

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 AND SENATORS ADLEY, ALARIO, BROOME, BROWN, BUFFINGTON, CHABERT, CLAITOR, DORSEY-COLOMB, ERDEY, JOHNS, LONG, MARTINY, MILLS, MORRELL, MURRAY, NEVERS, PEACOCK, PETERSON, RISER, GARY SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

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, 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 Louisiana 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 through 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)(introductory paragraph), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1), 1345.8(B), 1402(5), 1431, 1432(A)(introductory paragraph), 1442, 1483(B), 1503(6), 1522(A)(1)(introductory paragraph) and (B)(introductory paragraph), 1523(G), 1530(K)(3), 1614(D), 1634(A) and (B)(introductory paragraph), 1636(B)(5), 1732(20), 1758(A) and (F), 1763(J)(2), 1784(introductory paragraph), 1785(A)(2), 1804(introductory paragraph), 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(introductory paragraph), 1945(A)(2), 1964(A)(introductory paragraph), 1974(A), 2074(A) and (B)(1)(introductory paragraph), 2077(A)(introductory paragraph) and (B)(introductory paragraph) and (2), 2144(K), 2165.6(A) and (B)(introductory paragraph), 2178(B)(introductory paragraph), (1)(b), and (3)(c) and (C)(1)(c)(iv)(aa),

1 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and (B)(2)(a)(ii), 2221(K)(4)(a) and
 2 (M), 2223(A)(1), 2241.7(A)(1), 2241.8(2)(a)(ii), 2242.7(A)(1), 2242.8(2)(a)(ii),
 3 2256(B)(2)(a) and (3), 2256.2(A), 2257(K)(4), 2258(A), (B)(introductory paragraph)
 4 and (1)(c) and (d), (2)(a), and (C) through (E), 2259(A)(1), 3005.1(I)(2) and (J)(4),
 5 3039.1(K)(4), 3041(B), 3101, 3107(5), 3113(6), 3132, 3143(1) and (2), 3145(D),
 6 3166(A), 3178(C)(2), 3192, 3200(1) and (2), 3222, 3232(A), (B), and (C), 3281,
 7 3288(B)(5), 3293(1), 3317(C)(5), 3322(B)(1)(a), 3341(A), 3346(3), 3363(A),
 8 3377(A), 3378(A)(1)(g) and (2)(c), 3385.1(K)(6) and (7)(f), 3402, 3410(5), 3431,
 9 3438(B)(4)(b) and (5)(b), 3442(1) through (4), 3447(C), 3461, 3473(1) through (4),
 10 3514(A), 3515(B), 3516(C)(1) and (2), 3548(A), 3552(A) and (B), 3553(B)(2),
 11 3601(A), 3605(A)(5), 3609(A), 3644, 3645(E), 3647(E) and (F), 3685.1(B)(2)(a) and
 12 (D), 3686(B)(1)(a) and (b), 3724(1) through (3), 3731(introductory paragraph) and
 13 (B), 3761, 3771(2)(a)(introductory paragraph), 3773, 3778(A), 3780, 3791, 3802(3)
 14 and (4), 3804(A), 3805, and 3808, R.S. 13:1278 and 3881(A)(8), R.S. 14:32(D)(3),
 15 35.2(A)(introductory paragraph), (B), and (C), 39(D)(3), 45(A)(3), 67.16(A)(1),
 16 (C)(1)(b), (2)(b), (3)(b), and (4)(b), 67.21(A) through (D), 79.1(A)(2), 89.1(A)(4),
 17 the heading of Subpart B(3) of Part V of Chapter 1 of Title 14 of the Louisiana
 18 Revised Statutes of 1950, 93.3(A) through (D) and (E)(1), 93.4, 93.5(A)(introductory
 19 paragraph) and (D), 106(D)(2)(introductory paragraph) and (d), 107.1(C)(2) and (3),
 20 126.3(A), and 202.1(F)(4), R.S. 15:536(A), 537(A), 541(2)(m), 571.3(B)(3)(r),
 21 571.34(A), 581, 830(A) and (B), 830.1(A), 1039, 1402(A), 1503(6) and (7), and
 22 1510(C), R.S. 17:67(G), 124, 158(H)(2)(f), 240(A)(1) and (B)(2), 407.2, 421.4,
 23 422.6(B), 1947(A)(1) and (2), and 3217.2(D), R.S. 18:106(C)(2)(b),
 24 106.1(A)(introductory paragraph), 564(D)(1)(a)(ii) and (2)(a)(ii) and (E),
 25 1303(I)(introductory paragraph) and (1)(a), 1309.3(D)(1)(a)(ii) and (E), and
 26 1400.21(B)(4), R.S. 21:51(C) and 52(A) and (B), R.S. 22:941(B)(7),
 27 1000(A)(1)(a)(vi)(bb)(IV) and (2)(a) and (b)(iv), 1001(B), 1003(A)(2)(d), 1012(B),
 28 1097(B), 1242(6), and 1288(B), R.S. 23:251(A)(3), 322(3), (5), (6), (8), and
 29 (9)(introductory paragraph), 323(A), (B)(1) through (7), (C)(2), and (D)(1) and (2),
 30 324(A), 1017.1(5), 1226(B)(1)(introductory paragraph) and (C)(1)(introductory

paragraph), 1371.1(introductory paragraph), (5), and (6), 1378(F)(34)(introductory
 paragraph), (a), and (c), 1472(12)(F)(IV), 1823(4)(e), 1829(G), 2061(introductory
 paragraph) 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)
 through (G), 146, 148, 172(A), the heading of Part VIII of Chapter 1 of Title 28 of
 the Louisiana Revised Statutes of 1950, 200 through 205, 215.5(B)(5), the heading
 of Chapter 5 of Title 28 of the Louisiana Revised Statutes of 1950, 475, 476, 477(1)
 and (3)(a)(introductory paragraph) and (b), 478(A), 831(A)(introductory paragraph),
 (2), (3), (C)(1)(a) and (b)(i) through (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(introductory
 paragraph) 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)(introductory paragraph) and (a), (4), (5), and (7),
 R.S. 39:302, 362(B)(3)(a)(iii) and (4)(a) and (F), 1484(B)(1)(introductory paragraph)
 and (h), (2)(c), and (5)(introductory paragraph) and (a), 1494.1(A)(3), 1554(D)(3),
 1594(I)(1), 1595.4(A) and (E)(2), (3)(introductory paragraph) and (a), (4), (5), and
 (7), and 1952(14)(introductory paragraph) and (e), R.S. 40:5(18), 384(11), 442(2),
 501(A)(2), 1299.27(A), (B)(introductory paragraph) and (2), and (C), 1299.52,
 1299.58(A)(introductory paragraph), (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)(introductory paragraph), 1355(B), 1379.3(C)(5), 1400(A) and (C)
 through (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 Louisiana 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) through (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 Louisiana 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 Louisiana Revised Statutes of 1950, 541, 932(9) and (10), 1053(E), 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), (1), and (3), 1953(A), (B)(introductory paragraph), (C), and (D), 1954, 1955, 1956(A), 1957, 1959, the heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of 1950, the heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the Louisiana Revised Statutes of 1950, 2251, 2252(B), 2253(1), (2), (4), and (5), 2254(A), (F)(1), (2), (4), and (5), (G)(introductory paragraph), (I), and (J), 2255, 2256(A) and (B), 2582(1), (2), (4), and (6), 2584(introductory paragraph), (4), and (5), and 2673(C)(5), R.S. 47:34(C)(2)(introductory paragraph) and (d)(ii), 44.1(B), 79(A)(2) and (B)(5), 287.749(C)(2)(introductory paragraph) 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)(introductory paragraph), (F), (G)(1) through (5) and (7), (I), (J)(1) through (3), (4)(introductory paragraph), (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 Louisiana Revised Statutes of 1950, 148, and 148.1(G)(1), (H), and (I), R.S. 51:1402(4), 1407(C) and (D)(1) through (3) and (4)(introductory paragraph), (b), (c), and (f), 2232(11)(a)(ii), 2303(3), 2312(A)(3), 2602(A), 2603(9)(a)(introductory paragraph), 2606(A)(3) through (5), (6)(a)(introductory paragraph), (b)(introductory paragraph), (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) through (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 Civil Code Articles 354, 356, 358 through 360, and

3107, Code of Criminal Procedure Articles 334.4(A)(7), 573.1, 648(B)(3)(q) through (s), 658(A), 814(A)(58), and 905.5.1(A) through (G), (H)(1), (2)(introductory paragraph), and (n), Code of Evidence Article 510(B)(2)(k) and (C)(2)(f), and Children's Code Articles 559(B)(introductory paragraph) and (C)(introductory paragraph), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3) and (G), 837.1(A)(3), 894(introductory paragraph) and (3), 895(A), 910(E), 916, 1003(9), 1125(B), 1402(1) and (3), 1404(15) through (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), to enact R.S. 28:64(H) and (I) and Children's Code Article 1003(introductory paragraph), and to repeal R.S. 17:348(C), Part IX of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:211 and 213, R.S. 40:2113.1, Chapter 9 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:981 and 982, Chapter 27 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2111 through 2114, Chapter 33 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2391 through 2397, and Chapter 53 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2681, relative to laws that refer to persons with disabilities and other persons with exceptionalities; to delete and make substitutions for obsolete, derogatory, or offensive terms; to provide for corrections in names of agencies, institutions, private organizations, and other entities; to remove references to offices, bureaus, and other subdivisions of state agencies and to programs, funds, and services that have otherwise been repealed or no longer exist; to provide for revision of terminology relative to persons with disabilities in administrative rules, policy documents, professional resources, reference materials, manuals, and other publications; to make technical changes and corrections; to provide for legislative intent; to provide for construction; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

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

§163.1. Parish license fees for conducting race meetings

* * *

D.

* * *

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

* * *

(d) The Arc of Caddo-Bossier Association of

~~Retarded Citizens~~ 1.3 %

* * *

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

* * *

B.

* * *

(2) Notwithstanding any provision of law to the contrary, any person, association, or corporation licensed to hold, operate, or conduct any games of chance that benefit ~~the visually and hearing impaired or either, paraplegics, quadriplegics, mentally retarded,~~ persons with visual or hearing impairments, paraplegia, quadriplegia, intellectual disabilities, or persons sixty years of age or older, under any license issued pursuant to this Chapter, may compensate for services rendered, any fifteen employees who assist in the holding, operating, or conducting of such games. The rate of compensation shall be no more than ten dollars per hour and in any event shall not exceed fifty dollars per session for any employee. Each employee or volunteer worker may also be provided meals and beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject to the reporting

provisions of R.S. 4:716. Compensation provided for in this Subsection shall not constitute a violation of the prohibition against the payment or giving of a commission, salary, compensation, reward, or recompense to any person holding, operating, or conducting, or assisting in the holding, operation, or conduct of any such game.

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

§747. Contract for savings programs

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

* * *

Section 3. 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 Louisiana Revised Statutes of 1950, and 3541.21(1) and (3) are hereby amended and reenacted to read as follows:

§1613. Disposition of funds; apportionment and allocation

Any funds realized from any such administration or compromise shall be paid into the state treasury and credited to the treasurer's special fund for the payment of old age assistance, aid to dependent children, aid to the needy blind, ~~mothers' and child health services~~ health services for mothers and their children, and aid to ~~crippled~~ children with physical disabilities, in accordance with law, and may likewise be used in the work of the state hospital board, any such funds to be apportioned and allocated to such purposes by the governor.

* * *

§2799. Limitation of liability for damages from donated food

A.

* * *

(2) No person shall have a cause of action against a food bank or its designated distributors, or against the donor of wild game, for any damages arising from or caused by the wild game, including the condition of the wild game, which is distributed directly or for redistribution by a food bank or its designated distributors, to ~~the persons who are~~ needy, the ill, the handicapped or have a disability, infants or seniors, or to individuals or families who need emergency food assistance, unless the damages resulted from an intentional act or omission of the food bank, its designated distributor, or donor. For purposes ~~hereof~~ of this Paragraph, "wild game" means all game fish, migratory and resident game birds, and game quadrupeds, as defined in R.S. 56:8.

B. For purposes of this Section, words or phrases used in this Section shall have the following meanings:

(1) "Food bank" means a nonprofit entity which operates as a clearinghouse for the purpose of gathering primarily from the food industry those products which, though edible, nutritious, or saleable, are not marketable for various reasons, and distributing those edible products to designated distributors with on-premises feeding programs that serve ~~the persons who are~~ needy, the ill, the handicapped or have a disability, and infants, and to individuals or families who need emergency food assistance rendered in the form of emergency food boxes, provided the entity is inspected and issued permits under the terms of R.S. 40:3 and 5 by the Department of Health and Hospitals.

* * *

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

No person shall have a cause of action against a restaurant, church, civic organization, or school, or against any individual, farmer, manufacturer, processor, packer, wholesaler, or retailer of food who donates perishable, salvageable food which is prepared and subsequently donated by the restaurant, church, civic organization, or school to a facility which operates an on-premises feeding program for ~~the persons who are~~ needy, the ill, the handicapped or have a disability, infants,

or individuals or families in need of assistance for damages caused by the condition of the food, unless the damages result from the intentional act or omission or the negligence of the restaurant or donor.

* * *

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

PERSONS WHO ARE AGED

§3541.21. Definitions

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

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

* * *

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

* * *

Section 4. R.S. 11:202, 203(A) and (C), 204(A), 206, 207(A) and (B), 208 through 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)(introductory paragraph), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1), 1345.8(B), 1402(5), 1431, 1432(A)(introductory paragraph), 1442, 1483(B), 1503(6), 1522(A)(1)(introductory paragraph) and (B)(introductory paragraph), 1523(G), 1530(K)(3), 1614(D), 1634(A) and (B)(introductory paragraph), 1636(B)(5), 1732(20), 1758(A) and (F), 1763(J)(2), 1784(introductory paragraph), 1785(A)(2), 1804(introductory paragraph), 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(introductory paragraph), 1945(A)(2), 1964(A)(introductory paragraph), 1974(A), 2074(A) and (B)(1)(introductory paragraph), 2077(A)(introductory paragraph) and (B)(introductory paragraph) and (2), 2144(K), 2165.6(A) and (B)(introductory paragraph), 2178(B)(introductory paragraph), (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)(introductory paragraph) and (1)(c) and (d), (2)(a), and (C) through (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) through (4), 3447(C), 3461, 3473(1) through (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) through (3), 3731(introductory paragraph) and (B), 3761, 3771(2)(a)(introductory paragraph), 3773, 3778(A), 3780, 3791, 3802(3) and (4), 3804(A), 3805, and 3808 are hereby amended and reenacted to read as follows:

§202. District Attorneys' Retirement System

A member who ~~becomes disabled~~ acquires a disability, and who files for disability benefits while in service, and who upon medical examination and certification, as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled to disability benefits under the provisions of R.S. 11:1634(B) provided the member has at least ten years of creditable service and provided that the disability was incurred while the member was an active contributing member in active service. However, if the application for disability benefits is not filed while the member is in service, it shall be presumed that the disability was not incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.

§203. Teachers' Retirement System

A. A member who ~~becomes disabled~~ acquires a disability, and who files for disability benefits while in service, and who upon medical examination and certification, as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled to disability benefits under the

1 provisions of R.S. 11:778 and 779, provided that the disability was incurred while
2 the member was an active contributing member in active service. However, if the
3 application for disability benefits is not filed while the member is in service, it shall
4 be presumed that the disability was not incurred while the member was an active
5 contributing member in active service. Such presumption may be overcome only by
6 clear, competent, and convincing evidence that the disability was incurred while the
7 member was an active contributing member in active service.

8 * * *

9 C. A member covered by R.S. 11:801 of this system, who ~~becomes disabled~~
10 acquires a disability, and who files for disability benefits while in service, and who
11 upon medical examination and certification as provided for elsewhere in this
12 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
13 entitled to disability benefits under the provisions of R.S. 11:805, provided the
14 member has at least five years of creditable service, and provided that the disability
15 was incurred while the member was an active contributing member in active service.
16 However, if the application for disability benefits is not filed while the member is in
17 service, it shall be presumed that the disability was not incurred while the member
18 was an active contributing member in active service. Such presumption may be
19 overcome only by clear, competent, and convincing evidence that the disability was
20 incurred while the member was an active contributing member in active service.

21 §204. School Employees' Retirement System

22 A. A member who ~~becomes disabled~~ acquires a disability, and who files for
23 disability benefits while in service, and who upon medical examination and
24 certification, as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~
25 have a total disability for any cause, shall be entitled to disability benefits under the
26 provisions of R.S. 11:1147(C), provided that the disability was incurred while the
27 member was an active contributing member in active service. However, if the
28 application for disability benefits is not filed while the member is in state service, it
29 shall be presumed that the disability was not incurred while the member was an
30 active contributing member in active service. Such presumption may be overcome

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

* * *

§206. Registrars of Voters Employees' Retirement System

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

§207. Sheriffs' Pension and Relief Fund

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

B. A member who ~~becomes disabled~~ acquires a disability, and who files for disability benefits while in service, and who upon medical examination and certification as provided for elsewhere in this Subpart, is found to ~~be totally disabled~~ have a total disability for any cause other than injuries sustained in the performance of his official duties, provided the member has at least ten years of creditable service, and provided that the disability was incurred while the member was an active

contributing member in active service, shall be entitled to disability benefits under the provisions of R.S. 11:2178(B)(3).

* * *

§208. Municipal Police Employees' Retirement System

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

§209. Parochial Employees' Retirement System

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

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

3 B. A member covered by Plan B of this system who ~~becomes disabled~~
4 acquires a disability, and who files for disability benefits while in service, and who
5 upon medical examination and certification, as provided for elsewhere in this
6 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
7 entitled to disability benefits under the provisions of R.S. 11:1963 and 1964,
8 provided the member has at least five years of creditable service, and provided that
9 the disability was incurred while the member was an active contributing member in
10 active service. However, if the application for disability benefits is not filed while
11 the member is in service, it shall be presumed that the disability was not incurred
12 while the member was an active contributing member in active service. Such
13 presumption may be overcome only by clear, competent, and convincing evidence
14 that the disability was incurred while the member was an active contributing member
15 in active service.

16 C. A member covered by Plan C of this system who ~~becomes disabled~~
17 acquires a disability, and who files for disability benefits while in service, and who
18 upon medical examination and certification, as provided for elsewhere in this
19 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
20 entitled to disability benefits under the provisions of R.S. 11:1973 and 1974,
21 provided the member has at least five years of creditable service, and provided that
22 the disability was incurred while the member was an active contributing member in
23 active service. However, if the application for disability benefits is not filed while
24 the member is in service, it shall be presumed that the disability was not incurred
25 while the member was an active contributing member in active service. Such
26 presumption may be overcome only by clear, competent, and convincing evidence
27 that the disability was incurred while the member was an active contributing member
28 in active service.

1 §210. Municipal Employees' Retirement System

2 A. A member covered by Plan A of this system, who ~~becomes disabled~~
3 acquires a disability, and who files for disability benefits while in service, and who
4 upon medical examination and certification, as provided for elsewhere in this
5 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
6 entitled to disability benefits under the provisions of R.S. 11:1784, provided the
7 member has at least five years of creditable service, and provided that the disability
8 was incurred while the member was an active contributing member in active service.
9 However, if the application for disability benefits is not filed while the member is in
10 service, it shall be presumed that the disability was not incurred while the member
11 was an active contributing member in active service. Such presumption may be
12 overcome only by clear, competent, and convincing evidence that the disability was
13 incurred while the member was an active contributing member in active service.

14 B. A member covered by Plan B of this system, who ~~becomes disabled~~
15 acquires a disability, and who files for disability benefits while in service, and who
16 upon medical examination and certification as provided for elsewhere in this
17 Subpart, is found to ~~be totally disabled~~ have a total disability for any cause, shall be
18 entitled to disability benefits under the provisions of R.S. 11:1804, provided the
19 member has at least ten years of creditable service, and provided that the disability
20 was incurred while the member was an active contributing member in active service.
21 However, if the application for disability benefits is not filed while the member is in
22 service, it shall be presumed that the disability was not incurred while the member
23 was an active contributing member in active service. Such presumption may be
24 overcome only by clear, competent, and convincing evidence that the disability was
25 incurred while the member was an active contributing member in active service.

26 §211. Louisiana State Police Retirement System

27 A. A member whose first employment making him eligible for membership
28 in one of the state systems occurred on or before December 31, 2010, who ~~becomes~~
29 ~~disabled~~ acquires a disability, and who files for disability benefits while in service,
30 and who upon medical examination and certification as provided for elsewhere in

1 this Subpart is found to ~~be either totally or partially disabled~~ have either a total or
2 partial disability solely as the result of injuries sustained in the performance of his
3 official duties, or ~~totally disabled~~ to have a total disability for any cause, provided
4 the member has at least five years of creditable service, and provided that the
5 disability was incurred while the member was an active contributing member in
6 active service, shall be entitled to disability benefits under the provisions of R.S.
7 11:1313(B).

8 B. A member whose first employment making him eligible for membership
9 in one of the state systems occurred on or after January 1, 2011, who ~~becomes~~
10 ~~disabled~~ acquires a disability and who files for disability benefits while in service,
11 and who upon medical examination and certification as provided for elsewhere in
12 this Subpart is found to ~~be either totally or partially disabled~~ have either a total or
13 partial disability solely as the result of injuries sustained in the performance of his
14 official duties, or ~~totally disabled~~ to have a total disability for any cause, provided
15 the member has at least ten years of creditable service, and provided that the
16 disability was incurred while the member was an active contributing member in
17 active service, shall be entitled to disability benefits under the provisions of R.S.
18 11:1345.7.

19 * * *

20 §213. Assessors' Retirement Fund

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 twelve years
26 of 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. 11:1432. However, if the application for
29 disability benefits is not filed while the member is in service, it shall be presumed
30 that the disability was not incurred while the member was an active contributing

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

4 * * *

5 §215. Firefighters' Retirement System

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 five years of
11 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. 11:2258(B).

14 * * *

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

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

23 * * *

24 C. The examining physician shall submit to the appropriate board of trustees
25 an in-depth report which shall include a medical evaluation and his conclusions as
26 to the applicant's claimed disability. Each member of the State Medical Disability
27 Board and any board designated physician shall have full authority to certify total
28 disability in those applicants whom he examines. An applicant shall be considered
29 ~~as certified totally disabled~~ as having a total disability if in the in-depth report
30 submitted by the examining physician to the board of trustees, the physician declares

the applicant to be totally incapacitated for the further performance of his normal duties and states that such incapacity is likely to be permanent. In the case of partial disability, the physician shall indicate the degree of incapacity.

D.

* * *

(3) If the second examining physician disagrees with the findings and recommendations of the first physician, the two physicians shall select a third specialist to conduct another examination and prepare and file a third report in the same manner as provided for above. The majority opinion of the three examining physicians shall be final and binding and not subject to further appeal other than through the courts. The cost of the third medical examination shall be borne by the retirement system of the applicant if he is certified as ~~disabled~~ having a disability, or by the applicant if his disability claim is denied.

* * *

§293. Forfeiture of retirement benefits; public corruption crimes

* * *

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

* * *

§701. Definitions

* * *

(19) "Minor child" means an unmarried child under the age of twenty-one years or an unmarried student under the age of twenty-three years who is the issue of a marriage of a member of this system, the legally adopted child of a member of this system, a child born outside of marriage of a female member of this system, or

the child of a male member of this system if a court of competent jurisdiction has, pursuant to the provisions of the Civil Code rendered a judgment of filiation declaring the paternity of such member for the child. An unmarried child who ~~has become mentally disabled or totally and permanently disabled~~ acquires a mental disability or a total and permanent physical disability prior to age twenty-one, as certified by the medical board, shall be considered a "minor child" for the purposes of the benefit provisions of this Chapter and shall remain a "minor child" provided the medical board certifies he ~~is mentally disabled or totally and permanently disabled~~ has a mental disability or a total and permanent disability and provided he remains unmarried.

* * *

§768. Retirement allowances

* * *

D.

* * *

(2) With respect to each member of this system who has successfully completed at least three years of one program as defined in R.S. 17:3602(5), average earnable compensation shall specifically include compensation received pursuant to R.S. 17:3601 et seq. as follows: if the member has completed at least three years, sixty percent of such earnings shall be included; after completion of four years, the factor shall be eighty percent; and after completion of five years, the factor shall be one hundred percent; however, if the member has completed at least two years and subsequently ~~becomes disabled~~ acquires a disability, he shall receive forty percent of such earnings, and if the member has completed at least one year and ~~subsequently becomes disabled~~ acquires a disability, he shall receive twenty percent of such earnings. The provisions of this Paragraph shall be retroactive to May 1, 1983. Any person who has retired from this system shall be entitled to have his benefits recomputed pursuant to the provisions of this Paragraph; however, in order to include compensation received pursuant to R.S. 17:3601 et seq. in average compensation for computation of disability retirement purposes only or for

1 recomputation of such, all employee and employer contributions on such earnings
2 shall be paid to the system.

3 * * *

4 §778. Disability retirement

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

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

14 * * *

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

24 * * *

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

26 * * *

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

disability by the State Medical Disability Board, the originally selected option shall be considered revoked.

* * *

I.(1)(a) Notwithstanding any other provision of law to the contrary, if Option 2, 2A, 3, 3A, 4, 4A, or the Initial Lump-Sum Benefit of Subsection A of this Section was selected, and the retiree's designated beneficiary, who is not the spouse of the retiree, is officially certified as ~~mentally retarded~~ having an intellectual disability by the State Medical Disability Board, the originally selected option shall be considered revoked if such selection or receipt of benefits would cause the designated beneficiary to become ineligible for federal benefits of greater value.

* * *

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

* * *

§784. Payment of benefits

* * *

C.

* * *

(2) Paragraph (1) shall not apply to any portion of a member's benefit which is payable to or for the benefit of a designated beneficiary or beneficiaries, over the life of or over the life expectancy of such beneficiary, so long as such distributions begin not later than one year after the date of the member's death, or, in the case of the member's surviving spouse, the date the member would have attained the age of

seventy and one-half years. If the designated beneficiary is the member's surviving spouse and if the surviving spouse dies before the distribution of benefits commences, then Paragraph (1) shall be applied as if the surviving spouse were the member. If the designated beneficiary is a child of the member, for purposes of satisfying the requirement of Paragraph (1), any amount paid to such child shall be treated as if paid to the member's surviving spouse if such amount would become payable to such surviving spouse (if alive) upon the child's reaching age eighteen or, if later, upon the child's completing a designated event. For purposes of the preceding sentence, a designated event shall be the later of the date the child ~~is no longer disabled~~ no longer has a disability or the date the child ceases to be a full-time student (or attains age twenty-three, if earlier).

* * *

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

* * *

§804. Eligibility for disability retirement

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

§805. Computation of disability benefits

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

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

* * *

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

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

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

A parish school board may, upon the application of a ~~disabled or incapacitated~~ teacher with a disability or incapacitating condition, retire from regular duty the teacher who has been on active duty as such in that parish for a period of twenty-five years or more, whenever the board deems the retirement of the teacher to be in the interest of the public school system. When so retired, the teacher shall be entitled to an amount which, when added to any retirement benefits he may

1 receive, shall not exceed one-half his monthly salary during the last year of his
2 employment in the public schools.

3 * * *

4 §952.36. Disability retirement

5 A. Eligibility for disability benefits, procedures for application for disability
6 benefits, procedures for the certification of continuing eligibility for disability
7 benefits, the authority of the board of trustees to modify disability benefits, and
8 procedures governing the restoration to active service of ~~a formerly disabled an~~
9 employee who formerly had a disability are specifically described and provided for
10 ~~in R.S. 42:702 through R.S. 42:706 in this Chapter and in R.S. 11:201 through 224.~~

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

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

17 * * *

18 §1147. Disability retirement

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

25 * * *

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

29 * * *

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

* * *

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

(2) The applicant shall provide adequate proof of ~~handicap~~ physical or mental disability of such surviving child or children and shall notify the board of any subsequent changes in the child's condition to such an extent that the child is no longer dependent upon the surviving spouse or legal guardian and any changes in the assistance being received from other state agencies. The board may require a 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

* * *

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

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

5 * * *

6 C.

7 * * *

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

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

23 D.(1) A surviving spouse without a minor ~~or handicapped child~~ or a child
 24 with a physical disability, or ~~mentally disabled~~ a child with a mental disability, or
 25 children shall be paid per month, for the remainder of his life, the benefit payable in
 26 accordance with R.S. 11:1150(B)(2) based on years of service that the member had
 27 earned to the date of his death using the applicable accrual rate; or six hundred
 28 dollars per month, whichever is greater, provided the surviving spouse had been
 29 married to the deceased member for at least one year prior to death, and provided the
 30 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 * * *

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

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

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

* * *

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

* * *

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

* * *

1 C.

2 * * *

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

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

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

28 * * *

29 §1345.8. Survivors' benefit for members killed in the line of duty

30 * * *

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

9 * * *

10 §1402. Definitions

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

13 * * *

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

22 * * *

23 §1431. Eligibility for disability retirement

24 Eligibility for disability benefits, procedures for application for disability
25 benefits, procedures for the certification of continuing eligibility for disability
26 benefits, the authority of the board of trustees to modify disability benefits, and
27 procedures governing the restoration to active service of ~~a formerly disabled an~~ an
28 employee who formerly had a disability are specifically described and provided for
29 in R.S. 11:201 through 224.

