

Regular Session, 2014

HOUSE BILL NO. 63

BY REPRESENTATIVE LEGER

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

1 AN ACT

2 To amend and reenact R.S. 4:163.1(D)(2)(d) and 715(B)(2), R.S. 6:747(A), R.S. 9:1613,
3 2799(A)(2) and (B)(1), 2799.3, the heading of Part V-A of Chapter 2 of Title 9 of the
4 Louisiana Revised Statutes of 1950, and 3541.21(1) and (3), R.S. 11:202, 203(A) and
5 (C), 204(A), 206, 207(A) and (B), 208 through 210, 211(A) and (B), 213(A), 215(A),
6 218(A), (C), and (D)(3), 293(C), 701(19), 768(D)(2), 778(A), (B), and (D),
7 783(G)(1)(a), (I)(1)(a), and (K)(1), 784(C)(2) and (E), 804, 805(A) and (B), 901.36,
8 901.37, 952.36, 1147(A) and (C)(1), 1151(D), 1151.1(B)(1), (C)(2), and (D)(1),
9 1313(A), (B)(introductory paragraph), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1),
10 1345.8(B), 1402(5), 1431, 1432(A)(introductory paragraph), 1442, 1483(B), 1503(6),
11 1522(A)(1)(introductory paragraph) and (B)(introductory paragraph), 1523(G),
12 1530(K)(3), 1614(D), 1634(A) and (B)(introductory paragraph), 1636(B)(5),
13 1732(20), 1758(A) and (F), 1763(J)(2), 1784(introductory paragraph), 1785(A)(2),
14 1804(introductory paragraph), 1805(A)(1)(a), 1902(19), 1934(A) and (F),
15 1938(J)(4)(c), 1944(A)(introductory paragraph), 1945(A)(2), 1964(A)(introductory
16 paragraph), 1974(A), 2074(A) and (B)(1)(introductory paragraph),
17 2077(A)(introductory paragraph) and (B)(introductory paragraph) and (2), 2144(K),
18 2165.6(A) and (B)(introductory paragraph), 2178(B)(introductory paragraph), (1)(b),
19 and (3)(c) and (C)(1)(c)(iv)(aa), 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and
20 (B)(2)(a)(ii), 2221(K)(4)(a) and (M), 2223(A)(1), 2241.7(A)(1), 2241.8(2)(a)(ii),

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

1 (2), and (4), 2102(A)(3), 2113.5, 2116(B)(1) and (G), 2142(A), 2405.5(A) and (B)(1)
2 and (2)(c) through (f), and 2471, R.S. 42:808(E), R.S. 46:51(8) and (13), 53(B),
3 56(B)(2) and (H)(1), 61(A)(3), the heading of Subpart A of Part I of Chapter 3 of
4 Title 46 of the Louisiana Revised Statutes of 1950, 151, 156(A) and (C), 230.1(A),
5 231.6(B), 437.14(A)(7), the heading of Part III of Chapter 4 of Title 46 of the
6 Louisiana Revised Statutes of 1950, 541, 932(9) and (10), 1053(E),
7 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), (1), and
8 (3), 1953(A), (B)(introductory paragraph), (C), and (D), 1954, 1955, 1956(A), 1957,
9 1959, the heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of
10 1950, the heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the
11 Louisiana Revised Statutes of 1950, 2251, 2252(B), 2253(1), (2), (4), and (5),
12 2254(A), (F)(1), (2), (4), and (5), (G)(introductory paragraph), (I), and (J)(1)(a)
13 through (c) and (2), 2255, 2256(A) and (B), 2582(1), (2), (4), and (6),
14 2584(introductory paragraph), (4), and (5), and 2673(C)(5), R.S.
15 47:34(C)(2)(introductory paragraph) and (d)(ii), 44.1(B), 79(A)(2) and (B)(5),
16 287.749(C)(2)(introductory paragraph) and (d)(ii), 305.38, 305.69(B)(2) and (3),
17 337.9(D)(17), 360(G), 463.4(A)(1), (2), (4), and (6), (B)(1), (2), (3)(a), (4)(a) and
18 (b), (5), and (6), (C)(2), (D), (E)(1)(introductory paragraph), (F), (G)(1) through (5)
19 and (7), (I), (J)(1) through (3), (4)(introductory paragraph), (a), (c), and (d), (K), and
20 (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),
21 463.51(D)(2), 473.2(B) and (D), 490.4(E), 492(E), and 1061(B), R.S. 48:23(B) and
22 261(A)(1), R.S. 49:121(E), the heading of Subpart D of Part VII of Chapter 1 of Title
23 49 of the Louisiana Revised Statutes of 1950, 148, and 148.1(G)(1), (H), and (I),
24 R.S. 51:1402(4), 1407(C) and (D)(1) through (3) and (4)(introductory paragraph),
25 (b), (c), and (f), 2232(11)(a)(ii), 2303(3), 2312(A)(3), 2602(A),
26 2603(9)(a)(introductory paragraph), 2606(A)(3) through (5), (6)(a)(introductory
27 paragraph), (b)(introductory paragraph), and (c)(iii)(aa), 2607(A) and (C), and 2608,
28 R.S. 56:104.1(A), 109(A), 302.1(F)(1) and (3) through (5), 302.3(B)(2)(b) and (4)(b),
29 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) and (H)(1) and (2)(introductory paragraph), 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 terminology referring 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 and services that have otherwise been repealed or no longer exist; 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.

