manufacture
10 or performance is provided by ~~severely handicapped~~ individuals with severe
11 disabilities.

12 (3) "Qualified nonprofit agency for ~~the severely handicapped~~ individuals
13 with severe disabilities" means an agency that:

14 (a) Is incorporated under the Louisiana Nonprofit Corporation Law and
15 operated in the interests of ~~severely handicapped~~ individuals with severe disabilities,
16 and the income of which does not inure in whole or in part to the benefit of any
17 shareholder or other private individual, and

18 * * *

19 (4) "~~Severely handicapped individuals~~" "Individuals with severe disabilities"
20 means individuals with a physical, mental, or substance abuse disability which
21 constitutes a substantial obstacle to their employment and is of such a nature as to
22 prevent an individual from engaging in normal competitive employment.

23 (5) "Sheltered workshop" means a facility designed to provide gainful
24 employment for ~~severely handicapped~~ individuals with severe disabilities who
25 cannot be absorbed into the competitive labor market or to provide interim
26 employment for such individuals when employment opportunities for them in the
27 competitive labor market do not exist.

28 * * *

1 (7) "State-supported sheltered workshop" means a sheltered workshop
2 funded in whole or in part by the state and staffed by personnel from a qualified
3 nonprofit agency for ~~the severely handicapped~~ individuals with severe disabilities.

4 * * *

5 §1952. Definitions

6 Unless the context requires otherwise, the following words shall have the
7 following meanings:

8 * * *

9 (14) "Minority" means a person who is a citizen or permanent resident of the
10 United States residing in Louisiana and who is any of the following:

11 * * *

12 (e) ~~Handicapped: having~~ Person with a disability: a person who has a
13 permanent physical impairment which includes any physiological disorder or
14 condition, cosmetic disfigurement, or anatomical loss affecting one or more of the
15 following body systems: neurological, musculoskeletal, speech organs, skin, and
16 endocrine, which substantially limits at least one ~~or more~~ major life activity of an
17 individual, as defined in R.S. 28:477(3)(a), as verified by two physicians or as
18 certified by the Veteran's Administration as meeting the qualifications and approved
19 by the division. The division may require an additional independent medical
20 examination by a physician chosen by the division, at the applicant's expense, prior
21 to approval of an application. For the purpose of this Subparagraph, "~~handicapped~~"
22 "disability" shall not mean mental impairment, temporary impairment, alcohol or
23 drug addiction, sexual or behavioral disorders, or substantially limiting illnesses
24 including human immunodeficiency virus.

25 * * *

26 Section 22. R.S. 40:5(18), 384(11), 442(2), 501(A)(2), 1299.27(A), (B)(introductory
27 paragraph) and (2), and (C), 1299.52, 1299.58(A)(introductory paragraph), (1), and (3),
28 1299.78.5(A)(1) and (2), 1299.113(A)(4), 1299.114(9), 1299.118(3), 1299.119(A),
29 1300.85(C), 1300.361(B)(introductory paragraph), 1355(B), 1379.3(C)(5), 1400(A) and (C)
30 through (F), 1472.3(E)(2)(d), 1485.2(3), 1563(C)(6), 1573.1(A), 1574.1(A)(13)(a),

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 1730.39(B), 1730.66(A), 1735, 1742(A)(1), (3), and (4)(a), (B)(1), (2)(c), and (6), and (C),
2 1742.1, 1742.2(A)(1), (3), and (4) and (B)(1), the heading of Part V-A of Chapter 8 of Title
3 40 of the Louisiana Revised Statutes of 1950, 1748(A), 2009.21, 2009.25(F)(12),
4 2010.8(A)(2)(b)(v) and (vi), 2013(6), 2013.2, 2013.3, 2017(A)(1), (2), and (4), 2102(A)(3),
5 2113.5, 2116(B)(1) and (G), 2142(A), 2405.5(A) and (B)(1) and (2)(c) through (f), and 2471
6 are hereby amended and reenacted to read as follows:

7 §5. General powers and jurisdiction

8 The state health officer and the office of public health of the Department of
9 Health and Hospitals shall have exclusive jurisdiction, control, and authority:

10 * * *

11 (18) To promulgate rules and regulations in accordance with the
12 Administrative Procedure Act to establish a fee schedule, based on ability to pay or
13 eligibility for third party reimbursement, for services provided by the ~~handicapped~~
14 ~~children's services~~ Children's Special Health Services program and maternal and
15 child health programs in the office of public health.

16 * * *

17 §384. Definitions

18 The following terms, wherever used or referred to in this Part, have the
19 following respective meanings, unless otherwise provided in this Part or unless a
20 different meaning clearly appears from the context:

21 * * *

22 (11) "Family" means two or more persons that includes a husband or father
23 and/or wife or mother and/or one or more children, that a local housing authority
24 accepts for occupancy of a dwelling or to which such authority offers or provides
25 other assistance, as particularly defined in the eligibility and occupancy standards
26 adopted by the authority. For the limited purposes of any reference to the term
27 family or household in this Part, such terms shall also include ~~an elderly person, a~~
28 ~~disabled person~~ a person who is elderly, a person with a disability, and any other
29 person who may be unmarried or without children.

30 * * *

1 §442. Community facilities

2 A local housing authority may:

3 * * *

4 (2) Provide such facilities to any public agency or to any person, agency,
5 institution, or organization, public or private, for recreational, educational, health,
6 or welfare purposes for the benefit and use of the local housing authority or for
7 occupants of its dwelling accommodations, or persons of eligible income, persons
8 who are elderly, or handicapped persons with disabilities, or for any combination of
9 the foregoing, and which facilities may also serve the general public, and provision
10 of such community facilities may be with or without charge therefor as in the local
11 housing authority's discretion shall be deemed advisable to promote the public
12 purposes of this Chapter.

13 * * *

14 §501. Selection and preferences

15 A. Each housing authority shall adopt and promulgate policies establishing
16 a plan for selection of applicants. The plan shall include standards for eligibility,
17 procedures for prompt notification of eligibility or disqualification, and procedures
18 for maintaining a waiting list of eligible applicants for whom vacancies are not
19 immediately available. Eligible applicants shall be offered available vacancies as
20 provided in said policies. Such policies and plans may, but shall not be required to,
21 include:

22 * * *

23 (2) Preferences to give priority to persons displaced by public or private
24 action, to families of veterans and servicemen, to families whose members are
25 gainfully employed, to citizens of the United States or this state, to ~~disabled persons~~
26 ~~or elderly~~ persons with disabilities or who are elderly and such other preferences, as
27 well as priorities within each preference category, as the local housing authority
28 deems appropriate.

29 * * *

1 §1299.27. Safety precautions; procedures for removal and repainting

2 A. Whenever a child or children under six years of age or ~~mentally retarded~~
3 person with an intellectual disability resides in any residential premises in which any
4 paint, plaster, or other accessible materials contain dangerous levels of lead as
5 defined pursuant to ~~R.S. 40:1299.24~~ the provisions of this Part, after notification by
6 the state health officer or his representative, the owner shall remove or cover said
7 paint, plaster, or other material so as to make it inaccessible to children under six
8 years of age or ~~mentally retarded~~ persons with intellectual disabilities. Whenever
9 any such residential premises containing said dangerous levels of lead undergoes a
10 change of ownership and as a result thereof, a child ~~or children~~ under six years of age
11 or ~~mentally retarded persons~~ a person with an intellectual disability will become a
12 resident therein, the new owner shall remove or cover said paint, plaster, or other
13 material so as to make it inaccessible to such ~~children or mentally retarded persons~~
14 child or person.

15 B. Repainting with nonlead based paint, without removal of the offending
16 paint, plaster, or other material shall not constitute compliance with this ~~section~~
17 Section. Such removal or covering shall be performed as follows:

18 * * *

19 (2) Paint, plaster, or other material that is not peeling shall be removed or
20 covered on window sills; door frames; windows, including mullions; stair rail
21 spindles; stair treads; doors; stair rails; porch railings, and all other exterior and
22 interior surfaces or fixtures that may be readily chewed by children or ~~mentally~~
23 ~~retarded~~ persons with intellectual disabilities.

24 C. This duty shall apply to every owner of residential premises whenever a
25 child ~~or children~~ under six years of age or ~~mentally retarded persons reside~~ or a
26 person with an intellectual disability resides therein or whenever such premises
27 undergoes a change of ownership and as a result thereof a child ~~or children~~ under six
28 years of age or ~~mentally retarded persons~~ person with an intellectual disability shall
29 reside therein, whether or not his premises have been inspected pursuant to R.S.

1 40:1299.24 or otherwise. ~~This section~~ The provisions of this Section shall be strictly
2 construed and enforced so as to best protect the safety of residents of such dwellings.

3 * * *

4 §1299.52. Part not applicable to care and treatment of ~~mentally ill~~ persons with
5 mental illness; exception

6 Except as provided in R.S. 40:1299.58, the provisions of this Part shall not
7 apply to the care and treatment of ~~the mentally ill~~ persons with mental illness, which
8 subject shall continue to be governed by existing law independently of the terms and
9 provisions of this Part.

10 * * *

11 §1299.58. Consent to surgical or medical treatment for ~~developmentally disabled~~
12 persons with developmental disabilities and residents of state-operated
13 nursing homes

14 A. Upon the written recommendation of the treating physician, the following
15 persons may consent to any surgical or medical treatment on behalf of any
16 ~~developmentally disabled~~ person with a developmental disability who is a recipient
17 of service from a state-operated supported living program or home- and
18 community-based service provider, or who is a resident of a state-operated
19 residential facility, community, or group home for ~~the developmentally disabled~~
20 persons with developmental disabilities, state-supervised extended family living
21 program, or a nonstate-operated residential facility, community, or group home for
22 ~~the developmentally disabled~~ persons with developmental disabilities, or who is a
23 resident of a state-operated nursing home:

24 (1) For a resident of a state-operated residential facility, community, or
25 group home for ~~the developmentally disabled~~ persons with developmental
26 disabilities, the administrator of the residential facility, community, or group home.

27 * * *

28 (3) For a resident of a nonstate-operated residential facility, community, or
29 group home for ~~the developmentally disabled~~ persons with developmental

1 disabilities, the chief executive officer of the provider organization which
2 administers or operates the facility or home.

3 * * *

4 §1299.78.5. Provisions

5 A. The Department of Health and Hospitals shall promulgate regulations
6 governing the following:

7 (1) Procedures for application, application forms, and eligibility criteria for
8 ~~the disabled~~ persons with disabilities to obtain coverage.

9 (2) A sliding scale for the buy-in amounts to be paid by ~~the working disabled~~
10 persons with disabilities to maintain Medicaid coverage, while working.

11 * * *

12 §1299.113. Program for combating spinal cord disabilities; establishment

13 A. The office of public health shall establish a plan for services to children
14 with special health care needs and shall promulgate any such rules and regulations
15 as may be necessary to place the plan into effect. Any such plan may provide for:

16 * * *

17 (4) Cooperation with medical, health, nursing, social work, and welfare
18 groups and organizations which provide services to ~~physically handicapped~~ children
19 with physical disabilities.

20 * * *

21 §1299.114. Program functions and responsibilities

22 The secretary of the department shall develop and administer the program for
23 combating multiple handicapping conditions, which shall:

24 * * *

25 (9) Identify and cooperate with existing agencies, organizations, and
26 individuals offering services to ~~the persons with~~ spinal cord ~~disabled~~ disabilities.

27 * * *

1 §1299.118. Purpose

2 The legislature hereby finds and declares that:

3 * * *

4 (3) One of the serious problems facing medicine and the public health and
5 welfare today is that while assistance and services are available to individuals with
6 cystic fibrosis under the age of twenty-one through the ~~Louisiana handicapped~~
7 ~~children's services~~ Children's Special Health Services program, such services are not
8 available to individuals with cystic fibrosis who are twenty-one years of age or older,
9 and for many such individuals there are no other sources of public or private aid
10 available for obtaining needed medical care and treatment.

11 * * *

12 §1299.119. Programs for individuals with cystic fibrosis who are twenty-one years
13 of age or older

14 A. The secretary of the Department of Health and Hospitals, through the
15 ~~handicapped children's services~~ Children's Special Health Services program in the
16 office of public health services and environmental quality established pursuant to
17 R.S. ~~46:261-263~~ 40:1299.111 et seq., shall make available and provide services and
18 assistance to individuals with cystic fibrosis who are twenty-one years of age or
19 older under the same terms, conditions, requirements, and criteria as are applied
20 under the program to persons with cystic fibrosis under twenty-one years of age, to
21 the extent that funds are appropriated by the legislature for the purpose of providing
22 such services.

23 * * *

24 §1300.85. Services

25 * * *

26 C. The medical center may conduct research and compile statistics relating
27 to the provision of kidney care services and the need for the services by ~~disabled or~~
28 ~~handicapped~~ persons with disabilities.

29 * * *

1 §1300.361. Legislative intent

2 * * *

3 B. It is in the best interest of the citizens of the state that the Legislature of
4 Louisiana ensures that the Louisiana Medicaid program, as it relates to ~~the severely~~
5 ~~mentally ill~~ recipients with severe mental illness, is operated in the most efficient and
6 sustainable method possible. The transition of the services of the office of
7 behavioral health within the Department of Health and Hospitals to a managed care
8 system in which a single statewide management organization operates as a single
9 point of entry to behavioral health services requires adequate reporting from the
10 Department of Health and Hospitals in order to ensure the following outcomes are
11 being achieved:

12 * * *

13 §1355. Powers and duties

14 * * *

15 B. Pursuant to the provisions of R.S. 46:2582(4), the board shall review
16 material and evidence submitted to it by the ~~handicapped~~ accessible parking
17 privileges investigation committee within the governor's office of disability affairs.
18 If, in the board's determination, the review of such material does indicate a possible
19 inappropriate certification by a physician of an individual's eligibility for
20 ~~handicapped~~ accessible parking privileges, the board shall submit such material
21 along with a recommendation for appropriate disciplinary action to the Louisiana
22 State Board of Medical Examiners.

23 * * *

24 §1379.3. Statewide permits for concealed handguns; application procedures;
25 definitions

26 * * *

27 C. To qualify for a concealed handgun permit, a Louisiana resident shall:

28 * * *

1 (5) Not suffer from a mental or physical infirmity due to disease, illness, or
2 ~~retardation~~ intellectual disability which prevents the safe handling of a handgun.

3 * * *

4 §1400. ~~Handicapped~~ Accessible parking enforcement

5 A. There is hereby established within the office of state police of the
6 Department of Public Safety and Corrections a ~~handicapped~~ an accessible parking
7 enforcement program. The purpose of the program shall be training and utilizing
8 volunteers in the enforcement of ~~handicapped~~ accessible parking restrictions,
9 particularly those established pursuant to R.S. 40:1742. The office shall operate the
10 program in the manner and subject to the limitations and provisions of this Section.

11 * * *

12 C. The program shall incorporate a training program, to be offered at each
13 troop headquarters, incorporating matters relevant to volunteers recognizing and
14 collecting evidence on violations of ~~handicapped~~ accessible parking restrictions.
15 Such training shall include training in legal matters with respect to violations of
16 ~~handicapped~~ accessible parking restrictions and personal safety matters. Volunteers
17 shall be trained to identify violators and to collect information necessary to provide
18 evidence of violation, including vehicle identification information, all legal matters
19 relevant to identifying a properly marked restricted parking area and a violation
20 thereof, the collection of photographic information which would be sufficient to
21 establish a presumption of a violation, and matters of personal safety and ethics. The
22 training course may be offered as often as the police troop deems necessary to serve
23 potential volunteers who have requested enrollment in the course.

24 D. Upon completion of such training, an individual volunteer who identifies
25 an apparent violation of ~~handicapped~~ accessible parking restrictions may collect
26 information on such violation, including vehicle identification information and
27 photographs of the violation and may then submit such information to the
28 appropriate office at the respective state police troop headquarters in accordance with
29 procedures established for the program by the office of state police.

1 §1485.2. Definitions

2 For the purposes of this Subpart, the following terms and phrases shall have
3 the meanings ascribed to them:

4 * * *

5 (3) "Parent or guardian" means each parent, custodian, or guardian
6 responsible for the control, safety, training, or education of a rider who is a minor,
7 ~~disabled~~ has a disability, or is incompetent rider.

8 * * *

9 §1563. Powers and duties generally; use of deputies; responsibilities of local
10 governing authorities with fire prevention bureaus; open structures and
11 process structures; fees

12 * * *

13 C.

14 * * *

15 (6) The monitoring function conferred upon the fire marshal by this Section
16 is solely intended to achieve the equal, effective enforcement of the state's adopted
17 fire protection, life safety, and ~~handicapped~~ accessibility laws, codes, rules, and
18 regulations. It is not intended that the fire marshal shall retain or assume
19 responsibility or liability for inspections performed by fire prevention bureaus. The
20 local governing authority shall, by specific resolution accompanying the ordinance
21 creating the fire protection bureau, assume the responsibility for and release the fire
22 marshal and any other state entity from responsibility or liability for those
23 inspections performed by the fire prevention bureau, or the consequences thereof,
24 within the jurisdiction of the governing authority.

25 * * *

26 §1573.1. Historic buildings renovation initiative

27 A. In order to encourage historic preservation and the preservation of
28 Louisiana's architectural heritage, when applying the requirements of the adopted
29 fire, life safety, or ~~handicapped~~ accessibility regulations and when implementing the
30 applicable provisions of R.S. 40:1574, the state fire marshal shall have the authority

1 to take into consideration the impact of these requirements on the historic integrity
2 of existing facilities.

3 * * *

4 §1574.1. Costs of handling plans

5 A. In addition to a postage and handling fee of five dollars, the owner of the
6 project who submits the plans and specifications shall pay to the office of state fire
7 marshal, code enforcement and building safety a plan review or document fee based
8 on the following schedule:

9 * * *

10	(13)	Appeal requests	Fee
11	(a)	Handicapped accessibility <u>Accessibility</u>	\$25.00

12 * * *

13 §1730.39. Powers of state fire marshal

14 * * *

15 B. Nothing in this Part shall be construed so as to prevent the state fire
16 marshal from enforcing the fire protection, life safety, ~~handicapped~~ accessibility, and
17 high rise laws of this state, the enforcement of which are his statutory and regulatory
18 responsibility.

19 * * *

20 §1730.66. State fire marshal; state health officer; authority

21 A. Nothing in this Part shall be construed to prevent the state fire marshal
22 from enforcing the fire protection, life safety, ~~handicapped~~ accessibility, and
23 high-rise laws of this state.

24 * * *

25 §1735. Public buildings or facilities or private buildings or facilities to display signs

26 All public and governmental facilities constructed or remodeled in
27 accordance with ADA Standards shall display signs indicating entrances, facilities,
28 directions, accommodations for ~~the disabled~~ persons with disabilities, and other signs
29 as required by and also in accordance with such standards.

30 * * *

1 §1742. Parking spaces for certain ~~disabled~~ persons with disabilities

2 A.(1) Each state agency and political subdivision having jurisdiction over a
3 public facility and each owner or lessee of a private facility shall, in accordance with
4 applicable zoning and building codes, provide and maintain a minimum number of
5 specially designed and marked motor vehicle parking spaces, referred to hereafter
6 in this Chapter as "accessible parking spaces", for the exclusive use of persons whose
7 vehicles are identified by license plates, hang tags, or special parking cards for ~~the~~
8 ~~mobility-impaired~~ persons with mobility impairments issued pursuant to R.S.
9 47:463.4 or 463.4.1. The ~~mobility-impaired~~ accessible parking spaces shall adhere
10 to the ADA Standards and shall include ~~mobility-impaired~~ accessible loading and
11 unloading areas, access aisles, access ramps, and curb cuts. The minimum number
12 of such parking spaces shall be as established by the ADA Standards. Public
13 building or facility and private building or facility, as the terms are used in this
14 Section, shall be as defined in R.S. 40:1732, and shall include public and private
15 property which is open to the public and to which the public is invited for
16 commercial or governmental purposes.

17 * * *

18 (3) Any owner or lessee of a facility who fails to provide and maintain
19 spaces reserved and designated for the exclusive use of vehicles bearing a special
20 license plate or parking card issued to a ~~mobility-impaired~~ driver with a mobility
21 impairment free of obstructions shall be fined not more than five hundred dollars.