1 §1432. Computation of disability retirement benefit

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

6 * * *

7 §1442. Surviving minor children

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

17 * * *

18 §1483. Control and expenditure of funds; investments; warrants; expenses; deposits

19 * * *

20 B. All monies ordered to be paid from the retirement fund to any person or
21 persons, shall be paid by the secretary of said board only upon warrants signed by
22 the president and secretary of the board and countersigned by the treasurer thereof,
23 except in event of physical disability of any one of these officers, then the vice
24 president is authorized to sign provided certification is furnished by a medical doctor
25 that said officer ~~is disabled~~ has a disability. No warrant shall be drawn except by
26 orders of the board, duly entered upon the records of the proceedings of the board.
27 In the event the said retirement fund, or any part thereof, shall by orders of said
28 board, or otherwise, be deposited in any bank or banks, all interest or money which
29 may be paid on account of any sum on deposit, shall belong to and constitute a part
30 of said funds; provided that nothing herein contained shall be construed as

1 authorizing said secretary to deposit said fund or any part thereof, unless so
2 authorized by the board.

3 * * *

4 §1503. Definitions

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

7 * * *

8 (6) "Minor child" means a child who is less than the age of eighteen years
9 or who is ~~physically or mentally disabled~~ has a physical or mental disability,
10 regardless of age, who is the issue of a marriage of the member or former member,
11 the legally adopted child of a member or former member, the natural child of a
12 female member or former member, or the child of a male member or former member
13 if a court of competent jurisdiction has, during the lifetime of such male member or
14 former member, issued an order of filiation declaring the paternity of such male
15 member for the child.

16 * * *

17 §1522. Disability retirement benefits

18 A.(1) A member shall be eligible to receive disability retirement benefits
19 from this fund if he is certified to be ~~totally and permanently disabled~~ have a total
20 and permanent disability pursuant to R.S. 11:218 and one of the following applies:

21 * * *

22 B. A member who has been officially certified as ~~totally and permanently~~
23 ~~disabled~~ having a total and permanent disability by the State Medical Disability
24 Board shall be paid monthly disability retirement benefits the greater of:

25 * * *

26 §1523. Survivor benefits

27 * * *

1 G. When a minor child applies for survivor benefits based upon ~~being~~
2 ~~disabled~~ having a disability, the issues of disability and continuation of disability
3 shall be determined as if the application were for disability benefits.

4 * * *

5 §1530. Deferred Retirement Option Plan

6 * * *

7 K.

8 * * *

9 (3) If a person dies or ~~becomes disabled~~ acquires a disability during the
10 period of additional service, he shall be considered as having retired on the date of
11 death or commencement of disability.

12 * * *

13 §1614. Service on which retirement allowances are based

14 * * *

15 D. If a member dies or ~~becomes disabled~~ acquires a disability on or after
16 January 1, 2007, while performing qualified military service as defined in 26 U.S.C.
17 414(u), the member's beneficiary is entitled to any additional benefits, other than
18 benefit accruals relating to the period of qualified military service, provided under
19 the system as if the member had resumed and then terminated employment on
20 account of death or disability. Also, the system will credit the member's qualified
21 military service as service for vesting purposes as though the member had resumed
22 employment under USERRA immediately prior to the member's death or disability.

23 * * *

24 §1634. Disability retirement

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

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

6 * * *

7 §1636. Survivors' benefits

8 * * *

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

12 * * *

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

20 * * *

21 §1732. Definitions

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

24 * * *

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

28 * * *

1 §1758. 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 * * *

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

15 * * *

16 §1763. Deferred Retirement Option Plan

17 * * *

18 J.

19 * * *

20 (2) 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 §1784. Computation of disability benefits

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

28 * * *

§1785. Survivor benefits; eligibility

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

* * *

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

* * *

§1804. Computation of disability benefits

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

* * *

§1805. Survivor benefits; eligibility

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

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

* * *

1 §1902. Definitions

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

4 * * *

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

12 * * *

13 §1934. Disability retirement

14 A. Eligibility for disability benefits, procedures for application for disability
15 benefits, procedures for the certification of continuing eligibility for disability
16 benefits, the authority of the board of trustees to modify disability benefits, and
17 procedures governing the restoration to active service of ~~a formerly disabled~~ an
18 employee who formerly had a disability, as specifically described and provided for
19 in R.S. 11:201 through 224, shall remain in full force except as otherwise provided
20 in R.S. 11:1943, 1963, and 1973.

21 * * *

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

28 * * *

29 §1938. Deferred Retirement Option Plan

30 * * *

1 J.

2 * * *

3 (4)

4 * * *

5 (c) 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 §1944. Computation of disability benefits

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

15 * * *

16 §1945. Survivor benefits; eligibility

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

19 * * *

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

24 * * *

25 §1964. Computation of disability benefits

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

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

* * *

§1974. Computation of disability benefits

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

* * *

§2074. Disability retirement

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

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

* * *

§2077. Survivors' benefits

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

* * *

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

* * *

(2) If the member has more than five years of service credit, pay eighty
percent of the accrued retirement benefit to the surviving children until the age of
majority or for the duration of the ~~handicap~~ disability for a ~~handicapped~~ child with

a disability. Children receive equal portions with portions readjusted for remaining children as each child becomes ineligible to receive benefits.

* * *

§2144. Deferred Retirement Option Plan

* * *

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

* * *

§2165.6. Disability retirement

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

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

* * *

§2178. Disability benefits; retirement benefits; death benefits

* * *

B. Eligibility for disability benefits, procedures for application for disability benefits, procedures for the certification of continuing eligibility for disability benefits, the authority of the board of trustees to modify disability benefits, and procedures governing the restoration to active service of ~~a formerly disabled~~ an employee who formerly had a disability are specifically described and provided for in R.S. 11:201 through 225. The board of trustees shall award disability benefits to

eligible members who have been officially certified as ~~disabled~~ having a disability by the State Medical Disability Board. The disability benefit shall be as follows:

(1) Service related disability benefit.

* * *

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

* * *

(3) Non-service related disability benefit.

* * *

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

* * *

C.(1)

* * *

(c)

* * *

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

average compensation multiplied by the number of years of creditable service in the fund.

* * *

§2180. Limitations on payment of benefits

* * *

C.

* * *

(2) Paragraph (1) shall not apply to any portion of a member's benefit which is payable to or for the benefit of a designated beneficiary, over the life of or over the life expectancy of such beneficiary, so long as such distributions begin not later than one year after the date of the member's death, or, in the case of the member's surviving spouse, the date the member would have attained age seventy and one-half. If the designated beneficiary is the member's surviving spouse and if the surviving spouse dies before the distribution of benefits commences, then Paragraph (1) shall be applied as if the surviving spouse were the member. If the designated beneficiary is the child of the member, for purposes of satisfying the requirement of Paragraph (1), any amount paid to such child shall be treated as if paid to the member's surviving spouse if such amount would become payable to such surviving spouse, if alive, upon the child's reaching age eighteen or, if later, upon the child's completing a designated event. For purposes of the preceding sentence, a designated event shall be the later of the date the child ~~is no longer disabled~~ ceases to have a disability or the date the child ceases to be a full-time student, or attains age twenty-three, if earlier.

* * *

§2214. Membership

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

* * *

(2)

* * *

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

* * *

§2220. Benefits; contribution limit

A.(1)

* * *

(g) Upon termination of employment, the retiree shall receive an additional retirement benefit based on his additional service rendered since reemployment using the normal method of computation of benefits or as provided in Subparagraph (h) of this Paragraph, subject to the following:

* * *

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

* * *

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

* * *

(2)(a) If an active contributing member or a disability retiree dies and leaves, in addition to a surviving spouse, one or more children under eighteen years of age, each child under age eighteen shall be paid monthly benefits equal to ten percent of the deceased member's average compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate

1 of one hundred percent of the deceased member's average compensation. Benefits
2 for a surviving child shall cease upon the child's attainment of age eighteen years or
3 upon marriage, whichever occurs first, except that benefits shall continue:

4 * * *

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

11 * * *

12 §2221. Deferred Retirement Option Plan

13 * * *

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

16 * * *

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

20 * * *

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

29 * * *

1 §2223. 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 are specifically described and provided for
7 in R.S. 11:201 through 225.

8 * * *

9 §2241.7. Disability retirement

10 A.(1) Eligibility for disability benefits, procedures for application for
11 disability benefits, procedures for the certification of continuing eligibility for
12 disability benefits, the authority of the board of trustees to modify disability benefits,
13 and procedures governing the restoration to active service of a ~~formerly disabled an~~
14 employee who formerly had a disability shall be as provided in R.S. 11:202 through
15 225.

16 * * *

17 §2241.8. Survivor benefits

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

21 * * *

22 (2)(a) If an active contributing member or a disability retiree either of whom
23 has at least ten years of creditable service in the system dies and leaves, in addition
24 to a surviving spouse, one or more children under eighteen years of age, each child
25 under age eighteen shall be paid monthly benefits equal to ten percent of the
26 deceased member's average final compensation, or two hundred dollars per month,
27 whichever is greater. However, benefits payable on account of each child, when
28 added to the benefits payable to the surviving spouse, shall not exceed an aggregate
29 of one hundred percent of the deceased member's average final compensation.

Benefits for a surviving child shall cease upon the child's attainment of age eighteen years or upon marriage, whichever occurs first, except that benefits shall continue:

* * *

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

* * *

§2242.7. Disability retirement

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

* * *

§2242.8. Survivor benefits

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

* * *

(2)(a) If an active contributing member or a disability retiree either of whom has at least ten years of creditable service in the system dies and leaves, in addition to a surviving spouse, one or more children under eighteen years of age, each child under age eighteen shall be paid monthly benefits equal to ten percent of the deceased member's average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate

of one hundred percent of the deceased member's average final compensation.
Benefits for a surviving child shall cease upon the child's attainment of age eighteen years or upon marriage, whichever occurs first, except that benefits shall continue:

* * *

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

* * *

§2256. Benefits; refund of contributions, application, and payment

* * *

B.

* * *

(2) Benefits shall be payable to the surviving child or children of a deceased member or retiree as specified in the following:

(a) If any active contributing member or a disability retiree dies and leaves in addition to a surviving spouse, one or more children under eighteen years of age, each child under age eighteen shall be paid, on a monthly basis, an annual benefit equal to ten percent of the deceased member's or retiree's average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each child, when added to the benefits payable to the surviving eligible spouse, shall not exceed an aggregate of one hundred percent of the average final compensation. Benefits for a surviving child shall cease upon the child's attaining age eighteen years or upon marriage, whichever occurs first, except that benefits shall continue for an unmarried surviving child who ~~is handicapped or mentally retarded~~ has a physical or intellectual disability as provided in Paragraph (3) of this Subsection. Additionally, any unmarried surviving child, who graduates from high school and enrolls, on a full-time basis, in an institute of higher education,

1 shall have his benefit continued as long as he remains enrolled on a full-time basis
2 and remains unmarried; however, the benefit payments shall not extend past four
3 additional years nor past the surviving child's twenty-second birthday. Benefits
4 payable under the provisions of this Subparagraph may be paid in trust as provided
5 in R.S. 11:2256.2.

6 * * *

7 (3) Benefits shall be payable as specified in this Paragraph to ~~the surviving~~
8 ~~totally physically handicapped or mentally retarded child or children~~ any surviving
9 child of a deceased member or retiree ~~as specified in the following~~ if the child has
10 a total physical disability or an intellectual disability. The surviving ~~totally~~
11 ~~physically handicapped or mentally retarded child or children~~ child of a deceased
12 active contributing member, a deceased disability retiree, or a deceased regular
13 retiree, whether under or over the age of eighteen years, shall be entitled to the same
14 benefits, payable in the same manner as are provided in this Section for minor
15 children, if the child ~~was totally physically handicapped or mentally retarded~~ has a
16 total physical disability or an intellectual disability and had such disability at the time
17 of death of the member or retiree, and the child is dependent upon the surviving
18 spouse or other legal guardian for subsistence. Benefits payable under the provisions
19 of this Paragraph may be paid in trust as provided in R.S. 11:2256.2.

20 * * *

21 §2256.2. Designation of benefits to be paid in trust

22 A. A member may designate all or a portion of any benefit paid in
23 accordance with R.S. 11:2256 or 2259 to be paid in trust to his surviving minor child
24 or his ~~physically or mentally handicapped~~ child with a physical or mental disability
25 regardless of such child's age, if the terms of the trust so provide and if the system
26 is provided with a certified copy of the trust document. Such benefit or designated
27 portion of a benefit shall be paid to the trust for addition to the trust property.

28 * * *

29 §2257. Deferred Retirement Option Plan

30 * * *

1 K.

2 * * *

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

6 §2258. Disability retirement

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 ~~R.S. 11:224~~.

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

16 (1)

17 * * *

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

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

1 (2)(a) Notwithstanding any other provision of law to the contrary, a retired
2 member or a Deferred Retirement Option Plan participant who ~~becomes disabled~~
3 acquires a disability for any reason provided for by law shall be permitted to apply
4 for conversion of a service retirement to a service connected disability retirement.

5 * * *

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

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

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

1 agency, the member shall be reemployed in a comparable position in the
2 municipality or parish of the former employing agency if such a position is available.

3 §2259. Optional allowances

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

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

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

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

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

30 * * *

§3005.1. Deferred Retirement Option Plan

* * *

I.

* * *

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

* * *

J.

* * *

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

* * *

§3039.1. Deferred Retirement Option Plan

* * *

K.

* * *

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

* * *

§3041. Disability retirement annuity; qualification

* * *

B. A member shall be considered ~~totally and permanently disabled~~ as having a total and permanent disability only after the board shall have received written certification by at least two licensed and practicing physicians selected by the board, that the member is totally and likely to be permanently disabled for further performance of the duties of any assigned position in the service of the City.

* * *

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

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

* * *

§3107. Board of trustees; duties

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

* * *

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

* * *

§3113. Pensions and benefits

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

* * *

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

* * *

§3132. Composition of the fund

From July 26, 1972, all funds, monies, proceeds, and revenues hereafter provided for shall constitute and be "The Firemen's Pension and Relief Fund of the consolidated fire districts of Bastrop, Louisiana", embracing Bastrop for the pensioning of ~~disabled~~ members with disabilities, members who are superannuated, and/or retired members of the consolidated fire districts, Bastrop, Louisiana, and

their widows and/or orphans, and for the relief and aid of any member of said fire department in case of disability.

* * *

§3143. Pensions and benefits

Pensions and benefits shall be as follows:

(1) If any member of the said fire department who has been in the active service of said fire department for a period of at least six months, is found by the board of trustees to be totally physically or mentally disabled for service in said fire department by reason of service in said fire department, he shall receive monthly from the fund so long as such disability shall continue or until he becomes eligible for retirement on service basis, whichever is sooner, a sum, which together with any benefits from worker's compensation, shall be equal to thirty-three and one-third percent of the total monthly salary of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time that he became disabled acquired the disability during the first five years of such disability.

During the second five years of such disability he shall receive a sum which together with any benefits from worker's compensation, shall be equal to fifty percent of the total monthly salary of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time he ~~became disabled~~ acquired the disability. After ten years of such disability he shall receive a sum which together with any benefits from worker's compensation shall be equal to sixty-six and two-thirds percent of the total monthly salary of the active member of the said fire; department holding the position corresponding to that held by the beneficiary at the time that he ~~became disabled~~ acquired the disability; provided, however, that if such member has served as a member of the fire department continuously for a period of ten years at the time of such disability, he shall be eligible for retirement without having served the full twenty-five years as stipulated in Paragraph (3) of this Section.

(2) If any member of said fire department, while in the active service is found by the board of trustees to be totally physically or mentally disabled for

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

* * *

§3145. Military service credit

* * *

D. That period of time during which a fireman ~~is disabled~~ has a disability by reason of service and is drawing disability benefits pursuant to R.S. 11:3143(1) shall

1 be credited to such ~~disabled~~ member with a disability as "time served" for purposes
2 of retirement on years of service.

3 * * *

4 §3166. Pensions and benefits

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

22 * * *

23 §3178. Pensions and benefits

24 * * *

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

27 * * *

28 (2) The disability payments provided for above shall be payable to a member
29 who is entitled to worker's compensation only after the expiration of the number of
30 weeks for which compensation is payable under the worker's compensation law of

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

11 * * *

12 §3192. Composition of the fund

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

20 * * *

21 §3200. Pensions and benefits

22 Pensions and benefits shall be as follows:

23 (1) If any member of the said fire department while in the active service of
24 said fire department is found by the board of trustees to be totally, physically, or
25 mentally disabled for service in said fire department by reason of service in said fire
26 department, he shall receive monthly from such fund so long as such disability shall
27 continue or until he becomes eligible for retirement on service basis, whichever is
28 sooner, a sum which, with the benefits from the Worker's Compensation Act, shall
29 be equal to seventy-five ~~per cent~~ percent of the monthly salary of the active member

1 of the said fire department holding the position corresponding to that held by the
2 beneficiary at the time that he ~~became disabled~~ acquired the disability.

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

29 * * *

1 §3222. Composition of the fund

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

7 * * *

8 §3232. Pensions and benefits

9 Pensions and benefits shall be as follows:

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

21 B. If any member of said fire department, while in the active service of said
22 fire department who shall be permanent in rank be found by the board of trustees to
23 be totally, physically, or mentally disabled for service in said fire department by
24 reason of causes not arising or developing directly from his employment in said fire
25 department, save and except any disability which may arise from the commission or
26 attempted commission of a misdemeanor or felony or the use of any drug or
27 intoxicating liquor, which use contributes to the disability, he shall receive monthly
28 from the fund, so long as such disability shall continue, a sum which, together with
29 worker's compensation benefits actually received by the member, shall be equal at
30 any given time to twenty-five percent of the total monthly fireman's compensation

1 of the active member of the fire department holding the position corresponding to
2 that held by the beneficiary at the time he ~~became disabled~~ acquired the disability.

3 In addition thereto, any member entitled to disability under this Section who has
4 more than five years active service with the fire department at the time of disability
5 shall also receive a sum equal at any given time to two percent of the total monthly
6 fireman's compensation of the active member of the fire department holding the
7 position corresponding to that held by the beneficiary at the time he ~~became disabled~~
8 acquired the disability. However, maximum benefits under this ~~subsection~~
9 Subsection for nonservice disability shall never exceed those benefits provided for
10 service disability. Time elapsing during nonservice disability as provided for in this
11 Section shall not be included as time served for retirement purposes. Any member
12 of said fire department who shall become totally, physically, or mentally disabled for
13 service in said fire department while gainfully employed at any other profession or
14 trade, or by any firm or organization other than the City of Houma fire department
15 shall not be entitled to any disability compensation from said pension fund.

16 C. Should any member while drawing disability benefits as hereinabove
17 provided be gainfully employed at some other endeavor other than the fire service
18 then his disability benefits shall be decreased to the point that such benefits, when
19 added to the gross income which the member receives from other employment shall
20 not exceed at any given time the total monthly fireman's compensation of the active
21 member of the fire department holding the position corresponding to that held by the
22 beneficiary at the time he ~~became disabled~~ acquired the disability. The board of
23 trustees will require a beneficiary to report such outside earnings and may reduce
24 benefits in the quarter following that in which excess earnings are applicable in order
25 to effectuate the provisions of this ~~subsection~~ Subsection.

26 * * *

27 §3281. Firemen's pension and relief fund for the city of Lafayette; creation

28 There is hereby created a Firemen's Pension and Relief Fund for the City of
29 Lafayette, and a board of directors, to administer and disburse said fund, in order to
30 provide for the pensioning of ~~disabled~~ members with disabilities, the widows, minor

children, and mothers and fathers of deceased members and to permit the retirement and pensioning of members after the required length of service, all as is hereinafter provided.

* * *

§3288. Secretary; duties; powers

* * *

B. The board of directors shall:

* * *

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

* * *

§3293. Pensions and benefits

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

(1) If a member of the fund ~~becomes disabled~~ acquires a disability for causes not arising or developing directly from his employment in the fire department and for which he is, therefore, unable to collect compensation under the worker's compensation laws of Louisiana, the fireman shall, upon being found ~~so disabled to~~ have such disability by the board of directors, be paid monthly so long as disability continues, a sum equal to forty-five percent of the salary earned by the employees who have served up to and including ten years. Employees who have served for a period of eleven years shall receive forty-six percent. Employees who have served for a period of twelve years shall receive forty-seven percent. Employees who have served for a period of thirteen years shall receive forty-eight percent. Employees who have served for a period of fourteen years shall receive forty-nine percent. Employees who have served for fifteen years shall receive fifty percent. Employees who have served for a period of sixteen years shall receive fifty-one percent. Employees who have served for a period of seventeen years shall receive fifty-two percent. Employees who have served for a period of eighteen years shall receive fifty-three percent. Employees who have served for a period of nineteen years shall receive fifty-four percent. Employees who have served for a period of twenty years

1 shall receive fifty-five percent. No member shall be eligible for any disability
2 benefits if his disability is a result of a prior existing condition.

3 * * *

4 §3317. Board of directors; duties; meetings

5 * * *

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

8 * * *

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

11 * * *

12 §3322. Pensions and benefits

13 * * *

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

15 (1)(a) If a member of the fire department ~~becomes disabled~~ acquires a
16 disability for service therein for causes not arising or developing directly from his
17 employment in the said fire department, or his employment elsewhere other than the
18 fire department, and for which he is therefore unable to collect compensation under
19 the Worker's Compensation Laws of Louisiana, said fireman shall, upon being found
20 ~~so disabled~~ by the board of directors to have such disability, be paid monthly so long
21 as such disability shall continue.

22 * * *

23 §3341. Monroe Firemen's Pension and Relief Fund; continuation

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

29 * * *

§3346. Benefits

Payment of pensions and benefits shall conform to the following:

* * *

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

* * *

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

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

* * *

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

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

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

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

(3) If the ~~disabled~~ member with a disability has performed faithful service in the fire department for a period of more than fifteen years, he shall receive a pension in the amount of fifty percent of his average compensation during the last year of service immediately preceding the date of establishing his disability in accordance with the provisions of this Section.

* * *

§3378. Survivor benefits

A.(1)

* * *

(g) Any dependent child ~~who is physically and/or mentally handicapped~~ with a physical or mental disability shall receive benefits throughout life if medical and/or psychological information indicates such child ~~is totally and permanently disabled~~ has a total and permanent disability. If, however, medical and/or psychological information indicates that such ~~disabled~~ child with a disability can benefit from specialized training in order to be rendered self-supporting, then such child will receive benefits so long as he is actively enrolled in a specialized school or training program until such time as such child is certified as being qualified to engage in gainful employment. The board of trustees may demand at reasonable intervals that such child submit to a medical and/or psychological examination for current evaluation, subject to the penalty of all monthly payments being suspended until submission to examination within fifteen days after request.

* * *

(2)

* * *

(c) If the firefighter leaves no surviving spouse or if subsequent to the firefighter's death the surviving spouse dies and there are children under eighteen years of age, the children shall receive a monthly pension of three hundred dollars each. The payments of this three hundred dollars for each child shall cease after such child reaches the age of eighteen years or marries. Any dependent child ~~who is physically or mentally handicapped~~ with a physical or mental disability shall receive benefits throughout his life if medical or psychological information indicates such child ~~is totally and permanently disabled~~ has a total and permanent disability. If, however, medical or psychological information indicates such ~~disabled~~ child with a disability can benefit from specialized training in order to be rendered self-supporting, then such child shall receive benefits so long as he is actively enrolled in a specialized school or training program until such time as such child is

certified as being qualified to engage in gainful employment. The board of trustees may demand at reasonable intervals that such child submit to a medical or psychological examination, or both, for current evaluation, subject to the penalty of all monthly payments being suspended until submission to examination within fifteen days after request.

* * *

§3385.1. Deferred Retirement Option Plan

* * *

K.

* * *

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

(7) Upon termination of employment, the retiree shall receive an additional retirement benefit based solely on any additional service rendered since termination of participation in the Deferred Retirement Option Plan, using the normal method of computation of the benefits, subject to the following:

* * *

(f) If the member is found by the board to ~~be disabled~~ have a disability pursuant to R.S. 11:3376, the service-connected disability benefit shall be limited to the additional amount payable pursuant to R.S. 11:3381 or 3384 based on service rendered since termination of participation in the Deferred Retirement Option Plan. The lump sum payment made from the individual account balance in the Deferred Retirement Option Plan shall be paid to the member within one year of termination of employment, and the monthly payments that were being paid into the Deferred Retirement Option Plan during the period of participation shall begin to be paid to

1 the retiree. The board's service-connected disability determination made pursuant
2 to this Subparagraph shall apply to all benefits paid to the member based on service
3 rendered both before and since termination of participation in the Deferred
4 Retirement Option Plan.

5 * * *

6 §3402. Composition of the fund

7 From July 31, 1968, all funds, monies, proceeds and revenues hereafter
8 provided for shall constitute and be "The Fireman's Pension and Relief Fund for Fire
9 Protection District No. One of the Parish of Ouachita, State of Louisiana", for the
10 pensioning of ~~disabled~~ members with disabilities, members who are superannuated,
11 and/or retired employees of Fire Protection District No. One of the parish of
12 Ouachita, state of Louisiana, and their widows and/or orphans, and for the relief and
13 aid of any employee of said Fire Protection District No. One in case of temporary
14 disability.

15 * * *

16 §3410. Pensions and benefits

17 Pensions and benefits shall be as follows:

18 * * *

19 (5) After any employee of Fire Protection District No. One shall have been
20 retired upon pension by reason of disability, the board of trustees shall have the right
21 at any time to cause such ~~disabled~~ employee with a disability to be brought before
22 it and again examined by the parish physician and/or other competent physicians and
23 surgeons, to be selected by it, and also to examine other witnesses for the purpose
24 of discovering whether such disability to perform the duties of the position held at
25 the time of his removal from active service yet continues, and whether such retired
26 member should be continued on the disability roll, but such ~~disabled~~ employee with
27 a disability shall remain upon the disability roll until reinstated in the active service
28 of the fire protection district. Such ~~disabled~~ member with a disability shall be
29 entitled to notice and to be present at the hearing of any evidence, and shall be
30 permitted to propound any questions pertinent or relevant to such matter, and also

shall have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath. The decision of the board of trustees shall be final and conclusive, and no appeal shall be allowed therefrom, nor shall the same be subject to review except by the board of trustees or upon proper application to the courts.

* * *

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

From July 27, 1938, the assets, funds, monies, and properties presently constituting the Firemen's Pension and Relief Fund of the City of Shreveport, Louisiana, shall, together with the funds, proceeds, and revenues hereinafter provided for, constitute and be "The Firemen's Pension and Relief Fund of the City of Shreveport;" for the pensioning of ~~disabled~~ members with disabilities, members who are superannuated, and/or retired members of the Fire Department of the City of Shreveport, operators of the alarm system, and their widows and/or orphans and for the relief and aid of members of said Fire Department in the case of temporary disability.

* * *

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

* * *

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

* * *

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

* * *

1 (b) The surviving minor children of a deceased member who dies leaving
2 one or more children under eighteen years of age shall be paid monthly benefits
3 equal to seventy-five dollars per month for each child under age eighteen, not to
4 exceed one hundred fifty dollars per month, provided that when the surviving
5 children reach the age of eighteen such benefits shall cease, unless the child ~~is~~
6 ~~retarded~~ has an intellectual disability and is not able to earn his own living; provided
7 further that any surviving child who graduates from high school and goes directly to
8 college, shall have his benefits continued for the time he remains in college, not to
9 exceed four years. If the deceased member was married and leaves surviving
10 children under eighteen years of age but no surviving widow, the surviving children
11 shall be paid monthly benefits equal to seventy-five dollars per month for each child,
12 to be paid until such time as the youngest child reaches the age of eighteen years,
13 provided that in the case of a ~~retarded~~ child with an intellectual disability who is not
14 able to earn a living, this benefit shall continue for life. Provided that any surviving
15 child who graduates from high school and goes directly to college shall have his
16 benefit continued for the time he remains in college, not to exceed four years.

17 * * *

18 (5)

19 * * *

20 (b) Upon retirement for disability, a member shall receive a retirement
21 allowance if he has attained the age of fifty years; otherwise he shall receive a
22 disability benefit that shall be computed as follows: In the case of total disability of
23 any member resulting from injury received in the line of duty, even though he has
24 less than five years of creditable service, a monthly pension of sixty ~~percent~~ percent
25 of the salary being received at the time of disability shall be paid to the ~~disabled~~
26 employee with a disability. Any member of the system who has ~~become disabled~~
27 acquired a disability or ~~incapacitated~~ incapacitating condition because of continued
28 illness or as the result of any injury received, even though not in the line of duty, and

who has five years of creditable service, but is not eligible for retirement, may apply for retirement under the provision of this Section.