1 Be it enacted by the Legislature of Louisiana:

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

4 §163.1. Parish license fees for conducting race meetings

5 * * *

6 D.

7 * * *

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

10 * * *

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

12 ~~Retarded Citizens~~ 1.3 %

13 * * *

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

16 * * *

17 B.

18 * * *

19 (2) Notwithstanding any provision of law to the contrary, any person,
20 association, or corporation licensed to hold, operate, or conduct any games of chance
21 that benefit ~~the visually and hearing impaired or either, paraplegics, quadriplegics,~~
22 ~~mentally retarded,~~ persons with visual or hearing impairments, paraplegia,
23 quadriplegia, intellectual disabilities, or persons sixty years of age or older, under
24 any license issued pursuant to this Chapter, may compensate for services rendered,
25 any fifteen employees who assist in the holding, operating, or conducting of such
26 games. The rate of compensation shall be no more than ten dollars per hour and in
27 any event shall not exceed fifty dollars per session for any employee. Each
28 employee or volunteer worker may also be provided meals and beverages to be eaten
29 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.

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

8 §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.

16 * * *

Section 3. R.S. 9:1613, 2799(A)(2) and (B)(1), 2799.3, the heading of Part V-A of Chapter 2 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:

20 §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, 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.

28 * * *

§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, "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,

1 packer, wholesaler, or retailer of food who donates perishable, salvageable food
2 which is prepared and subsequently donated by the restaurant, church, civic
3 organization, or school to a facility which operates an on-premises feeding program
4 for ~~the~~ the persons who are needy, ~~the ill, the handicapped or have a disability,~~ infants,
5 or individuals or families in need of assistance for damages caused by the condition
6 of the food, unless the damages result from the intentional act or omission or the
7 negligence of the restaurant or donor.

8 * *

9 PART V-A. HOME SOLICITATION OF AGED PERSONS

10 PERSONS WHO ARE AGED

11 §3541.21. Definitions

12 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.

15 * * *

(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.

19 * * *

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

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

3 §203. Teachers' Retirement System

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

15 * * *

16 C. A member covered by R.S. 11:801 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 Subpart,
19 is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled
20 to disability benefits under the provisions of R.S. 11:805, provided the member has
21 at least five years of creditable service, and provided that the disability was incurred
22 while the member was an active contributing member in active service. However, if
23 the application for disability benefits is not filed while the member is in service, it
24 shall be presumed that the disability was not incurred while the member was an active
25 contributing member in active service. Such presumption may be overcome only by
26 clear, competent, and convincing evidence that the disability was incurred while the
27 member was an active contributing member in active service.

§204. School Employees' 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 provisions of R.S. 11:1147(C), 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 state 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.

* * *

§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

1 and certification as provided for elsewhere in this Subpart, is found to ~~be totally~~
2 ~~disabled~~ have a total disability solely as the result of injuries sustained in the
3 performance of his official duties, shall be entitled to disability benefits under the
4 provisions of R.S. 11:2178(B)(1).