22 (4)(a) In addition to the ADA Standards specifications, each access aisle, or
23 any other area of the pavement adjacent to a parking space reserved for
24 ~~mobility-impaired~~ persons with mobility impairments that is designated for the
25 loading and unloading of vehicles parked in the space, shall have the phrase "NO
26 PARKING" written upon the pavement area using letters that are not less than twelve
27 inches tall.

28 * * *

29 B.(1) No person shall park any vehicle in a ~~mobility-impaired~~ accessible
30 parking space unless such person has a license plate or hang tag for ~~the~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~mobility-impaired~~ persons with mobility impairments issued pursuant to R.S.
2 47:463.4 or a properly displayed special parking card issued pursuant to R.S.
3 47:463.4.1.

4 (2)

5 * * *

6 (c) The citation issued pursuant to the provisions of this Subsection shall be
7 personally served upon the operator of the vehicle by affixing the parking citation
8 to the vehicle in a conspicuous place thereon. The original parking citation shall
9 bear the name or initials and identification number of the issuing officer who shall
10 affirm the truth of the facts set forth therein. An operator of a vehicle who is not the
11 owner, but who uses or operates the vehicle with permission of the owner, expressed
12 or implied, shall be considered the agent of the owner to receive the citation required
13 to be served upon the operator or registered owner of a vehicle in accordance with
14 the provisions of this Subsection. When a citation is issued for an alleged violation
15 of the laws governing parking in ~~a mobility-impaired~~ an accessible parking space,
16 loading and unloading areas, access aisles, access ramps, and curb cuts, there shall
17 be a rebuttable presumption that a person in whose name the vehicle is registered
18 was the operator of the vehicle when the alleged violation was committed.

19 * * *

20 (6) The state of Louisiana shall recognize parking cards or other removable
21 windshield placards and special license plates which have been issued by authorities
22 of other states and countries for the purpose of identifying vehicles permitted to
23 utilize parking spaces reserved for ~~the mobility-impaired~~ persons with mobility
24 impairments.

25 * * *

26 C. Subsection B of this Section shall not be construed to affect or preempt
27 any ordinance of any local governmental subdivision or to prohibit any local
28 governmental subdivision of the state from adopting ordinances regulating
29 ~~mobility-impaired~~ accessible parking which ordinances may provide for penalties
30 and enforcement as deemed appropriate by the local governing authority. The

1 governing authorities of local governmental subdivisions may adopt such ordinances
2 pursuant to R.S. 32:41 or 42, R.S. 33:1236(28), any applicable provisions of a home
3 rule charter, or any other applicable provision of law. Except as provided in R.S.
4 46:2583(A)(2), the provisions of local ordinances shall control in all aspects of
5 enforcement of such ordinances.

6 §1742.1. Additional fine for enforcement of ~~mobility-impaired~~ accessible parking
7 regulations

8 In addition to all fines, fees, costs, and punishment authorized for violation
9 of ~~mobility-impaired~~ accessible parking regulations, any parish or municipality
10 which institutes a formal ~~mobility-impaired~~ accessible parking enforcement program
11 to assist the law enforcement agency in enforcing such regulations may, by
12 ordinance, provide for and enforce an additional twenty-five dollar fine for each
13 violation of such regulations. The proceeds of such additional fine shall be used by
14 such parish or municipal governing authority exclusively to fund such program.

15 §1742.2. Local variances in ~~mobility-impaired~~ accessible parking restrictions

16 A.(1) The legislature finds that providing sufficient ~~mobility-impaired~~
17 accessible parking spaces for use by both employees and visitors to public or private
18 buildings or facilities, as defined in R.S. 40:1732, is essential to protecting the civil
19 rights of ~~the disabled~~ persons with disabilities. To this end, the state, through the fire
20 marshal, has insisted on compliance with the ADA Standards, and the legislature has
21 set substantial fines for ~~mobility-impaired~~ accessible parking violations.

22 * * *

23 (3) The legislature finds that as a matter of policy, there is a clear conceptual
24 distinction between reserving ~~mobility-impaired~~ accessible parking spaces for a
25 facility that is in use and reserving such spaces associated with a facility that is not
26 in use and at which the general parking spaces are being used for another facility.
27 This distinction is in part grounded in the logic of the accessibility guidelines
28 themselves. The guidelines relate each reserved parking space to a particular facility
29 in requiring an accessible route from the parking space to the facility. In a case
30 where the facility is not in use, there is no presumption that there is an accessible

1 route from a ~~mobility-impaired~~ an accessible parking place to any other facility.

2 Thus, if there is no legitimate reason for any person to be visiting a facility, the
3 reservation of parking spaces for ~~mobility-impaired~~ visitors with mobility
4 impairments at that facility is unnecessary.

5 (4) Pursuant to such findings, the legislature hereby establishes the
6 possibility of distinctions in enforcement based on use or nonuse of facilities at
7 certain educational institutions. It is the intent of the legislature that the provisions
8 of this Section are to be narrowly construed. If, because of a variance granted
9 pursuant to this Section, a ~~mobility-impaired~~ person with a mobility impairment is
10 denied access to a parking space at a facility at which he has a legitimate reason for
11 visiting, he may initiate an action under the Americans with Disabilities Act against
12 the parish governing authority.

13 B.(1) The governing authority of any parish or municipality may, by
14 ordinance, provide for time variances applicable to the reservation of parking spaces
15 for ~~mobility-impaired~~ persons with mobility impairments at facilities identified in
16 Paragraph (2) of this Subsection. By such a variance, the governing authority may
17 establish times during which particular ~~mobility-impaired~~ accessible parking spaces
18 are available for general use and no citations for ~~mobility-impaired~~ accessible
19 parking violations shall be issued for use of the parking space. Any such variance
20 shall be indicated by signage displayed at each parking space subject to the variance,
21 and signs indicating the times during which parking is not reserved shall be mounted
22 on the same post or, if not on a post, in the same manner as and in close proximity
23 to the ~~mobility-impaired~~ accessible parking sign itself. Different time variances may
24 be applied to different spaces at the same facility.

25 * * *

26 PART V-A. ACCESS TO GOVERNMENT SERVICES FOR
27 PHYSICALLY HANDICAPPED PERSONS WITH DISABILITIES

28 §1748. Access to government services

29 A. Each state agency and political subdivision having jurisdiction over
30 buildings where government services are provided to the public shall provide for

1 equal access to such services by persons ~~who are physically handicapped~~ with
2 physical disabilities. A consumer of such government services who ~~is visibly~~
3 ~~handicapped~~ has a visible disability, and the person who is providing assistance to
4 him in securing such services, shall be entitled to priority treatment when such
5 services involve waiting periods.

6 * * *

7 §2009.21. Mandatory screening of ~~mentally ill or mentally retarded~~ nursing home
8 medicaid patients with mental illness or developmental disabilities;
9 implementation, review

10 A. Public Law 100-203 establishes mandatory preadmission screening and
11 ~~annual~~ resident review requirements for nursing care (other than ICF-DD) provided
12 under Title XIX of the Social Security Act. Section 1919(b)(3)(F) of the Social
13 Security Act prohibits admission of a mentally ill or mentally retarded Title XIX
14 recipient unless the recipient requires the level of services provided by a nursing
15 facility because of his physical and mental condition as determined by the ~~State~~
16 ~~Mental Health~~ state mental health authority or ~~State Mental Retardation Authority~~
17 state mental retardation or developmental disability authority.

18 B. The Department of Health and Hospitals shall establish rules and
19 regulations to implement the mandatory preadmission and ~~annual~~ resident review
20 requirements for nursing care (other than ICF-DD) provided under Title XIX of the
21 Social Security Act. Such rules and regulations shall require that the department
22 must make a determination of eligibility with regard to the first level of screening
23 within two working days after a request is submitted to the department. If the
24 department determines that a second level of screening is required to ascertain the
25 mental condition of the applicant, the second level of screening shall be conducted
26 and completed within eight working days after the completion of the first level of
27 screening, and the applicant shall be notified of the agency's determination on the
28 date the screening is completed. If the department fails to comply with the time
29 limits provided for in this Subsection, the applicant shall be deemed eligible under
30 Title XIX for placement in a nursing facility without further delay.

1 C. The Department of Health and Hospitals, office of behavioral health, ~~of~~
 2 ~~mental retardation, and of prevention of and recovery from alcohol and drug abuse~~
 3 shall be the ~~State Mental Health~~ state mental health authority and ~~State Mental~~
 4 ~~Retardation Authority~~ state developmental disability authority as provided for in the
 5 Social Security Act.

6 * * *

7 §2009.25. Emergency preparedness plans for nursing homes; applicable parishes;
 8 requirements; Nursing Home Emergency Preparedness Review Committee;
 9 rules and regulations; application

10 * * *

11 F. There is hereby created in the Department of Health and Hospitals the
 12 Nursing Home Emergency Preparedness Review Committee, hereinafter referred to
 13 in this Section as the "committee." The committee, which shall convene at least
 14 annually, shall be charged with reviewing the findings of the emergency
 15 preparedness plan submitted to the department under this Section, identifying risks
 16 and threats, identifying manpower issues for loading, transporting and unloading
 17 residents, and developing recommendations for emergency preparedness plans to
 18 promote the health, safety, and welfare of nursing home residents. The committee
 19 shall be comprised of the following members:

20 * * *

21 (12) The executive director of the Advocacy Center ~~for the Elderly and~~
 22 ~~Disabled~~ or his designee.

23 * * *

24 §2010.8. Residents' bill of rights

25 A. All nursing homes shall adopt and make public a statement of the rights
 26 and responsibilities of the residents residing therein and shall treat such residents in

1 accordance with the provisions of the statement. The statement shall assure each
2 resident the following:

3 * * *

4 (2)

5 * * *

6 (b) The right to be granted immediate access to the following:

7 * * *

8 (v) The agency responsible for the protection of and the advocacy system for
9 ~~developmentally disabled individuals~~ persons with developmental disabilities.

10 (vi) The agency responsible for the protection of and the advocacy system
11 for ~~mentally ill individuals~~ persons with mental illness.

12 * * *

13 §2013. Department of Health and Hospitals as mental health and ~~mental retardation~~
14 developmental disabilities authority

15 The Department of Health and Hospitals in addition to other powers and
16 duties conferred upon it by this Chapter, is hereby designated as the sole agency:

17 * * *

18 (6) To administer any and all federal grants in aid funds awarded to the state
19 of Louisiana and any state funds that may be appropriated or made available by the
20 legislature for the establishment and conduct of an approved mental health and
21 ~~mental retardation~~ developmental disabilities program in the state of Louisiana as
22 contemplated by the provisions of the foregoing federal laws or the provisions of any
23 state law relating to the subjects of this Section.

24 * * *

25 §2013.2. Appointment of chaplains; compensation

26 A. The Department of Health and Hospitals may provide for the services on
27 a contractual basis of a Catholic priest and a minister of the other ~~nonCatholic~~ non-
28 Catholic predominating religious denomination of patients in each of the hospitals
29 ~~for the mentally ill~~ under its administration for persons with mental illness.

1 B. The Catholic priest shall be appointed by and subject to the Bishop or
2 Archbishop in whose diocese or archdiocese the hospital for ~~the mentally ill~~ persons
3 with mental illness is located. The minister of the other predominating religious
4 denomination shall be selected and appointed by the secretary of the Department of
5 Health and Hospitals.

6 C. The Catholic priest and the minister of the predominating ~~nonCatholic~~
7 non-Catholic denomination shall be paid a monthly fee to be fixed by the secretary.

8 D. The secretary may provide for the employment of additional chaplains of
9 any religious denomination on a contractual basis and shall have authority to fix their
10 fees.

11 §2013.3. Superintendent to furnish report on patient's condition

12 Superintendents of all hospitals for ~~the mentally ill~~ persons with mental
13 illness administered by the Department of Health and Hospitals are required upon
14 written request of the coroner of the parish from which the patient was committed
15 to furnish a report to the coroner of the patient's condition, showing diagnosis,
16 laboratory findings, treatment prescribed and prognosis; and upon the written request
17 of the attorney of the patient or a near relative shall make the patient's medical record
18 available for inspection by such attorney or relative at such time as may be fixed by
19 the superintendent.

20 * * *

21 §2017. Care of sick persons who are indigent or destitute ~~sick persons~~; maintenance

22 A. The department may, in addition to the powers conferred on it by this
23 Chapter and in accordance with the provisions of this Chapter, exercise the following
24 functions:

25 (1) Provide for the care and treatment, in privately owned hospitals and other
26 institutions, of sick persons who are indigent or destitute ~~sick persons~~, including
27 ~~mentally ill and~~ persons with mental illness or who are mentally deficient ~~persons~~.

1 (2) Furnish ~~the~~ to persons who are indigent or destitute proper dental,
2 medical, surgical and other treatment, including their transportation to the point of
3 treatment and return.

4 * * *

5 (4) Employ such physicians, interns and other employees as may, in its
6 opinion, be necessary for the proper care and treatment of ~~the~~ persons who are
7 indigent ~~and~~ or destitute under this Chapter.

8 * * *

9 §2102. Definitions

10 As used in this Part:

11 A. "Hospital" means any institution, place, building, or agency, public or
12 private, whether for profit or not, with facilities for the diagnosis, treatment, or care
13 of persons who are suffering from illness, injury, infirmity, or deformity or other
14 physical condition for which obstetrical, medical, or surgical services would be
15 available and appropriate and which operates or is affiliated with facilities for the
16 overnight care, observation, or recovery of those persons. The term "hospital" does
17 not include the following:

18 * * *

19 (3) Persons, schools, institutions, ~~or~~ organizations engaged in the care and
20 treatment of ~~mentally-retarded~~ children with intellectual disabilities and which are
21 required to be licensed by the provisions of ~~R.S. 28:562 through R.S. 28:566~~ the
22 Developmental Disability Law (R.S. 28:451.1 et seq.).

23 * * *

24 §2113.5. Services to ~~elderly~~ persons who are elderly and persons with disabilities

25 Any general hospital licensed under this Part, which is owned or operated,
26 or both, by a hospital service district, or which benefits from being financed by the
27 sale of bonds from the state or guaranteed by the state that are exempt from taxation
28 as provided by Louisiana law, or which receives any other type of financial
29 assistance from the state, is directed to give, when possible, priority to the treatment
30 of ~~elderly, physically handicapped, or mentally handicapped~~ persons who are elderly

1 and persons with physical or mental disabilities in the delivery of nonemergency
2 health care services.

3 * * *

4 §2116. Facility need review

5 * * *

6 B. The department shall promulgate rules and regulations in accordance with
7 the Administrative Procedure Act to provide for facility need review. The rules and
8 regulations shall include but not be limited to the following:

9 (1) Criteria for review of beds for Level 4 adult residential care providers as
10 defined in R.S. 40:2166.3 and identified in R.S. 40:2166.5, and community and
11 group home beds for ~~the developmentally disabled~~ persons with developmental
12 disabilities, to determine if there is a need for additional beds to enroll and
13 participate in the Title XIX program.

14 * * *

15 G. Any intermediate care facility for people with developmental disabilities,
16 which serves children or adults ~~suffering from mental retardation~~ with intellectual
17 disabilities, autism, or behavioral problems, with no less than one hundred fifty and
18 no more than one hundred eighty beds, shall be eligible for the facility need review
19 process as set out above and in rules and regulations promulgated by the Department
20 of Health and Hospitals as authorized in Subsections A and B of this Section. The
21 exemption shall exist for a maximum of fifty additional beds.

22 * * *

23 §2142. Geriatric hospitals and units

24 A. The department may establish and administer geriatric hospitals or units
25 to receive and care for persons who are elderly and or infirm persons who have been
26 discharged by a hospital for ~~the mentally ill~~ persons with mental illness and for other
27 persons who are elderly and or infirm persons who are in need of nursing and
28 medical care. Such hospitals or units may be established on sites designated by the
29 department in quarters constructed or designated by the department, provided that
30 no such geriatric hospital or unit may be established on any site located more than

1 five air miles from the administrative office of East Louisiana State Hospital or more
2 than one air mile from the administrative office of Central Louisiana State Hospital.

3 * * *

4 §2405.5. Training for law enforcement interaction with ~~mentally ill~~ persons with
5 mental illness and ~~developmentally disabled~~ persons with developmental
6 disabilities

7 A. The Council on Peace Officer Standards and Training, hereinafter
8 referred to as the "council", shall develop a training course on law enforcement
9 interaction with ~~mentally ill~~ persons with mental illness and ~~developmentally~~
10 ~~disabled~~ persons with developmental disabilities. The council shall establish and
11 develop curriculum requirements for the course in consultation with the appropriate
12 community, local, and state organizations that are specialized in the area of working
13 with persons who are mentally ill or developmentally disabled, as well as with any
14 mental health advocacy groups who have expertise in the area of mental health and
15 disability.

16 B.(1) The course shall consist of classroom instruction, which can include
17 Internet instruction, and it shall include simulation of actual law enforcement
18 scenarios involving ~~the mentally ill~~ persons with mental illness and ~~developmentally~~
19 ~~disabled~~ persons with developmental disabilities to the maximum extent possible.

20 (2) In addition, the training course shall include, at a minimum, core
21 instruction in all of the following:

22 * * *

23 (c) Conflict resolution and de-escalation techniques for potentially dangerous
24 situations involving ~~mentally ill~~ persons with mental illness or ~~developmentally~~
25 ~~disabled~~ persons with developmental disabilities.

26 (d) Appropriate language usage when interacting with ~~mentally ill~~ persons
27 with mental illness or ~~developmentally disabled~~ persons with developmental
28 disabilities.

1 (e) Alternatives to lethal force when interacting with potentially dangerous
2 ~~mentally ill persons with mental illness~~ or ~~developmentally disabled~~ persons with
3 developmental disabilities.

4 (f) Community and state resources available to serve ~~mentally ill persons~~
5 with mental illness or ~~developmentally disabled~~ persons with developmental
6 disabilities and how these resources can best be utilized by law enforcement to
7 benefit and safely serve the mentally ill or developmentally disabled community.

8 * * *

9 §2471. Statement of purpose

10 A. The legislature hereby declares that one of the most serious issues facing
11 the present health care system today is the absence of a high quality home health care
12 service delivery system as an alternative approach to traditional institutional
13 placement. Furthermore, extensive legislative study has revealed that home care is
14 increasingly being recognized as the preferred method in the delivery of service to
15 ~~the persons who are chronically ill or disabled~~ and persons with disabilities because
16 it: (1) allows such persons to receive needed treatment and care at home while
17 enabling them to continue to maintain the family and community ties which are so
18 important; and (2) provides less costly long term care services that are by far more
19 satisfying and effective than institutional placement.

20 B. ~~Recent federal~~ Federal developments under Public Law 97-35, "The
21 Omnibus Budget Reconciliation Act of 1981," have given states more latitude and
22 authority to cover a broad range of in-home and community support services under
23 Medicaid. The legislature recognizes the need for deinstitutionalization of ~~the~~
24 persons who are chronically ill and ~~disabled~~ persons with disabilities, and intends
25 that the state should not only participate in such programs but also establish a broad
26 range of coordinated noninstitutional care. Therefore, it is the purpose of this
27 Chapter to provide for a comprehensive and fully coordinated approach to long term
28 home health care. The legislature further recognizes that persons other than those
29 eligible for Medicaid are also in need of a broad array of health and social services.

30 The legislature therefore states its intent to expand the long term home health care

1 program in terms of eligibility requirements and the range of services provided for
2 recipients. For this purpose, the Oversight Subcommittee of the Joint Committee on
3 Health and Welfare shall periodically review the program.

4 Section 23. R.S. 42:808(E) is hereby amended and reenacted to read as follows:

5 §808. Eligibility in group programs

6 * * *

7 E. Notwithstanding any provision of law to the contrary, any
8 ~~developmentally disabled~~ person with a developmental disability who ~~became~~
9 ~~disabled~~ acquired such disability prior to attaining the age of twenty-one, with one
10 parent whose coverage of such person was terminated as a result of lost employment
11 of the parent and one parent who is an employee, as defined in Paragraphs (A)(1) and
12 ~~(A)~~(3) of this Section, participating in life, health, or other programs sponsored by
13 the Office of Group Benefits, shall be covered as a dependent of such parent
14 participating in life, health, or other programs sponsored by the Office of Group
15 Benefits, regardless of the age of the ~~developmentally disabled~~ person with a
16 developmental disability.