* * *

§3442. Pensions and benefits

Pensions and benefits shall be as follows:

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

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

(3) If any member of the said Fire Department, become and be found to be totally permanently, physically or mentally disabled for service in the said Fire Department by reason of service therein, but physically and mentally capable and

1 able to do and perform work of any other reasonable kind or character and be so
2 found by said Board of Trustees, he shall receive monthly as long as disability shall
3 continue from such Fund except as hereinafter provided, a sum equal to ~~Fifty~~ fifty
4 ~~per-cent~~ percent of the monthly salary of the active member of the said Fire
5 Department holding the position corresponding to that held by the beneficiary at the
6 time he ~~became so disabled~~ acquired the disability, until such time as he becomes
7 eligible for retirement on service basis; but maximum benefit shall be sixty-six and
8 two-thirds ~~per-cent~~ percent March 31, 2014 of a first class hoseman's salary
9 computed on the basis of the respective months; provided, however, that during any
10 such period of time when the combined total of gross income from pension and other
11 employment which may be procured by a member entitled to benefits under this
12 Paragraph shall exceed the gross monthly salary to which such ~~disabled~~ member with
13 a disability would be entitled were he presently on active duty in the position to
14 which his present seniority would entitle him then, and in that event, and during such
15 period only, the ~~disabled member's~~ benefits of the member with a disability under
16 this Paragraph shall be reduced dollar for dollar by the amount necessary to reduce
17 the member's gross monthly income from pension and other employment to an
18 amount equal to that gross monthly salary which the member would be entitled to
19 receive were he presently on active duty in the position to which his present seniority
20 would entitle him; but in no event shall benefits exceed that limitation of sixty-six
21 and two-thirds ~~per-cent~~ percent of a first class hoseman's salary computed on the
22 basis of the respective months; provided that earnings from other employment shall
23 be reported to the board of trustees quarter-annually pursuant to such rules and
24 regulations as the Board may adopt in the enforcement of this provision, the said
25 Board of Trustees being hereby given the authority to adopt such rules and
26 regulations and being further given the power and authority to reduce a member's
27 benefits under this Paragraph in the quarter following that in which excess earnings
28 are reported in order to effectuate the provisions of this Paragraph as to that quarter
29 in which the member received income in excess of that allowed by this Paragraph.

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

* * *

§3447. Merger with firefighters' retirement system

* * *

C. The city of Shreveport is specifically authorized to contract with the active members of its fire department to guarantee that the merger will not result in any active member of the Fund receiving less in regular retirement benefits, provided he meets the age and service requirements of the Fund for a regular retirement benefit, than the member would have received if the Fund had not been merged with the System; provided further, if a member ~~becomes disabled~~ acquires a disability or survivor benefits become payable after the effective date of the merger, the System shall pay such benefits; and the Fund shall pay the difference in disability or survivors benefits at the time such benefits become payable, if the benefits would have been greater under the Fund. Any contract entered into pursuant to the

1 authority granted by this Subsection may designate the entity that will be responsible
2 for administering benefits and resolving disputes that arise under the contract.

3 * * *

4 §3461. Firemen's pension and relief fund for the city of West Monroe; creation;
5 composition of fund

6 From July 27, 1966, the assets, funds, monies, and properties presently
7 constituting the Municipal Employees' Retirement System of Louisiana to the credit
8 of members of the West Monroe Fire Department and to include the funds
9 contributed by the State of Louisiana shall, together with the funds, proceeds, and
10 revenues hereinafter provided for, constitute and be "The Firemen's Pension and
11 Relief Fund of the City of West Monroe" for the pensioning of ~~disabled members~~
12 with disabilities, members who are superannuated, and/or retired members of the
13 Fire Department of the City of West Monroe, operators of the alarm system, and
14 their widows and/or orphans or dependent parents and for the relief and aid of
15 members of said Fire Department in the case of temporary disability.

16 * * *

17 §3473. Pensions and benefits

18 Pensions and benefits shall be as follows:

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

28 (2) If any member of the said Fire Department while in the active service of
29 said Fire Department becomes or be found to be totally, permanently, physically or
30 mentally disabled for service in said Fire Department, and to do or perform work of

1 any reasonable kind or character by reason or service in said Fire Department and be
2 found to be so by the board of trustees, he shall receive monthly from such Fund so
3 long as such disability shall continue, a sum equal to sixty-six and two-thirds percent
4 of the monthly salary of the active member of the said Fire Department holding the
5 position corresponding to that held by the beneficiary at the time he ~~became disabled~~
6 acquired the disability until such time as he becomes eligible for retirement on
7 service basis, but benefits under this Paragraph dealing with total and permanent
8 disability shall cease at the time when the recipient, had he not ~~been disabled~~
9 acquired the disability, would have completed twenty-five years service on the fire
10 force.

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

1 which the member would be entitled to receive were he presently on active duty in
2 the position to which his present seniority would entitle him; but in no event shall
3 benefits exceed that limitation of sixty-six and two-thirds percent of a first class
4 hoseman's salary computed on the basis of the respective months; provided that
5 earnings from other employment shall be reported to the Board of Trustees
6 quarter-annually pursuant to such rules and regulations as the Board may adopt in
7 the enforcement of this provision, the said Board of Trustees being hereby given the
8 authority to adopt such rules and regulations and being further given the power and
9 authority to reduce a member's benefits under this Paragraph in the quarter following
10 that in which excess earnings are reported in order to effectuate the provisions of this
11 Paragraph as to that quarter in which the member received income in excess of that
12 allowed by this Paragraph.

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

27 * * *

28 §3514. Retirement for disability or length of service; benefit payments

29 A. The board shall retire from service in the police department any member
30 of the department found by a majority vote of the board to have ~~become physically~~

1 ~~or mentally, permanently or temporarily, disabled~~ acquired a permanent or
2 temporary physical or mental disability while in the performance of his duties, as
3 determined by the report of the department physician, and shall place the retired
4 member on the pension or relief roll.

5 * * *

6 §3515. Examination of ~~disabled~~ member with a disability; resumption of duty

7 * * *

8 B. The department physician shall report his findings to the board, which
9 shall remove the member from the disability list if the report of the physician shows
10 that he is ~~no longer disabled~~ no longer has a disability. When the report shows that
11 the member is ~~no longer disabled~~ no longer has a disability and can resume his duties
12 as a police officer, the department head shall restore him to employment in the
13 department with the rank and grade enjoyed at the time of his removal from service.

14 §3516. Death benefits

15 * * *

16 C.(1) With respect to the police pension and relief fund for the city of
17 Bogalusa, child or children as referred to in this Section shall include, regardless of
18 age, any child who is ~~physically and/or mentally handicapped~~ has a physical and/or
19 mental disability and such child shall receive benefits throughout life if medical
20 and/or psychological information indicates such child is ~~totally and permanently~~
21 ~~disabled~~ has a total and permanent disability.

22 (2) If, however, medical or psychological information indicates that such
23 ~~disabled~~ child with a disability can benefit from specialized training in order to be
24 rendered self supporting, then such child will receive benefits so long as he is
25 actively enrolled in a specialized school or training program until such time as such
26 child is certified as being qualified to engage in gainful employment.

27 * * *

28 §3548. Bossier City; retirement for disability or length of service; benefit payments

29 A. The board of trustees of the fund for Bossier City shall retire from service
30 in the police department of Bossier City any member of the department found by a

majority vote of the board to have ~~become physically or mentally, permanently or temporarily, disabled~~ acquired a permanent or temporary physical or mental disability while in the performance of his duties, as determined by the report of the department physician, and shall place the retired member on the pension or relief roll.

* * *

§3552. City of Bogalusa; death benefits

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

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

* * *

§3553. Death benefits; optional allowances; Bossier City

* * *

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

* * *

(2) Each child under eighteen years of age, shall be paid monthly benefits equal to one hundred fifty dollars per month, however, as each surviving child reaches the age of eighteen his benefits shall cease, unless the child is ~~retarded~~ has

* * *

* * *

* * *

* * *

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

eleven years shall receive forty-six percent. Employees who have served for a period of twelve years shall receive forty-seven percent. Employees who have served for a period of thirteen years shall receive forty-eight percent. Employees who have served for a period of fourteen years shall receive forty-nine percent. Employees who have served for fifteen years shall receive fifty percent. Employees who have served for a period of sixteen years shall receive fifty-one percent. Employees who have served for a period of seventeen years shall receive fifty-two percent. Employees who have served for a period of eighteen years shall receive fifty-three percent. Employees who have served for a period of nineteen years shall receive fifty-four percent. Employees who have served for a period of twenty years shall receive fifty-five percent.

* * *

§3644. Disability payments

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

§3645. Death benefits

* * *

E. Dependent child or children as referred to in this ~~section~~ Subsection shall include, regardless of any age any child who ~~is physically and/or mentally handicapped~~ has a physical and/or mental disability and shall receive benefits throughout life if medical and/or psychological information indicates such child ~~is totally and permanently disabled~~ has a total and permanent disability. If, however, medical or psychological information indicates that such ~~disabled~~ child with a

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

* * *

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

* * *

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

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

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

(3) If the ~~disabled~~ member with a disability has performed faithful service in the police department for a period of more than fifteen years, he shall receive a pension in the amount of fifty percent of his average salary during the last year of service immediately preceding the date of establishing his disability in accordance with the provisions of this Section.

F.(1) Should any member ~~become disabled~~ acquire a disability from injury incurred in the scope of employment and while in service he shall be paid a disability benefit to be determined by the board based on the extent of his disability but not to exceed fifty percent of his salary at the time he ~~becomes disabled~~ acquires the disability. Should such member ~~become disabled~~ acquire a disability from any cause, whether service connected or not, after ten years of creditable service he shall be entitled to a disability benefit to be determined by the board, based on the extent of his disability, but not to exceed fifty percent of his average annual salary for his highest five consecutive years, provided that monies received as overtime pay (whether voluntary or involuntary), court time pay, and holiday pay shall not be considered as salary for the purposes of this Act.

(2) The board shall require annual medical examination of ~~disabled~~ members with disabilities and should the board determine that any member has recovered from his disability he shall be required to return to active duty and his disability payments shall cease.

* * *

§3685.1. Limitations on payment of benefits

* * *

B.

* * *

(2) However, the provisions of Paragraph (1) of this Subsection shall not apply:

(a) To any portion of a member's benefit which is payable to or for the benefit of a designated beneficiary, over the life of or over the life expectancy of such beneficiary, provided that such distributions begin no later than one year after

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

* * *

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

* * *

§3686. Disability retirement

* * *

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

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

(b) Any member of the system who has ~~become disabled~~ acquired a disability or ~~incapacitated~~ incapacitating condition because of continued illness or

as a result of any injury received, even though not in the line of duty, and who has been a member of the system for at least five years but is not eligible for retirement under the provisions of R.S. 11:3685 may apply for retirement under the provisions of this Section.

* * *

§3724. Pensions and benefits

Pensions and benefits shall be as follows:

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

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

(3)(a) If any member of the said police department becomes or is found to be totally, permanently, physically or mentally disabled for service in the said police department by reason of service therein, but is found by the board of trustees to be physically and mentally capable and able to do work and perform work of any other

1 reasonable kind or character and said work is available, he shall receive each month,
2 as long as the disability shall continue, from such fund except as hereinafter
3 provided, a sum equal to fifty percent of the monthly salary of the active member of
4 the said police department holding the position corresponding to that held by the
5 beneficiary at the time he ~~became disabled~~ acquired the disability, until such time as
6 he becomes eligible for retirement on service basis.

7 (b) If any member of the said police department becomes or is found to be
8 totally, permanently, physically or mentally disabled for service in the said police
9 department by reason of service therein, he shall receive each month, as long as the
10 disability shall continue, from such fund except as hereinafter provided, a sum equal
11 to sixty-six and two-thirds percent of the monthly salary; provided that the Civil
12 Service Commission certify that such member is not capable of working in any
13 meaningful and gainful employment due to such on-the-job incurred disability.

14 * * *

15 §3731. Merger with Municipal Police Employees' Retirement System

16 The following provisions shall apply in the ~~even~~ event that the city of
17 Shreveport enters into an agreement with the board of trustees of the Municipal
18 Police Employees' Retirement System, hereinafter referred to as the System, as
19 authorized by R.S. 11:2225(A)(11), to merge the Policemen's Pension and Relief
20 Fund of the city of Shreveport hereinafter referred to as the Fund with the System:

21 * * *

22 B. The city of Shreveport is specifically authorized to contract with the
23 members of its police department to guarantee that the merger will not result in any
24 member receiving less in regular retirement benefits provided he meets the age and
25 service requirements of the Fund for a regular retirement benefit, than the member
26 would have received if the Fund had not been merged with the System; provided
27 further, if a member ~~becomes disabled~~ acquires a disability or survivor benefits
28 become payable after the effective date of the merger, the System shall pay such
29 benefits; and the Fund shall pay the difference in disability or survivors benefits at
30 the time such benefits become payable, if the benefits would have been greater under

1 the Fund. Any contract entered into pursuant to the authority granted by this
2 Subsection may designate the entity that will be responsible for administering
3 benefits and resolving disputes that arise under the contract.

4 * * *

5 §3761. Bus driver's pension and relief fund of the city of Monroe; creation

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

15 * * *

16 §3771. Pensions and benefits

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

18 * * *

19 (2)(a) A member who has ~~become permanently disabled~~ acquired a
20 permanent disability from any cause, either while on or off duty, save and except any
21 disability which may arise out of a result from the commission or the attempted
22 commission of a misdemeanor or a felony or use of any drug or intoxicating liquor
23 to such extent as to become under the influence thereof to the extent that service
24 cannot be performed in the department, shall upon submission of due proof in
25 accordance with the requirements of this organization, be paid monthly during the
26 period of such disability for the balance of his lifetime in accordance with the
27 following scale:

28 * * *

1 §3773. Payments during disability

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

5 * * *

6 §3778. Member participation; service not interrupted by physical infirmity; military
7 service; supplement to federal pension

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

23 * * *

24 §3780. Transfer to other 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 department, if such transfer shall exceed six
27 months in duration, it shall operate as a complete termination of such member's
28 membership and forfeiture of all rights, unless said member ~~is partially disabled~~ has
29 a partial disability; but if such transfer does not exceed six months service, it shall
30 not operate to terminate the member's membership herein, if such member returns

1 to the department and works at least one full day in each calendar month during the
2 period.

3 * * *

4 §3791. The Electrical Workers' Pension and Relief Fund of the City of Monroe;
5 creation

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

15 * * *

16 §3802. Pensions and benefits

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

18 * * *

19 (3) A member who has ~~become permanently disabled~~ acquired a permanent
20 disability as a result of an injury sustained or as a result of injuries received in the
21 performance of the employee's official duties to the extent that such employee is
22 mentally or physically incapacitated for the further performance of duty and to the
23 extent that such incapacity is likely to be permanent, such member shall, upon
24 submission of due proof in accordance with the requirements of the organization and
25 during the period of such disability, receive a sum per month, which when combined
26 with Social Security benefits received by him if any, equal two-thirds of the
27 employee's monthly salary averaged over a period of the best five years prior to the
28 date of disability less any workman's compensation or Social Security benefits
29 received, during the balance of his lifetime, provided that any time during said period

1 of disability the Board of Trustees hereof may require the member to submit to
2 physical examination in accordance with the requirements of the organization.

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

17 * * *

18 §3804. Separation from service; disability; physical examination; leave of absence

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

22 * * *

23 §3805. Military service credit

24 A member's service period shall not be considered as having been interrupted
25 during such period that such member may not be employed by the various Electrical
26 Departments because of illness, injury, or other physical infirmity or disability; nor
27 shall it be considered as interrupted during such period that a member may be in
28 actual military service of his country or state in time of war, peril, insurrection,
29 calamity, or other cause that may call the member from private life to military
30 service, and the dues of such member while absent from the various Electrical

1 Departments during such military service shall be waived. Provided, also, that if a
2 member of the various Electrical Departments is called into the Armed Forces of the
3 United States, and as a result of his service he ~~becomes totally disabled~~ acquires a
4 total disability and receives a pension from the Federal Government, the pension
5 fund herein will pay him per month, an amount which when added to the
6 Government payment, is sufficient to equal two-thirds of his monthly salary but not
7 to exceed the additional amount which he is permitted to receive by the provisions
8 of the government pension act, averaged over a period of the best five years, or if he
9 is killed and his widow or dependent children under eighteen years of age receive a
10 pension from the Federal Government, the Pension and Relief Fund shall pay his
11 widow if living or dependent children, if no widow, until they reach age eighteen,
12 an amount not to exceed forty percent of his salary averaged over the best five years
13 of employment in the various Electrical Departments, provided that the widow's
14 pension shall cease if she remarries.

15 * * *

16 §3808. Transfer to another department

17 If a member of this organization be transferred by a City Official to service
18 for the City of Monroe, other than in the various Electrical Departments, if such
19 transfer shall exceed six months in duration, it shall operate as a complete
20 termination of such member's membership and forfeiture of all rights, unless said
21 member ~~is partially disabled~~ has a partial disability; but if such transfer does not
22 exceed six months service, it shall not operate to terminate the member's membership
23 herein, if such member returns to the department and works at least one full day in
24 each calendar month during the period.

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

27 §1278. Illness, disability, or absence

28 In the case of the illness, disability, or absence of any court reporter, the
29 judges of the court may assign another court reporter to perform the duties of the ~~ill,~~
30 ~~disabled, or absent~~ court reporter who is ill, has a disability, or is absent. The judges

of the court may appoint a qualified person to serve temporarily as a court reporter during such period of illness, disability, or absence. The person so appointed court reporter to serve temporarily shall receive the compensation and fees provided in R.S. 13:1272 and ~~R.S. 13:1273~~.

* * *

§3881. General exemptions from seizure

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

* * *

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

* * *

Section 6. R.S. 14:32(D)(3), 35.2(A)(introductory paragraph), (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) through (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 Louisiana Revised Statutes of 1950, 93.3(A) through (D) and (E)(1), 93.4, 93.5(A)(introductory paragraph) and (D), 106(D)(2)(introductory paragraph) and (d), 107.1(C)(2) and (3), 126.3(A), and 202.1(F)(4) are hereby amended and reenacted to read as follows:

§32. Negligent homicide

* * *

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

* * *

(3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually ~~handicapped~~ impaired person, deaf person, hearing impaired person, or ~~otherwise physically disabled~~

person with any other physical disability who is using the dog as a guide or for service.

* * *

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

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

* * *

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

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

* * *

§39. Negligent injuring

* * *

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

* * *

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

* * *

§45. Simple kidnapping

A. Simple kidnapping is:

* * *

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

* * *

§67.16. Identity theft

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

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

* * *

C.(1)

* * *

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

* * *

(2)

* * *

(b) Whoever commits the crime of identity theft when the victim is sixty years of age or older or a ~~disabled~~ person with a disability when the credit, money, goods, services, or any thing else of value is obtained which amounts to a value of five hundred dollars or more, but less than one thousand dollars, shall be imprisoned,

1 with or without hard labor, for not less than two years and not more than five years,
 2 or may be fined not more than five thousand dollars, or both.

3 * * *

4 (3)

5 * * *

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

12 * * *

13 (4)

14 * * *

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

21 * * *

22 §67.21. Theft of the assets of ~~an aged~~ a person who is aged or ~~disabled~~ person with
 23 a disability

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

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

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

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

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

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

13 (2) The intentional misuse of ~~an aged or disabled person's~~ the power of
14 attorney of a person who is aged or person with a disability to use, consume, convert,
15 manage, or appropriate any funds, assets, or property of ~~an aged a person~~ who is
16 aged or disabled person with a disability for the profit, advantage, or benefit of a
17 person other than the ~~aged person~~ who is aged or disabled person with a disability
18 without his authorization or consent.

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

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

29 (2) Whoever commits the crime of theft of the assets of ~~an aged a person~~
30 who is aged or disabled person with a disability when the value of the theft equals

five hundred dollars or more, but less than one thousand five hundred dollars may be imprisoned, with or without hard labor, for not more than five years and shall be fined not more than two thousand dollars, or both.

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

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

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

* * *

§79.1. Criminal abandonment

A. Criminal abandonment is any of the following:

* * *

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

* * *

§89.1. Aggravated crime against nature

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

* * *

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

* * *

3. OFFENSES AFFECTING THE HEALTH AND SAFETY OF ~~THE INFIRM~~ PERSONS WITH INFIRMITIES

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

A. Cruelty to ~~the infirmed~~ persons with infirmities is the intentional or criminally negligent mistreatment or neglect by any person, including a caregiver, whereby unjustifiable pain, malnourishment, or suffering is caused to ~~the infirmed~~ a person with an infirmity, a disabled an adult with a disability, or an a person who is aged person, including but not limited to a person who is a resident of a nursing home, ~~mental retardation~~ facility for persons with intellectual disabilities, mental health facility, hospital, or other residential facility.

B. "Caregiver" is defined as any person or persons who temporarily or permanently is responsible for the care of ~~the infirmed;~~ a person with an infirmity; physically or mentally disabled an adult with a physical or mental disability; or a person who is aged person, whether such care is voluntarily assumed or is assigned. Caregiver includes but is not limited to adult children, parents, relatives, neighbors, daycare institutions and facilities, adult congregate living facilities, and nursing homes which or who have voluntarily assumed or been assigned the care of ~~an aged or infirmed person or disabled adult;~~ a person who is aged, a person with an infirmity, or an adult with a disability; or have assumed voluntary residence with ~~an aged or infirmed person or disabled adult~~ a person who is aged, a person with an infirmity, or an adult with a disability.

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

D. The providing of treatment by a caregiver in accordance with a well-recognized spiritual method of healing, in lieu of medical treatment, shall not

for that reason alone be considered the intentional or criminally negligent mistreatment or neglect of ~~an infirmed, a disabled adult, or an aged person~~ a person with an infirmity, an adult with a disability, or a person who is aged. The provisions of this Subsection shall be an affirmative defense to a prosecution under this Section.

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

* * *

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

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

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

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

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

C. Whoever is convicted, or who enters a plea agreement for exploitation of ~~the infirmed~~ persons with infirmities shall be prohibited from having access to the

~~victim's or any other disabled or aged person's~~ assets or property of the victim or of
any other person with a disability or person who is aged. The offender shall be
 prohibited from being appointed as a power of attorney or guardian for the victim or
 any other ~~disabled or aged person~~ person with a disability or person who is aged.
 The provisions of this Subsection shall not be construed to prohibit the offender from
 inheriting from the ~~infirm~~ victim with an infirmity.

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

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

* * *

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

* * *

§106. Obscenity

* * *

D.

* * *

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

* * *

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

* * *

§107.1. Ritualistic acts

* * *

C.

* * *

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

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

* * *

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

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

* * *

§202.1. Home improvement fraud; penalties

* * *

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

* * *

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

* * *

Section 7. 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) are hereby amended and reenacted to read as follows:

§536. Definitions

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

* * *

§537. Sentencing of sexual offenders; serial sexual offenders

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

* * *

§541. Definitions

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

* * *

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

* * *

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

* * *

§571.3. Diminution of sentence for good behavior

* * *

B.

* * *

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

* * *

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

* * *

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

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

* * *

§581. Authorized audits and investigations

With the written authorization of the deputy secretary, any employee or agent of the bureau, for purpose of audit or investigation of violations of any provisions herein, or any official rule or regulation of the bureau, shall be granted access by any public or private criminal justice agency collecting, processing, storing, or maintaining any documents, or automated, microfilmed, or manual records

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

10 * * *

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

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

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

29 * * *

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

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

* * *

§1039. Return of inmates to committing court for transfer

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

* * *

§1402. Legislative findings and declaration

A. The legislature hereby finds and declares that it is the right of every
person, regardless of race, color, creed, religion, national origin, sex, age, or
~~handicap~~ disability, to be secure and protected from fear, intimidation, and physical
harm caused by the activities of violent groups and individuals. It is not the intent

of this Chapter to interfere with the constitutional exercise of the protected rights of freedom of expression and association. The legislature hereby recognizes the right of every citizen to harbor and constitutionally express beliefs on any lawful subject whatsoever, to associate lawfully with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

* * *

§1503. Definitions

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

* * *

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

(7) "Exploitation" means the illegal or improper use or management of ~~an aged person's or disabled adult's~~ the funds, assets, or property of a person who is aged or an adult with a disability, or the use of ~~an aged person's or disabled adult's~~ power of attorney or guardianship of a person who is aged or an adult with a disability for one's own profit or advantage.

* * *

§1510. Implementation

* * *

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

* * *

Section 8. 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) are hereby amended and reenacted to read as follows:

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

* * *

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

* * *

§124. Appropriations, authority to make

The Orleans Parish School Board may make annual appropriations out of any of its funds to the teachers' retirement fund of the public schools of the parish; these appropriations shall not be less than Thirty Thousand Dollars (\$30,000.00) each year. The board may make additional appropriations to be used as a special fund for such

~~aged and infirm~~ teachers who are aged or infirm as are, under the laws in effect on July 26, 1922, receiving less than Twenty-Five Dollars (\$25.00) a month.

* * *

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

* * *

H.

* * *

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

* * *

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

* * *

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

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

(1) "School building" means any building located on the property of any elementary or secondary school, ~~state schools for the deaf, blind, spastic, and cerebral palsied~~ the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, and schools in the Special School District ~~No. 1~~.

* * *

1 B.

2 * * *

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

10 * * *

11 §407.2. Louisiana Early Childhood Opportunity Program

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

23 * * *

24 §421.4. Salary increases, noninstructional school personnel

25 A. The salary increase funded by Act No. 12 of the 1991 Regular Session of
26 the Legislature for noninstructional school employees, including teacher aides and
27 paraprofessionals, school bus drivers, food service workers, including school lunch
28 employees provided a pay increase pursuant to ~~R.S. 17:422.3~~ Act No. 713 of the
29 1972 Regular Session of the Legislature, school nurses, clerical, custodial, and
30 maintenance personnel, and any other employees of a city or parish school board or

1 unclassified noninstructional employees of the ~~state schools for the deaf, blind,~~
2 ~~spastic, and cerebral palsied~~ Louisiana School for the Deaf, the Louisiana School for
3 the Visually Impaired, the Louisiana Special Education Center, and the Special
4 School District ~~No. One~~ who are not required to hold a teacher's certificate as a
5 condition of employment, shall continue to be paid to such employees from year to
6 year. The legislature annually shall appropriate sufficient funds for this purpose and
7 shall make such funds available to the employing school boards.

8 B. Any increase in the expenditures of a city or parish school board or of the
9 State Board of Elementary and Secondary Education resulting from a state-mandated
10 increase in the salaries of noninstructional school personnel shall be fully funded by
11 the state. Such funds shall be made available to the respective school boards. For
12 purposes of this Subsection, noninstructional school personnel shall mean teacher
13 aides and paraprofessionals, school bus drivers, food service workers, school nurses,
14 clerical, custodial, and maintenance personnel, and any other employee of a parish
15 or city school board or unclassified noninstructional employee of the ~~state schools~~
16 ~~for the deaf, blind, spastic, and cerebral palsied~~ Louisiana School for the Deaf, the
17 Louisiana School for the Visually Impaired, the Louisiana Special Education Center,
18 and the Special School District ~~No. One~~ who is not required to hold a teacher's
19 certificate as a condition of employment.

20 * * *

21 §422.6. Hourly wages and salaries for school employees; reduction limitations;
22 definition

23 * * *

24 B. For purposes of this Section, the term "school employee" shall mean,
25 without limitation, a teacher aide, paraprofessional, school bus driver, food service
26 worker, clerical, custodial, and maintenance personnel, and any other employee of
27 a city or parish school board, of a ~~state school for the deaf, blind, spastic, or cerebral~~
28 ~~palsied~~ the Louisiana School for the Deaf, the Louisiana School for the Visually
29 Impaired, the Louisiana Special Education Center, or of State the Special School

District ~~No. 1~~ who is not required to hold a teacher's certificate as a condition of employment.

* * *

§1947. Funding

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

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

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

* * *

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

* * *

D. Notwithstanding any provision of law to the contrary, Delgado Community College shall give preference in the operation of vending stands, vending machines, and other concessions operated on the premises of the former

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

12 * * *

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

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

18 * * *

19 C.

20 * * *

21 (2) For purposes of this Subsection proof of disability means one of the
22 following:

23 * * *

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

28 * * *

1 §106.1. Change of registration for ~~disabled~~ voters with disabilities and
2 documentation establishing disability

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

9 * * *

10 §564. Assistance in voting on election day

11 * * *

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

16 * * *

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

21 * * *

22 (2)(a) A voter shall also be entitled to assistance without having filed with
23 the registrar a statement setting forth the necessity and reasons for this assistance if,
24 on election day, the voter presents to the commissioner-in-charge one of the
25 following as proof of disability:

26 * * *

27 (ii) A current ~~mobility-impaired~~ mobility impairment identification card
28 bearing a photograph of the voter and the international symbol of accessibility issued

by the secretary of the Department of Public Safety and Corrections as authorized
by the provisions of R.S. 47:463.4.

* * *

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

* * *

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

* * *

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

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

* * *

§1309.3. Assistance in voting during early voting

* * *

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

* * *

(ii) A copy of a current ~~mobility-impaired~~ mobility impairment identification
card bearing a photograph of the voter and the international symbol of accessibility

issued by the secretary of the Department of Public Safety and Corrections as authorized by the provisions of R.S. 47:463.4.

* * *

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

* * *

§1400.21. Help Louisiana Vote Fund

* * *

B.

* * *

(4) The Voting Access Account is established within the fund, into which the state treasurer shall deposit monies received pursuant to Title II of HAVA with respect to assuring voting access for individuals with disabilities. Monies in this account shall be appropriated only for (a) improvement of polling places to ensure accessibility to individuals with disabilities in a manner that provides the same opportunity for participation, privacy, and independence as for other voters; and (b) providing ~~disabled~~ individuals with disabilities with information about accessible polling places, including outreach programs and training for election officials.