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

13 * * *

14 §208. Municipal Police Employees' Retirement System

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

1 §209. Parochial 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 Subpart,
5 is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled
6 to disability benefits under the provisions of R.S. 11:1943 and 1944, 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 Subpart,
17 is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled
18 to disability benefits under the provisions of R.S. 11:1963 and 1964, provided the
19 member has at least five 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 C. A member covered by Plan C of this system who ~~becomes disabled~~
27 acquires a disability, and who files for disability benefits while in service, and who
28 upon medical examination and certification, as provided for elsewhere in this Subpart,
29 is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled

1 to disability benefits under the provisions of R.S. 11:1973 and 1974, provided the
2 member has at least five years of creditable service, and provided that the disability
3 was incurred while the member was an active contributing member in active service.
4 However, if the application for disability benefits is not filed while the member is in
5 service, it shall be presumed that the disability was not incurred while the member
6 was an active contributing member in active service. Such presumption may be
7 overcome only by clear, competent, and convincing evidence that the disability was
8 incurred while the member was an active contributing member in active service.

9 §210. Municipal Employees' Retirement System

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

22 B. A member covered by Plan B of this system, who ~~becomes disabled~~
23 acquires a disability, and who files for disability benefits while in service, and who
24 upon medical examination and certification as provided for elsewhere in this Subpart,
25 is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled
26 to disability benefits under the provisions of R.S. 11:1804, provided the member has
27 at least ten years of creditable service, and provided that the disability was incurred
28 while the member was an active contributing member in active service. However, if
29 the application for disability benefits is not filed while the member is in service, it

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

5 §211. Louisiana State Police Retirement System

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

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

26 * * *

27 §213. Assessors' Retirement Fund

28 A. A member who ~~becomes disabled~~ acquires a disability, and who files for
29 disability benefits while in service, and who upon medical examination and

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

12 * * *

13 §215. Firefighters' Retirement System

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

22 * * *

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

24 A. Any eligible member of a state or statewide retirement system listed in this
25 Subpart who ~~becomes disabled~~ acquires a disability may apply for disability benefits
26 to the board of trustees of the retirement system of which he is a member. The board
27 of trustees shall require the supervisor of the applicant to submit to the board a report

1 which shall include a brief history of the case and the supervisor's opinion as to the
2 applicant's present ability to perform the normal duties required of him.

3 * * *

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

14 D.

15 * * *

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

24 * * *

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

26 * * *

27 C. Notwithstanding the provisions of Subsection B of this Section, survivor
28 benefits being received by the surviving unmarried spouse, the surviving minor child,
29 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

1 R.S. 17:3601 et seq. as follows: if the member has completed at least three years,
2 sixty percent of such earnings shall be included; after completion of four years, the
3 factor shall be eighty percent; and after completion of five years, the factor shall be
4 one hundred percent; however, if the member has completed at least two years and
5 subsequently ~~becomes disabled~~ acquires a disability, he shall receive forty percent of
6 such earnings, and if the member has completed at least one year and ~~becomes~~
7 ~~disabled~~ acquires a disability, he shall receive twenty percent of such earnings. The
8 provisions of this Paragraph shall be retroactive to May 1, 1983. Any person who has
9 retired from this system shall be entitled to have his benefits recomputed pursuant to
10 the provisions of this Paragraph; however, in order to include compensation received
11 pursuant to R.S. 17:3601 et seq. in average compensation for computation of
12 disability retirement purposes only or for recomputation of such, all employee and
13 employer contributions on such earnings shall be paid to the system.

14 * * *

15 §778. Disability retirement

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

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

25 * * *

26 D. Disability retirees whose first employment making them eligible for
27 membership in one of the state systems occurred on or before December 31, 2010,
28 and who had at least fifteen years of service prior to being certified as ~~disabled~~ having
29 a disability and who have been receiving disability benefits for at least ten years and

1 who have attained at least age fifty shall be eligible to convert from disability benefits
2 to regular retirement benefits, provided that any such retiree's regular retirement
3 benefits shall be based on the number of years actually credited to the member's
4 account, and provided that such conversion does not produce a benefit that creates an
5 actuarial cost to the system.