17 Section 24. R.S. 46:51(8) and (13), 53(B), 56(B)(2) and (H)(1), 61(A)(3), the
18 heading of Subpart A of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of
19 1950, 151, 156(A) and (C), 230.1(A), 231.6(B), 437.14(A)(7), the heading of Part III of
20 Chapter 4 of Title 46 of the Louisiana Revised Statutes of 1950, 541, 932(9) and (10),
21 1053(E), 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), (1),
22 and (3), 1953(A), (B)(introductory paragraph), (C), and (D), 1954, 1955, 1956(A), 1957,
23 1959, the heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of 1950, the
24 heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the Louisiana Revised
25 Statutes of 1950, 2251, 2252(B), 2253(1), (2), (4), and (5), 2254(A), (F)(1), (2), (4), and (5),
26 (G)(introductory paragraph), (I), and (J), 2255, 2256(A) and (B), 2582(1), (2), (4), and (6),
27 2584(introductory paragraph), (4), and (5), and 2673(C)(5) are hereby amended and
28 reenacted to read as follows:

1 §51. Duties of the department

2 The Department of Children and Family Services, through its secretary, shall
3 administer the public assistance and welfare laws of the state, as follows:

4 * * *

5 (8) Administer and supervise all public child welfare activities relating to
6 children who are dependent, neglected, delinquent, or ~~physically or mentally~~
7 ~~handicapped~~ have physical, intellectual, or mental disabilities; establish, extend, and
8 strengthen services for such children in parish or regional offices; license and
9 supervise all parish, municipal, and private agencies, institutions, and individuals,
10 caring for children, including visitorial powers, under the rules and regulations of the
11 department; contract with private individuals to hold their homes open for and to
12 care for children in need of temporary or long time foster care and provide such other
13 services for children as may be authorized by law.

14 * * *

15 (13) Administer or supervise all state institutions and agencies providing
16 services or care for persons who are dependent, delinquent, or ~~physically or mentally~~
17 ~~handicapped or retarded~~ have physical, intellectual, or mental disabilities, where the
18 administrative or supervisory authority is specifically transferred to the department
19 in accordance with law.

20 * * *

21 §53. Transfer of appropriations to department by other state agencies, public or
22 private entities, including any health care provider; procedure; purpose;
23 expenditures

24 * * *

25 B.(1) The funds collected or collectible during each fiscal year by the
26 department under the authority of this Section from a state agency and the United
27 States of America shall be deposited in a special account in the state treasury to the
28 credit of the state agency that transferred a portion of its appropriation to the
29 department for the purpose of seeking matching funds from the United States of

1 America. The funds thus credited shall be available for use by the state agency for
2 the purposes of:

3 ~~(1)~~ (a) ~~Employing~~ employing necessary personnel and for other expenses
4 incurred in connection with the proper administration of the collection or acquisition
5 of such funds by the state agency from the federal government or any agency thereof.

6 ~~(2)~~ (b) ~~For the purchase of~~ Purchasing new equipment for use by the state
7 agency.

8 ~~(3)~~ (c) ~~For making~~ Making major repairs at any facility owned by the state
9 agency.

10 ~~(4)~~ (d) ~~For operating~~ Operating expenses and maintenance of any facility
11 owned by the state agency.

12 ~~(5)~~ (e) ~~For day~~ Day care services for ~~mentally retarded~~ persons with
13 intellectual disabilities; and.

14 ~~(6)~~ (f) ~~For any~~ Any purpose authorized by law.

15 (2) Any funds remaining unexpended and unencumbered in any such special
16 account at the end of each fiscal year shall be retained in such special account.

17 * * *

18 §56. Applications and client case records; definitions; confidentiality; waiver;
19 penalty

20 * * *

21 B.

22 * * *

23 (2) For the purposes of this Section, "case records" are assistance records,
24 social service records, Supplemental Nutrition Assistance Program (food stamp)
25 records, medical services records, probation and parole records, records pertaining
26 to the adoption of children, records of foster care services, records and investigative
27 reports on abuse or neglect of children or adults, and records of other child welfare
28 services administered by the department, including ~~handicapped children's~~
29 for children with disabilities, nutrition, immunization, and other medical and public
30 health services records pertaining to children or adults and where such records are

1 in the custody of parish health units, and regional and central offices of the office of
2 public health of the Department of Health and Hospitals.

3 * * *

4 H.(1) Information pertaining to foster care of children, reports and
5 investigations on abuse or neglect of children, and records of other child welfare
6 services administered by the department, including but not limited to ~~handicapped~~
7 ~~children's services~~ children's special health services, nutrition, immunization, and
8 other medical and public health services records pertaining to children and where
9 such records are in the custody of parish health units or regional and central offices
10 of the office of public health of the Department of Health and Hospitals, shall not be
11 subject to discovery or subpoena in any civil suit in which the department is not a
12 party.

13 * * *

14 §61. Elderly abuse; release of information

15 A.

16 * * *

17 (3) For purposes of this Section, "elderly abuse" shall mean abuse of any
18 person sixty years of age or older and shall include the abuse of any ~~infirm~~ person
19 with an infirmity residing in a state licensed facility.

20 * * *

21 CHAPTER 3. PUBLIC ASSISTANCE

22 PART I. ADULT SERVICES

23 SUBPART A. ~~ELDERLY, BLIND AND DISABLED~~ PERSONS WHO ARE
24 ELDERLY, BLIND, OR HAVE DISABILITIES

25 §151. System of adult services

26 A. The Department of Health and Hospitals shall provide a system of adult
27 services for ~~the persons who are~~ elderly, blind, and disabled or have disabilities
28 pursuant to Title VI of the Social Security Act of 1935 as amended.

1 convicted of any offense in the courts of this state, and who are in destitute and
2 necessitous circumstances.

3 * * *

4 §932. Powers and duties

5 The office shall have the following powers and duties:

6 * * *

7 (9) To exercise the functions of the state relative to nutrition programs for
8 the ~~elderly and handicapped~~ citizens of Louisiana who are elderly or have
9 disabilities.

10 (10) To perform the functions of the state which are designed to meet the
11 social and community needs of Louisiana residents sixty years of age or older,
12 including but not limited to the provision of such comprehensive social programs as
13 homemaker services, home repair and maintenance services, employment and
14 training services, recreational and transportation services, counseling, information
15 and referral services, protective services under R.S. 15:1501 et seq., and
16 health-related outreach; but excluding the transportation program for ~~the elderly and~~
17 ~~the handicapped program~~ persons who are elderly or have disabilities administered
18 by the Department of Transportation and Development under Section 16(b)(2) of the
19 Federal Urban Mass Transportation Act of 1964 as amended and other such
20 programs and services assigned to departments of state government as provided in
21 Title 36 of the Louisiana Revised Statutes of 1950.

22 * * *

23 §1053. Commission; qualification of members; appointment; vacancies;
24 compensation; removal of commissioners; certain powers

25 * * *

26 E. In the Parish of Ouachita, the Ouachita Parish Hospital Service District
27 within which is situated the G. B. Cooley Hospital ~~for Retarded Children~~, shall be
28 governed by a board composed of seven members. One of the first additional

1 commissioners so appointed shall serve for two years, and one for four years;
2 thereafter, their terms shall be as provided in Subsection C of this Section.

3 * * *

4 §1407. Rules, regulations, and standards for licenses

5 * * *

6 B.(1) The regulations developed by the department, at a minimum, shall
7 accomplish all of the following:

8 * * *

9 (e) Prohibit discrimination by early childhood learning centers and
10 specialized providers on the basis of race, color, creed, sex, national origin, ~~handicap~~
11 disability, ancestry, or whether the child is being breastfed. However, nothing in this
12 Subparagraph shall be construed to affect, limit, or otherwise restrict any of the
13 following:

14 * * *

15 §1951. Statement of policy

16 It is the policy of this state to encourage and enable a ~~physically disabled~~
17 person with a physical disability to participate fully in the social and economic life
18 of the state and to engage in remunerative employment. In addition, it is the policy
19 of this state that a ~~physically disabled~~ person with a physical disability shall be
20 employed by the state, political subdivisions of the state, public schools, and all other
21 employment supported in whole or in part by public funds on the same terms and
22 conditions as an able-bodied person, unless it is shown that the particular disability
23 prevents the performance of the work involved.

24 §1952. Definitions

25 As used in this Chapter,:

26 (1) "Assistance dog" means a dog who has been trained or is being trained
27 to aid a particular ~~physically disabled~~ person with a physical disability.

28 * * *

1 offered for rent, lease, or compensation in this state, subject to the conditions and
2 limitations established by law and applicable alike to all persons.

3 B. Nothing in this Section shall require any person renting, leasing, or
4 providing for compensation real property to modify his property in any way or to
5 provide a higher degree of care for a ~~physically disabled~~ person with a physical
6 disability than for a person who is ~~not physically disabled~~ does not have a physical
7 disability.

8 C. Each ~~physically disabled~~ person with a physical disability who has an
9 assistance dog, especially trained to aid such person or who obtains such a dog, shall
10 be entitled to full and equal access to all housing accommodations as defined in R.S.
11 46:1952(2), and he shall not be required to pay extra compensation for such dog but
12 shall be liable for any damage done to the premises or any person on the premises
13 by such dog.

14 §1955. Assistance dog trainers and puppy raisers; rights; liability

15 During the training of an assistance dog, any trainer or puppy raiser of such
16 dog shall have the same rights and privileges as a ~~physically disabled~~ person with a
17 physical disability to be accompanied by an assistance dog in any place or facility
18 provided in this Chapter without being required to pay an extra charge for such dog.
19 However, during the training of an assistance dog, he shall be liable for any damages
20 done to any person, premises, or facility by the assistance dog.

21 §1956. Violation of rights; injury or interference with an assistance dog; penalties;
22 civil action; damages; cost and attorney fees

23 A. Any person, firm, or corporation, or the agent, representative, or
24 employee of any person, firm, or corporation who: withholds, denies, deprives, or
25 attempts to withhold, deny, or deprive; intimidates, threatens, coerces, or attempts
26 to threaten, intimidate, or coerce; punishes or attempts to punish a ~~physically~~
27 ~~disabled~~ person with a physical disability or a trainer or puppy raiser of an assistance
28 dog, during the training of such dog, or for exercising his right to be admitted to or
29 enjoy the places and facilities provided in this Chapter; or otherwise interferes with
30 the rights of a ~~physically disabled~~ person with a physical disability under this

1 Chapter shall be guilty of a misdemeanor and fined not less than one hundred dollars
2 nor more than five hundred dollars or imprisoned for not more than six months, or
3 both.

4 * * *

5 §1957. Precautions for operators of motor vehicles approaching ~~physically disabled~~
6 pedestrians with physical disabilities

7 A. Operators of motor vehicles approaching a ~~physically disabled~~ pedestrian
8 with a physical disability who is carrying a cane predominantly white in color, with
9 or without a red tip, or a ~~physically disabled~~ pedestrian with a physical disability
10 using an assistance dog shall take all necessary precautions to avoid injury to such
11 pedestrian.

12 B. Any such operator who fails to take all necessary precautions to avoid
13 injury to a ~~physically disabled~~ pedestrian with a physical disability shall be liable in
14 damages for any injury caused to the pedestrian and any injury caused to the
15 pedestrian's assistance dog.

16 C. No operator of a motor vehicle shall drive into or upon any crosswalk
17 while a ~~physically disabled~~ pedestrian with a physical disability is on the crosswalk
18 or crossing or attempting to cross the crosswalk if such pedestrian indicates his
19 intention to cross or to continue to cross the crosswalk. Failure by the pedestrian to
20 signal his intention to cross the crossway shall not deprive him of the ~~right-of-way~~
21 right-of-way given to him by other applicable law or regulation.

22 * * *

23 §1959. Scope of Chapter

24 Nothing in this Chapter shall be construed to amend, repeal, conflict with, or
25 supersede any federal or state law, rule, or regulation or local ordinance mandating
26 full and equal access in the use of public facilities or places, common carriers, public
27 conveyances, or other modes of transportation, or housing accommodations for a
28 ~~physically disabled~~ person with a physical disability.

29 * * *

1 CHAPTER 29. TRANSPORTATION AID FOR
2 ~~THE ELDERLY AND HANDICAPPED~~
3 PERSONS WHO ARE ELDERLY AND PERSONS WITH DISABILITIES

4 §2200. Transportation assistance for ~~the persons who are~~ elderly and ~~handicapped~~
5 persons with disabilities

6 * * *

7 §2201. ~~Elderly and handicapped persons~~ Persons who are elderly and persons with
8 disabilities; capital acquisitions; definitions

9 As used in this Chapter, the terms "~~elderly and handicapped persons~~"
10 "persons who are elderly", "persons with disabilities", and "capital acquisitions" shall
11 be defined in accordance with the appropriate federal law and the regulations and
12 definitions in effect thereunder.

13 * * *

14 §2203. Coordination of services

15 Prior to awarding a grant to any agency, the Department of Transportation
16 and Development shall require the applicant agency to assess and verify the local
17 needs for the special transportation services. Each applicant agency shall also certify
18 that local agencies are coordinating their service plans and that the awarding of the
19 grant will not foster a duplication of services for ~~the persons who are~~ elderly and
20 ~~handicapped~~ persons with disabilities.

21 * * *

22 CHAPTER 30. CIVIL RIGHTS FOR ~~HANDICAPPED~~ PERSONS
23 WITH DISABILITIES

24 §2251. Short title

25 This Chapter may be cited as the "Civil Rights Act for ~~Handicapped~~ Persons
26 with Disabilities".

1 §2252. Purpose

2 * * *

3 B. The opportunity to obtain education, housing, and other real estate and
4 full and equal utilization of public services and programs without discrimination on
5 the basis of a ~~handicap~~ disability is a civil right.

6 §2253. Definitions

7 For the purposes of this Chapter the following definitions shall apply:

8 (1) "~~Handicapped person~~" "Person with a disability" means any person who
9 has an impairment which substantially limits one or more life activities or (a) has a
10 record of such an impairment or (b) is regarded as having such an impairment.

11 (2) "Impairment" means ~~retardation~~ an intellectual disability; any physical
12 or physiological disorder or condition, or prior mental disorder or condition, but does
13 not include chronic alcoholism or any other form of active drug addiction; any
14 cosmetic disfigurement; or an anatomical loss of body systems.

15 * * *

16 (4) "Otherwise qualified ~~handicapped~~ person with a disability" means:

17 (a) With respect to educational services, a ~~handicapped~~ person with a
18 disability who meets the academic and technical standards requisite to admission or
19 participation in educational and extracurricular activities and programs.

20 (b) With respect to other services, a ~~handicapped~~ person with a disability
21 who meets the essential eligibility requirements for the receipt of such services.

22 (5) "Person" includes an individual, agent, association, corporation, joint
23 stock company, labor union, legal representative, mutual company, partnership,
24 receiver, trust, trustee in bankruptcy, unincorporated organization, the state, or any
25 other legal or commercial entity or state, local or political governmental entity or
26 agency; except that, the persons presently in compliance with federal statutes
27 regarding discrimination of ~~the handicapped and persons who are elderly and persons~~
28 with disabilities are excluded.

29 * * *

1 §2254. Nondiscrimination policy in educational facilities, real estate transactions,
2 and state-funded programs

3 A. No otherwise qualified person shall, on the basis of a ~~handicap~~ disability,
4 be subjected to discrimination by any educational facility, in any real estate
5 transaction, or be excluded from participating in, or denied the benefits of, any
6 program or activity which receives financial assistance from the state or any of its
7 political subdivisions.

8 F. In accordance with ~~R.S. 46:2254(A)~~ Subsection A of this Section an
9 educational institution shall not:

10 (1) Discriminate in any manner in the full utilization of the institution, or the
11 services provided and rendered thereby to an otherwise qualified individual because
12 of a ~~handicap~~ disability that is unrelated to the individual's ability to utilize and
13 benefit from the institution or its services, or because of the use of adaptive devices
14 or aids.

15 (2) Exclude, expel, limit, or otherwise discriminate against an otherwise
16 qualified individual seeking admission as a student or an individual enrolled as a
17 student at the institution on the basis of a ~~handicap~~ disability that is unrelated to the
18 individual's academic ability or ability to utilize and benefit from the institution, or
19 because of the use of adaptive devices or aids.

20 * * *

21 (4) Print, publish, or cause to be printed or published a catalog or other
22 notice or advertisement indicating a preference, limitation, specification, or
23 discrimination based on the ~~handicap~~ disability of an otherwise qualified applicant
24 that is unrelated to the applicant's academic ability or ability to utilize and benefit
25 from the institution or its services, or the use of adaptive devices or aids by an
26 otherwise qualified applicant for admission.

1 (5) Announce or follow a policy of denial or limitation of educational
2 opportunities to a group or its members because of a ~~handicap~~ disability that is
3 unrelated to the group or members' academic ability or ability to utilize and benefit
4 from the institution or its services, or because of the use of adaptive devices or aids.

5 * * *

6 G. An owner or any other person engaging in a real estate transaction, such
7 as a real estate broker or salesman, shall not, in accordance with ~~R.S. 46:2254(A)~~
8 Subsection A of this Section on the basis of a ~~handicap~~ disability that is unrelated to
9 an otherwise qualified individual's ability to acquire, rent, or maintain property:

10 * * *

11 I.(1) A person to whom application is made for financial assistance or
12 financing in connection with a real estate transaction or for the construction,
13 rehabilitation, repair, maintenance, or improvement of ~~real~~ immovable property, or
14 a representative of such a person shall not discriminate against the otherwise
15 qualified applicant on the basis of a ~~handicap~~ disability that is unrelated to the
16 individual's ability to acquire, rent, or maintain property or use a form of application
17 for financial assistance or financing or make or keep a record of inquiry for reasons
18 contrary to the provisions or purposes of this Chapter in connection with applications
19 for financial assistance or financing which indicates, directly or indirectly, a
20 limitation, specification, or discrimination based on ~~handicap~~ disability that is
21 unrelated to the individual's ability to acquire, rent, or maintain property.

22 (2) Nothing in this Subsection shall be construed to prohibit an owner,
23 lender, or his agency from requiring that an applicant who seeks to buy, rent, lease,
24 or obtain financial assistance or housing accommodations supply information
25 concerning the applicant's financial, business, or employment status or other
26 information designed solely to determine the applicant's credit worthiness.

27 (3) Nothing in this Subsection shall require any person renting, leasing, or
28 providing for compensation ~~real~~ immovable property to modify his property in any
29 way or provide a higher degree of care for a ~~handicapped~~ person with a disability
30 than for a person who ~~is not handicapped~~ does not have a disability.

1 J.(1) In accordance with ~~R.S. 46:2254(A)~~ Subsection A of this Section, any
2 program or activity which receives financial assistance from the state or any of its
3 political subdivisions shall not directly or through contractual, licensing, or other
4 arrangements:

5 (a) Deny an otherwise qualified person on the basis of ~~handicap~~ disability
6 the opportunity to participate in or benefit from the aid, benefit, or service.

7 (b) Provide an otherwise qualified person with an aid, benefit, or service that
8 is not as effective as, or equal to, that provided to others because of their ~~handicap~~
9 disability.

10 (c) Provide different or separate aid benefits, or services to otherwise
11 qualified persons because of ~~handicap~~ disability, unless such action is necessary to
12 provide qualified ~~handicapped~~ persons with disabilities with aid, benefits, or services
13 that are as effective as those provided to others.

14 (2) A recipient of state financial assistance shall operate a program or
15 activity in a facility which is accessible to and usable by ~~handicapped~~ persons with
16 disabilities and shall comply with ANSI specifications as defined in ~~R.S.~~
17 ~~46:2253(20)~~ R.S. 46:2253(18) by January 1, 1982.