* * *

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

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

* * *

C. This Section shall not apply to guide dogs or service dogs used by blind persons, visually ~~handicapped~~ impaired persons, deaf persons, hearing impaired

1 persons, and other ~~physically disabled~~ persons with physical disabilities who have
2 been taught to use such dogs at a qualified dog guide or service school.

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

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

17 B. Any person, firm, or corporation, or agent, representative, or employee
18 of any person, firm, or corporation who deprives any blind person, visually
19 ~~handicapped~~ impaired person, deaf person, hearing impaired person, or ~~otherwise~~
20 ~~physically disabled~~ person with any other physical disability, or any person who is
21 accompanied by a guide dog in training of any right conferred by Subsection A of
22 this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof,
23 shall be fined a sum not to exceed five hundred dollars, or be imprisoned in the
24 parish jail for a period not to exceed ninety days, or both, within the discretion of the
25 judge; and for every such offense such person shall forfeit and pay a sum not to
26 exceed five hundred dollars to any person aggrieved thereby, to be recovered in any
27 court of competent jurisdiction in the parish where such offense was committed.

28 * * *

Section 11. 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) are hereby amended and reenacted to read as follows:

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

* * *

B.

* * *

(7) Insurance under any group life insurance policy except those policies issued pursuant to Paragraph (A)(3) of this Section, may be extended to insure any one person, with or without any eligible members, including spouse and unmarried children under twenty-one years of age or, in the case of full-time students, unmarried children under the age of twenty-four, and unmarried grandchildren under twenty-one years of age in the legal custody of and residing with the grandparent or, in the case of full-time students, unmarried grandchildren under the age of twenty-four who are in the legal custody of and residing with the grandparent, except that the policy may provide for continuing coverage for any unmarried child or grandchild in the legal custody of and residing with the grandparent who is incapable of self-sustaining employment by reason of ~~mental retardation~~ intellectual or physical ~~handicap~~ disability, who became so incapable prior to attainment of age twenty-one, and any other person dependent upon the insured employee or member in accordance with the plan which precludes individual selection by the employees or members or by the employer or trustee.

* * *

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

A.

* * *

(1) Group health and accident insurance is any policy of health and accident insurance, or similar coverage issued by a health maintenance organization, covering

1 more than one person, except family group, and blanket policies hereinafter
 2 specifically provided for, which shall conform to the following requirements:

3 (a)

4 * * *

5 (vi)

6 * * *

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

14 * * *

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

20 A dependent grandchild shall be in the legal custody of and residing with the
 21 grandparent.

22 * * *

23 (2)(a) Family group health and accident insurance or similar coverage issued
 24 by a health maintenance organization is an individual policy covering any one
 25 person, with or without any eligible members, including spouse and children until
 26 the age of twenty-six, and grandchildren until the age of twenty-six who are in the
 27 legal custody of and residing with the grandparent pursuant to R.S. 22:1003 and
 28 1003.1, except that the policy may provide for continuing coverage for any child or
 29 grandchild in the legal custody of and residing with the grandparent who is incapable
 30 of self-sustaining employment by reason of ~~mental retardation~~ intellectual or

1 physical ~~handicap~~ disability, who became so incapable prior to attainment of age
 2 twenty-six, and any other person dependent upon the policyholder, written under a
 3 master policy issued to the head of such family. The policy shall contain a provision
 4 that the policy, and the application of the head of the family if attached to the policy,
 5 shall constitute the entire contract between the parties.

6 (b) Notwithstanding any other provision of law to the contrary, coverage of
 7 dependent children or grandchildren for excepted benefits and for benefits of
 8 short-term, limited duration insurance as defined pursuant to 45 CFR 144.103 shall
 9 be controlled by this Subparagraph with regard to requirements for age. For
 10 excepted benefits, as defined in R.S. 22:1061(3)(b) and (c) and for benefits of
 11 short-term, limited duration insurance as defined pursuant to 45 CFR 144.103, the
 12 following requirements for coverage of dependent children or grandchildren shall
 13 apply:

14 * * *

15 (iv) To an unmarried dependent child or grandchild who is incapable of
 16 self-sustaining employment by reason of ~~mental retardation~~ intellectual or physical
 17 ~~handicap~~ disability, who became so incapable prior to attainment of the age of
 18 twenty-one, there may be continuous coverage for excepted benefits regardless of
 19 age. A dependent grandchild shall be in the legal custody of and residing with the
 20 grandparent.

21 * * *

22 §1001. Mandatory coverage and continued coverage of ~~physically or mentally~~
 23 ~~handicapped~~ children with physical or mental disabilities of insured

24 * * *

25 B. Any hospital or medical expense insurance policy described in Subsection
 26 A and delivered in this state on or prior to ninety days after July 2, 1973, shall be
 27 endorsed to include coverage for such child who had attained the limiting age on or
 28 prior to ninety days after July 2, 1973, while such child is or continues to be both (1)
 29 incapable of ~~self-sustaining~~ self-sustaining employment by reason of mental or
 30 physical ~~handicap~~ disability, and (2) chiefly dependent upon the policyholder,

1 employee or member for support and maintenance, provided such incapacity existed
2 prior to the attainment of the limiting age for dependent children under such group
3 policy and proof of such incapacity and dependency is furnished to the insurer by the
4 employee or member on or before January 1, 1975, and subsequently as may be
5 required by the insurer, but not more frequently than annually.

6 * * *

7 §1003. Coverage of children for group and individual health and accident insurance;
8 exception

9 A.

10 * * *

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

19 * * *

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

26 * * *

27 §1012. Cancellation prohibited after claim for terminal, incapacitating, or
28 debilitating condition

29 * * *

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

* * *

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

* * *

B. "Severe disability", as used in this Section, means any disease of, or injury to, the spinal cord resulting in permanent and total disability, amputation of any extremity that requires prosthesis, permanent visual acuity of twenty/two hundred or worse in the better eye with the best correction, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than twenty degrees, total deafness, inability to hear a normal conversation or use a telephone without the aid of an assistive device, or persons who have developmental disabilities, including but not limited to autism, cerebral palsy, epilepsy, ~~mental retardation~~ intellectual disabilities, and other neurological impairments.

* * *

§1242. Definitions

As used in this Subpart:

* * *

(6) "Enrollee" or "insured" means a person, including a spouse or dependent, who is enrolled in or insured by a health insurance issuer for health insurance coverage. A dependent includes unmarried children under twenty-one years of age

1 or, in the case of full-time students, unmarried children under the age of twenty-four,
2 and unmarried grandchildren under twenty-one years of age in the legal custody of
3 and residing with the grandparent or, in the case of full-time students, unmarried
4 grandchildren under the age of twenty-four who are in the legal custody of and
5 residing with the grandparent, except that the policy may provide for continuing
6 coverage for any unmarried child or grandchild in the legal custody of and residing
7 with the grandparent who is incapable of self-sustaining employment by reason of
8 ~~mental retardation~~ intellectual or physical ~~handicap~~ disability, who became so
9 incapable prior to attainment of age twenty-one, and any other person dependent
10 upon the employee. Any unmarried child who is placed in the home of an insured
11 or enrollee pursuant to an adoption placement agreement executed with an adoption
12 agency licensed in accordance with the Child Care Facility and Child-Placing
13 Agency Licensing Act (R.S. 46:1401 et seq.), or corresponding law of any other
14 state, shall be considered a dependent child of the insured from the date of placement
15 in the home of the insured or enrollee.

16 * * *

17 §1288. Discrimination in automobile liability insurance prohibited

18 * * *

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

23 Section 12. R.S. 23:251(A)(3), 322(3), (5), (6), (8), and (9)(introductory paragraph),
24 323(A), (B)(1) through (7), (C)(2), and (D)(1) and (2), 324(A), 1017.1(5),
25 1226(B)(1)(introductory paragraph) and (C)(1)(introductory paragraph), 1371.1(introductory
26 paragraph), (5), and (6), 1378(F)(34)(introductory paragraph), (a), and (c), 1472(12)(F)(IV),
27 1823(4)(e), 1829(G), 2061(introductory paragraph) and (10), and 3004(A)(1) are hereby
28 amended and reenacted to read as follows:

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

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

* * *

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

* * *

§322. Definitions

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

* * *

(3) ~~"Disabled person"~~ "Person with a disability" means any person who has a physical or mental impairment which substantially limits one or more of the major life activities, or has a record of such an impairment, or is regarded as having such an impairment.

* * *

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

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

* * *

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

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

* * *

§323. Discrimination

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

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

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

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

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

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

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

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

13 (7) Discharge or take other discriminatory action against an otherwise
14 qualified ~~disabled~~ person with a disability when adaptive devices or aids may need
15 to be utilized to enable that individual, at the individual's own expense, to perform
16 the specific requirements of the job.

17 * * *

18 C. Specifically, a labor organization shall not engage in any of the following
19 practices:

20 * * *

21 (2) Limit, segregate, or classify membership, or applicants for membership,
22 or classify or fail or refuse to refer for employment an otherwise qualified ~~disabled~~
23 person with a disability in a way which would deprive or tend to deprive him of
24 employment opportunities, or which would limit employment opportunities or
25 otherwise adversely affect his status as an employee or as an applicant for
26 employment, on the basis of a disability that is unrelated to the individual's ability
27 to perform the duties of a particular job or position.

28 D. An employer, labor organization, or joint labor management committee
29 controlling apprenticeship, on-the-job training, or other training programs shall not
30 engage in any of the following practices:

(1) Discriminate against an otherwise qualified ~~disabled~~ person with a disability because of disability that is not related to the individual's ability to perform the duties of a particular job or position in admission to, or continuation in, a program established to provide such apprenticeship or other training.

(2) Print, publish, or cause to be printed or published a notice or advertisement relating to employment, indicating a preference, limitation, specification, or discrimination, based on a disability that is unrelated to the ability of an otherwise qualified disabled person's ability ~~person with a disability~~ to perform the duties of a particular job or position.

§324. Defenses

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

* * *

§1017.1. Definitions

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

* * *

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

* * *

§1226. Rehabilitation of injured employees

* * *

B.(1) The goal of rehabilitation services is to return a ~~disabled~~ worker with a disability to work, with a minimum of retraining, as soon as possible after an injury

occurs. The first appropriate option among the following must be chosen for the worker:

* * *

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

* * *

§1371.1. Definitions

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

* * *

(5) "Psychiatrist" shall mean an individual licensed to practice medicine by the Louisiana State Board of Medical Examiners or, in the event that the individual is practicing medicine in a jurisdiction other than Louisiana, licensed by the appropriate member board of the Federation of State Medical Boards to practice psychiatry, who has completed a residency in psychiatry, been in clinical practice for at least three years and has training in the evaluation, diagnosis, and treatment of ~~mental retardation~~ intellectual disabilities.

(6) "Psychologist" shall mean an individual licensed to practice psychology by the Louisiana State Board of Examiners of Psychologists or licensed to practice medical psychology by the Louisiana State Board of Medical Examiners, or, in the event an individual is practicing psychology in a jurisdiction other than Louisiana, licensed by the appropriate member board of the Association of State and Provincial Psychology Boards to practice psychology, who has registered specialty in a relevant clinical area of practice, who has been in clinical practice for at least three years and has training and experience in the evaluation, diagnosis, and treatment of ~~mental retardation~~ intellectual disabilities.

* * *

§1378. Determination of liability of fund

* * *

F. Where the employer establishes that he had knowledge of the preexisting permanent partial disability prior to the subsequent injury, and diagnosis of the condition was made by qualified physicians within the scope of their practice or other persons properly licensed and certified to make such a diagnosis, there shall be a presumption that the employer considered the condition to be permanent and to be or likely to be a hindrance or obstacle to employment where the condition is one of the following:

* * *

(34) ~~Mental retardation~~ Intellectual disability, (a) Provided the diagnosis of ~~mental retardation~~ an intellectual disability shall be made on the basis of the following:

* * *

(c) Diagnosis of ~~mental retardation~~ an intellectual disability shall be made by a psychiatrist, psychologist, or other person properly licensed and certified to make such a diagnosis.

* * *

§1472. Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *

(12)

* * *

F. The term "employment" shall include:

* * *

IV. Notwithstanding the provisions of Subparagraphs (I) or (II) of this Paragraph or any other provision of law to the contrary, the term "employment" shall include service performed after December 31, 1970, by an individual in the employ of the Louisiana State School for the Blind, Southern University System State School

for the Blind, Louisiana State School for the Deaf, ~~and~~ Southern University System
State School for the Deaf, or a successor of any of these schools.

* * *

§1823. Definitions

For the purposes of this Chapter:

* * *

(4) The term "economically disadvantaged" means an individual who:

* * *

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

* * *

§1829. Special conditions

* * *

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

* * *

§2061. Definitions

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

* * *

(10) "Supportive services" means any services that assist workforce
development and preparation needs. It may include transportation, health care,
special services and materials for ~~the handicapped~~ persons with disabilities, child
care, meals, temporary shelter, financial counseling, and other reasonable expenses

for participation in the training program and may be provided in-kind or through cash assistance.

* * *

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

A.(1) The executive director of the Louisiana Workforce Commission shall promulgate rules and regulations for the assessment of fees for payment of costs of vocational work evaluation services performed by the Louisiana Workforce Commission regarding any ~~handicapped individual~~ person with a disability who has insurance coverage for this purpose.

* * *

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

§33. Administration of program; specific purposes

* * *

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

* * *

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

* * *

Section 14. 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) through (G), 146, 148, 172(A), the heading of Part VIII of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, 200 through 205, 215.5(B)(5), the heading of Chapter 5 of Title 28 of the Louisiana Revised Statutes of 1950, 475, 476, 477(1) and (3)(a)(introductory paragraph) and (b), 478(A), 831(A)(introductory paragraph), (2), (3), (C)(1)(a) and (b)(i) through (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) are hereby amended and reenacted and R.S. 28:64(H) and (I) are hereby enacted to read as follows:

§2. Definitions

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

* * *

(14) "Mental health advocacy service" means a service established by the state of Louisiana for the purpose of providing legal counsel and representation for ~~mentally disabled~~ persons with mental disabilities and for children and to ensure that their legal rights are protected.

* * *

(20) "Person ~~who is mentally ill~~ with mental illness" means any person with a psychiatric disorder which has substantial adverse effects on his ability to function and who requires care and treatment. It does not refer to a person ~~suffering solely from mental retardation,~~ with, solely, an intellectual disability; or who suffers solely from epilepsy, alcoholism, or drug abuse.

* * *

§22.5. Community mental health centers

The community mental health centers located in Lafayette, Pineville, Lake Charles, Baton Rouge, New Orleans, Crowley, Shreveport, and Monroe for the care, treatment, and rehabilitation at the community level of ~~the mentally ill and the~~ persons with mental illness and persons who are mentally defective as defined in ~~R.S. 28:2(3) and R.S. 28:2(4)~~ 28:2 are created and continued as units of the department under its supervision and administration. Guidance centers heretofore established may be converted to mental health centers by the department or two or more of them may be merged and consolidated into a mental health center by the department.

* * *

§22.7. Geriatric hospitals and units

A. The department may establish and administer geriatric hospitals or units to receive and care for persons who are elderly and or infirm ~~persons~~ who have been discharged by a hospital for ~~the mentally ill~~ persons with mental illness and for other ~~elderly and infirm~~ persons who are elderly or infirm and in need of nursing and medical care. Such hospitals or units may be established on sites designated by the department, provided that no such geriatric hospital or unit may be established on any site located more than five air miles from the administrative office of East Louisiana State Hospital or more than one air mile from the administrative office of Central Louisiana State Hospital. Persons admitted to such geriatric hospitals or units or their responsible relatives shall pay the cost of their maintenance and care.

* * *

§22.9. Rosenblum Mental Health Center

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

§22.10. New Orleans Adolescent Hospital

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

(1) Are suffering from substance abuse.

(2) Are emotionally disturbed.

(3) Have a mental illness.

(4) Have a developmental disability.

* * *

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

* * *

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

* * *

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

* * *

§50. Declaration of policy

The underlying policy of this Chapter is as follows:

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

* * *

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

* * *

§52. Voluntary admissions; general provisions

* * *

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

* * *

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

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

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

(2) (b) That he is making an application for admission; ~~and~~.

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

* * *

§55. Judicial hearings

* * *

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

* * *

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

* * *

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

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

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

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

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

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

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

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

9 ~~C. D.~~ The director shall be an attorney at law licensed to practice in the state.
10 The director shall be qualified by experience to perform the duties of his office. The
11 director shall devote full time to the duties of his office and shall not engage in the
12 private practice of law.

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

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

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

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

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

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

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

4 ~~(7) (2)~~ The director may contract with organizations or individuals for the
5 provision of legal services for ~~the mentally disabled~~ persons with mental disabilities,
6 subject to the approval of the board of trustees.

7 ~~D. F.~~ (1) Any attorney representing a person ~~who is mentally ill~~ with mental
8 illness or a respondent as defined herein shall have ready access to view and copy
9 all mental health and developmental disability records pertaining to his client, unless
10 the client objects. If the patient or respondent later retains a private attorney to
11 represent him, the mental health advocacy service shall destroy all copies of records
12 pertaining to his case.

13 (2) Any attorney representing a person ~~who is mentally ill~~ with mental
14 illness or a respondent as defined herein shall have the opportunity to consult with
15 his client whenever necessary in the performance of his duties. A treatment facility
16 shall provide adequate space and privacy for the purpose of attorney-client
17 consultation.

18 ~~E. G.~~ Nothing in this Title shall be construed to prohibit a ~~mentally disabled~~
19 person with a mental disability or ~~a~~ respondent to be represented by privately
20 retained counsel. If a service attorney has been appointed by the court and the
21 ~~mentally disabled~~ person with a mental disability or respondent secures his own
22 counsel, the court shall discharge the service attorney.

23 ~~F. H.~~ Any respondent or ~~mentally disabled~~ person with a mental disability
24 shall have the right to demand that the records in the possession of his attorney
25 regarding his mental condition be destroyed or returned to the treatment facility, and
26 he shall have the right to assurance by the director that such records have been so
27 destroyed by the mental health advocacy service attorney.

28 ~~G. I.~~ (1) The mental health advocacy service shall establish official rules and
29 regulations for evaluating a client's financial resources, for the purpose of
30 determining whether a client has the ability to pay for services received.

1 (2) A client found to have sufficient financial resources shall be required to
2 pay the service in accordance with standards established by the director. An indigent
3 client shall be provided legal counsel and representation without charge.

4 * * *

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

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

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

15 * * *

16 §148. Expenses of deportation

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

20 * * *

21 §172. Deposit of patients' funds; disbursement

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

30 * * *

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 disabilities centers and assay the efficiency of their operations for the purpose of
2 determining compliance with or violation of any of the standards.

3 §204. Contracts

4 The department may contract with local voluntary associations, nonprofit
5 corporations, police juries, school boards, municipalities, or other public agencies
6 providing for the administration of such centers by the contracting local authority out
7 of any funds, including local, state, and federal funds or a combination thereof made
8 available for the operation and maintenance of community ~~mental~~ behavioral health
9 and ~~mental-retardation~~ developmental disabilities centers which have accepted
10 allocation of funds as herein provided. The allocation of funds as herein authorized
11 shall not have the effect of making the employees or officials of a community ~~mental~~
12 behavioral health or ~~mental-retardation~~ developmental disabilities center state
13 employees or state officials. Such persons shall be employees or officials of the
14 local governing authority or private corporation or association and the state shall not
15 be held responsible by any court for the negligent act of any such persons. The
16 department may stipulate in any such contract that it reserves the right to consult
17 with local authorities relative to program, management, personnel, and facilities of
18 a community ~~mental~~ behavioral health or ~~mental-retardation~~ developmental
19 disabilities center.

20 §205. Allocation of funds

21 The department shall have final authority in determining the percentage not
22 to exceed seventy-five percent of state and federal funds or either that may be
23 allotted to any community ~~mental~~ behavioral health center as contemplated by R.S.
24 28:204 but the allocation may be cancelled at any time the department finds a
25 community ~~mental~~ behavioral health or ~~mental-retardation~~ developmental disabilities
26 center is violating any of the standards of operation and maintenance adopted under
27 the provisions of R.S. 28:203.

28 * * *

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

* * *

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

* * *

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

* * *

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

§475. Short title

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

§476. Declaration of policy

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

§477. Definitions

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

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

* * *

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

* * *

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

§478. Promotion of community based homes

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

* * *

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

A. The Jefferson Parish Human Services Authority, hereinafter referred to as the "authority" is hereby created as a special parish district, which through its board shall direct the operation and management of mental health, ~~mental retardation~~ intellectual disabilities, and substance abuse services for Jefferson Parish only. The authority shall:

* * *

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

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

* * *

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

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

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

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

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

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

* * *

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

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

(1) To have possession and operating control, but not title to, all real and personal property owned by the state and dedicated to the provision of mental health,

1 ~~mental retardation~~ intellectual disabilities, and substance abuse services in Jefferson
2 Parish.

3 * * *

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

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

10 * * *

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

12 A. The authority shall:

13 * * *

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

19 (3) Perform residential and community-based functions relating to the care,
20 diagnosis, training, treatment, and education of ~~alcohol or drug abusers~~ persons
21 suffering from substance abuse and the prevention of addictive disorders. The
22 agreement between the authority and the secretary shall provide for the gradual
23 assumption of these community-based public health services which will be
24 determined to be feasible through consultation with the office of public health.

25 * * *

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

27 A. The district shall:

28 * * *

29 (2) Be responsible for community-based programs and functions relating to
30 the care, diagnosis, training, treatment, case management, and education of ~~the~~

1 ~~mentally retarded, the developmentally disabled, and the autistic persons with~~
 2 intellectual disabilities, persons with developmental disabilities, and persons with
 3 autism.

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

7 * * *

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

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

11 * * *

12 (2) Be responsible for community-based programs and functions relating to
 13 the care, diagnosis, training, treatment, case management, and education of ~~the~~
 14 ~~mentally retarded, the developmentally disabled, and the autistic persons with~~
 15 intellectual disabilities, persons with developmental disabilities, and persons with
 16 autism.

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

20 * * *

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

22 A. The district shall:

23 * * *

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

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

* * *

§915. Districts; functions, powers, and duties

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

* * *

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

* * *

Section 15. 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) are hereby amended and reenacted to read as follows:

§403. Definitions

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

* * *

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

* * *

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

* * *

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

* * *

(17) By May 31, 2006, promulgate standards and regulations in accordance with the Administrative Procedure Act for local governments when a mandatory

evacuation has been ordered for the evacuation of people located in high-risk areas utilizing all available modes of transportation, including but not limited to school and municipal buses, government-owned vehicles, vehicles provided by volunteer agencies, trains, and ships in advance of the approach of the storm to public shelters located outside of the risk area with priority consideration being given to the special needs of the following classes of people:

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

* * *

(20)(a)

* * *

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

* * *

(iii)(aa) Enable, wherever possible, pet and pet-owner evacuations for ~~disabled, elderly, special needs~~ residents with disabilities, who are elderly, or who have special needs, and all other residents whenever such evacuations can be accomplished without endangering human life.

* * *

§729. Parish homeland security and emergency preparedness agency authorities and responsibilities

* * *

E. The parish office of homeland security and emergency preparedness shall:

* * *

(13)(a) In consultation with experts in the fields of animal sheltering, veterinary medicine, public health and safety, other professional and technical

1 personnel deemed appropriate, and the state office of homeland security and
 2 emergency preparedness, formulate emergency operation plans for the humane
 3 evacuation, transport, and temporary sheltering of service animals and household
 4 pets in times of emergency or disaster that:

5 (i) Require that persons with disabilities who utilize service animals, as
 6 defined by the ~~Americians~~ Americans with Disabilities Act, are evacuated,
 7 transported, and sheltered with those service animals and inform all facilities that
 8 provide shelter to persons with disabilities who are accompanied by their service
 9 animals of their legal obligation to provide shelter to both the ~~disabled~~ person with
 10 a disability and the service animal.

11 * * *

12 (iii)(aa) Enable, wherever possible, pet and pet-owner evacuations for
 13 ~~disabled, elderly, special-needs~~ residents with disabilities, who are elderly, or who
 14 have special needs, and all other residents whenever such evacuations can be
 15 accomplished without endangering human life.

16 * * *

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

20 §295.1. Safety belt use; tags indicating exemption

21 * * *

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

27 (2)(a) On the application of any ~~mentally or physically disabled individual~~
 28 person with a mental or physical disability whose impairment is permanent and
 29 prevents use of a seat belt, the commissioner shall issue a special tag for the benefit
 30 of the applicant which indicates such condition. The fee for the tag shall be five

dollars. In lieu of issuance of the special tag, the commissioner shall indicate on the face of the applicant's driver's license, as provided in R.S. 32:403.2 and 410, that the applicant is not required to use a seat belt.

* * *

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

* * *

§351. Horns and warning devices

A.

* * *

(2) Persons with mobility impairments, while operating a motor vehicle upon any state or local highway of this state, may utilize the horn of such vehicle if the nature of the operator's physical impairment requires use of the horn in a situation other than one required to ensure safe operation of the motor vehicle and the operator is operating a motor vehicle with a ~~mobility-impaired~~ mobility impairment license plate or the operator has been issued a ~~mobility-impaired~~ mobility impairment hang tag.

* * *

§401. Definitions

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

* * *

(9) "Driver rehabilitation specialist" means an individual who provides comprehensive services in clinical evaluation of physical functioning, visual/perceptual/cognitive screening, as it pertains to the driving test, and wheelchair/seating assessment, driving assessment, vehicle modification prescription, and driver education; possesses at a minimum an undergraduate degree

1 in a rehabilitation, education, health, safety, physical, occupational, kinesio, or
2 recreational therapy, or related profession or an equivalent of eight years experience
3 in driver rehabilitation/education; and has a minimum of one year of experience in
4 the area of driver evaluation and training for persons with disabilities or possesses
5 current recognition from the Association of Driver Educators for the Disabled for
6 Driver Rehabilitation Specialists (ADED) as a driver rehabilitation specialist.

7 * * *

8 §403.2. Application of persons with physical disability or mental disability

9 Every ~~physically or mentally handicapped~~ person with a physical or mental
10 disability applying for a license under the provisions of this Chapter for the first time
11 shall attach to his application a detailed medical report, or a report from an
12 optometrist if it is a visual defect, from a duly licensed physician indicating the
13 severity of his disability and the limitations imposed thereby which might impair the
14 applicant's ability to exercise ordinary and reasonable control in the operation of a
15 motor vehicle. The department may waive the furnishing of said report by any
16 person applying for a renewal license under the provisions of this Chapter, except for
17 a person subject to the provisions of R.S. 32:403.4.

18 * * *

19 §863.1. Evidence of compulsory motor vehicle liability security contained in
20 vehicle; enforcement; penalty; fees

21 * * *

22 C.

23 * * *

24 (7) In those instances when there is a passenger in the motor vehicle under
25 the age of twelve or when the driver or a passenger in the motor vehicle ~~is~~
26 ~~handicapped~~ has a disability or when considering the location and the time of day of
27 the stop, the law enforcement officer perceives that there would be a threat to the
28 public safety or to the occupants in the motor vehicle, such law enforcement officer
29 enforcing the provision of this Section may in lieu of the impoundment provisions
30 of this Section, seize the license plate and issue a temporary sticker valid for three

1 calendar days. Upon expiration of the sticker, the vehicle shall not be driven until
2 the owner has complied with the requirements of this Section. In the event the
3 vehicle is being driven after the expiration of the temporary sticker provided for
4 herein, the vehicle shall be immediately impounded pursuant to the provisions of this
5 Section.

6 * * *

7 Section 17. R.S. 33:1236(42), 1947(C)(2), 2411, 4720.62(C), 4720.112(C), and
8 4720.138(C) are hereby amended and reenacted to read as follows:

9 §1236. Powers of parish governing authorities

10 The police juries and other parish governing authorities shall have the
11 following powers:

12 * * *

13 (42) To provide support for programs of social welfare for the aid of the
14 needy through the programs for ~~mentally retarded or mentally handicapped persons~~
15 with intellectual or mental disabilities within their respective parishes out of general
16 funds of the parish or any other monies available, including the authority to make
17 grants or subsidies to private or public nonprofit associations or corporations or
18 organizations for use solely in programs of cooperative endeavor to aid ~~the mentally~~
19 ~~retarded or the mentally handicapped persons~~ with intellectual or mental disabilities.

20 * * *

21 §1947. Law Enforcement Officers and Firemen's Survivor Benefit Review Board;
22 payment of claims

23 * * *

24 C.

25 * * *

26 (2) "Child" or "children;" as used in this Section, means any unmarried child
27 under the age of eighteen years, or an unmarried student under the age of
28 twenty-three years, who is the issue of a marriage of a law enforcement officer or
29 fireman; the legally adopted child of a law enforcement officer or fireman; the
30 natural child of a female law enforcement officer or fireman; the child of a law

1 enforcement officer or fireman if a court of competent jurisdiction has made an order
2 of filiation declaring the paternity of such law enforcement officer or fireman for the
3 child; or the child of a male law enforcement officer or fireman who has been
4 acknowledged in accordance with law by the male law enforcement officer or
5 fireman. In addition, the term "child" or "children" shall include a child of any age
6 who meets the definition of "child" or "children;" excepting the age requirement,
7 who is physically and/or mentally handicapped has a physical or mental disability,
8 if medical ~~and/or~~ or psychological information indicates such child is totally and
9 permanently disabled and who is solely dependent upon the law enforcement officer
10 or fireman for support.