6 * * *

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

8 * * *

9 G.(1)(a) Notwithstanding any other provision of law to the contrary, if Option
10 2, 2A, 3, 3A, 4, 4A, or the Initial Lump-Sum Benefit of Subsection A of this Section
11 was selected, and the retiree's designated beneficiary, who is not the spouse of the
12 retiree, is officially certified as ~~permanently disabled~~ having a permanent disability
13 by the State Medical Disability Board, the originally selected option shall be
14 considered revoked.

15 * * *

16 I.(1)(a) Notwithstanding any other provision of law to the contrary, if Option
17 2, 2A, 3, 3A, 4, 4A, or the Initial Lump-Sum Benefit of Subsection A of this Section
18 was selected, and the retiree's designated beneficiary, who is not the spouse of the
19 retiree, is officially certified as ~~mentally retarded~~ having an intellectual disability by
20 the State Medical Disability Board, the originally selected option shall be considered
21 revoked if such selection or receipt of benefits would cause the designated beneficiary
22 to become ineligible for federal benefits of greater value.

23 * * *

24 K.(1) If both an optional benefit under Subsection A of this Section and a
25 survivor benefit under R.S. 11:762(C) and/or (I) are applicable, only the larger benefit
26 shall be owed and paid. Notwithstanding any other provision of law to the contrary,
27 if one of the Options 2 through 4A of Subsection A of this Section was selected, and
28 the retiree's designated beneficiary is not the spouse of the retiree, and the child is
29 ~~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

1 considered to have been so designated, or, if none, then the youngest person entitled
2 to receive a survivor benefit shall be considered to have been so designated. The
3 designation of a designated beneficiary hereunder shall not prevent payment to
4 multiple beneficiaries but shall only establish the permitted period of payments.

5 * * *

6 §804. Eligibility for disability retirement

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

13 §805. Computation of disability benefits

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

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

23 * * *

24 §901.36. Disability payments to teachers; amount; parish school boards' authority to
25 pay

26 Whenever a teacher ~~becomes disabled or incapacitated~~ acquires a disability
27 or incapacitating condition and has been employed as a teacher in a particular parish
28 for a period of twenty-five years or more, the parish school board of the parish is
29 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 receive, shall not exceed one-half his monthly salary during the last year of his employment in the public schools.

* * *

§952.36. 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. 42:702 through R.S. ~~42:706~~.

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 consist of:

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

* * *

§1147. 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 for ~~a formerly disabled~~ an employee who formerly had a disability are specifically described and provided for in R.S. 11:201 through 224.

* * *

C.(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.

* * *

§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

1 assistance being received from other state agencies. The board may require a certified
2 statement of the child's eligibility status at the end of each calendar year.

3 * * *

4 §1151.1. Survivors' benefits; members hired on or after July 1, 2010

5 * * *

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

17 * * *

18 C.

19 * * *

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

28 (b) The surviving spouse or legal guardian shall provide adequate proof of
29 ~~handicap~~ physical or mental disability of such surviving child or children and shall

1 notify the board of any subsequent changes in the child's condition which cause the
2 child to no longer be dependent upon the surviving spouse or legal guardian and any
3 changes in the assistance being received from other state agencies. The board may
4 require a certified statement of the child's eligibility status at the end of each calendar
5 year.

6 D.(1) A surviving spouse without a minor ~~or handicapped~~ child or child with
7 a physical disability, or ~~mentally disabled~~ a child with a mental disability, or children
8 shall be paid per month, for the remainder of his life, the benefit payable in
9 accordance with R.S. 11:1150(B)(2) based on years of service that the member had
10 earned to the date of his death using the applicable accrual rate; or six hundred dollars
11 per month, whichever is greater, provided the surviving spouse had been married to
12 the deceased member for at least one year prior to death, and provided the deceased
13 member was an active member at the time of death and had ten or more years of
14 service credit, at least two years of which were earned immediately prior to death or
15 provided the deceased member had twenty or more years of service credit regardless
16 of when earned or whether the deceased member was in active service at the time of
17 death.