18 §2255. Construction

19 Nothing in this Act shall be construed to prohibit or alter any program,
20 service, facility, school, or privilege which is afforded, oriented, or restricted to a
21 person because of his ~~handicap~~ disability, from continuing to habilitate, rehabilitate,
22 or accommodate that person.

23 §2256. Complaints; filing procedure; compensation

24 A. When any ~~handicapped~~ person with a disability believes that any person
25 has engaged or is engaging in discriminatory practices, as defined in this Chapter,
26 he shall have one year from the date of the alleged discriminatory act to file a
27 complaint in the appropriate civil district court.

28 B. ~~Handicapped individuals~~ Persons with disabilities who have been subject
29 to unlawful discrimination as defined in this Chapter shall have the right to any and
30 all remedies available under the law if they prevail in a suit under this Chapter

1 including, but not limited to, compensatory damages, attorneys' fees, costs, and any
2 other relief deemed appropriate. Any person who believes he has been discriminated
3 against and intends to pursue court action must give the person who has allegedly
4 discriminated written notice of this fact at least ~~30~~ thirty days before initiating court
5 action, must detail the discrimination and both parties must make a good faith effort
6 to resolve the dispute before court action.

7 * * *

8 §2582. Powers and duties

9 The office of disability affairs shall have the following powers and duties:

10 (1) To collect facts and statistics and make special studies of conditions
11 pertaining to the employment, health, financial status, recreation, social adjustment
12 of ~~the disabled~~ persons with disabilities, or which otherwise affect the welfare of
13 those persons ~~the disabled~~.

14 (2) To keep abreast of the latest developments concerning disabilities and ~~the~~
15 disabled persons with disabilities throughout the nation and to interpret its findings
16 to the public.

17 * * *

18 (4) To make recommendations to the governor and to the legislature for
19 needed improvements and additional resources to promote the welfare of ~~the~~
20 disabled persons with disabilities in the state.

21 * * *

22 (6) To coordinate the services of all state agencies serving ~~the disabled~~
23 persons with disabilities and require reports from such state agencies and institutions.

24 * * *

25 §2584. ~~Handicapped~~ Accessible parking privileges investigation committee

26 The office of disability affairs is hereby authorized to establish a committee
27 comprised of membership as it deems appropriate for the purpose of consideration
28 of matters relative to ~~handicapped~~ accessible parking privileges. Such committee
29 may:

30 * * *

1 §34. Corporation tax credit

2 * * *

3 C. Eligible employees are defined as follows:

4 * * *

5 (2) A "new economically disadvantaged employee" is a new employee who
6 is ~~either~~ any of the following:

7 * * *

8 (d) where such status presents significant barriers to employment:

9 * * *

10 (ii) a ~~handicapped individual~~ person with a disability;

11 * * *

12 §44.1. Annual retirement or disability income; exemption from taxation

13 * * *

14 B. Six thousand dollars of annual disability income received by an individual
15 shall be exempt from state income taxation. For purposes of this Subsection,
16 "disability income" means payment for permanent total disability as provided for in
17 R.S. 23:1221(2). However, any individual claiming an exemption for the blind, for
18 having sustained the loss of one or more limbs, for ~~mental retardation~~ intellectual
19 disability, or for deafness as provided for in R.S. 47:79(A)(2) shall not be eligible for
20 this exemption.

21 * * *

22 §79. Credits of individuals against net income

23 A.

24 * * *

25 (2) In addition to the exemptions above provided for, an exemption of one
26 thousand dollars is allowed for the taxpayer who is blind or who has sustained the
27 loss of one or more limbs or who ~~is mentally retarded~~ has an intellectual disability
28 or who is deaf. As used herein the word "blind" shall mean and refer to persons who
29 have been determined by a qualified ophthalmologist or optometrist to have no
30 vision or to have vision which is insufficient for use in an occupation or activity for

1 which sight is essential. For purposes herein, the word "deaf" shall be defined as in
2 Paragraph (5) of Subsection B of this ~~section~~ Section. Each person claiming an
3 exemption under the provisions of this ~~paragraph~~ Paragraph shall be able to prove
4 such claim by certificate of a qualified physician or optometrist.

5 B.

6 * * *

7 (5) Credit for certain dependents. A credit of one thousand dollars is
8 allowed for each dependent as defined in Subsection ~~(C)~~ C of this ~~section~~ Section
9 who is blind or deaf or who has sustained the loss of one or more limbs or who ~~is~~
10 ~~mentally retarded~~ has an intellectual disability. As herein used the word "blind" shall
11 be defined as in Paragraph ~~(2)~~ of Subsection ~~(A)~~ (A)(2) of this ~~section~~ Section. For
12 purposes herein, the word "deaf" shall mean and refer to persons whose hearing is
13 so impaired that it is insufficient for use in an occupation or activity for which
14 hearing is essential. The taxpayer claiming credit as herein provided shall be able
15 to prove such claim by certificate of a qualified physician or optometrist issued for
16 each such dependent for which a credit is claimed.

17 * * *

18 §287.749. Jobs credit

19 * * *

20 C. Eligible employees are defined as follows:

21 * * *

22 (2) A "new economically disadvantaged employee" means a new employee
23 who is ~~either~~ any of the following:

24 * * *

25 (d) where such status presents significant barriers to employment:

26 * * *

27 (ii) a ~~handicapped individual~~ person with a disability;

28 * * *

1 §337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other
2 exemptions applicable

3 * * *

4 D.

5 * * *

6 (17) R.S. 47:305.38, "key words": sheltered workshops for ~~the mentally~~
7 retarded persons with intellectual disabilities.

8 * * *

9 §360. Exemptions

10 * * *

11 G. ~~Disabled persons~~ Persons with disabilities. There shall be no license tax
12 imposed, assessed, or collected under the provisions of this Chapter on any person
13 who is disabled to the extent that he is home-bound, confined to a bed or wheelchair,
14 requires the aid and attendance of another person, and is unable to enter the normal
15 work force.

16 * * *

17 §463.4. Special license plates or hang tags for ~~mobility-impaired~~ persons with
18 mobility impairments

19 A.(1) On the application of any ~~mobility-impaired~~ person with a mobility
20 impairment whose impairment is permanent, the secretary shall issue a special
21 license plate for the benefit of the applicant. The applicant may designate one
22 recipient motor vehicle owned or leased by him, his spouse, his parents, his legal
23 guardian, or by a legal entity which has designated the vehicle as intended for the
24 exclusive use of that ~~mobility-impaired~~ person with a mobility impairment.

25 (2) Should the applicant designate a motor vehicle owned by his spouse, his
26 parents, his legal guardian, or a legal entity, the owner shall indicate written assent
27 and acceptance of the special plate with the understanding that it may be cancelled
28 at will by the ~~mobility-impaired~~ person with a mobility impairment, upon written
29 notice from the ~~mobility-impaired~~ person with a mobility impairment to the owner
30 of the recipient motor vehicle and upon written notice to the secretary. A cancelled

1 special plate of this nature shall be surrendered to the secretary and such plate may
2 be reassigned to a motor vehicle as designated by the ~~mobility-impaired~~ individual
3 with a mobility impairment. No additional fee shall be charged for such
4 reassignment until renewal charges become due upon expiration of the plate.

5 * * *

6 (4) Within forty-five days of the death of a ~~mobility-impaired~~ person with
7 a mobility impairment to whom a special license plate has been issued, it shall be the
8 responsibility of the next of kin of that person to surrender the plate to the secretary.

9 * * *

10 (6) The special license plates shall bear the international symbol of
11 accessibility and shall be followed by such numbers or letters as the secretary finds
12 expedient. Each initial application shall be accompanied by a currently dated
13 medical examiner's statement certifying that the applicant is ~~a mobility-impaired~~
14 person whose has a mobility impairment that is permanent.

15 B.(1) In addition to a special license plate, on the application for a hang tag
16 made by any ~~mobility-impaired~~ person with a mobility impairment whose
17 impairment is permanent, and upon a showing of good cause, the secretary shall
18 issue a hang tag, renewable as any driver's license for a person whose impairment is
19 permanent every four years and which shall be valid until revoked or suspended.
20 The secretary shall determine the form, size, and color of the hang tag, and the
21 material of which it is to be made. The card shall bear the international symbol of
22 accessibility. The secretary shall adopt and promulgate rules and regulations relating
23 to the issuance, revocation, surrender, and proper display of the tags. Each initial
24 application shall be accompanied by a currently dated medical examiner's statement
25 which includes the medical examiner's state license number certifying that the
26 applicant is ~~a mobility-impaired person whose~~ has a mobility impairment that is
27 permanent.

28 (2) On the application for a hang tag made by any ~~mobility-impaired~~ person
29 with a mobility impairment whose impairment is temporary, and upon showing of
30 good cause, the secretary shall issue a hang tag, renewable each year and which

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 shall be valid until revoked or suspended. The secretary shall determine the form,
 2 size, and color of the hang tag, and the material of which it is to be made. The card
 3 shall bear the international symbol of accessibility. The secretary shall adopt and
 4 promulgate rules and regulations relating to the issuance, revocation, surrender, and
 5 proper display of the tags. Each initial application and each renewal application shall
 6 be accompanied by a currently dated medical examiner's statement which includes
 7 the medical examiner's state license number certifying that the applicant ~~is a~~
 8 ~~mobility-impaired person whose~~ has a mobility impairment that is temporary.

9 (3) No person to whom a hang tag is issued shall do either of the following:

10 (a) Display or permit the display of the hang tag on any motor vehicle when
 11 having reasonable cause to believe the motor vehicle is being used in connection
 12 with an activity which does not include providing transportation for a ~~mobility-~~
 13 ~~impaired person~~ with a mobility impairment.

14 * * *

15 (4) For the purpose of this Section, "good cause" shall mean the existence
 16 of any of the following circumstances:

17 (a) The ~~mobility-impaired person~~ with a mobility impairment submitting an
 18 application for a hang tag does not own a vehicle.

19 (b) The ~~mobility-impaired person~~ with a mobility impairment submitting an
 20 application for a hang tag needs or uses multiple vehicles in the performance of his
 21 employment or travel, or to obtain medical treatment.

22 * * *

23 (5) When a person to whom a hang tag has been issued changes his place of
 24 residence to another state, country, or province, he shall surrender the hang tag to the
 25 secretary. Upon the death of a ~~mobility-impaired person~~ with a mobility impairment
 26 to whom a hang tag has been issued, it shall be the responsibility of the next of kin
 27 of that person to surrender the tag to the secretary.

28 (6) If the commissioner of motor vehicles, in his discretion, finds that
 29 appropriate circumstances exist, an additional hang tag may be issued on behalf of

1 a ~~mobility impaired~~ person with a mobility impairment if his parents are divorced
2 and residing in separate households and if he is dependent on both parents.

3 C.

4 * * *

5 (2) Any person who loses a hang tag and, after obtaining a duplicate, finds
6 the original, shall immediately surrender the original hang tag to the secretary or to
7 any field office of the Department of Public Safety and Corrections, office of motor
8 vehicles, and shall not display the original hang tag on any vehicle for the purpose
9 of exercising ~~handicapped~~ accessible parking privileges.

10 D. The secretary shall not issue special license plates, hang tags, or mobility
11 ~~impaired~~ impairment identification cards except as designated in this Section or in
12 R.S. 47:490.4. Any ~~mobility impaired~~ person with a mobility impairment whose
13 impairment is permanent may obtain a hang tag or mobility impaired identification
14 card at no additional fee other than the issuance cost of three dollars.
15 Notwithstanding any other provision of law to the contrary, except as provided in
16 Subsection C of this Section, the secretary shall not charge any fee in excess of ten
17 dollars for the issuance of special license plates for ~~mobility impaired~~ persons with
18 mobility impairments.

19 E.(1) The term "~~mobility impaired person~~" "person with a mobility
20 impairment" shall include any person who is impaired because of any of the
21 following conditions:

22 * * *

23 F. When a motor vehicle bearing plates or displaying a hang tag issued to a
24 ~~mobility-impaired~~ person with a mobility impairment, as prescribed in this Section,
25 is being operated for the transport of the ~~mobility-impaired~~ person with a mobility
26 impairment, the motor vehicle may be parked for a period of two hours, three hours
27 in the city of New Orleans, in excess of the legal parking period permitted by local
28 authorities, except where local ordinances or police regulations prohibit parking on
29 a highway for the purpose of creating a fire lane or where the ordinances or police
30 regulations provide for the accommodation of heavy traffic during morning,

1 afternoon, or evening hours or where the motor vehicle is parked in such a manner
2 as to clearly be a traffic hazard.

3 G.(1) Any person who ~~is not a mobility impaired person~~ does not have a
4 mobility impairment as prescribed in this Section and who willfully and falsely
5 represents himself as having the qualifications to obtain such special license plates,
6 hang tag, or mobility ~~impaired~~ impairment identification card authorized by this
7 Section shall be fined not less than one hundred dollars nor more than two hundred
8 fifty dollars, or shall be imprisoned for not more than thirty days, or both, and on
9 subsequent offenses, shall be fined not less than two hundred fifty dollars nor more
10 than five hundred dollars, or shall be imprisoned for not more than ninety days, or
11 both.

12 (2) Any person who utilizes a hang tag or a vehicle bearing a special plate
13 to obtain ~~handicapped~~ accessible parking privileges and has not transported a
14 mobility impaired person in that vehicle prior to parking the vehicle, may be fined
15 not less than fifty dollars nor more than two hundred fifty dollars or shall be
16 imprisoned for not more than thirty days, or both, and on the second and subsequent
17 offenses, shall be fined not less than one hundred dollars nor more than five hundred
18 dollars, or shall be imprisoned for not more than sixty days, or both.

19 (3) Any ~~mobility impaired~~ person with a mobility impairment who allows
20 his hang tag or specially licensed vehicle to be used, when said tag or vehicle is used
21 to illegally access ~~handicapped~~ accessible parking privileges by an individual not
22 entitled to such special ~~handicapped~~ accessible parking privileges shall have his
23 ~~handicapped~~ accessible parking privileges suspended for six months and shall be
24 fined not less than fifty dollars nor more than two hundred fifty dollars, or shall be
25 imprisoned for not more than thirty days for the first offense, or both. On the second
26 and subsequent offenses, said suspension shall be for one year, and the individual
27 shall be fined not less than two hundred fifty dollars nor more than five hundred
28 dollars, in addition to suspension of said privileges, or shall be imprisoned not more
29 than thirty days, or both.

1 obtain or renew a ~~mobility-impaired~~ mobility impairment driver's license or
2 ~~mobility-impaired~~ mobility impairment identification card issued by the secretary.

3 The secretary may include the designation "~~Mobility-impaired~~" "Mobility
4 impairment" or an abbreviation thereof, on the drivers' licenses and identification
5 cards which are currently issued by the secretary.

6 (2) The secretary shall renew a ~~mobility-impaired~~ mobility impairment
7 identification card for a person whose impairment is permanent every four years.

8 (3) The secretary shall renew a ~~mobility-impaired~~ mobility impairment
9 identification card each year for a person whose impairment is temporary.

10 (4) The ~~mobility-impaired~~ mobility impairment driver's license or the
11 ~~mobility-impaired~~ mobility impairment identification card shall:

12 (a) Identify the person as ~~mobility-impaired~~ whose having a mobility
13 impairment that is permanent.

14 * * *

15 (c) Include a photograph of the ~~mobility-impaired~~ person with a mobility
16 impairment.

17 (d) The ~~mobility-impaired~~ mobility impairment driver's license or the
18 ~~mobility-impaired~~ mobility impairment identification card shall include a place for
19 the signature of the person to whom it is issued, or of that person's next of kin.
20 When a person to whom a ~~mobility-impaired~~ mobility impairment driver's license
21 or a ~~mobility-impaired~~ mobility impairment identification card has been issued
22 changes his place or residence to another state, country, or province, he shall
23 surrender the ~~mobility-impaired~~ mobility impairment driver's license or ~~mobility-~~
24 ~~impaired~~ mobility impairment identification card to the secretary. Upon the death
25 of a ~~mobility-impaired~~ person with a mobility impairment to whom a ~~mobility-~~
26 ~~impaired~~ mobility impairment driver's license or ~~mobility-impaired~~ mobility
27 impairment identification card has been issued, it shall be the responsibility of the
28 immediate family of that person to surrender the ~~mobility-impaired~~ mobility
29 impairment driver's license or ~~mobility-impaired~~ mobility impairment identification
30 card to the secretary.

1 §463.4.2. ~~Mobility impaired persons~~ Persons with mobility impairments; motor fuel
2 service price

3 A.(1) "~~Mobility impaired driver~~" "Driver with a mobility impairment" shall
4 mean a ~~mobility impaired~~ person with a mobility impairment as defined in R.S.
5 47:463.4(E) who utilizes a parking card or a vehicle bearing a special plate to obtain
6 ~~handicapped~~ accessible parking privileges as defined by R.S. 47:463.4; or ~~R.S.~~
7 ~~47:463.4.1.~~

8 * * *

9 B. A motor fuel dealer shall have an employee dispense motor fuel into a
10 motor vehicle from a full-service pump at the same price as the motor fuel dealer
11 charges the general public for the same grade of motor fuel dispensed from a
12 self-service pump, if all of the following apply:

13 (1) The motor vehicle displays special registration plates or parking cards
14 which identify the vehicle as one used by a ~~mobility impaired~~ driver with a mobility
15 impairment.

16 * * *

17 (4) After January 1, 1995, the ~~mobility impaired~~ person with a mobility
18 impairment produces either a pictured identification card as determined by R.S.
19 47:463.4(J) or a temporary parking card as determined by R.S. 47:463.4.1.

20 * * *

21 §463.4.3. Manufacture, sale, possession, or use of counterfeit ~~mobility-impaired~~
22 accessible parking placards; penalties

23 A. It shall be unlawful to manufacture, sell, possess, or use a counterfeit
24 ~~mobility-impaired~~ accessible parking placard which is a facsimile of the
25 ~~mobility-impaired~~ accessible parking placards issued by the Department of Public
26 Safety and Corrections, office of motor vehicles, pursuant to the provisions of R.S.
27 47:463.4. Additionally, a person shall be in violation of the provisions of this
28 Section and ~~handicapped~~ accessible parking regulations if he knowingly parks a

1 vehicle displaying a counterfeit ~~mobility-impaired~~ accessible parking placard in a
2 parking space or area reserved for persons with disabilities.

3 * * *

4 §463.5. Private bus; recreational vehicles

5 * * *

6 C. The provisions of this Section shall not apply to ~~mobility-impaired~~
7 persons with mobility impairments registering specially equipped vans or buses with
8 devices which are necessary for raising and lowering wheelchairs.

9 * * *

10 §463.21. Special handicapped license plates for farm vehicles

11 A. On the application of any ~~mobility-impaired~~ person with a mobility
12 impairment as defined in R.S. 47:463.4(E), and upon a showing of good cause, the
13 secretary shall issue special license plates for farm vehicles designating the vehicle
14 declared by the applicant to be used by him. The license plates shall bear the
15 international symbol of accessibility; the word "handicapped", reading from left to
16 right; and shall be followed by such numbers and letters as the secretary finds
17 expedient. Each initial application shall be accompanied by a currently dated
18 physician's statement certifying that the applicant ~~is a mobility-impaired person~~ has
19 a mobility impairment. The department shall not charge any fee, other than the
20 regular fee for annual registration for the issuance of the license plate.

21 * * *

22 §463.51. Special prestige license plates; Lions International

23 * * *

24 D.

25 * * *

26 (2) An amount of monies equal to the total amount of donations shall be
27 equally divided and disbursed annually by the office for citizens with developmental
28 disabilities to the Louisiana Lions Eye Foundation in New Orleans and the ~~Crippled~~
29 ~~Children's Camp~~ Louisiana Lions Camp in Leesville. The monies shall be used
30 solely for the expenses incurred in providing services to ~~the developmentally~~

1 47:463.4. However, lost, destroyed, or mutilated hang tags shall be replaced
2 according to the provisions of R.S. 47:463.4(C), including payment of the reissuance
3 fee. A person using the hang tag in a vehicle with a disabled veteran license plate
4 is not required to obtain or possess a mobility ~~impaired~~ impairment driver's license
5 or identification card.