11 * * *

12 §2411. Nature of tests; eligibility for tests; adaptation for ~~handicapped~~ candidates
13 with disabilities

14 A. Tests of fitness for original entrance and for promotion shall be
15 competitive, and open to all citizens who, if over eighteen years of age, are qualified
16 voters of the city and who meet the prerequisites established for admission to the
17 tests as specified in the rules or in the public notices of the tests. The prerequisites
18 may relate to age, sex, residence, health, habits, physical characteristics, experience,
19 moral character, training, education, and other qualifications, and, in the case of
20 promotion tests, to service in positions of classes for which lower maximum pay is
21 prescribed involving experience tending to qualify for positions of the classes sought.
22 Whenever, after diligent effort, it has been found impracticable to obtain a sufficient
23 number of eligibles who are citizens and, if over eighteen years of age, are qualified
24 voters of the city, for positions of any class, persons otherwise qualified who are not
25 citizens may be admitted to the tests and may become eligible for appointment and
26 be appointed to such positions subject to all other provisions of this Part. The tests
27 for positions of each class shall be practical in their character and, so far as possible,
28 shall relate to those matters which will fairly test the relative capacity and fitness of
29 the candidates to discharge the duties of characteristic positions of the class to which
30 they seek to be appointed with due reference also to ability to develop in such ways

as to merit advancement to positions of higher classes. The tests may include written or oral questions, trials in the performance of work characteristic of the class, inquiries into facts relating to education or experience or accomplishments, and investigations of the records and success attained and of personal characteristics, or any combination of these and other elements duly related to the purposes of the tests. Promotion tests shall be based on the same standards of required qualifications as original entrance tests for the same classes, and the same degrees of excellence in the tests shall be required for eligibility. No question shall be so framed as to elicit information concerning the political, factional, or religious opinions or affiliations of an applicant.

B. Unless such skills are a bona fide occupational qualification of the position for which application is made, testing procedures shall be adapted for administration to candidates with ~~handicaps~~ disabilities that impair sensory, manual, or speaking skills. Public notice shall be given of the availability of these testing procedures.

* * *

§4720.62. Definitions, home loans, bonds, powers, restrictions, presumptions

* * *

C. No lending institution undertaking transactions contemplated by this Chapter shall discriminate against any person on the basis of race, color, religion, sex, creed, ancestry, national origin, or physical or mental ~~handicap~~ disability in connection with such transactions.

* * *

§4720.112. Definitions, home loans, bonds, powers, restrictions, presumptions

* * *

C. No lending institution undertaking transactions contemplated by this Chapter shall discriminate against any person on the basis of race, color, religion, sex, creed, ancestry, national origin, or physical or mental ~~handicap~~ disability in connection with such transactions.

* * *

§4720.138. Definitions, home loans, bonds, powers, restrictions, presumptions

* * *

C. No lending institution undertaking transactions contemplated by this Chapter shall discriminate against any person on the basis of race, color, religion, sex, creed, ancestry, national origin, or physical or mental ~~handicap~~ disability in connection with such transactions.

* * *

Section 18. R.S. 36:151(B), 251(B), and 254(A)(10)(c) and (h), (B)(9), and (E)(1) are hereby amended and reenacted to read as follows:

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

* * *

B. The Department of Elderly Affairs, through its offices and officers, shall be responsible for the functions of the state that are designed to meet the needs of Louisiana residents sixty years of age or older and for planning, monitoring, coordination, and delivery of services to ~~the elderly persons~~ of the state who are elderly, including but not limited to coordination of services of all state agencies serving ~~the elderly persons who are elderly~~ and requiring reports from ~~them~~ such agencies; developing a plan for efficient coordination of functions and services for ~~the elderly persons who are elderly~~ and for consolidation of such functions and services within the department with local administration by the parish voluntary councils on aging; administration of the Older Americans Act and related programs; administration of all federal funds appropriated, allocated, or otherwise made available to the state for services to the elderly, except funds for programs administered by other state departments or agencies as specified by the Louisiana Revised Statutes of 1950; exercising functions relative to nutrition programs for the ~~elderly and handicapped~~ citizens of Louisiana who are elderly or have disabilities, homemaker services, home repair and maintenance services, employment and training services, recreational and transportation services, counseling, information and referral services, protective services as provided in R.S. 15:1501 et seq., and

1 health-related outreach, but excluding the transportation program for ~~the elderly and~~
2 ~~the handicapped~~ persons who are elderly or have disabilities administered by the
3 Department of Transportation and Development under Section 16(b)(2) of the
4 Federal Urban Mass Transportation Act of 1964 as amended and other such
5 programs and services assigned to other departments of state government as provided
6 in Title 36 of the Louisiana Revised Statutes of 1950; collection of facts and
7 statistics and making special studies of conditions pertaining to the employment,
8 health, financial status, recreation, social adjustment, or other conditions affecting
9 the welfare of ~~the aged~~ persons who are aged; keeping abreast of the latest
10 developments in aging throughout the nation and interpreting such findings to the
11 public; providing for a mutual exchange of ideas and information on national, state,
12 and local levels; and making recommendations to the governor and to the legislature
13 for needed improvements and additional resources to promote the welfare of the
14 aging in the state.

15 * * *

16 §251. Department of Health and Hospitals; creation; domicile; composition;
17 purpose and functions

18 * * *

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

(1) Services for any of the following persons:

(a) Persons with mental illness.

(b) Persons with intellectual disabilities.

(c) Persons with developmental disabilities.

(d) Persons with addictive disorders.

(2) Public health services.

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

* * *

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

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

* * *

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

* * *

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

* * *

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

* * *

B. The secretary shall have authority to:

* * *

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

* * *

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

* * *

Section 19. 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 are hereby amended and reenacted to read as follows:

§752. Exemptions from license

The licensing provisions of this Chapter shall not apply to:

* * *

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

* * *

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

* * *

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

* * *

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

* * *

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

* * *

§775. Unprofessional conduct defined

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

* * *

(10) The use of the name of any deceased, ~~disabled~~, or retired and licensed dentist or hygienist, or the name of any licensed dentist or hygienist with a disability, on any office door, directory, stationery, billhead, or any other means of communication any time after one year following the retirement from practice of ~~said the~~ dentist or dental hygienist, or twenty-four months following the death or disability of ~~said the~~ dentist.

* * *

§776. Causes for nonissuance, suspension, revocation, or imposition of restrictions of dental license; expungement of first-time advertising offenses

A. The board may refuse to issue or may suspend or revoke any license or permit or impose probationary or other limits or restrictions on any dental license or permit issued under this Chapter for any of the following reasons:

* * *

(9)

* * *

(b) A dentist licensed in Louisiana shall not be forbidden to contract with the spouse or personal representative of the estate of a deceased dentist or the spouse or personal representative of a ~~disabled~~ dentist with a disability to manage the dental practice at an establishment where dental operations, oral surgery, or dental services are provided for the purpose of selling, liquidating, or otherwise disposing of the dental practice of a deceased ~~or disabled~~ licensee or a licensee with a disability for a period not to exceed twenty-four months in accordance with the provisions of R.S. 37:752(9). Notwithstanding any other provision of law to the contrary, nothing in

this Subparagraph shall prohibit a dentist from contracting with any person or entity for management of a dental practice prior to the death or disability of such dentist subject to Subparagraph (9)(a) of this ~~Section~~ Subsection.

(10)

* * *

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

* * *

§961. Definitions

As used in this Part:

* * *

(2) The "practice of practical nursing" means the performance for compensation of any acts, not requiring the education, training, and preparation required in professional nursing, in the care, treatment, or observation of ~~the persons~~ who are ill, injured, or infirm and for the maintenance of the health of others and the promotion of health care, including the administration of medications and treatments or in on-job training or supervising licensed practical nurses, subordinate personnel, or instructing patients consistent with the licensed practical nurse's education and preparation, under the direction of a licensed physician, optometrist, or dentist acting individually or in his capacity as a member of the medical staff, or registered nurse. The licensed practical nurse may perform any of the foregoing duties, and with

appropriate training may perform additional specified acts which are authorized by the Louisiana State Board of Practical Nurse Examiners when directed to do so by the licensed physician, optometrist, or dentist acting individually or in his capacity as a member of the medical staff, or registered nurse.

* * *

§1360.64. Privileged communications

* * *

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

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

* * *

§2363. Privileged communications

* * *

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

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

* * *

§3003. Definitions

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

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

~~B.(1)(2)(a)~~ "Occupational therapy" means the application of any activity in which one engages for the purposes of evaluation, interpretation, treatment planning, and treatment of problems interfering with functional performance in persons impaired by physical illness or injury, emotional disorders, congenital or developmental disabilities, or the aging process, in order to achieve optimum functioning and prevention and health maintenance. The occupational therapist may

1 enter a case for the purposes of providing consultation and indirect services and
2 evaluating an individual for the need of services. Prevention, wellness, and
3 education related services shall not require a referral; however, in workers'
4 compensation injuries preauthorization shall be required by the employer or workers'
5 compensation insurer or provider. Implementation of direct occupational therapy to
6 individuals for their specific medical condition or conditions shall be based on a
7 referral or order from a physician, advanced practice registered nurse, dentist,
8 podiatrist, or optometrist licensed to practice. Practice shall be in accordance with
9 published standards of practice established by the American Occupational Therapy
10 Association, Inc., and the essentials of accreditation established by the agencies
11 recognized to accredit specific facilities and programs.

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

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

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

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

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

F:(6) "Association" means the Louisiana Occupational Therapy Association, Inc. (LOTA).

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

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

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

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

* * *

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

* * *

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

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

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

* * *

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

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

* * *

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

Section 21. R.S. 39:302, 362(B)(3)(a)(iii) and (4)(a) and (F), 1484(B)(1)(introductory paragraph) and (h), (2)(c), and (5)(introductory paragraph) and (a), 1494.1(A)(3), 1554(D)(3), 1594(I)(1), 1595.4(A) and (E)(2), (3)(introductory paragraph) and (a), (4), (5), and (7), and 1952(14)(introductory paragraph) and (e) are hereby amended and reenacted to read as follows:

§302. Adaptation for ~~the disabled~~ persons with disabilities

To the extent possible, and except as constrained by its appropriation for technology purchases, a state agency shall take reasonable steps relative to procurement to ensure that state employees ~~who are disabled~~ with disabilities have access to data processing equipment, related services, and software that has been

1 adapted in a manner to enable such technology to be used by such ~~disabled~~ state
2 employees to the extent necessary to perform job-related duties.

3 * * *

4 §362. Policies for fleet vehicles; purchase of vehicles; specifications; exceptions

5 * * *

6 B. Every rule and regulation prescribed for fleet vehicles shall be consistent
7 with the purpose and promote the achievement of the objectives of the fleet
8 management program as specified in R.S. 39:361. These rules and regulations shall
9 include but not be limited to the following:

10 * * *

11 (3)(a) Personal assignment of a fleet vehicle shall be permitted only in
12 individual situations in which cost savings to the state are substantiated or the health
13 and welfare of the general public are essentially affected or in which the
14 commissioner of administration deems it to be in the best interest of the state.
15 Personal assignment of fleet vehicles is not permitted without specific approval from
16 the commissioner of administration. Criteria which merit request for personal
17 assignment include:

18 * * *

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

24 * * *

25 (4) A set of specifications appropriate for the intended use of fleet vehicles
26 shall be prepared by the ~~Division of Administration~~ division of administration for the
27 purchase or lease of vehicles. In preparing vehicle specifications, consideration shall
28 be given to current vehicle manufacturer size; standard equipment items designed to
29 promote safety, handling, and roadability of the vehicle; reasonable levels of
30 comfort; and a minimum cost over the life of the vehicle. Vehicle specifications

1 shall be developed and used by the ~~Division of Administration~~ division of
2 administration to bid for the purchase or lease of fleet vehicles in accordance with
3 rules and regulations in effect at the time the bid document is prepared. Equipment
4 items not included in the specifications shall not be added by any agency to a fleet
5 vehicle after the purchase or lease of the vehicle except for the following:

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

8 * * *

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

19 * * *

20 §1484. Definitions and objectives

21 * * *

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

26 * * *

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

29 * * *

(2) Habilitation and socialization include services rendered by a contractor with special knowledge to assist specified client groups to enhance their self-sufficiency or alleviate their dependency or isolation from the community.

These services include but are not limited to:

* * *

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

* * *

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

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

* * *

§1494.1. Social service contracts

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

* * *

(3) A quasi-public and/or nonprofit corporation, such as a parish voluntary council on aging, an area agency on aging, an ~~association of retarded citizens~~

affiliate of The Arc of Louisiana or equivalent organization serving persons with intellectual or developmental disabilities, an organization serving children, youth, and/or families, or an organization promoting independence from public assistance has been established in coordination with the state to provide the particular service involved in the contract.

* * *

§1554. Application of this Chapter

* * *

D.

* * *

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

* * *

§1594. Competitive sealed bidding

* * *

I. Exemption.

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

* * *

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

A. Every governmental body shall give a preference in its purchasing practices to goods manufactured and services performed by ~~severely handicapped~~ individuals with severe disabilities in state-operated and state-supported sheltered workshops.

* * *

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

* * *

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

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

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

* * *

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

(5) "Sheltered workshop" means a facility designed to provide gainful employment for ~~severely handicapped~~ individuals with severe disabilities who cannot be absorbed into the competitive labor market or to provide interim

1 employment for such individuals when employment opportunities for them in the
2 competitive labor market do not exist.

3 * * *

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

7 * * *

8 §1952. Definitions

9 Unless the context requires otherwise, the following words shall have the
10 following meanings:

11 * * *

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

14 * * *

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

29 * * *

Section 22. R.S. 40:5(18), 384(11), 442(2), 501(A)(2), 1299.27(A), (B)(introductory paragraph) and (2), and (C), 1299.52, 1299.58(A)(introductory paragraph), (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)(introductory paragraph), 1355(B), 1379.3(C)(5), 1400(A) and (C) through (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 Louisiana 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) through (f), and 2471 are hereby amended and reenacted to read as follows:

§5. General powers and jurisdiction

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

* * *

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

* * *

§384. Definitions

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

* * *

(11) "Family" means two or more persons that includes a husband or father and/or wife or mother and/or one or more children, that a local housing authority accepts for occupancy of a dwelling or to which such authority offers or provides other assistance, as particularly defined in the eligibility and occupancy standards

adopted by the authority. For the limited purposes of any reference to the term family or household in this Part, such terms shall also include ~~an elderly person, a disabled person~~ a person who is elderly, a person with a disability, and any other person who may be unmarried or without children.

* * *

§442. Community facilities

A local housing authority may:

* * *

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

* * *

§501. Selection and preferences

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

* * *

(2) Preferences to give priority to persons displaced by public or private action, to families of veterans and servicemen, to families whose members are gainfully employed, to citizens of the United States or this state, to disabled persons

1 ~~or elderly~~ persons with disabilities or who are elderly and such other preferences, as
2 well as priorities within each preference category, as the local housing authority
3 deems appropriate.

4 * * *

5 §1299.27. Safety precautions; procedures for removal and repainting

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

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

22 * * *

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

28 C. This duty shall apply to every owner of residential premises whenever a
29 child ~~or children~~ under six years of age or ~~mentally retarded persons reside~~ or a
30 person with an intellectual disability resides therein or whenever such premises

undergoes a change of ownership and as a result thereof a child ~~or children~~ under six years of age or ~~mentally retarded persons~~ person with an intellectual disability shall reside therein, whether or not his premises have been inspected pursuant to R.S. 40:1299.24 or otherwise. ~~This section~~ The provisions of this Section shall be strictly construed and enforced so as to best protect the safety of residents of such dwellings.

* * *

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

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

* * *

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

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

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

* * *

(3) For a resident of a nonstate-operated residential facility, community, or group home for ~~the developmentally disabled~~ persons with developmental disabilities, the chief executive officer of the provider organization which administers or operates the facility or home.

* * *

§1299.78.5. Provisions

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

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

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

* * *

§1299.113. Program for combating spinal cord disabilities; establishment

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

* * *

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

* * *

§1299.114. Program functions and responsibilities

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

* * *

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

* * *

§1299.118. Purpose

The legislature hereby finds and declares that:

* * *

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

* * *

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

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

* * *

§1300.85. Services

* * *

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

* * *

§1300.361. Legislative intent

* * *

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

* * *

§1355. Powers and duties

* * *

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

* * *

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

* * *

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

* * *

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 E. Upon identification of the owner of the vehicle, the state police shall send
2 by registered mail, return receipt requested, to ~~said~~ the owner a citation for the
3 parking violation. Such citation shall include information on the submission of fines
4 and how the individual may contest the citation. Each troop of the state police may
5 train and utilize volunteers in any aspect of the program which it deems appropriate
6 and for which volunteers offer their services, including clerical responsibilities
7 associated with the processing of information relative to violations of ~~handicapped~~
8 accessible parking restrictions and in the dissemination of citations.

9 F. The office of state police shall establish and promulgate rules and
10 regulations necessary for the operation of the program in accordance with the
11 Administrative Procedure Act. Such rules may include the establishment of a
12 minimum number of participants who must enroll in the training course before such
13 course is offered, criteria for successful completion of the course, certification of
14 successful completion, procedures for identification of persons who have completed
15 the course and who are thereby authorized to submit information relative to
16 violations of ~~handicapped~~ accessible parking restrictions, procedures for the
17 submission and processing of such information, and any other matter which the
18 office deems necessary or convenient for successful operation of the program.

19 * * *

20 §1472.3. License; manufacturer, dealer-distributor, user, blaster, or handler of
21 explosives

22 * * *

23 E.

24 * * *

25 (2) To qualify for a license, an applicant shall:

26 * * *

27 (d) Not suffer from a mental or physical infirmity due to disease, illness, or
28 ~~retardation~~ intellectual disability which prevents the safe handling of explosives.

29 * * *

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

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

* * *

§1574.1. Costs of handling plans

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

* * *

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

* * *

§1730.39. Powers of state fire marshal

* * *

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

* * *

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

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

* * *

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

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

* * *

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~~

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

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

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

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

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

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

* * *

(3) The legislature finds that as a matter of policy, there is a clear conceptual distinction between reserving ~~mobility-impaired~~ accessible parking spaces for a facility that is in use and reserving such spaces associated with a facility that is not in use and at which the general parking spaces are being used for another facility. This distinction is in part grounded in the logic of the accessibility guidelines themselves. The guidelines relate each reserved parking space to a particular facility in requiring an accessible route from the parking space to the facility. In a case 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.

C. The Department of Health and Hospitals, office of behavioral health, of mental retardation, and of prevention of and recovery from alcohol and drug abuse shall be the ~~State Mental Health~~ state mental health authority and ~~State Mental Retardation Authority~~ state developmental disability authority as provided for in the Social Security Act.

* * *

§2009.25. Emergency preparedness plans for nursing homes; applicable parishes;
requirements; Nursing Home Emergency Preparedness Review Committee;
rules and regulations; application

* * *

F. There is hereby created in the Department of Health and Hospitals the Nursing Home Emergency Preparedness Review Committee, hereinafter referred to in this Section as the "committee." The committee, which shall convene at least annually, shall be charged with reviewing the findings of the emergency preparedness plan submitted to the department under this Section, identifying risks and threats, identifying manpower issues for loading, transporting and unloading residents, and developing recommendations for emergency preparedness plans to promote the health, safety, and welfare of nursing home residents. The committee shall be comprised of the following members:

* * *

(12) The executive director of the Advocacy Center for the Elderly and Disabled or his designee.

* * *

§2010.8. Residents' bill of rights

A. All nursing homes shall adopt and make public a statement of the rights and responsibilities of the residents residing therein and shall treat such residents in accordance with the provisions of the statement. The statement shall assure each resident the following:

* * *

1 (2)

2 * * *

3 (b) The right to be granted immediate access to the following:

4 * * *

5 (v) The agency responsible for the protection of and the advocacy system for
6 ~~developmentally disabled individuals~~ persons with developmental disabilities.

7 (vi) The agency responsible for the protection of and the advocacy system
8 for ~~mentally ill individuals~~ persons with mental illness.

9 * * *

10 §2013. Department of Health and Hospitals as mental health and ~~mental retardation~~
11 developmental disabilities authority

12 The Department of Health and Hospitals in addition to other powers and
13 duties conferred upon it by this Chapter, is hereby designated as the sole agency:

14 * * *

15 (6) To administer any and all federal grants in aid funds awarded to the state
16 of Louisiana and any state funds that may be appropriated or made available by the
17 legislature for the establishment and conduct of an approved mental health and
18 ~~mental retardation~~ developmental disabilities program in the state of Louisiana as
19 contemplated by the provisions of the foregoing federal laws or the provisions of any
20 state law relating to the subjects of this Section.

21 * * *

22 §2013.2. Appointment of chaplains; compensation

23 A. The Department of Health and Hospitals may provide for the services on
24 a contractual basis of a Catholic priest and a minister of the other ~~non-Catholic~~ non-
25 Catholic predominating religious denomination of patients in each of the hospitals
26 for the ~~mentally ill~~ under its administration for persons with mental illness.

27 B. The Catholic priest shall be appointed by and subject to the Bishop or
28 Archbishop in whose diocese or archdiocese the hospital for the ~~mentally ill~~ persons
29 with mental illness is located. The minister of the other predominating religious

denomination shall be selected and appointed by the secretary of the Department of Health and Hospitals.

C. The Catholic priest and the minister of the predominating ~~non-Catholic~~ non-Catholic denomination shall be paid a monthly fee to be fixed by the secretary.

D. The secretary may provide for the employment of additional chaplains of any religious denomination on a contractual basis and shall have authority to fix their fees.

§2013.3. Superintendent to furnish report on patient's condition

Superintendents of all hospitals for ~~the mentally ill~~ persons with mental illness administered by the Department of Health and Hospitals are required upon written request of the coroner of the parish from which the patient was committed to furnish a report to the coroner of the patient's condition, showing diagnosis, laboratory findings, treatment prescribed and prognosis; and upon the written request of the attorney of the patient or a near relative shall make the patient's medical record available for inspection by such attorney or relative at such time as may be fixed by the superintendent.

* * *

§2017. Care of sick persons who are indigent or destitute ~~sick persons~~; maintenance

A. The department may, in addition to the powers conferred on it by this Chapter and in accordance with the provisions of this Chapter, exercise the following functions:

(1) Provide for the care and treatment, in privately owned hospitals and other institutions, of sick persons who are indigent or destitute ~~sick persons~~, including ~~mentally ill and~~ persons with mental illness or who are mentally deficient ~~persons~~.

(2) Furnish ~~the~~ to persons who are indigent or destitute proper dental, medical, surgical and other treatment, including their transportation to the point of treatment and return.

* * *

(4) Employ such physicians, interns and other employees as may, in its opinion, be necessary for the proper care and treatment of ~~the~~ persons who are indigent and or destitute under this Chapter.

* * *

§2102. Definitions

As used in this Part:

A. "Hospital" means any institution, place, building, or agency, public or private, whether for profit or not, with facilities for the diagnosis, treatment, or care of persons who are suffering from illness, injury, infirmity, or deformity or other physical condition for which obstetrical, medical, or surgical services would be available and appropriate and which operates or is affiliated with facilities for the overnight care, observation, or recovery of those persons. The term "hospital" does not include the following:

* * *

(3) Persons, schools, institutions, or organizations engaged in the care and treatment of ~~mentally retarded~~ children with intellectual disabilities and which are required to be licensed by the provisions of ~~R.S. 28:562 through R.S. 28:566~~ the Developmental Disability Law (R.S. 28:451.1 et seq.).

* * *

§2113.5. Services to ~~elderly~~ persons who are elderly and persons with disabilities

Any general hospital licensed under this Part, which is owned or operated, or both, by a hospital service district, or which benefits from being financed by the sale of bonds from the state or guaranteed by the state that are exempt from taxation as provided by Louisiana law, or which receives any other type of financial assistance from the state, is directed to give, when possible, priority to the treatment of ~~elderly, physically handicapped, or mentally handicapped~~ persons who are elderly and persons with physical or mental disabilities in the delivery of nonemergency health care services.

* * *

1 §2116. Facility need review

2 * * *

3 B. The department shall promulgate rules and regulations in accordance with
4 the Administrative Procedure Act to provide for facility need review. The rules and
5 regulations shall include but not be limited to the following:

6 (1) Criteria for review of beds for Level 4 adult residential care providers as
7 defined in R.S. 40:2166.3 and identified in R.S. 40:2166.5, and community and
8 group home beds for ~~the developmentally disabled~~ persons with developmental
9 disabilities, to determine if there is a need for additional beds to enroll and
10 participate in the Title XIX program.

11 * * *

12 G. Any intermediate care facility for people with developmental disabilities,
13 which serves children or adults ~~suffering from mental retardation~~ with intellectual
14 disabilities, autism, or behavioral problems, with no less than one hundred fifty and
15 no more than one hundred eighty beds, shall be eligible for the facility need review
16 process as set ~~out above~~ forth in this Section and in rules and regulations
17 promulgated by the Department of Health and Hospitals as authorized in Subsections
18 A and B of this Section. The exemption shall exist for a maximum of fifty additional
19 beds.

20 * * *

21 §2142. Geriatric hospitals and units

22 A. The department may establish and administer geriatric hospitals or units
23 to receive and care for persons who are elderly and or infirm ~~persons~~ who have been
24 discharged by a hospital for ~~the mentally ill~~ persons with mental illness and for other
25 persons who are elderly and or infirm ~~persons~~ who are in need of nursing and
26 medical care. Such hospitals or units may be established on sites designated by the
27 department in quarters constructed or designated by the department, provided that
28 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

America. The funds thus credited shall be available for use by the state agency for the purposes of:

~~(1) (a) Employing~~ employing necessary personnel and for other expenses incurred in connection with the proper administration of the collection or acquisition of such funds by the state agency from the federal government or any agency thereof.

~~(2) (b) For the purchase of~~ Purchasing new equipment for use by the state agency.

~~(3) (c) For making~~ Making major repairs at any facility owned by the state agency.

~~(4) (d) For operating~~ Operating expenses and maintenance of any facility owned by the state agency.

~~(5) (e) For day~~ Providing day care services for ~~mentally retarded~~ persons with intellectual disabilities; and.

~~(6) (f) For any~~ Any purpose authorized by law.

(2) Any funds remaining unexpended and unencumbered in any such special account at the end of each fiscal year shall be retained in such special account.

* * *

§56. Applications and client case records; definitions; confidentiality; waiver; penalty

* * *

B.

* * *

(2) For the purposes of this Section, "case records" are assistance records, social service records, ~~food-stamp~~ records of the Supplemental Nutrition Assistance Program or any predecessor, medical services records, probation and parole records, records pertaining to the adoption of children, records of foster care services, records and investigative reports on abuse or neglect of children or adults, and records of other child welfare services administered by the department, including ~~handicapped children's~~ services for children with disabilities, nutrition, immunization, and other medical and public health services records pertaining to children or adults and where

such records are in the custody of parish health units, and regional and central offices of the office of public health of the Department of Health and Hospitals.

* * *

H.(1) Information pertaining to foster care of children, reports and investigations on abuse or neglect of children, and records of other child welfare services administered by the department, including but not limited to ~~handicapped children's services~~ children's special health services, nutrition, immunization, and other medical and public health services records pertaining to children and where such records are in the custody of parish health units or regional and central offices of the office of public health of the Department of Health and Hospitals, shall not be subject to discovery or subpoena in any civil suit in which the department is not a party.

* * *

§61. Elderly abuse; release of information

A.

* * *

(3) For purposes of this Section, "elderly abuse" shall mean abuse of any person sixty years of age or older and shall include the abuse of any ~~infirm~~ person with an infirmity residing in a state licensed facility.

* * *

CHAPTER 3. PUBLIC ASSISTANCE

PART I. ADULT SERVICES

SUBPART A. ~~ELDERLY, BLIND AND DISABLED~~ PERSONS WHO ARE ELDERLY, BLIND, OR HAVE DISABILITIES

§151. System of adult services

A. The Department of Health and Hospitals shall provide a system of adult services for ~~the persons who are elderly, blind, and disabled~~ persons who are elderly, blind, or have disabilities pursuant to Title VI of the Social Security Act of 1935 as amended.

1 B. The provisions of this Section shall become effective when the necessary
2 funds are made available to the department.

3 * * *

4 §156. Supplementary assistance to persons who are aged, blind, or have disabilities
5 ~~and disabled persons~~

6 A. Any person who is aged, blind, or has a disability ~~and disabled person~~,
7 within the meaning of Subchapter XVI of Chapter Seven of the Social Security Act,
8 as amended, who, for the month of December, 1973, was a recipient of old age
9 assistance, disability assistance, or aid to the needy blind, and is a recipient of
10 supplemental security income under Subchapter XVI of Chapter Seven of the Social
11 Security Act, as amended, shall be entitled to receive a monthly supplementary
12 payment in the amount described in Subsection B below, such payment to terminate
13 the month in which such individual dies or the first month such individual ceases to
14 be eligible for supplemental security income under Subchapter XVI of Chapter
15 Seven of the Social Security Act, as amended.