6 * * *

7 §492. Amateur radio station plates for owners and operators

8 * * *

9 E. On the application of any person who is an amateur radio station owner
10 or operator and who is also either a ~~mobility-impaired~~ person with a mobility
11 impairment as defined in R.S. 47:463.4(E) or a disabled veteran as defined in R.S.
12 47:490.4, the secretary shall issue to such applicant a special license plate in
13 accordance with Subsection A of this Section which shall contain the appropriate
14 symbol indicating that the applicant is also a ~~mobility-impaired~~ person with a
15 mobility impairment or a disabled veteran.

16 * * *

17 §1061. Telecommunication tax for the deaf

18 * * *

19 B. The monies in the Telecommunications for the Deaf Fund shall be used
20 solely to establish, administer, and promote a statewide program to provide
21 accessibility services and assistive technology for persons who are deaf, deaf/blind,
22 hard of hearing, speech impaired, or others ~~who are similarly handicapped with~~
23 similar disabilities or impairments, in the amounts appropriated each year by the
24 legislature to the Louisiana Commission for the Deaf. Any surplus monies
25 remaining to the credit of the fund on June thirtieth of each year and any funds
26 earned through the investment of the monies in the fund shall remain to the credit of
27 the fund.

28 * * *

1 Section 26. R.S. 48:23(B) and 261(A)(1) are hereby amended and reenacted to read
2 as follows:

3 §23. Engineering and other help

4 * * *

5 B. Notwithstanding any provision of law, or any provision of the department,
6 or any provision of Civil Service to the contrary, the department, at its discretion,
7 may hire ~~disabled~~ persons with disabilities in the position of Bridge Tender I.

8 * * *

9 §261. Maintenance work by department employees; exceptions

10 A.(1) Except as otherwise provided in this Section, all maintenance
11 operations shall be performed by the employees of the department. However, the
12 department may, by contract or other means, arrange for the maintenance of any
13 section or sections of highways or any of the facilities of the Department of
14 Transportation and Development when, in the sole discretion of the secretary, there
15 are not adequate employees to perform the maintenance work required by either
16 federal or state law or sound engineering practices. The secretary shall give due
17 consideration to budgetary constraints and employment restrictions prior to entering
18 into any contract to perform maintenance work. All such contracts to ~~private~~
19 ~~concerns or individuals or private concerns,~~ except ~~handicapped~~ individuals with
20 disabilities or ~~handicapped~~ organizations serving individuals with disabilities, shall
21 be in accordance with the public bid provisions of this Title.

22 * * *

23 Section 27. R.S. 49:121(E), the heading of Subpart D of Part VII of Chapter 1 of
24 Title 49 of the Louisiana Revised Statutes of 1950, 148, and 148.1(G)(1), (H), and (I) are
25 hereby amended and reenacted to read as follows:

26 §121. Name of board, department, or subdivisions; marking on boat or vehicle;
27 Louisiana public license plates; exemptions

28 * * *

29 E. Those vehicles used in crime prevention and detection and similar
30 investigative work, which if identified as required by this Section could not be used

1 effectively for such purposes, are exempt from the provisions of this Part, and, in
 2 addition, the vehicles used by the governor, lieutenant governor, statewide elected
 3 officials, ~~state schools for the deaf, blind, spastic, and cerebral palsied~~ the Louisiana
 4 School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana
 5 Special Education Center, the Special School District Number One, and any
 6 community and group homes and residential facilities administered by the
 7 Department of Children and Family Services or the Department of Health and
 8 Hospitals are exempt from the provisions of this Part.

9 * * *

10 SUBPART D. PUBLIC BUILDINGS--USEABILITY BY
 11 ~~PHYSICALLY HANDICAPPED~~ PERSONS WITH PHYSICAL DISABILITIES

12 §148. Construction and design of state owned buildings; ~~handicapped persons with~~
 13 disabilities

14 The standards and specifications set forth in this Section shall apply to all
 15 state owned buildings, educational institutions, and office buildings which are
 16 constructed, renovated or remodeled in whole or in part by the use of state funds, or
 17 the funds of any board, commission, agency, or department of the state; provided,
 18 however, that the provisions of this ~~Sub-Part~~ Subpart shall not apply to buildings
 19 constructed by parish or city school boards. All such buildings and facilities
 20 constructed, renovated, or remodeled in this state after July 27, 1966, shall conform
 21 to each of the standards and specifications prescribed herein for the purpose of
 22 making such buildings and facilities accessible to and usable by ~~the physically~~
 23 handicapped persons with physical disabilities, or standards and specifications
 24 reasonably similar thereto.

25 §148.1. Specifications for grounds, buildings and facilities

26 * * *

27 G.(1) An appropriate number of toilet rooms shall be accessible to, and
 28 usable by, ~~the physically handicapped~~ persons with physical disabilities and shall
 29 have space to allow traffic of individuals in wheelchairs.

30 * * *

1 H. An appropriate number of water fountains or other water-dispensing
2 means shall be mounted thirty inches above the floor and in a way which will make
3 them usable by ~~the physically handicapped~~ persons with physical disabilities. Water
4 fountains or coolers shall be hand-operated or hand-and-foot operated.

5 I. Where elevators are to be provided they shall be accessible to, and usable
6 by, ~~the physically disabled~~ persons with physical disabilities at all levels normally
7 used by the general public. Elevators shall be designed to allow for traffic by
8 wheelchairs.

9 * * *

10 Section 28. R.S. 51:1402(4), 1407(C) and (D)(1) through (3) and (4)(introductory
11 paragraph), (b), (c), and (f), 2232(11)(a)(ii), 2303(3), 2312(A)(3), 2602(A),
12 2603(9)(a)(introductory paragraph), 2606(A)(3) through (5), (6)(a)(introductory paragraph),
13 (b)(introductory paragraph), (c)(i), (iii)(aa) and (bb), (d), and (B), 2607(A) and (C), and 2608
14 are hereby amended and reenacted to read as follows:

15 §1402. Definitions

16 As used in this Chapter, the following words and phrases shall have the
17 meanings hereinafter ascribed to them:

18 * * *

19 (4) ~~"Disabled person"~~ "Person with a disability" means a person with a
20 mental, physical, or developmental disability that substantially impairs that person's
21 ability to provide adequately for his own care or protection.

22 * * *

23 §1407. Restraining prohibited acts

24 * * *

25 C. In addition to any other civil penalty provided for in this Section, if a
26 person is found by the court to have engaged in any method, act, or practice in
27 Louisiana declared to be unlawful under this Chapter, and the violation was
28 committed against an elder person or a ~~disabled~~ person with a disability, as defined
29 in this Section, the court may impose an additional civil penalty not to exceed five
30 thousand dollars for each violation.

1 D. In determining whether to impose an enhanced civil penalty under this
2 Section and the amount thereof, the court shall consider any of the following:

3 (1) Whether the defendant's conduct was in disregard of the rights of the
4 elder ~~or disabled~~ person or person with a disability.

5 (2) Whether the defendant knew or should have known that the defendant's
6 conduct was directed to an elder ~~or disabled~~ person or person with a disability.

7 (3) Whether the elder ~~or disabled~~ person or person with a disability was more
8 vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired
9 understanding, restricted mobility, or disability than other persons and whether the
10 elder ~~or disabled~~ person or person with a disability actually suffered physical,
11 emotional, or economic damage resulting from the defendant's conduct.

12 (4) Whether the defendant's conduct caused an elder ~~or disabled~~ person or
13 person with a disability to suffer any of the following:

14 * * *

15 (b) Loss or encumbrance upon a primary residence of the elder ~~or disabled~~
16 person or person with a disability.

17 (c) Loss of or encumbrance upon the ~~elder or disabled person's~~ principal
18 employment or principal source of income of the elder person or person with a
19 disability.

20 * * *

21 (f) Loss of assets essential to the health and welfare of the elder ~~or disabled~~
22 person or person with a disability.

23 * * *

24 §2232. Definitions

25 As used in this Chapter:

26 * * *

27 (11)(a) "Disability" means a physical or mental impairment that substantially
28 limits one or more of the major life activities of the individual, a record of such
29 impairment, or being regarded as having such an impairment. For purposes of all
30 laws which incorporate by reference, apply to, or rely for meaning upon the term

1 disability as defined herein, the terms used in this definition have the following
2 meanings:

3 * * *

4 (ii) "Mental impairment" means any mental or psychological disorder, such
5 as ~~mental retardation~~ intellectual disability, organic brain syndrome, emotional or
6 mental illness, and specific learning disabilities.

7 * * *

8 §2303. Definitions

9 The following words or terms as used in this Chapter shall have the following
10 meanings unless a different meaning appears from the context:

11 * * *

12 (3) "~~Disabled person's business enterprise~~" "Business enterprise of a person
13 with a disability" means a small business concern which is at least fifty-one percent
14 owned and controlled by a ~~disabled~~ person with a disability as defined by the federal
15 Americans With Disabilities Act of 1990.

16 * * *

17 §2312. Powers and authority; duties

18 A. The corporation shall serve as the single review board for all financial
19 assistance, loans, incentives or inducements, customized workforce training,
20 investment programs, and any related appropriations, grants, or joint ventures
21 administered by the Department of Economic Development, excluding those
22 financial incentive programs administered by the State Board of Commerce and
23 Industry. The corporation shall formulate and implement the policies for the
24 delivery of services to obtain the following effects:

25 * * *

26 (3) The leverage of funds from Louisiana financial institutions by issuing
27 guarantees for economically disadvantaged and other Louisiana based
28 micro-businesses, small businesses, medium sized businesses, and ~~disabled persons~~
29 business enterprises of persons with disabilities.

30 * * *

1 §2602. Policy

2 A. The legislature finds and declares that persons in this state who seek a
3 place to live should be able to find such housing whenever it is available. Further,
4 in many localities there may be housing shortages. All persons should therefore be
5 able to compete for available housing on an open, fair, and equitable basis, regardless
6 of race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin.

7 * * *

8 §2603. Definitions

9 As used in this Chapter:

10 * * *

11 (9)(a) "~~Handicap~~" "Disability" means, with respect to a person:

12 * * *

13 §2606. Discrimination in sale or rental of housing and other prohibited practices

14 A. As made applicable by R.S. 51:2604, and except as exempted by
15 Subsection B thereof and R.S. 51:2605, it is unlawful:

16 * * *

17 (3) To make, print, or publish, or cause to be made, printed, or published any
18 notice, statement, or advertisement, with respect to the sale or rental of a dwelling
19 that indicates any preference, limitation, or discrimination based on race, color,
20 religion, sex, ~~handicap~~ disability, familial status, or national origin, or an intention
21 to make any such preference, limitation, or discrimination.

22 (4) To represent to any person because of race, color, religion, sex, ~~handicap~~
23 disability, familial status, or national origin that any dwelling is not available for
24 inspection, sale, or rental when such dwelling is in fact so available.

25 (5) For profit, to induce or attempt to induce any person to sell or rent any
26 dwelling by representations regarding the entry or prospective entry into the
27 neighborhood of a person or persons of a particular race, color, religion, sex,
28 ~~handicap~~ disability, familial status, or national origin.

29 (6)(a) To discriminate in the sale or rental, or to otherwise make unavailable
30 or deny, a dwelling to any buyer or renter because of a ~~handicap~~ disability of:

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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* * *

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a ~~handicap~~ disability of:

* * *

(c) For purposes of this Paragraph, discrimination includes:

(i) A refusal to permit, at the expense of the ~~handicapped~~ person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

* * *

(iii) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(aa) The public use and common use portions of such dwellings are readily accessible to and usable by ~~handicapped~~ persons with disabilities;

(bb) All ~~the~~ doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by ~~handicapped persons~~ in persons who use wheelchairs; ~~and~~.

* * *

(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 A117.1") suffices to satisfy the requirements of R.S. 51:2606(A)(6)(c)(iii)(cc).

* * *

B. Nothing in this Section shall be construed to invalidate or limit any law of this state or a political subdivision of this state that requires dwellings to be

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 designed and constructed in a manner that affords ~~handicapped~~ persons with
2 disabilities greater access than is required by this Section.

3 * * *

4 §2607. Discrimination in residential real estate related transactions

5 A. It is unlawful for any person or other entity whose business includes
6 engaging in residential real estate related transactions to discriminate against any
7 person in making available such a transaction, or in the terms or conditions of such
8 a transaction, because of race, color, religion, sex, ~~handicap~~ disability, familial
9 status, or national origin.

10 * * *

11 C. Nothing in this Chapter prohibits a person engaged in the business of
12 furnishing appraisals of real property to take into consideration factors other than
13 race, color, religion, national origin, sex, ~~handicap~~ disability, or familial status.

14 §2608. Discrimination in provision of brokerage services

15 It is unlawful to deny any person access to or membership or participation in
16 any multiple-listing service, real estate brokers' organization or other service,
17 organization, or facility relating to the business of selling or renting dwellings, or to
18 discriminate against him in the terms or conditions of such access, membership, or
19 participation, on account of race, color, religion, sex, ~~handicap~~ disability, familial
20 status, or national origin.

21 Section 29. R.S. 56:104.1(A), 109(A), 302.1(F)(1) and (3) through (5),
22 302.3(B)(2)(b) and (4)(b), 1699(A), (B), (C)(1) and (2), and (D), and 1762(C)(6) and (7) are
23 hereby amended and reenacted to read as follows:

24 §104.1. ~~Physically challenged hunter~~ Hunting permits for persons with physical
25 disabilities

26 A. The Louisiana Wildlife and Fisheries Commission is hereby authorized
27 to adopt rules and regulations for the creation and issuance of hunting permits for
28 individuals ~~who are temporarily or permanently disabled~~ with temporary or
29 permanent disabilities. A temporary disability is one of such severity that it shall last
30 for a duration of at least one year. The rules and regulations shall provide for the

1 duration and costs of the permits and provide for disability classifications of
 2 "~~wheelchair bound~~", "~~mobility impaired~~" "wheelchair user", "mobility impairment"
 3 as defined in R.S. 47:463.4(E), and "amputee of an upper extremity". Such permits
 4 may be issued only to those persons certified by a physician licensed to practice
 5 medicine by the Louisiana State Board of Medical Examiners. If the physician
 6 certifies that the disability is temporary, the person holding the permit shall be
 7 required to ~~re-certify~~ recertify to the department each year that such certification is
 8 still valid. The commission rules and regulations shall provide for special ~~handicap~~
 9 hunts for persons with disabilities, special deer seasons, and access to wildlife
 10 management areas.

11 * * *

12 §109. Wildlife management areas; wildlife refuges; public hunting grounds and
 13 recreation areas; notice; signs; ~~disabled~~ hunters with disabilities

14 A. The commission may establish, maintain, and manage any state wildlife
 15 management area, wildlife refuge, public hunting ground, or outdoor recreation area,
 16 as it deems proper for wildlife management purposes. With the approval of the
 17 governor, it may lease, buy, or accept donation of, and set apart, any other lands
 18 suitable and desirable for such purposes and thereon establish, maintain, and operate
 19 such areas. The public shall be notified of the fact of the establishment of such areas
 20 by publication of a proclamation by the governor, describing the exact location and
 21 description of the lands set apart and the objects and purposes of the dedication, for
 22 thirty days in the official journal of the state and the official journal of the parish
 23 where the lands are located. The commission shall cause suitable signs to be placed
 24 at reasonable distances along the boundaries of the lands and at roads and other
 25 entrances for the information of the public. No person shall willfully or maliciously
 26 remove, destroy, or deface any sign or notice placed or posted. The commission
 27 shall authorize persons over the age of sixty to use trails in the wildlife management
 28 areas which are set aside for use exclusively by ~~disabled~~ persons with disabilities.

29 * * *

1 §302.1. Annual license; temporary license; fees; saltwater fee; exemptions

2 * * *

3 F.(1) Notwithstanding any other provision of this Subpart to the contrary,
4 any resident of this state who is ~~mentally retarded or developmentally disabled~~ has
5 an intellectual or developmental disability and who is engaged in recreational fishing
6 as part of approved therapy and habilitation service, and who is fishing under the
7 immediate supervision of personnel approved or employed by a hospital, residence,
8 community home, school, or other facility licensed by the Department of Health and
9 Hospitals in the care or rehabilitation of ~~mentally retarded or developmentally~~
10 ~~disabled~~ persons with intellectual or developmental disabilities shall be exempt from
11 the licensing requirements and fees applicable to recreational fishing license fees.

12 * * *

13 (3) The permits shall authorize ~~mentally retarded or developmentally~~
14 ~~disabled~~ persons with intellectual or developmental disabilities to engage in
15 recreational fishing as part of approved therapy and habilitation services while under
16 the immediate supervision of personnel approved or employed by the facility.

17 (4) The ~~mentally retarded or developmentally disabled~~ person with an
18 intellectual or developmental disability engaged in recreational fishing as provided
19 in this Subsection and the supervisory personnel shall carry an authorization tag or
20 other type of identification approved by the department.

21 (5) For purposes of this Subsection, the terms "~~mentally retarded~~"
22 "intellectual disability" and "~~developmentally disabled~~" "developmental disability"
23 shall have the meanings ascribed to them in ~~R.S. 28:381~~ the Developmental
24 Disability Law (R.S. 28:451.1 et seq.).

25 * * *

26 §302.3. Recreational gear license

27 * * *

28 B. Residents sixteen years of age or older shall pay a gear fee as follows:

29 * * *

1 (2) Hoop nets:

2 * * *

3 (b) ~~Mobility impaired persons~~ Persons with mobility impairments, as defined
4 in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years may
5 use one hoop net not greater than eighteen feet by eight feet, for the purpose of
6 catching catfish for home consumption only. There shall be no gear fee or license
7 charge, and all such persons must be in possession of valid identification.

8 * * *

9 (4) Slat traps:

10 * * *

11 (b) ~~Mobility impaired persons~~ Persons with mobility impairments, as defined
12 in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years, may
13 use one legal size slat trap for the purpose of catching catfish for home consumption
14 only. There shall be no gear fee or license charge and all persons must be in
15 possession of valid identification.

16 * * *

17 §1699. Chicot State Park, special facilities camp for ~~handicapped~~ persons with
18 disabilities; creation; advisory committee; programs; use

19 A. The office of state parks in the Department of Culture, Recreation and
20 Tourism is hereby authorized to select, designate, and set aside a site at Chicot State
21 Park or to acquire a site in close proximity thereto for the purpose of establishing a
22 facility to serve the special needs of ~~physically and mentally impaired~~ citizens with
23 physical disabilities and mental impairments. This site and all facilities now or
24 hereafter developed thereon shall be under the operation and supervision of the office
25 of state parks.

26 B. The office of state parks shall be responsible for the planning and
27 development of such park facilities to meet the needs of ~~physically and mentally~~
28 ~~impaired~~ citizens with physical disabilities and mental impairments.

29 C. The office for citizens with developmental disabilities of the Department
30 of Health and Hospitals, in coordination with the Louisiana Developmental

1 Disabilities Council, shall be responsible for all programmatic functions of such park
2 facility, including but not limited to the following:

3 (1) The preparation and administration of programs for the benefit of
4 ~~handicapped~~ persons with disabilities.

5 (2) Scheduling and coordination of the use of this facility by ~~the handicapped~~
6 persons with disabilities.

7 * * *

8 D. The office of state parks; and the office of mental retardation for citizens
9 with developmental disabilities; ~~and the Bureau For Handicapped Persons~~ shall
10 establish rules and regulations for the implementation of this Section. Such rules and
11 regulations shall be structured so as to give priority of facility use to groups of
12 ~~handicapped~~ persons with disabilities but shall not necessarily preclude use by
13 ~~nonhandicapped individuals or groups~~ persons who do not have disabilities.

14 * * *

15 §1762. Powers and duties

16 * * *

17 C. In order to carry out its duties and functions the commission may:

18 * * *

19 (6) ~~Insure~~ Ensure that in the use and enjoyment of every portion of Audubon
20 Park and Zoo and all of the facilities therein there will not be any discrimination
21 against any person because of ~~handicap~~ disability, age, race, color, religion, sex, or
22 national origin.