16 * * *

17 C. Any person who is aged, blind, ~~or disabled person~~ has a disability and
18 who was receiving old age assistance, aid to the needy blind or disability assistance
19 under the state plan in effect on December 31, 1973, who ceased to be eligible for
20 such assistance on January 1, 1974, solely because of the enactment of Public Law
21 92-603, Public Law 93-66, or by other federal legislation pertaining to such public
22 laws, shall be entitled to receive financial assistance under the conditions and in an
23 amount no less than that set forth in the state plan in effect December 31, 1973.

24 * * *

25 §230.1. Legislative intent

26 A. It is the intent of the legislature that families in Louisiana be strong and
27 economically self-reliant so as to minimize their dependence on government benefits
28 for basic needs. To accomplish this goal, it is the intent of this Part that the
29 Department of Children and Family Services ensures that all cash assistance
30 recipients, with the exception of ~~the disabled~~ persons with disabilities or who are

1 incapacitated, are actively and universally engaged in meaningful activities designed
 2 to enable their transition from cash assistance to self-reliance. It is the further intent
 3 that cash assistance participants demonstrate and are expected to exercise active and
 4 diligent personal responsibility in achieving self-reliance through employment and
 5 increased workplace literacy. All appropriate state agencies responsible for
 6 employment, training, and educating Louisiana's citizens are expected to cooperate
 7 in the pursuit of this goal.

8 * * *

9 §231.6. Termination of eligibility; twenty-four-month limit; refusal of employment

10 * * *

11 B. The provisions of this Section shall not apply to an individual who is
 12 incapacitated or ~~disabled individual~~ has a disability as documented or to such an
 13 individual in the recipient's household.

14 * * *

15 §437.14. Grounds for denial or revocation of enrollment

16 A. The department may deny or revoke enrollment in the medical assistance
 17 programs to a health care provider if any of the following are found to be applicable
 18 to the health care provider, his agent, a managing employee, or any person having
 19 an ownership interest equal to five percent or greater in the health care provider:

20 * * *

21 (7) Conviction under federal or state law of a criminal offense punishable by
 22 imprisonment of a year or more which involves moral turpitude, or acts against ~~the~~
 23 persons who are elderly, children, or infirmed persons with infirmities.

24 * * *

25 PART III. DESTITUTE ~~CRIPPLED~~ PERSONS OVER FIFTY WITH DISABILITIES

26 §541. Destitute ~~crippled~~ persons over fifty with disabilities

27 Parish governing authorities may provide annually in their budget for
 28 residents of their respective parishes, who are over fifty years of age, who ~~are~~
 29 ~~deformed or crippled~~ have had a physical disability from birth, who have never been

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

commissioners so appointed shall serve for two years, and one for four years; thereafter, their terms shall be as provided in Subsection C of this Section.

* * *

§1407. Rules, regulations, and standards for licenses

* * *

B.(1) The regulations developed by the department, at a minimum, shall accomplish all of the following:

* * *

(e) Prohibit discrimination by early childhood learning centers and specialized providers on the basis of race, color, creed, sex, national origin, ~~handicap~~ disability, ancestry, or whether the child is being breastfed. However, nothing in this Subparagraph shall be construed to affect, limit, or otherwise restrict any of the following:

* * *

§1951. Statement of policy

It is the policy of this state to encourage and enable a ~~physically disabled~~ person with a physical disability to participate fully in the social and economic life of the state and to engage in remunerative employment. In addition, it is the policy of this state that a ~~physically disabled~~ person with a physical disability shall be employed by the state, political subdivisions of the state, public schools, and all other employment supported in whole or in part by public funds on the same terms and conditions as an able-bodied person, unless it is shown that the particular disability prevents the performance of the work involved.

§1952. Definitions

As used in this Chapter,:

(1) "Assistance dog" means a dog who has been trained or is being trained to aid a particular ~~physically disabled~~ person with a physical disability.

* * *

(3) ~~"Physically disabled person"~~ "Person with a physical disability" means a person who is blind, visually ~~handicapped~~ impaired, deaf, hearing impaired, or ~~otherwise physically disabled~~ has any other physical disability.

§1953. Use of public facilities; equal accommodations; assistance dogs

A. Every ~~physically disabled~~ person with a physical disability shall have the same right as ~~an able-bodied person~~ a person who is able-bodied person to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

B. Every ~~physically disabled~~ person with a physical disability shall be entitled to full and equal accommodations, advantages, facilities, and privileges in the following, subject only to the conditions and limitations established by law and applicable alike to all persons:

* * *

C. Every ~~physically disabled~~ person with a physical disability may be accompanied by an assistance dog, especially trained to aid such person, in any of the places provided in Subsection B of this Section without being required to pay an extra charge for such dog. However, he shall be liable for any damage done to the premises, facilities, operators, or occupants by such dog.

D. Nothing in this Section shall require any person who owns, leases, or operates any public conveyance or modes of transportation, educational institutions, hotels, restaurants, theaters, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, to modify his property or facility in any way or provide a higher degree of care for a ~~physically disabled~~ person with a physical disability than for a person who is ~~not physically disabled~~ does not have a physical disability.

§1954. Housing accommodations; full and equal access; degree of care; assistance
dogs

A. Every ~~disabled~~ person with a disability shall be entitled to full and equal access, as other members of the general public, to all housing accommodations

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

Chapter shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.

* * *

§1957. Precautions for operators of motor vehicles approaching ~~physically disabled~~ pedestrians with physical disabilities

A. Operators of motor vehicles approaching a ~~physically disabled~~ pedestrian with a physical disability who is carrying a cane predominantly white in color, with or without a red tip, or a ~~physically disabled~~ pedestrian with a physical disability using an assistance dog shall take all necessary precautions to avoid injury to such pedestrian.

B. Any such operator who fails to take all necessary precautions to avoid injury to a ~~physically disabled~~ pedestrian with a physical disability shall be liable in damages for any injury caused to the pedestrian and any injury caused to the pedestrian's assistance dog.

C. No operator of a motor vehicle shall drive into or upon any crosswalk while a ~~physically disabled~~ pedestrian with a physical disability is on the crosswalk or crossing or attempting to cross the crosswalk if such pedestrian indicates his intention to cross or to continue to cross the crosswalk. Failure by the pedestrian to signal his intention to cross the crossway shall not deprive him of the ~~right-of-way~~ right-of-way given to him by other applicable law or regulation.

* * *

§1959. Scope of Chapter

Nothing in this Chapter shall be construed to amend, repeal, conflict with, or supersede any federal or state law, rule, or regulation or local ordinance mandating full and equal access in the use of public facilities or places, common carriers, public conveyances, or other modes of transportation, or housing accommodations for a ~~physically disabled~~ person with a physical disability.

* * *

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~~ PERSONS23 WITH DISABILITIES

24 §2251. Short title

25 This Chapter may be cited as the "Civil Rights Act for ~~Handicapped~~ Persons
26 with Disabilities".

§2252. Purpose

* * *

B. The opportunity to obtain education, housing, and other real estate and full and equal utilization of public services and programs without discrimination on the basis of a handicap disability is a civil right.

§2253. Definitions

For the purposes of this Chapter the following definitions shall apply:

(1) ~~"Handicapped person"~~ "Person with a disability" means any person who has an impairment which substantially limits one or more life activities or (a) has a record of such an impairment or (b) is regarded as having such an impairment.

(2) "Impairment" means ~~retardation~~ an intellectual disability; any physical or physiological disorder or condition, or prior mental disorder or condition, but does not include chronic alcoholism or any other form of active drug addiction; any cosmetic disfigurement; or an anatomical loss of body systems.

* * *

(4) "Otherwise qualified ~~handicapped~~ person with a disability" means:

(a) With respect to educational services, a ~~handicapped~~ person with a disability who meets the academic and technical standards requisite to admission or participation in educational and extracurricular activities and programs.

(b) With respect to other services, a ~~handicapped~~ person with a disability who meets the essential eligibility requirements for the receipt of such services.

(5) "Person" includes an individual, agent, association, corporation, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization, the state, or any other legal or commercial entity or state, local or political governmental entity or agency; except that, the persons presently in compliance with federal statutes regarding discrimination of the handicapped and persons who are elderly and persons with disabilities are excluded.

* * *

§2254. Nondiscrimination policy in educational facilities, real estate transactions,
and state-funded programs

A. No otherwise qualified person shall, on the basis of a ~~handicap~~ disability,
be subjected to discrimination by any educational facility, in any real estate
transaction, or be excluded from participating in, or denied the benefits of, any
program or activity which receives financial assistance from the state or any of its
political subdivisions.

F. In accordance with ~~R.S. 46:2254(A)~~ Subsection A of this Section an
educational institution shall not:

(1) Discriminate in any manner in the full utilization of the institution, or the
services provided and rendered thereby to an otherwise qualified individual because
of a ~~handicap~~ disability that is unrelated to the individual's ability to utilize and
benefit from the institution or its services, or because of the use of adaptive devices
or aids.

(2) Exclude, expel, limit, or otherwise discriminate against an otherwise
qualified individual seeking admission as a student or an individual enrolled as a
student at the institution on the basis of a ~~handicap~~ disability that is unrelated to the
individual's academic ability or ability to utilize and benefit from the institution, or
because of the use of adaptive devices or aids.

* * *

(4) Print, publish, or cause to be printed or published a catalog or other
notice or advertisement indicating a preference, limitation, specification, or
discrimination based on the ~~handicap~~ disability of an otherwise qualified applicant
that is unrelated to the applicant's academic ability or ability to utilize and benefit
from the institution or its services, or the use of adaptive devices or aids by an
otherwise qualified applicant for admission.

(5) Announce or follow a policy of denial or limitation of educational
opportunities to a group or its members because of a ~~handicap~~ disability that is

1 unrelated to the group or members' academic ability or ability to utilize and benefit
2 from the institution or its services, or because of the use of adaptive devices or aids.

3 * * *

4 G. An owner or any other person engaging in a real estate transaction, such
5 as a real estate broker or salesman, shall not, in accordance with ~~R.S. 46:2254(A)~~
6 Subsection A of this Section on the basis of a ~~handicap~~ disability that is unrelated to
7 an otherwise qualified individual's ability to acquire, rent, or maintain property:

8 * * *

9 I.(1) A person to whom application is made for financial assistance or
10 financing in connection with a real estate transaction or for the construction,
11 rehabilitation, repair, maintenance, or improvement of ~~real~~ immovable property, or
12 a representative of such a person shall not discriminate against the otherwise
13 qualified applicant on the basis of a ~~handicap~~ disability that is unrelated to the
14 individual's ability to acquire, rent, or maintain property or use a form of application
15 for financial assistance or financing or make or keep a record of inquiry for reasons
16 contrary to the provisions or purposes of this Chapter in connection with applications
17 for financial assistance or financing which indicates, directly or indirectly, a
18 limitation, specification, or discrimination based on ~~handicap~~ disability that is
19 unrelated to the individual's ability to acquire, rent, or maintain property.

20 (2) Nothing in this Subsection shall be construed to prohibit an owner,
21 lender, or his agency from requiring that an applicant who seeks to buy, rent, lease,
22 or obtain financial assistance or housing accommodations supply information
23 concerning the applicant's financial, business, or employment status or other
24 information designed solely to determine the applicant's credit worthiness.

25 (3) Nothing in this Subsection shall require any person renting, leasing, or
26 providing for compensation ~~real~~ immovable property to modify his property in any
27 way or provide a higher degree of care for a ~~handicapped~~ person with a disability
28 than for a person who ~~is not handicapped~~ does not have a disability.

29 J.(1) In accordance with ~~R.S. 46:2254(A)~~ Subsection A of this Section, any
30 program or activity which receives financial assistance from the state or any of its

political subdivisions shall not directly or through contractual, licensing, or other arrangements:

(a) Deny an otherwise qualified person on the basis of ~~handicap~~ disability the opportunity to participate in or benefit from the aid, benefit, or service.

(b) Provide an otherwise qualified person with an aid, benefit, or service that is not as effective as, or equal to, that provided to others because of their ~~handicap~~ disability.

(c) Provide different or separate aid benefits, or services to otherwise qualified persons because of ~~handicap~~ disability, unless such action is necessary to provide qualified ~~handicapped~~ persons with disabilities with aid, benefits, or services that are as effective as those provided to others.

(2) A recipient of state financial assistance shall operate a program or activity in a facility which is accessible to and usable by ~~handicapped~~ persons with disabilities and shall comply with ANSI specifications as defined in ~~R.S. 46:2253(20)~~ R.S. 46:2253(18) by January 1, 1982.

§2255. Construction

Nothing in this Act shall be construed to prohibit or alter any program, service, facility, school, or privilege which is afforded, oriented, or restricted to a person because of his ~~handicap~~ disability, from continuing to habilitate, rehabilitate, or accommodate that person.

§2256. Complaints; filing procedure; compensation

A. When any ~~handicapped~~ person with a disability believes that any person has engaged or is engaging in discriminatory practices, as defined in this Chapter, he shall have one year from the date of the alleged discriminatory act to file a complaint in the appropriate civil district court.

B. ~~Handicapped individuals~~ Persons with disabilities who have been subject to unlawful discrimination as defined in this Chapter shall have the right to any and all remedies available under the law if they prevail in a suit under this Chapter including, but not limited to, compensatory damages, attorneys' fees, costs, and any other relief deemed appropriate. Any person who believes he has been discriminated

against and intends to pursue court action must give the person who has allegedly discriminated written notice of this fact at least ~~30~~ thirty days before initiating court action, must detail the discrimination and both parties must make a good faith effort to resolve the dispute before court action.

* * *

§2582. Powers and duties

The office of disability affairs shall have the following powers and duties:

(1) To collect facts and statistics and make special studies of conditions pertaining to the employment, health, financial status, recreation, social adjustment of the disabled persons with disabilities, or which otherwise affect the welfare of those persons ~~the disabled~~.

(2) To keep abreast of the latest developments concerning disabilities and the disabled persons with disabilities throughout the nation and to interpret its findings to the public.

* * *

(4) To make recommendations to the governor and to the legislature for needed improvements and additional resources to promote the welfare of the disabled persons with disabilities in the state.

* * *

(6) To coordinate the services of all state agencies serving the disabled persons with disabilities and require reports from such state agencies and institutions.

* * *

§2584. Handicapped Accessible parking privileges investigation committee

The office of disability affairs is hereby authorized to establish a committee comprised of membership as it deems appropriate for the purpose of consideration of matters relative to ~~handicapped~~ accessible parking privileges. Such committee may:

* * *

(4) Submit evidence or materials to the Louisiana Medical Advisory Board within the Department of Public Safety and Corrections if such evidence or materials

indicate possible inappropriate or illegal certification of a person as ~~mobility~~
~~impaired~~ having a mobility impairment. If, in the board's discretion, the review of
such material does indicate possible inappropriate or illegal certification by a
physician, the board shall submit such material along with a recommendation for
appropriate disciplinary action to the Louisiana State Board of Medical Examiners.

(5) Monitor, evaluate, and propose and advocate changes to laws, rules, and
regulations relative to ~~handicapped~~ accessible parking privileges to the extent
allowable by law.

* * *

§2673. Adult residential assisted living pilot project; creation

* * *

C. The criteria for the pilot project shall include but are not limited to the
following:

* * *

(5) Have one hundred percent ~~handicapped~~ accessible physical building
features.

* * *

Section 25. R.S. 47:34(C)(2)(introductory paragraph) and (d)(ii), 44.1(B), 79(A)(2)
and (B)(5), 287.749(C)(2)(introductory paragraph) 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)(introductory paragraph), (F), (G)(1) through (5) and (7), (I),
(J)(1) through (3), (4)(introductory paragraph), (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) are hereby amended and reenacted to read as
follows:

§34. Corporation tax credit

* * *

C. Eligible employees are defined as follows:

* * *

(2) A "new economically disadvantaged employee" is a new employee who is ~~either~~ any of the following:

* * *

(d) where such status presents significant barriers to employment:

* * *

(ii) a ~~handicapped individual~~ person with a disability;

* * *

§44.1. Annual retirement or disability income; exemption from taxation

* * *

B. Six thousand dollars of annual disability income received by an individual shall be exempt from state income taxation. For purposes of this Subsection, "disability income" means payment for permanent total disability as provided for in R.S. 23:1221(2). However, any individual claiming an exemption for the blind, for having sustained the loss of one or more limbs, for ~~mental retardation~~ intellectual disability, or for deafness as provided for in R.S. 47:79(A)(2) shall not be eligible for this exemption.

* * *

§79. Credits of individuals against net income

A.

* * *

(2) In addition to the exemptions above provided for, an exemption of one thousand dollars is allowed for the taxpayer who is blind or who has sustained the loss of one or more limbs or who ~~is mentally retarded~~ has an intellectual disability or who is deaf. As used herein the word "blind" shall mean and refer to persons who have been determined by a qualified ophthalmologist or optometrist to have no vision or to have vision which is insufficient for use in an occupation or activity for which sight is essential. For purposes herein, the word "deaf" shall be defined as in ~~Paragraph (5) of Subsection B~~ Paragraph (B)(5) of this section ~~Section~~. Each person claiming an exemption under the provisions of this ~~paragraph~~ Paragraph shall be able to prove such claim by certificate of a qualified physician or optometrist.

B.

* * *

(5) Credit for certain dependents. A credit of one thousand dollars is allowed for each dependent as defined in Subsection ~~(C)~~ C of this ~~section~~ Section who is blind or deaf or who has sustained the loss of one or more limbs or who ~~is mentally retarded~~ has an intellectual disability. As herein used the word "blind" shall be defined as in Paragraph ~~(2)~~ of Subsection ~~(A)~~ (A)(2) of this ~~section~~ Section. For purposes herein, the word "deaf" shall mean and refer to persons whose hearing is so impaired that it is insufficient for use in an occupation or activity for which hearing is essential. The taxpayer claiming credit as herein provided shall be able to prove such claim by certificate of a qualified physician or optometrist issued for each such dependent for which a credit is claimed.

* * *

§287.749. Jobs credit

* * *

C. Eligible employees are defined as follows:

* * *

(2) A "new economically disadvantaged employee" means a new employee who is ~~either~~ any of the following:

* * *

(d) where such status presents significant barriers to employment:

* * *

(ii) a ~~handicapped individual~~ person with a disability;

* * *

§305.38. Exclusions and exemptions; sheltered workshop for ~~mentally retarded~~ persons with intellectual disabilities

The sale at retail, the use, the consumption, the distribution, and the storage for use or consumption in this state of each item or article of tangible personal property by a sheltered workshop for ~~the mentally retarded~~ persons with intellectual disabilities licensed by the Department of Children and Family Services as a day

developmental training center for ~~the mentally retarded~~ persons with intellectual disabilities shall not be subject to the sales and use taxes levied by the state or by any political subdivision thereof.

* * *

§305.69. Exemption; motor vehicles for use by persons with orthopedic disabilities

* * *

B.

* * *

(2) Modifications of a vehicle for the purpose of transporting an ~~orthopedically disabled~~ a person with an orthopedic disability shall include installation of such items as a wheelchair lift, hoist, attached ramp, wheelchair hold-down clamps, or special seat restraints other than conventional seat belts to allow for the transportation of an ~~orthopedically disabled~~ a person with an orthopedic disability in a reasonable manner.

(3) Modifications of a vehicle for operation by an ~~orthopedically disabled~~ a person with an orthopedic disability shall include altering such items as the conventional brake, acceleration, or steering systems to facilitate the operation of the vehicle by an ~~orthopedically disabled~~ a person with an orthopedic disability, and the installation of such items as a wheelchair lift, hoist, or attached ramp to allow an ~~orthopedically disabled~~ a person with an orthopedic disability to enter the motor vehicle.

* * *

§337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other exemptions applicable

* * *

D.

* * *

(17) R.S. 47:305.38, "key words": sheltered workshops for ~~the mentally retarded~~ persons with intellectual disabilities.

* * *

1 §360. Exemptions

2 * * *

3 G. ~~Disabled persons~~ Persons with disabilities. There shall be no license tax
4 imposed, assessed, or collected under the provisions of this Chapter on any person
5 who is disabled to the extent that he is home-bound, confined to a bed or wheelchair,
6 requires the aid and attendance of another person, and is unable to enter the normal
7 work force.

8 * * *

9 §463.4. Special license plates or hang tags for ~~mobility-impaired~~ persons with
10 mobility impairments

11 A.(1) On the application of any ~~mobility-impaired~~ person with a mobility
12 impairment whose impairment is permanent, the secretary shall issue a special
13 license plate for the benefit of the applicant. The applicant may designate one
14 recipient motor vehicle owned or leased by him, his spouse, his parents, his legal
15 guardian, or by a legal entity which has designated the vehicle as intended for the
16 exclusive use of that ~~mobility-impaired~~ person with a mobility impairment.

17 (2) Should the applicant designate a motor vehicle owned by his spouse, his
18 parents, his legal guardian, or a legal entity, the owner shall indicate written assent
19 and acceptance of the special plate with the understanding that it may be cancelled
20 at will by the ~~mobility-impaired~~ person with a mobility impairment, upon written
21 notice from the ~~mobility-impaired~~ person with a mobility impairment to the owner
22 of the recipient motor vehicle and upon written notice to the secretary. A cancelled
23 special plate of this nature shall be surrendered to the secretary and such plate may
24 be reassigned to a motor vehicle as designated by the ~~mobility-impaired~~ individual
25 with a mobility impairment. No additional fee shall be charged for such
26 reassignment until renewal charges become due upon expiration of the plate.

27 * * *

1 (4) Within forty-five days of the death of a ~~mobility-impaired~~ person with
2 a mobility impairment to whom a special license plate has been issued, it shall be the
3 responsibility of the next of kin of that person to surrender the plate to the secretary.

4 * * *

5 (6) The special license plates shall bear the international symbol of
6 accessibility and shall be followed by such numbers or letters as the secretary finds
7 expedient. Each initial application shall be accompanied by a currently dated
8 medical examiner's statement certifying that the applicant is ~~a mobility-impaired~~
9 ~~person whose~~ has a mobility impairment that is permanent.

10 B.(1) In addition to a special license plate, on the application for a hang tag
11 made by any ~~mobility-impaired~~ person with a mobility impairment whose
12 impairment is permanent, and upon a showing of good cause, the secretary shall
13 issue a hang tag, renewable as any driver's license for a person whose impairment is
14 permanent every four years and which shall be valid until revoked or suspended.
15 The secretary shall determine the form, size, and color of the hang tag, and the
16 material of which it is to be made. The card shall bear the international symbol of
17 accessibility. The secretary shall adopt and promulgate rules and regulations relating
18 to the issuance, revocation, surrender, and proper display of the tags. Each initial
19 application shall be accompanied by a currently dated medical examiner's statement
20 which includes the medical examiner's state license number certifying that the
21 applicant is ~~a mobility-impaired person whose~~ has a mobility impairment that is
22 permanent.

23 (2) On the application for a hang tag made by any ~~mobility-impaired~~ person
24 with a mobility impairment whose impairment is temporary, and upon showing of
25 good cause, the secretary shall issue a hang tag, renewable each year and which
26 shall be valid until revoked or suspended. The secretary shall determine the form,
27 size, and color of the hang tag, and the material of which it is to be made. The card
28 shall bear the international symbol of accessibility. The secretary shall adopt and
29 promulgate rules and regulations relating to the issuance, revocation, surrender, and
30 proper display of the tags. Each initial application and each renewal application shall

1 be accompanied by a currently dated medical examiner's statement which includes
2 the medical examiner's state license number certifying that the applicant ~~is a~~
3 ~~mobility-impaired person whose~~ has a mobility impairment ~~that~~ is temporary.

4 (3) No person to whom a hang tag is issued shall do either of the following:

5 (a) Display or permit the display of the hang tag on any motor vehicle when
6 having reasonable cause to believe the motor vehicle is being used in connection
7 with an activity which does not include providing transportation for a ~~mobility-~~
8 ~~impaired person~~ with a mobility impairment.

9 * * *

10 (4) For the purpose of this Section, "good cause" shall mean the existence
11 of any of the following circumstances:

12 (a) The ~~mobility-impaired person~~ with a mobility impairment submitting an
13 application for a hang tag does not own a vehicle.

14 (b) The ~~mobility-impaired person~~ with a mobility impairment submitting an
15 application for a hang tag needs or uses multiple vehicles in the performance of his
16 employment or travel, or to obtain medical treatment.

17 * * *

18 (5) When a person to whom a hang tag has been issued changes his place of
19 residence to another state, country, or province, he shall surrender the hang tag to the
20 secretary. Upon the death of a ~~mobility-impaired person~~ with a mobility impairment
21 to whom a hang tag has been issued, it shall be the responsibility of the next of kin
22 of that person to surrender the tag to the secretary.

23 (6) If the commissioner of motor vehicles, in his discretion, finds that
24 appropriate circumstances exist, an additional hang tag may be issued on behalf of
25 a ~~mobility-impaired person~~ with a mobility impairment if his parents are divorced
26 and residing in separate households and if he is dependent on both parents.

27 C.

28 * * *

29 (2) Any person who loses a hang tag and, after obtaining a duplicate, finds
30 the original, shall immediately surrender the original hang tag to the secretary or to

1 any field office of the Department of Public Safety and Corrections, office of motor
2 vehicles, and shall not display the original hang tag on any vehicle for the purpose
3 of exercising ~~handicapped~~ accessible parking privileges.

4 D. The secretary shall not issue special license plates, hang tags, or mobility
5 ~~impaired~~ impairment identification cards except as designated in this Section or in
6 R.S. 47:490.4. Any ~~mobility impaired~~ person with a mobility impairment whose
7 impairment is permanent may obtain a hang tag or mobility impaired identification
8 card at no additional fee other than the issuance cost of three dollars.
9 Notwithstanding any other provision of law to the contrary, except as provided in
10 Subsection C of this Section, the secretary shall not charge any fee in excess of ten
11 dollars for the issuance of special license plates for ~~mobility impaired~~ persons with
12 mobility impairments.

13 E.(1) The term "~~mobility impaired person~~" "person with a mobility
14 impairment" shall include any person who is impaired because of any of the
15 following conditions:

16 * * *

17 F. When a motor vehicle bearing plates or displaying a hang tag issued to a
18 ~~mobility-impaired~~ person with a mobility impairment, as prescribed in this Section,
19 is being operated for the transport of the ~~mobility-impaired~~ person with a mobility
20 impairment, the motor vehicle may be parked for a period of two hours, three hours
21 in the city of New Orleans, in excess of the legal parking period permitted by local
22 authorities, except where local ordinances or police regulations prohibit parking on
23 a highway for the purpose of creating a fire lane or where the ordinances or police
24 regulations provide for the accommodation of heavy traffic during morning,
25 afternoon, or evening hours or where the motor vehicle is parked in such a manner
26 as to clearly be a traffic hazard.

27 G.(1) Any person who ~~is not a mobility impaired person~~ does not have a
28 mobility impairment as prescribed in this Section and who willfully and falsely
29 represents himself as having the qualifications to obtain such special license plates,
30 hang tag, or mobility ~~impaired~~ impairment identification card authorized by this

1 Section shall be fined not less than one hundred dollars nor more than two hundred
2 fifty dollars, or shall be imprisoned for not more than thirty days, or both, and on
3 subsequent offenses, shall be fined not less than two hundred fifty dollars nor more
4 than five hundred dollars, or shall be imprisoned for not more than ninety days, or
5 both.

6 (2) Any person who utilizes a hang tag or a vehicle bearing a special plate
7 to obtain ~~handicapped~~ accessible parking privileges and has not transported a
8 mobility impaired person in that vehicle prior to parking the vehicle, may be fined
9 not less than fifty dollars nor more than two hundred fifty dollars or shall be
10 imprisoned for not more than thirty days, or both, and on the second and subsequent
11 offenses, shall be fined not less than one hundred dollars nor more than five hundred
12 dollars, or shall be imprisoned for not more than sixty days, or both.

13 (3) Any ~~mobility-impaired~~ person with a mobility impairment who allows
14 his hang tag or specially licensed vehicle to be used, when said tag or vehicle is used
15 to illegally access ~~handicapped~~ accessible parking privileges by an individual not
16 entitled to such special ~~handicapped~~ accessible parking privileges shall have his
17 ~~handicapped~~ accessible parking privileges suspended for six months and shall be
18 fined not less than fifty dollars nor more than two hundred fifty dollars, or shall be
19 imprisoned for not more than thirty days for the first offense, or both. On the second
20 and subsequent offenses, said suspension shall be for one year, and the individual
21 shall be fined not less than two hundred fifty dollars nor more than five hundred
22 dollars, in addition to suspension of said privileges, or shall be imprisoned not more
23 than thirty days, or both.

24 (4) Any medical examiner who willfully and falsely certifies that a person
25 ~~is mobility-impaired~~ has a mobility impairment in order to allow that person to
26 obtain the special license plate, hang tag, or ~~mobility-impaired~~ mobility impairment
27 identification card authorized in this Section shall be fined one thousand dollars, or
28 shall be imprisoned for not more than ninety days, or both.