23 (7) Affirmative action shall be taken to ~~insure~~ ensure that all employees of
24 the commission and of any entity with whom the commission contracts for services
25 shall be treated during employment without regard to their race, age, ~~handicap~~
26 disability, color, religion, sex, or national origin.

27 Section 30. The heading of Section 12 of Chapter 1 of Title VIII of Book I of the
28 Louisiana Civil Code and Civil Code Articles 354, 356, 358 through 360, and 3107 are
29 hereby amended and reenacted to read as follows:

1 SECTION 12--OF CONTINUING OR PERMANENT TUTORSHIP OF
2 ~~MENTALLY RETARDED PERSONS~~ WITH INTELLECTUAL DISABILITIES

3 Art. 354. Procedure for placing under tutorship.

4 ~~Mentally retarded or deficient children~~ Persons, including certain children,
5 with intellectual disabilities or mental deficiencies may be placed under continuing
6 or permanent tutorship without formal or complete interdiction in accordance with
7 the following rules and the procedures stated in the Louisiana Code of Civil
8 Procedure.

9 * * *

10 Art. 356. Title of proceedings; procedural rules; parents as tutor and undertutor.

11 The title of the proceedings shall be Continuing Tutorship of (Name of
12 Person), A ~~Mentally Retarded~~ Person with an Intellectual Disability.

13 * * *

14 Art. 358. Authority, privileges, and duties of tutor and undertutor; termination of
15 tutorship.

16 The granting of the decree shall confer upon the tutor and undertutor the
17 same authority, privileges, and responsibilities as in other tutorships, including the
18 same authority to give consent for any medical treatment or procedure, to give
19 consent for any educational plan or procedure, and to obtain medical, educational,
20 or other records, but the responsibility of the tutor for the offenses or quasi-offenses
21 of the ~~retarded~~ person with an intellectual disability shall be the same as that of a
22 curator for those of the interdicted person and the tutorship shall not terminate until
23 the decree is set aside by the court of the domicile, or the court of last domicile if the
24 domicile of the ~~mentally retarded~~ person with an intellectual disability is removed
25 from the State of Louisiana.

26 Art. 359. Restriction on legal capacity.

27 The decree if granted shall restrict the legal capacity of the ~~mentally retarded~~
28 person with an intellectual disability to that of a permanent minor, except that after
29 the age of eighteen the ~~retarded~~ person, unless formally interdicted, shall have the

1 legal capacity of a minor who has been granted the emancipation conferring the
2 power of administration as set forth in Chapter 2, Section 2 of this book and title.

3 Art. 360. Parents' rights of administration.

4 In addition to the rights of tutorship, the parents shall retain, during the
5 marriage and for the minority of the ~~retarded~~ child with an intellectual disability, all
6 rights of administration granted to parents of ~~normal~~ typical children during their
7 minority.

8 * * *

9 Art. 3107. Capacity of arbitrators.

10 A. All persons may be arbitrators, except such as are under some incapacity
11 or infirmity, which renders them unfit for that function.

12 B. Therefore, minors under the age of eighteen years, persons interdicted,
13 those who are deaf and ~~dumb~~ unable to speak, can not be arbitrators.

14 Section 31. Code of Criminal Procedure Articles 334.4(A)(7), 573.1, 648(B)(3)(q)
15 through (s), 658(A), 814(A)(58), and 905.5.1(A) through (G), (H)(1), (2)(introductory
16 paragraph), and (n) are hereby amended and reenacted to read as follows:

17 Art. 334.4. Arrest for certain crimes; release on own recognizance prohibited

18 A. Notwithstanding any other provision of law to the contrary, any defendant
19 who has been arrested for any of the following crimes shall not be released by the
20 court on the defendant's own recognizance or on the signature of any other person:

21 * * *

22 (7) R.S. 14:93.3 (cruelty to ~~the infirmed~~ persons with infirmities), if the
23 person has a prior conviction for the same offense.

24 * * *

25 Art. 573.1. Running of time limitations; exception; exploitation of the infirmed

26 The time limitations established by Article 572 shall not commence to run
27 as to the crime of exploitation of ~~the infirmed~~ persons with infirmities (R.S. 14:93.4)
28 until the crime is discovered by a competent victim, or in the case of an incompetent
29 victim, by a competent third person.

30 * * *

1 Art. 648. Procedure after determination of mental capacity or incapacity

2 * * *

3 B.

4 * * *

5 (3) If, after the hearing, the court determines that the incompetent defendant
6 is unlikely in the foreseeable future to be capable of standing trial, the court shall
7 order the defendant released or remanded to the custody of the Department of Health
8 and Hospitals which, within ten days exclusive of weekends and holidays, may
9 institute civil commitment proceedings pursuant to Title 28 of the Louisiana Revised
10 Statutes of 1950, or release the defendant. The defendant shall remain in custody
11 pending such civil commitment proceedings. If the defendant is committed to a
12 treatment facility pursuant to Title 28 of the Louisiana Revised Statutes of 1950, the
13 director of the institution designated for the patient's treatment shall, in writing,
14 notify the court and the district attorney when the patient is to be discharged or
15 conditionally discharged, as long as the charges are pending. If not dismissed
16 without prejudice at an earlier trial, charges against an unrestorable incompetent
17 defendant shall be dismissed on the date upon which his sentence would have
18 expired had he been convicted and received the maximum sentence for the crime
19 charged, or on the date five years from the date of his arrest for such charges,
20 whichever is sooner, except for the following charges:

21 * * *

22 (q) R.S. 14:93.3 (cruelty to ~~the infirmed~~ persons with infirmities).

23 (r) R.S. 14:93.4 (exploitation of ~~the infirmed~~ persons with infirmities).

24 (s) R.S. 14:93.5 (sexual battery of ~~the infirm~~ persons with infirmities).

25 * * *

26 Art. 658. Probation; conditional release; reporting

27 A. When the committed person is released on probation, which shall also be
28 known as conditional release, the clerk of court shall deliver to him a certificate
29 setting forth the period and the conditions of his probation. It shall be a condition
30 of every such probation that the person released shall be recommitted if he becomes

1 dangerous to others or to himself for reasons of mental illness, substance abuse, or
2 ~~mental retardation~~ intellectual disability. The probationer shall be required to agree
3 in writing to the conditions of his probation.

4 * * *

5 Art. 814. Responsive verdicts; in particular

6 A. The only responsive verdicts which may be rendered when the indictment
7 charges the following offenses are:

8 * * *

9 58. Cruelty to ~~the Infirm~~ Persons with Infirmities:

10 Guilty.

11 Guilty of attempted cruelty to ~~the infirm~~ persons with infirmities.

12 Guilty of simple battery.

13 Guilty of assault.

14 Guilty of negligent injuring.

15 Not guilty.

16 * * *

17 Art. 905.5.1. ~~Mental retardation~~ Intellectual disability

18 A. Notwithstanding any other provisions of law to the contrary, no person
19 ~~who is mentally retarded~~ with an intellectual disability shall be subjected to a
20 sentence of death.

21 B. Any capital defendant who claims to ~~be mentally retarded~~ have an
22 intellectual disability shall file written notice thereof within the time period for filing
23 of pretrial motions as provided by Code of Criminal Procedure Article 521.

24 C.(1) Any defendant in a capital case making a claim of ~~mental retardation~~
25 intellectual disability shall prove the allegation by a preponderance of the evidence.
26 The jury shall try the issue of ~~mental retardation~~ intellectual disability of a capital
27 defendant during the capital sentencing hearing unless the state and the defendant
28 agree that the issue is to be tried by the judge. If the state and the defendant agree,
29 the issue of ~~mental retardation~~ intellectual disability of a capital defendant may be
30 tried prior to trial by the judge alone.

1 (2) Any pretrial determination by the judge that a defendant ~~is not mentally~~
2 ~~retarded~~ does not have an intellectual disability shall not preclude the defendant from
3 raising the issue at the penalty phase, nor shall it preclude any instruction to the jury
4 pursuant to this Section.

5 D. Once the issue of ~~mental retardation~~ intellectual disability is raised by the
6 defendant, and upon written motion of the district attorney, the defendant shall
7 provide the state, within time limits set by the court, any and all medical,
8 correctional, educational, and military records, raw data, tests, test scores, notes,
9 behavioral observations, reports, evaluations, and any other information of any kind
10 reviewed by any defense expert in forming the basis of his opinion that the defendant
11 ~~is mentally retarded~~ has an intellectual disability.

12 E. By filing a notice relative to a claim of ~~mental retardation~~ intellectual
13 disability under this Article, the defendant waives all claims of confidentiality and
14 privilege to, and is deemed to have consented to the release of, any and all medical,
15 correctional, educational, and military records, raw data, tests, test scores, notes,
16 behavioral observations, reports, evaluations, expert opinions, and any other such
17 information of any kind or other records relevant or necessary to an examination or
18 determination under this Article.

19 F. When a defendant makes a claim of ~~mental retardation~~ intellectual
20 disability under this Article, the state shall have the right to an independent
21 psychological and psychiatric examination of the defendant. A psychologist or
22 medical psychologist conducting such examination must be licensed by the
23 Louisiana State Board of Examiners of Psychologists or the Louisiana State Board
24 of Medical Examiners, whichever is applicable. If the state exercises this right, and
25 upon written motion of the defendant, the state shall provide the defendant, within
26 time limits set by the court, any and all medical, correctional, educational, and
27 military records, and all raw data, tests, test scores, notes, behavioral observations,
28 reports, evaluations, and any other information of any kind reviewed by any state
29 expert in forming the basis of his opinion that the defendant ~~is not mentally retarded~~
30 does not have an intellectual disability. If the state fails to comply with any such

1 order, the court may impose sanctions as provided by Code of Criminal Procedure
2 Article 729.5.

3 G. If the defendant making a claim of ~~mental retardation~~ intellectual
4 disability fails to comply with any order issued pursuant to Paragraph D of this
5 Article, or refuses to submit to or fully cooperate in any examination by experts for
6 the state pursuant to either Paragraph D or F of this Article, upon motion by the
7 district attorney, the court shall neither conduct a pretrial hearing concerning the
8 issue of ~~mental retardation~~ intellectual disability nor instruct the jury of the
9 prohibition of executing ~~mentally retarded~~ defendants with intellectual disabilities.

10 H.(1) ~~"Mental retardation" means a disability characterized by significant~~
11 ~~limitations in both intellectual functioning and adaptive behavior as expressed in~~
12 ~~conceptual, social, and practical adaptive skills. The onset must occur before the age~~
13 ~~of eighteen years. "Intellectual disability", formerly referred to as "mental~~
14 ~~retardation", is a disability characterized by all of the following deficits, the onset of~~
15 which must occur during the developmental period:

16 (a) Deficits in intellectual functions such as reasoning, problem solving,
17 planning, abstract thinking, judgment, academic learning, and learning from
18 experience, confirmed by both clinical assessment and individualized, standardized
19 intelligence testing.

20 (b) Deficits in adaptive functioning that result in failure to meet
21 developmental and sociocultural standards for personal independence and social
22 responsibility; and that, without ongoing support, limit functioning in one or more
23 activities of daily life including, without limitation, communication, social
24 participation, and independent living, across multiple environments such as home,
25 school, work, and community.

26 (2) A diagnosis of one or more of the following conditions does not
27 necessarily constitute ~~mental retardation~~ an intellectual disability:

28 * * *

29 (n) Other ~~handicapping~~ disabling conditions.

30 * * *

1 Section 32. Code of Evidence Article 510(B)(2)(k) and (C)(2)(f) are hereby amended
2 and reenacted to read as follows:

3 Art. 510. Health care provider-patient privilege

4 * * *

5 B.

6 * * *

7 (2) Exceptions. There is no privilege under this Article in a noncriminal
8 proceeding as to a communication:

9 * * *

10 (k) When the communication is relevant to proceedings concerning issues
11 of child abuse, elder abuse, or the abuse of ~~disabled or incompetent~~ persons with
12 disabilities or persons who are incompetent.

13 * * *

14 C.

15 * * *

16 (2) Exceptions. There is no privilege under this Article in a criminal case as
17 to a communication:

18 * * *

19 (f) When the communication is relevant to an investigation of or prosecution
20 for child abuse, elder abuse, or the abuse of ~~disabled or incompetent~~ persons with
21 disabilities or persons who are incompetent.

22 * * *

23 Section 33. Children's Code Articles 559(B)(introductory paragraph) and
24 (C)(introductory paragraph), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3)
25 and (G), 837.1(A)(3), 894(introductory paragraph) and (3), 895(A), 910(E), 916, 1003(9),
26 1125(B), 1402(1) and (3), 1404(15) through (17) and (24), 1405(C), 1416(D) and (E),
27 1417(A), 1420(A), 1451(A), 1465(A) and (B), 1467(B)(1), 1468(A), and 1469(A) are hereby
28 amended and reenacted and Children's Code Article 1003(introductory paragraph) is hereby
29 enacted to read as follows:

1 Art. 559. Organization; board of trustees; director

2 * * *

3 B. The duties of the board of trustees enumerated in ~~R.S. 28:64(B)~~ R.S.
4 28:64(C) shall be applicable to this program, including all of the following specific
5 duties:

6 * * *

7 C. The duties of the director enumerated in ~~R.S. 28:64(C)~~ R.S. 28:64(E) shall
8 be applicable to the program, including all of the following specific duties:

9 * * *

10 Art. 681. Dispositional alternatives

11 A. In a case in which a child has been adjudicated to be in need of care, the
12 child's health and safety shall be the paramount concern, and the court may do any
13 of the following:

14 * * *

15 (3) Commit a child found to ~~be mentally ill~~ have a mental illness to a public
16 or private institution for ~~the mentally ill~~ persons with mental illness.

17 * * *

18 Art. 683. Disposition; generally

19 * * *

20 E. A child shall not be committed to a public or private mental institution or
21 institution for ~~the mentally ill~~ persons with mental illness unless the court finds,
22 based on psychological or psychiatric evaluation, that the child has a mental disorder,
23 other than ~~mental retardation~~ an intellectual disability, which has a substantial
24 adverse effect on his ability to function and requires care and treatment in an
25 institution. When the child is in the custody of the state of Louisiana, this finding
26 shall not be made without the representation of the child by an attorney appointed
27 from the Mental Health Advocacy Service, unless such attorneys are unavailable as
28 determined by the director or the child retains private counsel who shall represent
29 only the interest of the child. The Mental Health Advocacy Service's attorney so
30 appointed shall continue to represent the child in any proceeding relating to

1 admission, change of status, or discharge from the mental hospital or psychiatric
2 unit. Upon modification of the disposition to a placement other than a mental
3 hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be
4 relieved of representation of the child.

5 F. A child shall not be committed to a public or private institution for ~~the~~
6 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based
7 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an
8 intellectual disability and such condition has a substantial adverse effect on his
9 ability to function and requires care and treatment in an institution.

10 * * *

11 Art. 781. Disposition; generally

12 * * *

13 D. A child shall not be committed to a public or private mental institution
14 or institution for ~~the mentally ill~~ persons with mental illness unless the court finds,
15 based on psychological or psychiatric evaluation, that the child has a mental disorder,
16 other than ~~mental retardation~~ an intellectual disability, which has a substantial
17 adverse effect on his ability to function and requires care and treatment in an
18 institution. When the child is in the custody of the state of Louisiana, this finding
19 shall not be made without the representation of the child by an attorney appointed
20 from the Mental Health Advocacy Service, unless such attorneys are unavailable as
21 determined by the director or the child retains private counsel who shall represent
22 only the interest of the child. The Mental Health Advocacy Service's attorney so
23 appointed shall continue to represent the child in any proceeding relating to
24 admission, change of status, or discharge from the mental hospital or psychiatric
25 unit. Upon modification of the disposition to a placement other than a mental
26 hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be
27 relieved of representation of the child.

28 E. A child shall not be committed to a public or private institution for ~~the~~
29 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based
30 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an

1 hearing with ten days notice to the district attorney and counsel for the child, that the
2 child, as a result of mental illness, is dangerous to himself or others or is gravely
3 disabled. If the court further finds that the child will not have the mental capacity
4 to proceed in the foreseeable future, the court shall order civil commitment as
5 provided in Title XIV. However, no child shall be discharged or conditionally
6 discharged except upon court order after a motion and contradictory hearing.

7 * * *

8 G. Under no circumstances shall a child who is found to lack the mental
9 capacity to proceed in accordance with this Chapter be held in a secure placement
10 facility longer than permitted elsewhere by this Code for a ~~mentally ill or~~
11 ~~developmentally disabled~~ child with a mental illness or developmental disability.

12 * * *

13 Art. 837.1. Standards for restoration service providers

14 A. A restoration service provider shall meet the following qualifications:

15 * * *

16 (3) Shall be a psychiatrist, licensed psychologist, medical psychologist,
17 licensed clinical social worker, qualified ~~mental retardation~~ intellectual disability
18 professional, or licensed professional counselor all of whom have been engaged in
19 the practice of clinical psychology or counseling for not less than three consecutive
20 years immediately preceding the appointment and who have expertise in child
21 development specific to severe chronic disability of children attributable to
22 intellectual impairment, if the court determines the child lacks the mental capacity
23 to proceed because of mental illness or developmental disorder.

24 * * *

25 Art. 894. Disposition after finding of insanity

26 In cases in which a child has not been adjudicated a delinquent and has been
27 found to be insane at the time of the offense, the court may ~~either~~ take any of the
28 following actions:

29 * * *

1 (3) Commit the child to the Department of Health and Hospitals, office of
2 behavioral health or a private mental institution or an institution for ~~the mentally ill~~
3 persons with mental illness pursuant to Article 895 of this Chapter.

4 Art. 895. Commitment to mental institution

5 A. In cases in which a child has been adjudicated a delinquent, the court may
6 commit him to a public or private mental institution or institution for ~~the mentally~~
7 ~~ill~~ persons with mental illness if the court finds, based on psychological or
8 psychiatric evaluation, that the child has a mental disorder, other than ~~mental~~
9 ~~retardation~~ an intellectual disability, which has a substantial adverse effect on his
10 ability to function and requires care and treatment in an institution.

11 * * *

12 Art. 910. Modification procedure; generally applicable

13 * * *

14 E. A judgment of disposition shall not be modified to release a child from
15 the custody of a public or private mental institution or an institution for ~~the mentally~~
16 ~~ill~~ persons with mental illness without three days prior notice to the district attorney
17 and the institution.

18 * * *

19 Art. 916. Modification of a mental health commitment

20 A. In cases where a child has been committed to the Department of Health
21 and Hospitals, office of behavioral health, or private mental institution, or an
22 institution for ~~the mentally ill~~ persons with mental illness, the court may also modify
23 the judgment on motion of the department or superintendent of a private mental
24 institution.

25 B. In cases in which a child has been adjudicated a delinquent, a judgment
26 of disposition shall not be modified to release a child from the custody of the
27 Department of Health and Hospitals, office of behavioral health, or private mental
28 institution or an institution for ~~the mentally ill~~ persons with mental illness without
29 three days prior notice to the district attorney and the department or other institution.

1 C. Notwithstanding any provisions of law to the contrary, in cases in which
 2 a child has not been adjudicated a delinquent and has been found to be insane at the
 3 time of the offense, a child shall not be released from the custody of the Department
 4 of Health and Hospitals, office of behavioral health, or private mental institution, or
 5 an institution for ~~the mentally ill~~ persons with mental illness except upon order of the
 6 court after motion and contradictory hearing.

7 * * *

8 Art. 1003. Definitions

9 As used in this Title:

10 * * *

11 (9) "Mental illness" means a psychiatric disorder which has substantial
 12 adverse effects on the parent's ability to function and which requires care and
 13 treatment as determined by a psychiatrist or psychologist. It does not include a
 14 person ~~suffering solely from mental retardation, epilepsy, alcoholism, or drug abuse.~~
 15 who has, solely, one of the following conditions:

16 (a) An intellectual disability.

17 (b) Epilepsy.

18 (c) Alcoholism.

19 (d) Drug abuse.