29 (5) Not later than January 1, 1995, any ~~mobility-impaired~~ person with a
30 mobility impairment who has a hang tag shall also have a picture identification card

1 as determined by Subsection J of this Section in his possession when using
2 ~~handicapped~~ accessible parking privileges. Any person who has a hang tag and who
3 utilizes a ~~handicapped~~ an accessible parking area after January 1, 1995, without such
4 identification may be fined not less than fifty dollars nor more than five hundred
5 dollars or shall be imprisoned for not more than thirty days, or both.

6 * * *

7 (7) When a peace officer issues a citation for an alleged violation of the laws
8 governing parking in a ~~handicapped~~ an accessible parking space, there shall be a
9 rebuttable presumption that the person in whose name the vehicle is registered was
10 operator of the vehicle when the alleged violation was committed.

11 I. Every ~~mobility-impaired~~ person with a mobility impairment operating or
12 otherwise being transported by a vehicle displaying the international symbol of ~~the~~
13 ~~handicapped~~ accessibility or the word "handicapped" on a valid special license plate,
14 disabled veteran license plate, or hang tag shall be entitled to invoke all ~~handicapped~~
15 accessible parking privileges provided in this Section, without regard to the location
16 of the issuing authority, or the residence or domicile of the person invoking the
17 ~~handicapped~~ accessible parking privileges. "Issuing authority" as defined in this
18 Section shall mean the office of motor vehicles of the Department of Public Safety
19 and Corrections or comparable government issuing authorities outside the state of
20 Louisiana.

21 J.(1) Upon initial application or first application after August 15, 1995, for
22 renewal of a hang tag, each ~~mobility-impaired~~ person with a mobility impairment
23 who intends to obtain or to renew his hang tag, shall have in his possession or shall
24 obtain or renew a ~~mobility-impaired~~ mobility impairment driver's license or
25 ~~mobility-impaired~~ mobility impairment identification card issued by the secretary.
26 The secretary may include the designation "~~Mobility-impaired~~" "Mobility
27 impairment" or an abbreviation thereof, on the drivers' licenses and identification
28 cards which are currently issued by the secretary.

29 (2) The secretary shall renew a ~~mobility-impaired~~ mobility impairment
30 identification card for a person whose impairment is permanent every four years.

(3) The secretary shall renew a ~~mobility-impaired~~ mobility impairment identification card each year for a person whose impairment is temporary.

(4) The ~~mobility-impaired~~ mobility impairment driver's license or the ~~mobility-impaired~~ mobility impairment identification card shall:

(a) Identify the person as ~~mobility-impaired whose~~ having a mobility impairment that is permanent.

* * *

(c) Include a photograph of the ~~mobility-impaired~~ person with a mobility impairment.

(d) The ~~mobility-impaired~~ mobility impairment driver's license or the ~~mobility-impaired~~ mobility impairment identification card shall include a place for the signature of the person to whom it is issued, or of that person's next of kin. When a person to whom a ~~mobility-impaired~~ mobility impairment driver's license or a ~~mobility-impaired~~ mobility impairment identification card has been issued changes his place or residence to another state, country, or province, he shall surrender the ~~mobility-impaired~~ mobility impairment driver's license or ~~mobility-impaired~~ mobility impairment identification card to the secretary. Upon the death of a ~~mobility-impaired~~ person with a mobility impairment to whom a ~~mobility-impaired~~ mobility impairment driver's license or ~~mobility-impaired~~ mobility impairment identification card has been issued, it shall be the responsibility of the immediate family of that person to surrender the ~~mobility-impaired~~ mobility impairment driver's license or ~~mobility-impaired~~ mobility impairment identification card to the secretary.

K. Upon the application of any institution providing transportation for ~~mobility-impaired~~ persons with mobility impairments, the secretary shall issue special license plates designating the vehicle or vehicles declared by the applicant to be used by him exclusively for the use of transporting ~~mobility-impaired~~ persons with mobility impairments. The license plates shall bear the international symbol of accessibility and shall be followed by such numbers or letters as the secretary finds expedient. Each initial application shall be accompanied by a currently dated

1 statement verifying that the applying institution will use said vehicles exclusively to
2 provide transportation for ~~mobility impaired~~ persons with mobility impairments. A
3 proportionate refund based on the remaining term of any other license plate is hereby
4 authorized in favor of such eligible institutions.

5 L. The provisions of the law relating to the issuance, revocation, and use of
6 special license plates, hang tags, mobility ~~impaired~~ impairment drivers' licenses, and
7 mobility ~~impaired~~ impairment identification cards shall be administered by the
8 secretary of the Department of Public Safety and Corrections and his authorized
9 employee. All references to "the secretary" with respect to those laws shall be
10 deemed to be references to the secretary of the Department of Public Safety and
11 Corrections, or to his authorized employees.

12 * * *

13 §463.4.1. Special parking cards for ~~temporarily mobility impaired~~ persons with
14 temporary mobility impairments

15 A. A special parking card bearing the international symbol of accessibility
16 may be issued to any person who is ~~temporarily mobility impaired~~ has a temporary
17 mobility impairment as defined in R.S. 47:463.4(E) upon application to the secretary
18 and accompanied by a currently dated written physician's statement certifying that
19 the person is ~~mobility impaired~~ has a mobility impairment.

20 * * *

21 §463.4.2. ~~Mobility impaired persons~~ Persons with mobility impairments; motor fuel
22 service price

23 A.(1) "~~Mobility impaired driver~~" "Driver with a mobility impairment" shall
24 mean a ~~mobility impaired~~ person with a mobility impairment as defined in R.S.
25 47:463.4(E) who utilizes a parking card or a vehicle bearing a special plate to obtain
26 ~~handicapped~~ accessible parking privileges as defined by R.S. 47:463.4; or R.S.
27 ~~47:463.4.1~~.

28 * * *

29 B. A motor fuel dealer shall have an employee dispense motor fuel into a
30 motor vehicle from a full-service pump at the same price as the motor fuel dealer

1 charges the general public for the same grade of motor fuel dispensed from a
2 self-service pump, if all of the following apply:

3 (1) The motor vehicle displays special registration plates or parking cards
4 which identify the vehicle as one used by a ~~mobility-impaired~~ driver with a mobility
5 impairment.

6 * * *

7 (4) After January 1, 1995, the ~~mobility-impaired~~ person with a mobility
8 impairment produces either a pictured identification card as determined by R.S.
9 47:463.4(J) or a temporary parking card as determined by R.S. 47:463.4.1.

10 * * *

11 §463.4.3. Manufacture, sale, possession, or use of counterfeit ~~mobility-impaired~~
12 accessible parking placards; penalties

13 A. It shall be unlawful to manufacture, sell, possess, or use a counterfeit
14 ~~mobility-impaired~~ accessible parking placard which is a facsimile of the
15 ~~mobility-impaired~~ accessible parking placards issued by the Department of Public
16 Safety and Corrections, office of motor vehicles, pursuant to the provisions of R.S.
17 47:463.4. Additionally, a person shall be in violation of the provisions of this
18 Section and ~~handicapped~~ accessible parking regulations if he knowingly parks a
19 vehicle displaying a counterfeit ~~mobility-impaired~~ accessible parking placard in a
20 parking space or area reserved for persons with disabilities.

21 * * *

22 §463.5. Private bus; recreational vehicles

23 * * *

24 C. The provisions of this Section shall not apply to ~~mobility-impaired~~
25 persons with mobility impairments registering specially equipped vans or buses with
26 devices which are necessary for raising and lowering wheelchairs.

27 * * *

28 §463.21. Special handicapped license plates for farm vehicles

29 A. On the application of any ~~mobility-impaired~~ person with a mobility
30 impairment as defined in R.S. 47:463.4(E), and upon a showing of good cause, the

1 secretary shall issue special license plates for farm vehicles designating the vehicle
2 declared by the applicant to be used by him. The license plates shall bear the
3 international symbol of accessibility; the word "handicapped", reading from left to
4 right; and shall be followed by such numbers and letters as the secretary finds
5 expedient. Each initial application shall be accompanied by a currently dated
6 physician's statement certifying that the applicant ~~is a mobility impaired person~~ has
7 a mobility impairment. The department shall not charge any fee, other than the
8 regular fee for annual registration for the issuance of the license plate.

9 * * *

10 §463.51. Special prestige license plates; Lions International

11 * * *

12 D.

13 * * *

14 (2) An amount of monies equal to the total amount of donations shall be
15 equally divided and disbursed annually by the office for citizens with developmental
16 disabilities to the Louisiana Lions Eye Foundation in New Orleans and the ~~Crippled~~
17 ~~Children's Camp~~ Louisiana Lions Camp in Leesville. The monies shall be used
18 solely for the expenses incurred in providing services to ~~the developmentally~~
19 ~~disabled~~ children of this state with developmental disabilities and in providing
20 treatment to ~~the~~ persons who are sight-impaired whose eligibility for such treatment
21 shall be determined by the Louisiana Lions Eye Foundation. The services of the
22 Louisiana Lions Eye Foundation and the ~~Crippled Children's Camp~~ Louisiana Lions
23 Camp are hereby deemed a public purpose and shall qualify as cooperative
24 endeavors under the provisions of Article VII, Section 14(C) of the Constitution of
25 Louisiana.

26 * * *

27 §473.2. Special handicapped license plates for dealers and owners of commercial
28 vehicles

29 * * *

1 B. The secretary shall establish and promulgate rules and regulations for the
2 issuance of handicapped license plates. Any vehicle bearing special
3 handicapped license plates shall only be operated by or for the benefit of a
4 ~~handicapped~~ person with a mobility impairment as defined in R.S. 47:463.4(E).

5 * * *

6 D. Any such dealer plates so issued may, during the registration period for
7 which issued, be transferred from one vehicle to another for the use and benefit of
8 a ~~handicapped~~ person with a mobility impairment.

9 * * *

10 §490.4. Military honor license plates for certain disabled veterans

11 * * *

12 E. The secretary may issue a military honor license plate, as provided for in
13 this Section, for each vehicle registered in the applicant's name, and the holder of
14 such license plate shall be accorded the same privileges as holders of license plates
15 for ~~mobility impaired~~ persons with mobility impairments. The secretary shall also
16 issue a hang tag as provided in R.S. 47:463.4(B)(1), which bears the international
17 symbol of accessibility, to any disabled veteran who has or is issued such a plate and
18 who requests the hang tag. No fee shall be charged for the hang tag, and it shall be
19 exempt from renewal requirements applicable to hang tags issued pursuant to R.S.
20 47:463.4. However, lost, destroyed, or mutilated hang tags shall be replaced
21 according to the provisions of R.S. 47:463.4(C), including payment of the reissuance
22 fee. A person using the hang tag in a vehicle with a disabled veteran license plate
23 is not required to obtain or possess a ~~mobility impaired~~ impairment driver's license
24 or identification card.

25 * * *

26 §492. Amateur radio station plates for owners and operators

27 * * *

28 E. On the application of any person who is an amateur radio station owner
29 or operator and who is also either a ~~mobility impaired~~ person with a mobility
30 impairment as defined in R.S. 47:463.4(E) or a disabled veteran as defined in R.S.

1 47:490.4, the secretary shall issue to such applicant a special license plate in
2 accordance with Subsection A of this Section which shall contain the appropriate
3 symbol indicating that the applicant is also a ~~mobility impaired~~ person with a
4 mobility impairment or a disabled veteran.

5 * * *

6 §1061. Telecommunication tax for the deaf

7 * * *

8 B. The monies in the Telecommunications for the Deaf Fund shall be used
9 solely to establish, administer, and promote a statewide program to provide
10 accessibility services and assistive technology for persons who are deaf, deaf/blind,
11 hard of hearing, speech impaired, or others ~~who are similarly handicapped~~ with
12 similar disabilities or impairments, in the amounts appropriated each year by the
13 legislature to the Louisiana Commission for the Deaf. Any surplus monies
14 remaining to the credit of the fund on June thirtieth of each year and any funds
15 earned through the investment of the monies in the fund shall remain to the credit of
16 the fund.

17 * * *

18 Section 26. R.S. 48:23(B) and 261(A)(1) are hereby amended and reenacted to read
19 as follows:

20 §23. Engineering and other help

21 * * *

22 B. Notwithstanding any provision of law, or any provision of the department,
23 or any provision of Civil Service to the contrary, the department, at its discretion,
24 may hire ~~disabled~~ persons with disabilities in the position of Bridge Tender I.

25 * * *

26 §261. Maintenance work by department employees; exceptions

27 A.(1) Except as otherwise provided in this Section, all maintenance
28 operations shall be performed by the employees of the department. However, the
29 department may, by contract or other means, arrange for the maintenance of any
30 section or sections of highways or any of the facilities of the Department of

* * *

* * *

* * *

1 SUBPART D. PUBLIC BUILDINGS--USEABILITY BY
2 ~~PHYSICALLY HANDICAPPED~~ PERSONS WITH PHYSICAL DISABILITIES

3 §148. Construction and design of state owned buildings; ~~handicapped~~ persons with
4 disabilities

5 The standards and specifications set forth in this Section shall apply to all
6 state owned buildings, educational institutions, and office buildings which are
7 constructed, renovated or remodeled in whole or in part by the use of state funds, or
8 the funds of any board, commission, agency, or department of the state; provided,
9 however, that the provisions of this ~~Sub-Part~~ Subpart shall not apply to buildings
10 constructed by parish or city school boards. All such buildings and facilities
11 constructed, renovated, or remodeled in this state after July 27, 1966, shall conform
12 to each of the standards and specifications prescribed herein for the purpose of
13 making such buildings and facilities accessible to and usable by ~~the physically~~
14 ~~handicapped~~ persons with physical disabilities, or standards and specifications
15 reasonably similar thereto.

16 §148.1. Specifications for grounds, buildings and facilities

17 * * *

18 G.(1) An appropriate number of toilet rooms shall be accessible to, and
19 usable by, ~~the physically handicapped~~ persons with physical disabilities and shall
20 have space to allow traffic of individuals in wheelchairs.

21 * * *

22 H. An appropriate number of water fountains or other water-dispensing
23 means shall be mounted thirty inches above the floor and in a way which will make
24 them usable by ~~the physically handicapped~~ persons with physical disabilities. Water
25 fountains or coolers shall be hand-operated or hand-and-foot operated.

26 I. Where elevators are to be provided they shall be accessible to, and usable
27 by, ~~the physically disabled~~ persons with physical disabilities at all levels normally
28 used by the general public. Elevators shall be designed to allow for traffic by
29 wheelchairs.

30 * * *

1 Section 28. R.S. 51:1402(4), 1407(C) and (D)(1) through (3) and (4)(introductory
2 paragraph), (b), (c), and (f), 2232(11)(a)(ii), 2303(3), 2312(A)(3), 2602(A),
3 2603(9)(a)(introductory paragraph), 2606(A)(3) through (5), (6)(a)(introductory paragraph),
4 (b)(introductory paragraph), (c)(i), (iii)(aa) and (bb), (d), and (B), 2607(A) and (C), and 2608
5 are hereby amended and reenacted to read as follows:

6 §1402. Definitions

7 As used in this Chapter, the following words and phrases shall have the
8 meanings hereinafter ascribed to them:

9 * * *

10 (4) "~~Disabled person~~" "Person with a disability" means a person with a
11 mental, physical, or developmental disability that substantially impairs that person's
12 ability to provide adequately for his own care or protection.

13 * * *

14 §1407. Restraining prohibited acts

15 * * *

16 C. In addition to any other civil penalty provided for in this Section, if a
17 person is found by the court to have engaged in any method, act, or practice in
18 Louisiana declared to be unlawful under this Chapter, and the violation was
19 committed against an elder person or a ~~disabled~~ person with a disability, as defined
20 in this Section, the court may impose an additional civil penalty not to exceed five
21 thousand dollars for each violation.

22 D. In determining whether to impose an enhanced civil penalty under this
23 Section and the amount thereof, the court shall consider any of the following:

24 (1) Whether the defendant's conduct was in disregard of the rights of the
25 elder ~~or disabled~~ person or person with a disability.

26 (2) Whether the defendant knew or should have known that the defendant's
27 conduct was directed to an elder ~~or disabled~~ person or person with a disability.

28 (3) Whether the elder ~~or disabled~~ person or person with a disability was more
29 vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired
30 understanding, restricted mobility, or disability than other persons and whether the

elder or disabled person or person with a disability actually suffered physical, emotional, or economic damage resulting from the defendant's conduct.

(4) Whether the defendant's conduct caused an elder or disabled person or person with a disability to suffer any of the following:

* * *

(b) Loss or encumbrance upon a primary residence of the elder or disabled person or person with a disability.

(c) Loss of or encumbrance upon the ~~elder or disabled person's~~ principal employment or principal source of income of the elder person or person with a disability.

* * *

(f) ~~Loss of assets essential to the health and welfare of the elder or disabled person or person with a disability.~~

* * *

§2232. Definitions

As used in this Chapter:

* * *

(11)(a) "Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such impairment, or being regarded as having such an impairment. For purposes of all laws which incorporate by reference, apply to, or rely for meaning upon the term disability as defined herein, the terms used in this definition have the following meanings:

* * *

(ii) "Mental impairment" means any mental or psychological disorder, such as mental retardation intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

* * *

1 §2303. Definitions

2 The following words or terms as used in this Chapter shall have the following
3 meanings unless a different meaning appears from the context:

4 * * *

5 (3) "~~Disabled person's business enterprise~~" "Business enterprise of a person
6 with a disability" means a small business concern which is at least fifty-one percent
7 owned and controlled by a ~~disabled~~ person with a disability as defined by the federal
8 Americans With Disabilities Act of 1990.

9 * * *

10 §2312. Powers and authority; duties

11 A. The corporation shall serve as the single review board for all financial
12 assistance, loans, incentives or inducements, customized workforce training,
13 investment programs, and any related appropriations, grants, or joint ventures
14 administered by the Department of Economic Development, excluding those
15 financial incentive programs administered by the State Board of Commerce and
16 Industry. The corporation shall formulate and implement the policies for the
17 delivery of services to obtain the following effects:

18 * * *

19 (3) The leverage of funds from Louisiana financial institutions by issuing
20 guarantees for economically disadvantaged and other Louisiana based
21 micro-businesses, small businesses, medium sized businesses, and ~~disabled persons~~
22 business enterprises of persons with disabilities.

23 * * *

24 §2602. Policy

25 A. The legislature finds and declares that persons in this state who seek a
26 place to live should be able to find such housing whenever it is available. Further,
27 in many localities there may be housing shortages. All persons should therefore be
28 able to compete for available housing on an open, fair, and equitable basis, regardless
29 of race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin.

30 * * *

1 §2603. Definitions

2 As used in this Chapter:

3 * * *

4 (9)(a) "~~Handicap~~" "Disability" means, with respect to a person:

5 * * *

6 §2606. Discrimination in sale or rental of housing and other prohibited practices

7 A. As made applicable by R.S. 51:2604, and except as exempted by
8 Subsection B thereof and R.S. 51:2605, it is unlawful:

9 * * *

10 (3) To make, print, or publish, or cause to be made, printed, or published any
11 notice, statement, or advertisement, with respect to the sale or rental of a dwelling
12 that indicates any preference, limitation, or discrimination based on race, color,
13 religion, sex, ~~handicap~~ disability, familial status, or national origin, or an intention
14 to make any such preference, limitation, or discrimination.15 (4) To represent to any person because of race, color, religion, sex, ~~handicap~~
16 disability, familial status, or national origin that any dwelling is not available for
17 inspection, sale, or rental when such dwelling is in fact so available.18 (5) For profit, to induce or attempt to induce any person to sell or rent any
19 dwelling by representations regarding the entry or prospective entry into the
20 neighborhood of a person or persons of a particular race, color, religion, sex,
21 ~~handicap~~ disability, familial status, or national origin.22 (6)(a) To discriminate in the sale or rental, or to otherwise make unavailable
23 or deny, a dwelling to any buyer or renter because of a ~~handicap~~ disability of:

24 * * *

25 (b) To discriminate against any person in the terms, conditions, or privileges
26 of sale or rental of a dwelling, or in the provision of services or facilities in
27 connection with such dwelling, because of a ~~handicap~~ disability of:

28 * * *

29 (c) For purposes of this Paragraph, discrimination includes:

1 (i) A refusal to permit, at the expense of the ~~handicapped~~ person with a
2 disability, reasonable modifications of existing premises occupied or to be occupied
3 by such person if such modifications may be necessary to afford such person full
4 enjoyment of the premises except that, in the case of a rental, the landlord may,
5 where it is reasonable to do so, condition permission for a modification on the renter
6 agreeing to restore the interior of the premises to the condition that existed before the
7 modification, reasonable wear and tear excepted;

8 * * *

9 (iii) In connection with the design and construction of covered multifamily
10 dwellings for first occupancy after March 13, 1991, a failure to design and construct
11 those dwellings in such a manner that:

12 (aa) The public use and common use portions of such dwellings are readily
13 accessible to and usable by ~~handicapped~~ persons with disabilities;

14 (bb) All ~~the~~ doors designed to allow passage into and within all premises
15 within such dwellings are sufficiently wide to allow passage by ~~handicapped persons~~
16 in persons who use wheelchairs; ~~and~~.

17 * * *

18 (d) Compliance with the appropriate requirements of the American National
19 Standard for buildings and facilities providing accessibility and usability for
20 ~~physically handicapped people~~ persons with disabilities (commonly cited as "ANSI
21 A117.1") suffices to satisfy the requirements of R.S. 51:2606(A)(6)(c)(iii)(cc).

22 * * *

23 B. Nothing in this Section shall be construed to invalidate or limit any law
24 of this state or a political subdivision of this state that requires dwellings to be
25 designed and constructed in a manner that affords ~~handicapped~~ persons with
26 disabilities greater access than is required by this Section.

27 * * *

28 §2607. Discrimination in residential real estate related transactions

29 A. It is unlawful for any person or other entity whose business includes
30 engaging in residential real estate related transactions to discriminate against any

1 person in making available such a transaction, or in the terms or conditions of such
2 a transaction, because of race, color, religion, sex, ~~handicap~~ disability, familial
3 status, or national origin.

4 * * *

5 C. Nothing in this Chapter prohibits a person engaged in the business of
6 furnishing appraisals of real property to take into consideration factors other than
7 race, color, religion, national origin, sex, ~~handicap~~ disability, or familial status.

8 §2608. Discrimination in provision of brokerage services

9 It is unlawful to deny any person access to or membership or participation in
10 any multiple-listing service, real estate brokers' organization or other service,
11 organization, or facility relating to the business of selling or renting dwellings, or to
12 discriminate against him in the terms or conditions of such access, membership, or
13 participation, on account of race, color, religion, sex, ~~handicap~~ disability, familial
14 status, or national origin.

15 Section 29. R.S. 56:104.1(A), 109(A), 302.1(F)(1) and (3) through (5),
16 302.3(B)(2)(b) and (4)(b), 1699(A), (B), (C)(1) and (2), and (D), and 1762(C)(6) and (7) are
17 hereby amended and reenacted to read as follows:

18 §104.1. ~~Physically-challenged hunter~~ Hunting permits for persons with physical
19 disabilities

20 A. The Louisiana Wildlife and Fisheries Commission is hereby authorized
21 to adopt rules and regulations for the creation and issuance of hunting permits for
22 individuals ~~who are temporarily or permanently disabled~~ with temporary or
23 permanent disabilities. A temporary disability is one of such severity that it shall last
24 for a duration of at least one year. The rules and regulations shall provide for the
25 duration and costs of the permits and provide for disability classifications of
26 ~~"wheelchair bound", "mobility impaired"~~ "wheelchair user", "mobility impairment"
27 as defined in R.S. 47:463.4(E), and "amputee of an upper extremity". Such permits
28 may be issued only to those persons certified by a physician licensed to practice
29 medicine by the Louisiana State Board of Medical Examiners. If the physician
30 certifies that the disability is temporary, the person holding the permit shall be

1 required to ~~re-certify~~ recertify to the department each year that such certification is
2 still valid. The commission rules and regulations shall provide for special ~~handicap~~
3 hunts for persons with disabilities, special deer seasons, and access to wildlife
4 management areas.

5 * * *

6 §109. Wildlife management areas; wildlife refuges; public hunting grounds and
7 recreation areas; notice; signs; ~~disabled~~ hunters with disabilities

8 A. The commission may establish, maintain, and manage any state wildlife
9 management area, wildlife refuge, public hunting ground, or outdoor recreation area,
10 as it deems proper for wildlife management purposes. With the approval of the
11 governor, it may lease, buy, or accept donation of, and set apart, any other lands
12 suitable and desirable for such purposes and thereon establish, maintain, and operate
13 such areas. The public shall be notified of the fact of the establishment of such areas
14 by publication of a proclamation by the governor, describing the exact location and
15 description of the lands set apart and the objects and purposes of the dedication, for
16 thirty days in the official journal of the state and the official journal of the parish
17 where the lands are located. The commission shall cause suitable signs to be placed
18 at reasonable distances along the boundaries of the lands and at roads and other
19 entrances for the information of the public. No person shall willfully or maliciously
20 remove, destroy, or deface any sign or notice placed or posted. The commission
21 shall authorize persons over the age of sixty to use trails in the wildlife management
22 areas which are set aside for use exclusively by ~~disabled~~ persons with disabilities.

23 * * *

24 §302.1. Annual license; temporary license; fees; saltwater fee; exemptions

25 * * *

26 F.(1) Notwithstanding any other provision of this Subpart to the contrary,
27 any resident of this state who is ~~mentally retarded or developmentally disabled~~ has
28 an intellectual or developmental disability and who is engaged in recreational fishing
29 as part of approved therapy and habilitation service, and who is fishing under the
30 immediate supervision of personnel approved or employed by a hospital, residence,

community home, school, or other facility licensed by the Department of Health and Hospitals in the care or rehabilitation of ~~mentally retarded or developmentally disabled~~ persons with intellectual or developmental disabilities shall be exempt from the licensing requirements and fees applicable to recreational fishing license fees.

* * *

(3) The permits shall authorize ~~mentally retarded or developmentally disabled~~ persons with intellectual or developmental disabilities to engage in recreational fishing as part of approved therapy and habilitation services while under the immediate supervision of personnel approved or employed by the facility.

(4) The ~~mentally retarded or developmentally disabled~~ person with an intellectual or developmental disability engaged in recreational fishing as provided in this Subsection and the supervisory personnel shall carry an authorization tag or other type of identification approved by the department.

(5) For purposes of this Subsection, the terms "~~mentally retarded~~" "intellectual disability" and "~~developmentally disabled~~" "developmental disability" shall have the meanings ascribed to them in ~~R.S. 28:381~~ the Developmental Disability Law (R.S. 28:451.1 et seq.).

* * *

§302.3. Recreational gear license

* * *

B. Residents sixteen years of age or older shall pay a gear fee as follows:

* * *

(2) Hoop nets:

* * *

(b) ~~Mobility impaired persons~~ Persons with mobility impairments, as defined in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years may use one hoop net not greater than eighteen feet by eight feet, for the purpose of catching catfish for home consumption only. There shall be no gear fee or license charge, and all such persons must be in possession of valid identification.

* * *

1 (4) Slat traps:

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 legal size slat trap for the purpose of catching catfish for home consumption
6 only. There shall be no gear fee or license charge and all persons must be in
7 possession of valid identification.

8 * * *

9 §1699. Chicot State Park, special facilities camp for ~~handicapped persons with~~
10 disabilities; creation; advisory committee; programs; use

11 A. The office of state parks in the Department of Culture, Recreation and
12 Tourism is hereby authorized to select, designate, and set aside a site at Chicot State
13 Park or to acquire a site in close proximity thereto for the purpose of establishing a
14 facility to serve the special needs of ~~physically and mentally impaired~~ citizens with
15 physical disabilities and mental impairments. This site and all facilities now or
16 hereafter developed thereon shall be under the operation and supervision of the office
17 of state parks.

18 B. The office of state parks shall be responsible for the planning and
19 development of such park facilities to meet the needs of ~~physically and mentally~~
20 ~~impaired~~ citizens with physical disabilities and mental impairments.

21 C. The office for citizens with developmental disabilities of the Department
22 of Health and Hospitals, in coordination with the Louisiana Developmental
23 Disabilities Council, shall be responsible for all programmatic functions of such park
24 facility, including but not limited to the following:

25 (1) The preparation and administration of programs for the benefit of
26 ~~handicapped persons~~ with disabilities.

27 (2) Scheduling and coordination of the use of this facility by ~~the handicapped~~
28 persons with disabilities.

29 * * *

D. The office of state parks; and the office of mental retardation for citizens with developmental disabilities; ~~and the Bureau For Handicapped Persons~~ shall establish rules and regulations for the implementation of this Section. Such rules and regulations shall be structured so as to give priority of facility use to groups of ~~handicapped persons~~ with disabilities but shall not necessarily preclude use by ~~nonhandicapped individuals or groups~~ persons who do not have disabilities.

* * *

§1762. Powers and duties

* * *

C. In order to carry out its duties and functions the commission may:

* * *

(6) ~~Insure~~ Ensure that in the use and enjoyment of every portion of Audubon Park and Zoo and all of the facilities therein there will not be any discrimination against any person because of ~~handicap~~ disability, age, race, color, religion, sex, or national origin.

(7) Affirmative action shall be taken to ~~insure~~ ensure that all employees of the commission and of any entity with whom the commission contracts for services shall be treated during employment without regard to their race, age, ~~handicap~~ disability, color, religion, sex, or national origin.

Section 30. The heading of Section 12 of Chapter 1 of Title VIII of Book I of the Louisiana Civil Code and Civil Code Articles 354, 356, 358 through 360, and 3107 are hereby amended and reenacted to read as follows:

SECTION 12--OF CONTINUING OR PERMANENT TUTORSHIP OF
~~MENTALLY RETARDED PERSONS~~ WITH INTELLECTUAL DISABILITIES

Art. 354. Procedure for placing under tutorship.

~~Mentally retarded or deficient children~~ Persons, including certain children, with intellectual disabilities or mental deficiencies may be placed under continuing or permanent tutorship without formal or complete interdiction in accordance with

the following rules and the procedures stated in the Louisiana Code of Civil Procedure.

* * *

Art. 356. Title of proceedings; procedural rules; parents as tutor and undertutor.

The title of the proceedings shall be Continuing Tutorship of (Name of Person), A ~~Mentally Retarded~~ Person with an Intellectual Disability.

* * *

Art. 358. Authority, privileges, and duties of tutor and undertutor; termination of tutorship.

The granting of the decree shall confer upon the tutor and undertutor the same authority, privileges, and responsibilities as in other tutorships, including the same authority to give consent for any medical treatment or procedure, to give consent for any educational plan or procedure, and to obtain medical, educational, or other records, but the responsibility of the tutor for the offenses or quasi-offenses of the ~~retarded~~ person with an intellectual disability shall be the same as that of a curator for those of the interdicted person and the tutorship shall not terminate until the decree is set aside by the court of the domicile, or the court of last domicile if the domicile of the ~~mentally retarded~~ person with an intellectual disability is removed from the State of Louisiana.

Art. 359. Restriction on legal capacity.

The decree if granted shall restrict the legal capacity of the ~~mentally retarded~~ person with an intellectual disability to that of a permanent minor, except that after the age of eighteen the ~~retarded~~ person, unless formally interdicted, shall have the legal capacity of a minor who has been granted the emancipation conferring the power of administration as set forth in Chapter 2, Section 2 of this book and title.

Art. 360. Parents' rights of administration.

In addition to the rights of tutorship, the parents shall retain, during the marriage and for the minority of the ~~retarded~~ child with an intellectual disability, all

rights of administration granted to parents of ~~normal~~ children without an intellectual disability during their minority.

* * *

Art. 3107. Capacity of arbitrators.

A. All persons may be arbitrators, except such as are under some incapacity or infirmity, which renders them unfit for that function.

B. Therefore, minors under the age of eighteen years, persons interdicted, those who are deaf and ~~dumb~~ unable to speak, can not be arbitrators.

Section 31. Code of Criminal Procedure Articles 334.4(A)(7), 573.1, 648(B)(3)(q) through (s), 658(A), 814(A)(58), and 905.5.1(A) through (G), (H)(1), (2)(introductory paragraph), and (n) are hereby amended and reenacted to read as follows:

Art. 334.4. Arrest for certain crimes; release on own recognizance prohibited

A. Notwithstanding any other provision of law to the contrary, any defendant who has been arrested for any of the following crimes shall not be released by the court on the defendant's own recognizance or on the signature of any other person:

* * *

(7) R.S. 14:93.3 (cruelty to ~~the infirmed~~ persons with infirmities), if the person has a prior conviction for the same offense.

* * *

Art. 573.1. Running of time limitations; exception; exploitation of ~~the infirmed~~ persons with infirmities

The time limitations established by Article 572 shall not commence to run as to the crime of exploitation of ~~the infirmed~~ persons with infirmities (R.S. 14:93.4) until the crime is discovered by a competent victim, or in the case of an incompetent victim, by a competent third person.

* * *

Art. 648. Procedure after determination of mental capacity or incapacity

* * *

B.

* * *

(3) If, after the hearing, the court determines that the incompetent defendant is unlikely in the foreseeable future to be capable of standing trial, the court shall order the defendant released or remanded to the custody of the Department of Health and Hospitals which, within ten days exclusive of weekends and holidays, may institute civil commitment proceedings pursuant to Title 28 of the Louisiana Revised Statutes of 1950, or release the defendant. The defendant shall remain in custody pending such civil commitment proceedings. If the defendant is committed to a treatment facility pursuant to Title 28 of the Louisiana Revised Statutes of 1950, the director of the institution designated for the patient's treatment shall, in writing, notify the court and the district attorney when the patient is to be discharged or conditionally discharged, as long as the charges are pending. If not dismissed without prejudice at an earlier trial, charges against an unrestorable incompetent defendant shall be dismissed on the date upon which his sentence would have expired had he been convicted and received the maximum sentence for the crime charged, or on the date five years from the date of his arrest for such charges, whichever is sooner, except for the following charges:

* * *

(q) R.S. 14:93.3 (cruelty to ~~the infirmed~~ persons with infirmities).

(r) R.S. 14:93.4 (exploitation of ~~the infirmed~~ persons with infirmities).

(s) R.S. 14:93.5 (sexual battery of ~~the infirm~~ persons with infirmities).

* * *

Art. 658. Probation; conditional release; reporting

A. When the committed person is released on probation, which shall also be known as conditional release, the clerk of court shall deliver to him a certificate setting forth the period and the conditions of his probation. It shall be a condition of every such probation that the person released shall be recommitted if he becomes dangerous to others or to himself for reasons of mental illness, substance abuse, or ~~mental retardation~~ intellectual disability. The probationer shall be required to agree in writing to the conditions of his probation.

* * *

1 Art. 814. Responsive verdicts; in particular

2 A. The only responsive verdicts which may be rendered when the indictment
3 charges the following offenses are:

4 * * *

5 58. Cruelty to ~~the infirm~~ Persons with Infirmities:

6 Guilty.

7 Guilty of attempted cruelty to ~~the infirm~~ persons with infirmities.

8 Guilty of simple battery.

9 Guilty of assault.

10 Guilty of negligent injuring.

11 Not guilty.

12 * * *

13 Art. 905.5.1. ~~Mental retardation~~ Intellectual disability

14 A. Notwithstanding any other provisions of law to the contrary, no person
15 ~~who is mentally retarded~~ with an intellectual disability shall be subjected to a
16 sentence of death.

17 B. Any capital defendant who claims to ~~be mentally retarded~~ have an
18 intellectual disability shall file written notice thereof within the time period for filing
19 of pretrial motions as provided by Code of Criminal Procedure Article 521.

20 C.(1) Any defendant in a capital case making a claim of ~~mental retardation~~
21 intellectual disability shall prove the allegation by a preponderance of the evidence.
22 The jury shall try the issue of ~~mental retardation~~ intellectual disability of a capital
23 defendant during the capital sentencing hearing unless the state and the defendant
24 agree that the issue is to be tried by the judge. If the state and the defendant agree,
25 the issue of ~~mental retardation~~ intellectual disability of a capital defendant may be
26 tried prior to trial by the judge alone.

27 (2) Any pretrial determination by the judge that a defendant ~~is not mentally~~
28 ~~retarded~~ does not have an intellectual disability shall not preclude the defendant from
29 raising the issue at the penalty phase, nor shall it preclude any instruction to the jury
30 pursuant to this Section.

1 D. Once the issue of ~~mental retardation~~ intellectual disability is raised by the
2 defendant, and upon written motion of the district attorney, the defendant shall
3 provide the state, within time limits set by the court, any and all medical,
4 correctional, educational, and military records, raw data, tests, test scores, notes,
5 behavioral observations, reports, evaluations, and any other information of any kind
6 reviewed by any defense expert in forming the basis of his opinion that the defendant
7 is ~~mentally retarded~~ has an intellectual disability.

8 E. By filing a notice relative to a claim of ~~mental retardation~~ intellectual
9 disability under this Article, the defendant waives all claims of confidentiality and
10 privilege to, and is deemed to have consented to the release of, any and all medical,
11 correctional, educational, and military records, raw data, tests, test scores, notes,
12 behavioral observations, reports, evaluations, expert opinions, and any other such
13 information of any kind or other records relevant or necessary to an examination or
14 determination under this Article.

15 F. When a defendant makes a claim of ~~mental retardation~~ intellectual
16 disability under this Article, the state shall have the right to an independent
17 psychological and psychiatric examination of the defendant. A psychologist or
18 medical psychologist conducting such examination must be licensed by the
19 Louisiana State Board of Examiners of Psychologists or the Louisiana State Board
20 of Medical Examiners, whichever is applicable. If the state exercises this right, and
21 upon written motion of the defendant, the state shall provide the defendant, within
22 time limits set by the court, any and all medical, correctional, educational, and
23 military records, and all raw data, tests, test scores, notes, behavioral observations,
24 reports, evaluations, and any other information of any kind reviewed by any state
25 expert in forming the basis of his opinion that the defendant is ~~not mentally retarded~~
26 does not have an intellectual disability. If the state fails to comply with any such
27 order, the court may impose sanctions as provided by Code of Criminal Procedure
28 Article 729.5.

29 G. If the defendant making a claim of ~~mental retardation~~ intellectual
30 disability fails to comply with any order issued pursuant to Paragraph D of this

Article, or refuses to submit to or fully cooperate in any examination by experts for the state pursuant to either Paragraph D or F of this Article, upon motion by the district attorney, the court shall neither conduct a pretrial hearing concerning the issue of ~~mental retardation~~ intellectual disability nor instruct the jury of the prohibition of executing ~~mentally retarded~~ defendants with intellectual disabilities.

H.(1) ~~"Mental retardation" means a disability characterized by significant limitations in both intellectual functioning and adaptive behavior as expressed in conceptual, social, and practical adaptive skills. The onset must occur before the age of eighteen years.~~ "Intellectual disability", formerly referred to as "mental retardation", is a disability characterized by all of the following deficits, the onset of which must occur during the developmental period:

(a) Deficits in intellectual functions such as reasoning, problem solving, planning, abstract thinking, judgment, academic learning, and learning from experience, confirmed by both clinical assessment and individualized, standardized intelligence testing.

(b) Deficits in adaptive functioning that result in failure to meet developmental and sociocultural standards for personal independence and social responsibility; and that, without ongoing support, limit functioning in one or more activities of daily life including, without limitation, communication, social participation, and independent living, across multiple environments such as home, school, work, and community.

(2) A diagnosis of one or more of the following conditions does not necessarily constitute ~~mental retardation~~ an intellectual disability:

* * *

(n) Other ~~handicapping~~ disabling conditions.

* * *

Section 32. Code of Evidence Article 510(B)(2)(k) and (C)(2)(f) are hereby amended and reenacted to read as follows:

Art. 510. Health care provider-patient privilege

* * *

B.

* * *

(2) Exceptions. There is no privilege under this Article in a noncriminal proceeding as to a communication:

* * *

(k) When the communication is relevant to proceedings concerning issues of child abuse, elder abuse, or the abuse of disabled or incompetent persons with disabilities or persons who are incompetent.

* * *

C.

* * *

(2) Exceptions. There is no privilege under this Article in a criminal case as to a communication:

* * *

(f) When the communication is relevant to an investigation of or prosecution for child abuse, elder abuse, or the abuse of disabled or incompetent persons with disabilities or persons who are incompetent.

* * *

Section 33. Children's Code Articles 559(B)(introductory paragraph) and (C)(introductory paragraph), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3) and (G), 837.1(A)(3), 894(introductory paragraph) and (3), 895(A), 910(E), 916, 1003(9), 1125(B), 1402(1) and (3), 1404(15) through (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) are hereby amended and reenacted and Children's Code Article 1003(introductory paragraph) is hereby enacted to read as follows:

Art. 559. Organization; board of trustees; director

* * *

1 B. The duties of the board of trustees enumerated in ~~R.S. 28:64(B)~~ R.S.
2 28:64(C) shall be applicable to this program, including all of the following specific
3 duties:

4 * * *

5 C. The duties of the director enumerated in ~~R.S. 28:64(C)~~ R.S. 28:64(E) shall
6 be applicable to the program, including all of the following specific duties:

7 * * *

8 Art. 681. Dispositional alternatives

9 A. In a case in which a child has been adjudicated to be in need of care, the
10 child's health and safety shall be the paramount concern, and the court may do any
11 of the following:

12 * * *

13 (3) Commit a child found to be mentally ill have a mental illness to a public
14 or private institution for ~~the mentally ill~~ persons with mental illness.

15 * * *

16 Art. 683. Disposition; generally

17 * * *

18 E. A child shall not be committed to a public or private mental institution or
19 institution for ~~the mentally ill~~ persons with mental illness unless the court finds,
20 based on psychological or psychiatric evaluation, that the child has a mental disorder,
21 other than ~~mental retardation~~ an intellectual disability, which has a substantial
22 adverse effect on his ability to function and requires care and treatment in an
23 institution. When the child is in the custody of the state of Louisiana, this finding
24 shall not be made without the representation of the child by an attorney appointed
25 from the Mental Health Advocacy Service, unless such attorneys are unavailable as
26 determined by the director or the child retains private counsel who shall represent
27 only the interest of the child. The Mental Health Advocacy Service's attorney so
28 appointed shall continue to represent the child in any proceeding relating to
29 admission, change of status, or discharge from the mental hospital or psychiatric
30 unit. Upon modification of the disposition to a placement other than a mental

1 hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be
2 relieved of representation of the child.

3 F. A child shall not be committed to a public or private institution for ~~the~~
4 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based
5 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an
6 intellectual disability and such condition has a substantial adverse effect on his
7 ability to function and requires care and treatment in an institution.

8 * * *

9 Art. 781. Disposition; generally

10 * * *

11 D. A child shall not be committed to a public or private mental institution
12 or institution for ~~the mentally ill~~ persons with mental illness unless the court finds,
13 based on psychological or psychiatric evaluation, that the child has a mental disorder,
14 other than ~~mental retardation~~ an intellectual disability, which has a substantial
15 adverse effect on his ability to function and requires care and treatment in an
16 institution. When the child is in the custody of the state of Louisiana, this finding
17 shall not be made without the representation of the child by an attorney appointed
18 from the Mental Health Advocacy Service, unless such attorneys are unavailable as
19 determined by the director or the child retains private counsel who shall represent
20 only the interest of the child. The Mental Health Advocacy Service's attorney so
21 appointed shall continue to represent the child in any proceeding relating to
22 admission, change of status, or discharge from the mental hospital or psychiatric
23 unit. Upon modification of the disposition to a placement other than a mental
24 hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be
25 relieved of representation of the child.

26 E. A child shall not be committed to a public or private institution for ~~the~~
27 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based
28 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an

intellectual disability and such condition has a substantial adverse effect on his ability to function and requires care and treatment in an institution.

* * *

Art. 809. Right to counsel

* * *

C. No child shall be admitted in accordance with this Title to a public or private mental institution or institution for ~~the mentally ill~~ persons with mental illness nor shall proceedings in accordance with Chapter 7 of this Title or Article 869 go forward unless he has been represented by retained private counsel who represents only the child's interest or by an attorney from the Mental Health Advocacy Service, unless its executive director has determined that its attorneys are unavailable. Any attorney from the Mental Health Advocacy Service so appointed shall continue to represent the child in any proceeding relating to admission, change of status, or discharge from the mental hospital or psychiatric unit. Upon modification of the disposition to placement other than a mental hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be relieved of representation of the child upon request of the Mental Health Advocacy Service or the child.

* * *

Art. 837. Procedure after determination of mental capacity

* * *

B. If the court determines by a preponderance of the evidence that the child lacks the mental capacity to proceed and the alleged delinquent act is a felony, the proceedings shall be suspended and the court may:

* * *

(3) Commit the child to the Department of Health and Hospitals, a private mental institution, or an institution for ~~the mentally ill~~ persons with mental illness in accordance with Department of Health and Hospitals policy. The court may also order restoration services for the child and appoint a restoration service provider. However, a child shall not be committed unless the court finds, after a contradictory

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 * * *

(3) Commit the child to the Department of Health and Hospitals, office of behavioral health or a private mental institution or an institution for ~~the mentally ill~~ persons with mental illness pursuant to Article 895 of this Chapter.

Art. 895. Commitment to mental institution

A. In cases in which a child has been adjudicated a delinquent, the court may commit him to a public or private mental institution or institution for ~~the mentally ill~~ persons with mental illness if the court finds, based on psychological or psychiatric evaluation, that the child has a mental disorder, other than ~~mental retardation~~ an intellectual disability, which has a substantial adverse effect on his ability to function and requires care and treatment in an institution.

* * *

Art. 910. Modification procedure; generally applicable

* * *

E. A judgment of disposition shall not be modified to release a child from the custody of a public or private mental institution or an institution for ~~the mentally ill~~ persons with mental illness without three days prior notice to the district attorney and the institution.

* * *

Art. 916. Modification of a mental health commitment

A. In cases where a child has been committed to the Department of Health and Hospitals, office of behavioral health, or private mental institution, or an institution for ~~the mentally ill~~ persons with mental illness, the court may also modify the judgment on motion of the department or superintendent of a private mental institution.

B. In cases in which a child has been adjudicated a delinquent, a judgment of disposition shall not be modified to release a child from the custody of the Department of Health and Hospitals, office of behavioral health, or private mental institution or an institution for ~~the mentally ill~~ persons with mental illness without 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 * * *

B. The Statement of Family History form shall be substantially as follows:

STATEMENT OF FAMILY HISTORY

	Child's Biological MOTHER	Child's Biological FATHER
Age		
Height		
Weight		
Hair color		
Eye color		
Complexion		
Body build		
Education-last grade completed/ degree received		
Right/left handed		
Occupation		
Talents		
Religion		
Race		
Ethnicity/ Nationality		
Native American/Tribal Affiliation, if applicable		
Other		

Yes	No	Diseases/conditions	If yes,
			- 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.)	
		Epilepsy, seizures, convulsions	

1		Allergies (drugs, food,	
2		other)	
3		Asthma	
4		Vision	
5		problems/blindness	
6		Hearing	
7		problems/deafness	
8		Speech disorders	
9		Dental	
10		problems/braces	
11		Birth defects (cleft	
12		palate, missing digit,	
13		club foot, etc.)	
14		Curvature of spine	
15		Headaches/migraines	
16		Alcoholism	
17		Substance abuse	
18		Eating	
19		disorders/obesity	
20		Mental illness	
21		(schizophrenia,	
22		bipolar, depressive,	
23		etc.)	
24		Mental retardation	
25		<u>Intellectual</u>	
26		<u>disability</u> –non-injury	
27		(PKU, Down's	
28		Syndrome, etc.)	
29		Learning disabilities	
30		(ADD, ADHD, etc.)	
31		Multiple births	
32		Miscarriages,	
33		stillbirths, neonatal	
34		deaths	
35		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, • state type; • state amount; and • state during what months of pregnancy.
		Prescription medication	
		Over the counter medication	
		Alcohol	
		Tobacco	
		Other Drugs	

Are the parents of the child biologically related to each other? Yes_____ No_____

If yes what is the biological relationship? _____

Has the minor child had the following immunizations?

YES	NO	YES	NO
()	()	Birth-2 mo. Hepatitis (Hep) B	() () 12-15 mo. Hib, MMR # 1
()	()	1 – 4 mo. Hep B	() () 12-18 mo. Var (chickenpox)
()	()	2 mo. DTaP, IPV, Hib,	() () 15-18 mo. DTaP

() () 6 mo. DTaP, Hib, () () 11-12 yrs. MMR # 2, Var,
Hep B

7 Has the minor child had the following illnesses?

9 () () Pertussis (P) (Whooping Cough) () () Rheumatic Fever

11 () () Mumps (M) () () Convulsions

13 () () Rotavirus (Rv) () () Polio (IPV)

14 () () Scarlet Fever () () Allergies, specify

15 () () Diphtheria (D) _____

16 () () Surgery, operations, specify _____

17 () () Glandular Disturbances, specify _____

18 Does the minor child have or has he had any other serious illnesses or medical conditions?

19

20

22 * * *

23 Art. 1402. Declaration of policy

24 The underlying policy of this Title is as follows:

(1) That ~~mentally ill~~ minors with mental illness and minors suffering from substance abuse, and their caretakers on their behalf, be encouraged to seek voluntary treatment.

28 * * *

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

* * *

Art. 1404. Definitions

As used in this Title:

* * *

(15) "Mental Health Advocacy Service" means a service established by the state of Louisiana for the purpose of providing legal counsel and representation for ~~mentally disabled~~ persons with mental disabilities and for children and to ensure that their legal rights are protected.

(16) ~~"Mentally ill person"~~ "Person with mental illness" means any person with a psychiatric disorder which has substantial adverse effects on his ability to function and who requires care and treatment. It does not include a person ~~suffering solely from mental retardation, with, solely, an intellectual disability, or who suffers solely from~~ epilepsy, alcoholism, or drug abuse.

(17) "Patient" means any person detained and taken care of as a ~~mentally ill~~ person with mental illness or person suffering from substance abuse.

* * *

(24) "Treatment facility" means any public or private hospital, retreat, institution, mental health center, or facility licensed by the state of Louisiana in which any ~~mentally ill~~ minor with mental illness or minor suffering from substance abuse is received or detained as a patient except a facility under the control or supervision of the Department of Public Safety and Corrections unless otherwise provided in Title VIII of this Code.

Art. 1405. Mental Health Advocacy Service (MHAS); representation; fees

* * *

C. Nothing in this Title shall be construed to prohibit a ~~mentally ill~~ person with mental illness or respondent from being represented by privately retained counsel.

If a MHAS attorney has been appointed by the court and the ~~mentally ill~~ minor with

1 mental illness or respondent secures his own counsel, the court shall discharge the
2 MHAS attorney.

3 * * *

4 Art. 1416. Facility records; confidentiality; disclosure; destruction

5 * * *

6 D. Any attorney representing a ~~mentally ill~~ minor with mental illness or a
7 respondent as defined herein shall have ready access to view and copy all mental
8 health and developmental disability records pertaining to his client unless the client
9 objects. The attorney shall return all copies of his client's medical record to the
10 treatment facility upon completion of their use. If the patient or respondent later
11 retains a private attorney to represent him, the MHAS shall destroy all copies of
12 records pertaining to his case.

13 E. Any respondent or ~~mentally disabled~~ minor with a mental disability shall
14 have the right to demand that the records in the possession of his attorney regarding
15 his mental condition be destroyed or returned to the treatment facility and he shall
16 have the right to assurance by the director that such records have been so destroyed
17 by the MHAS attorney.

18 Art. 1417. Court records

19 A. Each court shall keep a record of the cases relating to ~~mentally ill~~ minors
20 with mental illness coming before it under this Title and the disposition of them. It
21 shall also keep on file the original petition and certificates of physicians required by
22 this Chapter, or a microfilm duplicate of such records.

23 * * *

24 Art. 1420. Admission by emergency certificate; extension

25 A. A ~~mentally ill~~ minor with mental illness or a minor suffering from
26 substance abuse may be admitted and detained at a treatment facility for observation,
27 diagnosis, and treatment for a period not to exceed fifteen days under an emergency
28 certificate.

29 * * *

1 Art. 1451. Conversion to voluntary status

2 A. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with
3 mental illness or minor suffering from substance abuse from applying for conversion
4 of involuntary or emergency admission status to voluntary admission status.

5 * * *

6 Art. 1465. Voluntary admissions favored

7 A. Admitting physicians are encouraged to admit ~~mentally ill~~ minors with
8 mental illness or minors suffering from substance abuse to treatment facilities on
9 voluntary admission status whenever medically feasible.

10 B. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with
11 mental illness or minor suffering from substance abuse from applying for conversion
12 of involuntary or emergency admission status to voluntary admission status. Any
13 minor patient on an involuntary admission status shall have the right to apply for a
14 writ of habeas corpus in order to have his admission status changed to voluntary
15 status.

16 * * *

17 Art. 1467. Capacity required

18 * * *

19 B. Knowing and voluntary consent shall be determined by the ability of the
20 minor to understand:

21 (1) That the treatment facility to which the minor patient is requesting
22 admission is one for ~~mentally ill~~ persons with mental illness or persons suffering from
23 substance abuse.

24 * * *

25 Art. 1468. Informal voluntary admission

26 A. In the discretion of the director, any ~~mentally ill~~ minor with mental illness
27 or minor suffering from substance abuse, who is sixteen years of age or older and who
28 desires admission to a treatment facility for diagnosis or treatment of a psychiatric

disorder or substance abuse, may be admitted upon the minor patient's request without a formal application.

* * *

Art. 1469. Formal voluntary admission

A. Any ~~mentally ill~~ minor with mental illness or minor suffering from substance abuse who is sixteen years old or older and who desires admission to a treatment facility for diagnosis ~~and/or~~ or treatment of a psychiatric disorder or substance abuse and who is deemed suitable for formal voluntary admission by the admitting physician may be so admitted upon his written request.

* * *

Section 34. R.S. 17:348(C), Part IX of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:211 and 213, R.S. 40:2113.1, Chapter 9 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:981 and 982, Chapter 27 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2111 through 2114, Chapter 33 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2391 through 2397, and Chapter 53 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2681, are hereby repealed in their entirety.

Section 35.(A) The legislature hereby finds 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.

(B) It is hereby declared that the intent of the legislature is to delete from the lawbodies of this state terms that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities. Accordingly, the intent of the legislature is to provide in this Act for establishment of new terminology in law that is more appropriate than the terminology replaced herein, and which conveys no explicit or implicit dehumanization of persons with disabilities or other persons with exceptionalities.

(C) It is not the intent of the legislature that changes in terms referring to persons with disabilities and other persons with exceptionalities, as effected by this Act, alter or affect in

1 any way the substance, interpretation, or application of any existing law or administrative
2 rule.

3 (D) Nothing in this Act shall be construed to expand or diminish any right of or
4 benefit for any person provided by any existing law or administrative rule.

5 Section 36.(A)(1) For the purposes of the provisions of law amended by this Act,
6 references to "intellectual disability" shall mean any condition formerly referred to as
7 "mental retardation".

8 (2) For the purposes of the provisions of law amended by this Act, references to a
9 "person with an intellectual disability" shall mean a person formerly referred to as "mentally
10 retarded".

11 (3) For the purposes of the provisions of law amended by this Act, the term
12 "disability", as used to describe a condition or characteristic of a person, shall have the
13 meaning of the former term "handicap" as used in the same manner.

14 (4) For the purposes of the provisions of law amended by this Act, references to a
15 "person with a physical disability" and a "person with a disability" shall mean a person
16 formerly referred to as "physically handicapped", a "handicapped person", "the
17 handicapped", a "crippled person", a "disabled person", or "the disabled".

18 (5) For the purposes of the provisions of law amended by this Act, references to a
19 "person who is infirm" and a "person with an infirmity" shall have the meaning of the former
20 terms "the infirm" and "the infirmed".

21 (6) For the purposes of the provisions of law amended by this Act, references to a
22 person who "acquires a disability" shall have the meaning of the former references to a
23 person who "becomes disabled".

24 (7) For the purposes of the provisions of law amended by this Act, references to
25 "certified as having a disability" shall have the meaning of the former references to "certified
26 as disabled".

27 (8) For the purposes of the provisions of law amended by this Act, the terms
28 "accessible" and "accessibility" have the meanings, respectively, of the former terms
29 "handicapped accessible" and "handicapped accessibility".

1 (9) For the purposes of the provisions of law amended by this Act, references to a
2 "person with a mobility impairment" shall mean a person formerly referred to as "mobility-
3 impaired".

4 (10) For the purposes of the provisions of law amended by this Act, references to a
5 "person with mental illness" shall mean a person formerly referred to as either "the mentally
6 ill" or "mentally ill person".

7 (11) For the purposes of the provisions of law amended by this Act, the linguistic
8 paradigm known as "person first language", which emphasizes a person's humanity over any
9 condition or characteristic the person may have, is employed wherever possible to refer to
10 persons with disabilities and other persons with exceptionalities. The legislature hereby
11 recognizes and affirms the importance of person first language as a respectful and preferred
12 way of referring to persons with disabilities and other persons with exceptionalities.

13 (B) Each agency, board, commission, department, office, and other instrumentality
14 of the state to which the legislature has delegated authority to promulgate rules and
15 regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., is
16 hereby authorized and requested to employ the preferred terminology described in Section
17 36(A) of this Act in referring to persons with disabilities and other persons with
18 exceptionalities in duly promulgated administrative rules, policy publications, and materials
19 published in paper format or electronically, whether for internal use or public use, including
20 but not limited to informational brochures, resource guides, reference materials, manuals,
21 and the content of any Internet website or other electronic media. The provisions of this
22 Section shall apply prospectively; however, nothing herein shall be construed to limit any
23 agency, board, commission, department, office, or other instrumentality of the state from
24 amending existing administrative rules for the purpose of instituting the preferred
25 terminology described in Section 36(A) of this Act.

26 (C) The legislative services offices of the House of Representatives and the Senate
27 are hereby authorized and requested to publish guidance in legislative drafting manuals and
28 in other professional resources as those offices may deem appropriate concerning use of the
29 preferred terminology described in Section 36(A) of this Act.

1 Section 37. The Louisiana State Law Institute is hereby authorized and requested to
2 change terminology referring to persons with disabilities and other persons with
3 exceptionalities throughout the revised statutes and codes of this state wherever necessary
4 to institute the preferred terminology described in Section 36(A) of this Act.

5 Section 38. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____