20 * * *

21 Art. 1125. Statement of family history; contents; form

22 * * *

1 B. The Statement of Family History form shall be substantially as follows:

2 STATEMENT OF FAMILY HISTORY

	Child's Biological MOTHER	Child's Biological FATHER
3 Age		
4 Height		
5 Weight		
6 Hair color		
7 Eye color		
8 Complexion		
9 Body build		
10 Education-last 11 grade completed/ 12 degree received		
13 Right/left handed		
14 Occupation		
15 Talents		
16 Religion		
17 Race		
18 Ethnicity/ 19 Nationality		
20 Native 21 American/Tribal 22 Affiliation, if 23 applicable		
24 Other		

Yes	No	Diseases/conditions	If yes,
			<ul style="list-style-type: none"> • state relationship to child [biological parent (mother or father), sibling (full or half), grandparent (paternal or maternal), great grandparent (paternal or maternal), aunt/uncle/cousin (paternal or maternal)]; • state specific condition; • age of onset; • treatment (medication, surgery, etc.); and • outcome.
		Cancer	
		Heart disease	
		Stroke	
		High blood pressure	
		Diabetes	
		Kidney disease	
		Liver disease	
		Digestive disorders	
		Respiratory disorders	
		Blood disease (sickle cell, hemophilia, etc.)	
		Glandular disturbances (thyroid, adrenal, growth, etc.)	
		Neurological & muscular disorders (multiple sclerosis, muscular dystrophy, Tay-Sachs, etc.)	
		Arthritis (juvenile, rheumatoid, gout, hammertoe, etc.)	

1		Epilepsy, seizures,	
2		convulsions	
3		Allergies (drugs, food,	
4		other)	
5		Asthma	
6		Vision	
7		problems/blindness	
8		Hearing	
9		problems/deafness	
10		Speech disorders	
11		Dental	
12		problems/braces	
13		Birth defects (cleft	
14		palate, missing digit,	
15		club foot, etc.)	
16		Curvature of spine	
17		Headaches/migraines	
18		Alcoholism	
19		Substance abuse	
20		Eating	
21		disorders/obesity	
22		Mental illness	
23		(schizophrenia,	
24		bipolar, depressive,	
25		etc.)	
26		Mental retardation	
27		<u>Intellectual</u>	
28		<u>disability</u> –non-injury	
29		(PKU, Down's	
30		Syndrome, etc.)	
31		Learning disabilities	
32		(ADD, ADHD, etc.)	
33		Multiple births	

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		Miscarriages, stillbirths, neonatal deaths	
		SIDS	
		Rh Factor	
		HIV (biological mother only)	
		Venereal disease during pregnancy (biological mother only)	
		Other: specify	
		Other: specify	
		Other: specify	
Prenatal History			
Yes	No		If yes, <ul style="list-style-type: none"> • state type; • state amount; and • state during what months of pregnancy.
		Prescription medication	
		Over the counter medication	
		Alcohol	
		Tobacco	
		Other Drugs	

28 Are the parents of the child biologically related to each other? Yes_____ No_____

29 If yes what is the biological relationship? _____

30 Has the minor child had the following immunizations?

31 YES NO YES NO

- 1 Birth-2 mo. Hepatitis (Hep) B 12-15 mo. Hib, MMR # 1
- 2 1 – 4 mo. Hep B 12-18 mo. Var (chickenpox)
- 3 2 mo. DTaP, IPV, Hib, 15-18 mo. DTaP
- 4 4 mo. DTaP, IPV, Hib, 4-6 yrs. MMR # 2, DTaP,
- 5 OPV
- 6 6 mo. DTaP, Hib, 11-12 yrs. MMR # 2, Var,
- 7 Hep B
- 8 6-18 mo. Hep B, IPV 11-16 yrs. Td (tetanus,
- 9 diphtheria)

10 Has the minor child had the following illnesses?

11	YES	NO		YES	NO
----	-----	----	--	-----	----

- | | | | | | | |
|----|--------------------------|--------------------------|---------------------------------|--------------------------|--------------------------|--------------------|
| 12 | <input type="checkbox"/> | <input type="checkbox"/> | Pertussis (P) (Whooping Cough) | <input type="checkbox"/> | <input type="checkbox"/> | Rheumatic Fever |
| 13 | <input type="checkbox"/> | <input type="checkbox"/> | Rubella (R) (Measles) | <input type="checkbox"/> | <input type="checkbox"/> | Tonsillitis |
| 14 | <input type="checkbox"/> | <input type="checkbox"/> | Mumps (M) | <input type="checkbox"/> | <input type="checkbox"/> | Convulsions |
| 15 | <input type="checkbox"/> | <input type="checkbox"/> | Chicken Pox (Var) | <input type="checkbox"/> | <input type="checkbox"/> | Asthma |
| 16 | <input type="checkbox"/> | <input type="checkbox"/> | Rotavirus (Rv) | <input type="checkbox"/> | <input type="checkbox"/> | Polio (IPV) |
| 17 | <input type="checkbox"/> | <input type="checkbox"/> | Scarlet Fever | <input type="checkbox"/> | <input type="checkbox"/> | Allergies, specify |
| 18 | <input type="checkbox"/> | <input type="checkbox"/> | Diphtheria (D) | _____ | | |
| 19 | <input type="checkbox"/> | <input type="checkbox"/> | Surgery, operations, specify | _____ | | |
| 20 | <input type="checkbox"/> | <input type="checkbox"/> | Glandular Disturbances, specify | _____ | | |

21 Does the minor child have or has he had any other serious illnesses or medical conditions?

22 _____

23 _____

24 _____

25 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Art. 1402. Declaration of policy

2 The underlying policy of this Title is as follows:

3 (1) That ~~mentally ill~~ minors with mental illness and minors suffering from
4 substance abuse, and their caretakers on their behalf, be encouraged to seek voluntary
5 treatment.

6 * * *

7 (3) That continuity of care for ~~the mentally ill~~ persons with mental illness and
8 minors suffering from substance abuse be provided.

9 * * *

10 Art. 1404. Definitions

11 As used in this Title:

12 * * *

13 (15) "Mental Health Advocacy Service" means a service established by the
14 state of Louisiana for the purpose of providing legal counsel and representation for
15 ~~mentally disabled~~ persons with mental disabilities and for children and to ensure that
16 their legal rights are protected.

17 (16) ~~"Mentally ill person"~~ "Person with mental illness" means any person with
18 a psychiatric disorder which has substantial adverse effects on his ability to function
19 and who requires care and treatment. It does not include a person ~~suffering solely~~
20 ~~from mental retardation,~~ with, solely, an intellectual disability, or who suffers solely
21 from epilepsy, alcoholism, or drug abuse.

22 (17) "Patient" means any person detained and taken care of as a ~~mentally ill~~
23 person with mental illness or person suffering from substance abuse.

24 * * *

25 (24) "Treatment facility" means any public or private hospital, retreat,
26 institution, mental health center, or facility licensed by the state of Louisiana in which
27 any ~~mentally ill~~ minor with mental illness or minor suffering from substance abuse
28 is received or detained as a patient except a facility under the control or supervision

1 of the Department of Public Safety and Corrections unless otherwise provided in Title
2 VIII of this Code.

3 Art. 1405. Mental Health Advocacy Service (MHAS); representation; fees

4 * * *

5 C. Nothing in this Title shall be construed to prohibit a ~~mentally ill~~ person with
6 mental illness or respondent from being represented by privately retained counsel.
7 If a MHAS attorney has been appointed by the court and the ~~mentally ill~~ minor with
8 mental illness or respondent secures his own counsel, the court shall discharge the
9 MHAS attorney.

10 * * *

11 Art. 1416. Facility records; confidentiality; disclosure; destruction

12 * * *

13 D. Any attorney representing a ~~mentally ill~~ minor with mental illness or a
14 respondent as defined herein shall have ready access to view and copy all mental
15 health and developmental disability records pertaining to his client unless the client
16 objects. The attorney shall return all copies of his client's medical record to the
17 treatment facility upon completion of their use. If the patient or respondent later
18 retains a private attorney to represent him, the MHAS shall destroy all copies of
19 records pertaining to his case.

20 E. Any respondent or ~~mentally disabled~~ minor with a mental disability shall
21 have the right to demand that the records in the possession of his attorney regarding
22 his mental condition be destroyed or returned to the treatment facility and he shall
23 have the right to assurance by the director that such records have been so destroyed
24 by the MHAS attorney.

25 Art. 1417. Court records

26 A. Each court shall keep a record of the cases relating to ~~mentally ill~~ minors
27 with mental illness coming before it under this Title and the disposition of them. It

1 shall also keep on file the original petition and certificates of physicians required by
2 this Chapter, or a microfilm duplicate of such records.

3 * * *

4 Art. 1420. Admission by emergency certificate; extension

5 A. A ~~mentally ill~~ minor with mental illness or a minor suffering from
6 substance abuse may be admitted and detained at a treatment facility for observation,
7 diagnosis, and treatment for a period not to exceed fifteen days under an emergency
8 certificate.

9 * * *

10 Art. 1451. Conversion to voluntary status

11 A. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with
12 mental illness or minor suffering from substance abuse from applying for conversion
13 of involuntary or emergency admission status to voluntary admission status.

14 * * *

15 Art. 1465. Voluntary admissions favored

16 A. Admitting physicians are encouraged to admit ~~mentally ill~~ minors with
17 mental illness or minors suffering from substance abuse to treatment facilities on
18 voluntary admission status whenever medically feasible.

19 B. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with
20 mental illness or minor suffering from substance abuse from applying for conversion
21 of involuntary or emergency admission status to voluntary admission status. Any
22 minor patient on an involuntary admission status shall have the right to apply for a
23 writ of habeas corpus in order to have his admission status changed to voluntary
24 status.

25 * * *

26 Art. 1467. Capacity required

27 * * *

1 Section 35.(A) The legislature hereby finds that language used to refer to persons
2 with disabilities and other persons with exceptionalities shapes and reflects attitudes toward
3 and perceptions of such persons by society.

4 (B) It is hereby declared that the intent of the legislature is to delete from the
5 lawbodies of this state terms that convey negative or derogatory perceptions of persons with
6 disabilities and other persons with exceptionalities. Accordingly, the intent of the legislature
7 is to provide in this Act for establishment of new terminology in law that is more appropriate
8 than the terminology replaced herein, and which conveys no explicit or implicit
9 dehumanization of persons with disabilities or other persons with exceptionalities.

10 (C) It is not the intent of the legislature that changes in terms referring to persons with
11 disabilities and other persons with exceptionalities, as effected by this Act, alter or affect in
12 any way the substance, interpretation, or application of any existing law or administrative
13 rule.

14 (D) Nothing in this Act shall be construed to expand or diminish any right of or
15 benefit for any person provided by any existing law or administrative rule.

16 Section 36.(A)(1) For the purposes of the provisions of law amended by this Act,
17 references to "intellectual disability" shall mean any condition formerly referred to as
18 "mental retardation".

19 (2) For the purposes of the provisions of law amended by this Act, references to a
20 "person with an intellectual disability" shall mean a person formerly referred to as "mentally
21 retarded".

22 (3) For the purposes of the provisions of law amended by this Act, the term
23 "disability", as used to describe a condition or characteristic of a person, shall have the
24 meaning of the former term "handicap" as used in the same manner.

25 (4) For the purposes of the provisions of law amended by this Act, references to a
26 "person with a physical disability" and a "person with a disability" shall mean a person
27 formerly referred to as "physically handicapped", a "handicapped person", "the
28 handicapped", a "crippled person", a "disabled person", or "the disabled".

1 (5) For the purposes of the provisions of law amended by this Act, references to a
2 "person who is infirm" and a "person with an infirmity" shall have the meaning of the former
3 terms "the infirm" and "the infirmed".

4 (6) For the purposes of the provisions of law amended by this Act, references to a
5 person who "acquires a disability" shall have the meaning of the former references to a
6 person who "becomes disabled".

7 (7) For the purposes of the provisions of law amended by this Act, references to
8 "certified as having a disability" shall have the meaning of the former references to "certified
9 as disabled".

10 (8) For the purposes of the provisions of law amended by this Act, the terms
11 "accessible" and "accessibility" have the meanings, respectively, of the former terms
12 "handicapped accessible" and "handicapped accessibility".

13 (9) For the purposes of the provisions of law amended by this Act, references to a
14 "person with a mobility impairment" shall mean a person formerly referred to as "mobility-
15 impaired".

16 (10) For the purposes of the provisions of law amended by this Act, references to a
17 "person with mental illness" shall mean a person formerly referred to as either "the mentally
18 ill" or "mentally ill person".

19 (11) For the purposes of the provisions of law amended by this Act, the linguistic
20 paradigm known as "person first language", which emphasizes a person's humanity over any
21 condition or characteristic the person may have, is employed wherever possible to refer to
22 persons with disabilities and other persons with exceptionalities. The legislature hereby
23 recognizes and affirms the importance of person first language as a respectful and preferred
24 way of referring to persons with disabilities and other persons with exceptionalities.

25 (B) Each agency, board, commission, department, office, and other instrumentality
26 of the state to which the legislature has delegated authority to promulgate rules and
27 regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., is
28 hereby authorized and requested to employ the preferred terminology described in Section
29 36(A) of this Act in referring to persons with disabilities and other persons with

1 exceptionalities in duly promulgated administrative rules, policy publications, and materials
2 published in paper format or electronically, whether for internal use or public use, including
3 but not limited to informational brochures, resource guides, reference materials, manuals,
4 and the content of any Internet website or other electronic media. The provisions of this
5 Section shall apply prospectively; however, nothing herein shall be construed to limit any
6 agency, board, commission, department, office, or other instrumentality of the state from
7 amending existing administrative rules for the purpose of instituting the preferred
8 terminology described in Section 36(A) of this Act.

9 (C) The legislative services offices of the House of Representatives and the Senate
10 are hereby authorized and requested to publish guidance in legislative drafting manuals and
11 in other professional resources as those offices may deem appropriate concerning use of the
12 preferred terminology described in Section 36(A) of this Act.

13 Section 37. The Louisiana State Law Institute is hereby authorized and requested to
14 change terminology referring to persons with disabilities and other persons with
15 exceptionalities throughout the revised statutes and codes of this state wherever necessary
16 to institute the preferred terminology described in Section 36(A) of this Act.

17 Section 38. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 63

Abstract: Revises terminology referring to persons with disabilities and other persons with exceptionalities.

General Provisions

Proposed law revises terminology in present law referring to persons with disabilities and other persons with exceptionalities by deleting and making substitutions for obsolete, derogatory, or offensive terms.

Proposed law corrects names of agencies, institutions, private organizations, and other entities; removes references to offices, bureaus, and other subdivisions of state agencies and to programs and services that have otherwise been repealed or no longer exist; and makes technical changes and corrections.

Proposed law provides a legislative finding indicating that language used to refer to persons with disabilities and other persons with exceptionalities shapes and reflects attitudes toward and perceptions of such persons by society.

Proposed law provides that it is the intent of the legislature, through enactment of proposed law, to:

- (1) Delete from present law terms that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities.
- (2) Establish new terminology in law that is more appropriate than the terminology it replaces, and which conveys no explicit or implicit dehumanization of persons with disabilities or other persons with exceptionalities.

Proposed law stipulates that it is not the intent of the legislature that the changes in terms effected by proposed law affect the substance, application, or interpretation of any provision of present law or present administrative code.

Proposed law provides that nothing in proposed law shall be construed to expand or diminish any right of or benefit for any person provided by present law or present administrative code.

Effective prospectively, proposed law authorizes and requests each agency, board, commission, department, and other instrumentality of the state with rulemaking authority to employ the preferred terminology provided for in proposed law in referring to persons with disabilities and other persons with exceptionalities in the following:

- (1) Duly promulgated administrative rules.
- (2) Policy publications.
- (3) All materials published in paper format or electronically, whether for internal use or public use, including but not limited to the following:
 - (a) Informational brochures.
 - (b) Resource guides.
 - (c) Reference materials.
 - (d) Manuals.
 - (e) The content of any Internet website or other electronic media.

Proposed law stipulates that nothing in proposed law shall be construed to limit any agency, board, commission, department, office, or other instrumentality of the state from amending present administrative code for the purpose of instituting the preferred terminology described in proposed law.

Proposed law authorizes the legislative services offices of the legislature to publish guidance in legislative drafting manuals and in other professional resources as appropriate concerning use of the preferred terminology described in proposed law.

Proposed law authorizes the La. State Law Institute to change terminology referring to persons with disabilities and other persons with exceptionalities throughout statutes and codes wherever necessary to institute the preferred terminology described in proposed law.

Description of Terminology Changes

Proposed law provides for the following changes to terminology in present law:

- (1) For purposes of proposed law, references to "intellectual disability" mean any condition formerly referred to as "mental retardation".
- (2) For purposes of proposed law, references to a "person with an intellectual disability" mean a person formerly referred to as "mentally retarded".
- (3) For purposes of proposed law, the term "disability", as used to describe a condition or characteristic of a person, has the meaning of the former term "handicap" as used in the same manner.
- (4) For purposes of proposed law, references to a "person with a physical disability" and a "person with a disability", as appropriate to the context, mean a person formerly referred to as "physically handicapped", a "handicapped person", "the handicapped", a "crippled person", a "disabled person", or "the disabled".
- (5) For purposes of proposed law, references to a "person who is infirm" and a "person with an infirmity" have the meaning of the former terms "the infirm" or "the infirmed".
- (6) For purposes of proposed law, references to a person who "acquires a disability" have the meaning of the former references to a person who "becomes disabled".
- (7) For purposes of proposed law, references to "certified as having a disability" have the meaning of the former references to "certified as disabled".
- (8) For purposes of proposed law, the terms "accessible" and "accessibility" have the meanings, respectively, of the former terms "handicapped accessible" and "handicapped accessibility".
- (9) For purposes of proposed law, references to a "person with a mobility impairment" mean a person formerly referred to as "mobility impaired".
- (10) For purposes of proposed law, references to a "person with mental illness" mean a person formerly referred to as either "the mentally ill" or a "mentally ill person".

Proposed law provides that for purposes of proposed law, the linguistic paradigm known as "person first language", which emphasizes a person's humanity over any condition or

characteristic the person may have, is employed wherever possible to refer to persons with disabilities and other persons with exceptionalities. Provides a declaration affirming the importance of person first language as a respectful and preferred way of referring to persons with disabilities and other persons with exceptionalities.

Location of Terminology Changes

Proposed law changes the terms "mentally retarded" and "mental retardation" to "intellectually disabled" and "intellectual disability", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 4:715, R.S. 11:783, 2220, 2256, 3438, and 3553, R.S. 14:35.2, 93.3, and 126.3, R.S. 15:830 and 830.1, R.S. 22:941, 1000, 1003, 1097, and 1242, R.S. 23:322, 1371.1, and 1378, R.S. 28:2, 831, 854, 864, and 874, R.S. 33:1236, R.S. 36:251 and 254, R.S. 39:1484, 1494.1, and 1554, R.S. 40:1299.27, 1379.3, 1472.3, 2009.21, 2102, and 2116, R.S. 46:51, 53, and 2253, R.S. 47:44.1, 79, 305.38, and 337.9, R.S. 51:2232, R.S. 56:302.1, C.C. Arts. 354, 356, and 358-360, C.Cr.P. Arts. 658 and 905.5.1, and Ch.C. Arts. 683, 781, 837.1, 895, 1003, 1125, and 1404.

Proposed law changes the term "handicap", where used to describe a condition or characteristic of a person, to "disability" in the following Sections of present law:

R.S. 11:1151, 1151.1, 1318, 1323, and 2077, R.S. 15:1402, R.S. 17:158, R.S. 22:941, 1000, 1001, 1003, 1012, 1242, and 1288, R.S. 32:295.1, R.S. 33:2411, 4720.62, 4720.112, and 4720.138, R.S. 46:1407, 2252, 2254, and 2255, R.S. 51:2602, 2603, and 2606 - 2608, and R.S. 56:1762.

Proposed law changes the terms "the handicapped", "the physically handicapped", "handicapped person", "crippled person", "disabled person", and "the disabled" to "person with a physical disability" and "person with a disability", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 6:747, R.S. 9:1613, 2799, 2799.3, and 3541.21, R.S. 11:293, 778, 784, 805, 901.37, 952.36, 1147, 1151, 1151.1, 1313, 1318, 1323, 1345.8, 1402, 1431, 1442, 1503, 1523, 1634, 1636, 1732, 1758, 1902, 1934, 2074, 2077, 2165.6, 2178, 2180, 2214, 2220, 2223, 2241.7, 2241.8, 2242.7, 2242.8, 2256, 2256.2, 2258, 2259, 3101, 3107, 3113, 3132, 3145, 3166, 3178, 3192, 3222, 3281, 3288, 3293, 3317, 3322, 3341, 3363, 3377, 3378, 3385.1, 3402, 3410, 3431, 3438, 3442, 3461, 3473, 3515, 3552, 3601, 3605, 3609, 3645, 3647, 3685.1, 3686, 3761, 3773, 3780, 3791, 3804, and 3808, R.S. 14:32, 35.2, 39, 67.16, 67.21, 79.1, 93.3, 93.4, 107.1, and 202.1, R.S. 15:1503 and 1510, R.S. 17:407.2 and 1947, R.S. 18:106.1, 1303, and 1400.21, R.S. 21:51 and 52, R.S. 22:1001 and 1012, R.S. 23:322-324, 1017.1, 1226, 1823, 1829, 2061, and 3004, R.S. 25:33, R.S. 28:2, 22.10, 64, 475 - 477, 831, 854, 864, 874, 904, and 915, R.S. 29:403, 726, and 729, R.S. 32:295.1, 403.2, and 863.1, R.S. 33:1236, 1947, and 2411, R.S. 36:151 and 254, R.S. 37:752, 775, 776, 1360.64, 2363, and 3003, R.S. 38:2261, R.S. 39:302, 362, 1484, 1554, 1594, 1595.4, and 1952, R.S. 40:384, 442, 501, 1299.58, 1299.78.5, 1299.113, 1299.114, 1300.85, 1485.2, 1735, 1742, 1742.2, 1748, 2010.8, 2113.5, 2116, 2405.5, and 2471, R.S. 42:808, R.S. 46:51, 56, 151, 156, 230.1, 231.6, 541, 932, 1951-1957, 1959, 2200, 2201, 2203, 2251, 2253, 2256, and 2582, R.S. 47:34, 287.749, 305.69, 360, 463.51, 473.2, and 1061, R.S. 48:23 and 261, R.S. 49:148 and 148.1, R.S. 51:1402, 1407, 2303, 2312, and 2606, R.S. 56:104.1, 109, 302.1, and 1699, C.E. Art. 510, and Ch.C. Arts. 1404 and 1416.

Proposed law changes the terms "the infirm" and "the infirmed" to "person who is infirm" and "person with an infirmity", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 14:35.2, 93.3-93.5, and 106, R.S. 15:334.4, 536, 537, 541, 571.3, and 571.34, R.S. 17:124, R.S. 28:22.7, R.S. 29:726, R.S. 37:961, R.S. 40:2142, R.S. 46:61 and 437.14, and C.Cr.P. Arts. 573.1, 648, and 814.

Proposed law changes references to a person who "becomes disabled" to a person who "acquires a disability" in the following Sections of present law:

R.S. 11:202-204, 206-211, 213, 215, 218, 701, 768, 901.36, 1530, 1614, 1763, 1785, 1805, 1938, 1945, 2144, 2178, 2220, 2221, 2241.8, 2242.8, 2257, 2258, 3005.1, 3039.1, 3143, 3200, 3232, 3346, 3377, 3385.1, 3438, 3442, 3447, 3473, 3514, 3548, 3644, 3647, 3686, 3724, 3731, 3771, 3778, 3802, and 3805, and R.S. 42:808.

Proposed law changes the term "certified as disabled" to "certified as having a disability" in the following Sections of present law:

R.S. 11:218, 701, 778, 783, 804, 805, 952.36, 1147, 1313, 1432, 1483, 1522, 1634, 1784, 1804, 1944, 1964, 1974, 2074, 2165.6, 2178, 2258, and 3041.

Proposed law changes the terms "handicapped accessible" and "handicapped accessibility" to "accessible" and "accessibility", respectively, in the following Sections of present law:

R.S. 17:67, R.S. 40:1355, 1400, 1563, 1573.1, 1574.1, 1730.39, and 1730.66, R.S. 46:2584 and 2673, and R.S. 47:463.4.

Proposed law changes the term "mobility-impaired person" to "person with a mobility impairment" in the following Sections of present law:

R.S. 40:1742 and 1742.2, R.S. 46:2584, R.S. 47:463.4, 463.4.1, 463.4.2, 463.5, 463.21, 490.4, and 492, and R.S. 56:302.3.

Proposed law changes the terms "the mentally ill" and "mentally ill person" to "person with mental illness" in the following Sections and Articles of present law:

R.S. 15:830 and 830.1, R.S. 28:2, 22.5, 22.7, 22.9, 22.10, 25.1, 50, 52, 55, 64, 146, 148, 172, 200, and 201, R.S. 36:251, R.S. 40:1299.52, 1300.361, 2009.21, 2010.8, 2013.2, 2013.3, 2017, 2142, 2405.5, and Ch.C. Arts. 681, 683, 781, 809, 837, 894, 895, 910, 916, 1402, 1404, 1405, 1416, 1417, 1420, 1451, 1465, and 1467-1469.

Provisions to be Repealed

Proposed law deletes the following provisions of present law:

- (1) Provisions relative to services for students originally enrolled prior to May 1, 1985, in the La. Special Education Center when it was called the La. School for Spastic Children which no longer apply to any student (R.S. 17:348(C)).
- (2) Provisions referring to an abolished task force and pilot program concerning supervision and monitoring of persons with mental illness in outpatient treatment programs (R.S. 28:211 and 213).

- (3) Provisions referring to the abolished Mental Health Research and Training Account (R.S. 40:2113.1).
- (4) Provisions relative to treatment and care of "inmates" of special schools, homes, and other therapeutic institutions which no longer exist (R.S. 46:981 and 982).
- (5) Provisions establishing a bureau for handicapped persons within DCFS (R.S. 46:2111 through 2114).
- (6) Provisions referring to the abolished Community Residential Development Fund and Community Residential Program which formerly supported group homes, supervised living facilities, and out-of-home respite care for persons with mental or physical disabilities (R.S. 46:2391 through 2397).
- (7) Provisions referring to an abolished program of community-based services for persons with disabilities, persons who are elderly, and persons with mental illness (R.S. 46:2681).

Effective Date

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 4:163.1(D)(2)(d) and 715(B)(2), R.S. 6:747(A), R.S. 9:1613, 2799(A)(2) and (B)(1), 2799.3, the heading of Part V-A of Chapter 2 of Code Title XII of Code Book III of Title 9 of the La. Revised Statutes of 1950, and 3541.21(1) and (3), R.S. 11:202, 203(A) and (C), 204(A), 206, 207(A) and (B), 208-210, 211(A) and (B), 213(A), 215(A), 218(A), (C), and (D)(3), 293(C), 701(19), 768(D)(2), 778(A), (B), and (D), 783(G)(1)(a), (I)(1)(a), and (K)(1), 784(C)(2) and (E), 804, 805(A) and (B), 901.36, 901.37, 952.36, 1147(A) and (C)(1), 1151(D), 1151.1(B)(1), (C)(2), and (D)(1), 1313(A), (B)(intro. para.), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1), 1345.8(B), 1402(5), 1431, 1432(A)(intro. para.), 1442, 1483(B), 1503(6), 1522(A)(1)(intro. para.) and (B)(intro. para.), 1523(G), 1530(K)(3), 1614(D), 1634(A) and (B)(intro. para.), 1636(B)(5), 1732(20), 1758(A) and (F), 1763(J)(2), 1784(intro. para.), 1785(A)(2), 1804(intro. para.), 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(intro. para.), 1945(A)(2), 1964(A)(intro. para.), 1974(A), 2074(A) and (B)(1)(intro. para.), 2077(A)(intro. para.) and (B)(intro. para.) and (2), 2144(K), 2165.6(A) and (B)(intro. para.), 2178(B)(intro. para.), (1)(b), and (3)(c) and (C)(1)(c)(iv)(aa), 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and (B)(2)(a)(ii), 2221(K)(4)(a) and (M), 2223(A)(1), 2241.7(A)(1), 2241.8(2)(a)(ii), 2242.7(A)(1), 2242.8(2)(a)(ii), 2256(B)(2)(a) and (3), 2256.2(A), 2257(K)(4), 2258(A), (B)(intro. para.) and (1)(c) and (d), (2)(a), and (C)-(E), 2259(A)(1), 3005.1(I)(2) and (J)(4), 3039.1(K)(4), 3041(B), 3101, 3107(5), 3113(6), 3132, 3143(1) and (2), 3145(D), 3166(A), 3178(C)(2), 3192, 3200(1) and (2), 3222, 3232(A), (B), and (C), 3281, 3288(B)(5), 3293(1), 3317(C)(5), 3322(B)(1)(a), 3341(A), 3346(3), 3363(A), 3377(A), 3378(A)(1)(g) and (2)(c), 3385.1(K)(6) and (7)(f), 3402, 3410(5), 3431, 3438(B)(4)(b) and (5)(b), 3442(1)-(4), 3447(C), 3461, 3473(1)-(4), 3514(A), 3515(B), 3516(C)(1) and (2), 3548(A), 3552(A) and (B), 3553(B)(2), 3601(A), 3605(A)(5), 3609(A), 3644, 3645(E), 3647(E) and (F), 3685.1(B)(2)(a) and (D), 3686(B)(1)(a) and (b), 3724(1)-(3), 3731(intro. para.) and (B), 3761, 3771(2)(a)(intro. para.), 3773, 3778(A), 3780, 3791, 3802(3) and (4), 3804(A), 3805, and 3808, R.S. 13:1278 and 3881(A)(8), R.S. 14:32(D)(3), 35.2(A)(intro. para.), (B), and (C), 39(D)(3), 45(A)(3), 67.16(A)(1), (C)(1)(b), (2)(b), (3)(b), and (4)(b), 67.21(A)-(D), 79.1(A)(2), 89.1(A)(4), the heading of Subpart B(3) of Part V of Chapter 1 of Title 14 of the La. Revised Statutes of 1950, 93.3(A)-(D) and (E)(1), 93.4, 93.5(A)(intro. para.) and (D), 106(D)(2)(intro. para.) and (d), 107.1(C)(2) and (3), 126.3(A), and 202.1(F)(4), R.S. 15:536(A), 537(A), 541(2)(m), 571.3(B)(3)(r), 571.34(A), 581, 830(A) and (B), 830.1(A), 1039, 1402(A), 1503(6) and (7), and 1510(C), R.S. 17:67(G), 124, 158(H)(2)(f), 240(A)(1) and (B)(2), 407.2, 421.4, 422.6(B), 1947(A)(1) and (2), and 3217.2(D), R.S. 18:106(C)(2)(b), 106.1(A)(intro. para.),

564(D)(1)(a)(ii) and (2)(a)(ii) and (E), 1303(I)(intro. para.) and (1)(a), 1309.3(D)(1)(a)(ii) and (E), and 1400.21(B)(4), R.S. 21:51(C) and 52(A) and (B), R.S. 22:941(B)(7), 1000(A)(1)(a)(vi)(bb)(IV) and (2)(a) and (b)(iv), 1001(B), 1003(A)(2)(d), 1012(B), 1097(B), 1242(6), and 1288(B), R.S. 23:251(A)(3), 322(3), (5), (6), (8), and (9)(intro. para.), 323(A), (B)(1)-(7), (C)(2), and (D)(1) and (2), 324(A), 1017.1(5), 1226(B)(1)(intro. para.) and (C)(1)(intro. para.), 1371.1(intro. para.), (5), and (6), 1378(F)(34)(intro. para.), (a), and (c), 1472(12)(F)(IV), 1823(4)(e), 1829(G), 2061 (intro. para.) and (10), and 3004(A)(1), R.S. 25:33(B)(4), R.S. 28:2(14) and (20), 22.5, 22.7(A), 22.9, 22.10, 25.1(C)(1)(a)(v), 50(1) and (3), 52(B) and (G), 55(G), 64(B)-(G), 146, 148, 172(A), the heading of Part VIII of Chapter 1 of Title 28 of the La. Revised Statutes of 1950, 200-205, 215.5(B)(5), the heading of Chapter 5 of Title 28 of the La. Revised Statutes of 1950, 475, 476, 477(1) and (3)(a)(intro. para.) and (b), 478(A), 831(A)(intro. para.), (2), (3), (C)(1)(a) and (b)(i)-(iii), (E), and (F)(1), (4), and (5), 854(A)(2) and (3), 864(A)(2) and (3), 874(A)(2) and (3), 904(A)(2) and (3), and 915(A)(2), R.S. 29:403(8), 726(E)(17)(a) and (20)(a)(i) and (iii)(aa), and 729(E)(13)(a)(i) and (iii)(aa), R.S. 32:295.1(D)(1), (2)(a), and (3)(a), 351(A)(2), 401(intro. para.) and (9), 403.2, and 863.1(C)(7), R.S. 33:1236(42), 1947(C)(2), 2411, 4720.62(C), 4720.112(C), and 4720.138(C), R.S. 36:151(B), 251(B), and 254(A)(10)(c) and (h), (B)(9), and (E)(1), R.S. 37:752(9)(a), (c)(ii), and (d)(ii), 775(A)(10), 776(A)(9)(b) and (10)(b), 961(2), 1360.64(C)(1), 2363(C)(1), and 3003, R.S. 38:2261(A), (B), (E)(2), (3)(intro. para.) and (a), (4), (5), and (7), R.S. 39:302, 362(B)(3)(a)(iii) and (4)(a) and (F), 1484(B)(1)(intro. para.) and (h), (2)(c), and (5)(intro. para.) and (a), 1494.1(A)(3), 1554(D)(3), 1594(I)(1), 1595.4(A) and (E)(2), (3)(intro. para.) and (a), (4), (5), and (7), and 1952(14)(intro. para.) and (e), R.S. 40:5(18), 384(11), 442(2), 501(A)(2), 1299.27(A), (B)(intro. para.) and (2), and (C), 1299.52, 1299.58(A)(intro. para.), (1), and (3), 1299.78.5(A)(1) and (2), 1299.113(A)(4), 1299.114(9), 1299.118(3), 1299.119(A), 1300.85(C), 1300.361(B)(intro. para.), 1355(B), 1379.3(C)(5), 1400(A) and (C)-(F), 1472.3(E)(2)(d), 1485.2(3), 1563(C)(6), 1573.1(A), 1574.1(A)(13)(a), 1730.39(B), 1730.66(A), 1735, 1742(A)(1), (3), and (4)(a), (B)(1), (2)(c), and (6), and (C), 1742.1, 1742.2(A)(1), (3) and (4) and (B)(1), the heading of Part V-A of Chapter 8 of Title 40 of the La. Revised Statutes of 1950, 1748(A), 2009.21, 2009.25(F)(12), 2010.8(A)(2)(b)(v) and (vi), 2013(6), 2013.2, 2013.3, 2017(A)(1), (2), and (4), 2102(A)(3), 2113.5, 2116(B)(1) and (G), 2142(A), 2405.5(A) and (B)(1) and (2)(c)-(f), and 2471, R.S. 42:808(E), R.S. 46:51(8) and (13), 53(B), 56(B)(2) and (H)(1), 61(A)(3), the heading of Subpart A of Part I of Chapter 3 of Title 46 of the La. Revised Statutes of 1950, 151, 156(A) and (C), 230.1(A), 231.6(B), 437.14(A)(7), the heading of Part III of Chapter 4 of Title 46 of the La. Revised Statutes of 1950, 541, 932(9) and (10), 1053(E), 1407(B)(1)(e)(intro. para.), 1951, 1952(intro. para.), (1), and (3), 1953(A), (B)(intro. para.), (C), and (D), 1954, 1955, 1956(A), 1957, 1959, the heading of Chapter 29 of Title 46 of the La. Revised Statutes of 1950, the heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the La. Revised Statutes of 1950, 2251, 2252(B), 2253(1), (2), (4), and (5), 2254(A), (F)(1), (2), (4), and (5), (G)(intro. para.), (I), and (J), 2255, 2256(A) and (B), 2582(1), (2), (4), and (6), 2584(intro. para.), (4), and (5), and 2673(C)(5), R.S. 47:34(C)(2)(intro. para.) and (d)(ii), 44.1(B), 79(A)(2) and (B)(5), 287.749(C)(2)(intro. para.) and (d)(ii), 305.38, 305.69(B)(2) and (3), 337.9(D)(17), 360(G), 463.4(A)(1), (2), (4), and (6), (B)(1), (2), (3)(a), (4)(a) and (b), (5), and (6), (C)(2), (D), (E)(1)(intro. para.), (F), (G)(1)-(5) and (7), (I), (J)(1)-(3), (4)(intro. para.), (a), (c), and (d), (K), and (L), 463.4.1(A), 463.4.2(A)(1) and (B)(1) and (4), 463.4.3(A), 463.5(C), 463.21(A), 463.51(D)(2), 473.2(B) and (D), 490.4(E), 492(E), and 1061(B), R.S. 48:23(B) and 261(A)(1), R.S. 49:121(E), the heading of Subpart D of Part VII of Chapter 1 of Title 49 of the La. Revised Statutes of 1950, 148, and 148.1(G)(1), (H), and (I), R.S. 51:1402(4), 1407(C) and (D)(1)-(3) and (4)(intro. para.), (b), (c), and (f), 2232(11)(a)(ii), 2303(3), 2312(A)(3), 2602(A), 2603(9)(a)(intro. para.), 2606(A)(3)-(5), (6)(a)(intro. para.), (b)(intro. para.), (c)(i), (iii)(aa) and (bb), (d), and (B), 2607(A) and (C), and 2608, R.S. 56:104.1(A), 109(A), 302.1(F)(1) and (3)-(5), 302.3(B)(2)(b) and (4)(b), 1699(A), (B), (C)(1) and (2), and (D), and 1762(C)(6) and (7), the heading of Section 12 of Chapter 1 of Title VIII of Book I of the Louisiana Civil Code and C.C. Arts. 354, 356, 358-360, and 3107, C.Cr.P. Arts. 334.4(A)(7), 573.1, 648(B)(3)(q)-(s), 658(A), 814(A)(58), and 905.5.1(A)-(G) and (H)(1), (2)(intro. para.), and (n), C.E. Art. 510(B)(2)(k) and (C)(2)(f), and Ch.C. Arts. 559(B)(intro. para.) and (C)(intro. para.), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3) and (G), 837.1(A)(3), 894(intro. para.) and (3), 895(A), 910(E),

916, 1003(9), 1125(B), 1402(1) and (3), 1404(15)-(17) and (24), 1405(C), 1416(D) and (E), 1417(A), 1420(A), 1451(A), 1465(A) and (B), 1467(B)(1), 1468(A), and 1469(A); Adds R.S. 28:64(H) and (I) and Ch.C. Art. 1003(intro. para.); Repeals R.S. 17:348(C), R.S. 28:211 and 213, R.S. 40:2113.1, R.S. 46:981, 982, 2111-2114, 2391-2397, and 2681)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Added definition of the term "intellectual disability" to present law relative to persons who shall not be subjected to a sentence of death.
2. Changed "handicapped person" to "person with a disability" in present law relative to discrimination in sale or rental of housing, consistent with other changes proposed law makes throughout present law.
3. Made technical changes.

House Floor Amendments to the engrossed bill.

1. Changed certain occurrences of "the elderly" to "persons who are elderly" consistent with person-first language changes proposed law makes throughout present law.
2. Added provision stipulating that nothing in proposed law shall be construed to limit any agency, board, commission, department, office, or other instrumentality of the state from amending present administrative code for the purpose of instituting the preferred terminology described in proposed law.
3. Added provision authorizing the legislative services offices of the legislature to publish guidance in legislative drafting manuals and in other professional resources as appropriate concerning use of the preferred terminology described in proposed law.
4. Added provision authorizing the La. State Law Institute to change terminology referring to persons with disabilities and other persons with exceptionalities throughout statutes and codes wherever necessary to institute the preferred terminology described in proposed law.
5. Made technical changes.