18 * * *

19 §1313. Disability retirement; eligibility

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

26 B. The board of trustees shall award disability benefits to any sworn,
27 commissioned law enforcement officer of the office of state police whose first
28 employment making him eligible for membership in one of the state systems occurred
29 on or before December 31, 2010, who is eligible and who has been officially certified

as ~~disabled~~ having a disability by the State Medical Disability Board. The disability benefit shall be determined as follows:

* * *

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

* * *

§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.

* * *

C.

* * *

(2)(a) In addition to the amount payable in accordance with Subsection B of this Section, ~~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 Section for minor children, if the child ~~was totally physically handicapped or mentally disabled~~ has a total physical disability or mental disability, and had such disability at the time of the death of the member and is dependent upon the surviving spouse or other legal guardian.

(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 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.

D.(1) A surviving spouse without 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 the remainder of his life, a benefit based on years of

1 service that the member had earned to the date of his death using the applicable
2 accrual rate, or six hundred dollars per month, whichever is greater, provided the
3 surviving spouse had been married to the deceased member for at least one year prior
4 to death, and provided the deceased member was an active member at the time of
5 death and had ten or more years of service credit, at least two years of which were
6 earned immediately prior to death or provided the deceased member had twenty or
7 more years of service credit regardless of when earned or whether the deceased
8 member was in active service at the time of death.

9 * * *

10 §1345.8. Survivors' benefit for members killed in the line of duty

11 * * *

12 B. If the member has a surviving spouse, ~~minor, or handicapped or mentally~~
13 ~~incapacitated~~ child or children who are minors, have a disability, or are mentally
14 incapacitated, the amount of the total benefit shall equal eighty percent of the
15 member's average compensation. The benefit shall be shared equally by the surviving
16 spouse and children. When a child who ~~is not handicapped or~~ neither has a disability
17 nor is mentally incapacitated no longer meets the definition of minor child under R.S.
18 11:1301, his benefit shall cease, and the remaining beneficiaries shall have their
19 shares adjusted accordingly.

20 * * *

21 §1402. Definitions

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

24 * * *

25 (5) "Minor child" means a child who is less than the age of eighteen years or
26 who ~~is physically or mentally disabled~~ has a physical or mental disability, regardless
27 of age, who is the issue of a marriage of the member or former member, the legally
28 adopted child of a member or former member, the natural child of a female member
29 or former member, or the child of a male member or former member if a court of

competent jurisdiction has, during the lifetime of such male member or former member, issued an order of filiation declaring the paternity of such male member for the child.

* * *

§1431. Eligibility for disability retirement

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 224.

§1432. Computation of disability retirement benefit

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. The disability benefit shall be the lesser of (1) or (2) as set forth below:

* * *

§1442. Surviving minor children

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

* * *

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

* * *

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

* * *

§1503. Definitions

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

* * *

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

* * *

§1522. Disability retirement benefits

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

* * *

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

* * *

§1523. Survivor benefits

* * *

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

* * *

§1530. Deferred Retirement Option Plan

* * *

K.

* * *

(3) If a person 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.

* * *

§1614. Service on which retirement allowances are based

* * *

D. If a member dies or ~~becomes disabled~~ acquires a disability on or after January 1, 2007, while performing qualified military service as defined in 26 U.S.C. 414(u), the member's beneficiary is entitled to any additional benefits, other than benefit accruals relating to the period of qualified military service, provided under the

1 system as if the member had resumed and then terminated employment on account
2 of death or disability. Also, the system will credit the member's qualified military
3 service as service for vesting purposes as though the member had resumed
4 employment under USERRA immediately prior to the member's death or disability.

5 * * *

6 §1634. 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 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 Medical
15 Disability Board. Upon retirement caused by disability, the disability benefit shall be
16 determined as provided in Paragraph (1) or Paragraph (2) of this Subsection,
17 whichever is less:

18 * * *

19 §1636. Survivors' benefits

20 * * *

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

24 * * *

25 (5) Definitions. For purposes of this Section, "surviving spouse" shall mean
26 the spouse to whom the member was married and living with for at least one year
27 prior to death; "surviving minor children" shall include children under the age of
28 eighteen, children over the age of eighteen and under the age of twenty-three who are
29 attending an institution of higher learning, and children over the age of eighteen ~~who~~

1 ~~are physically or mentally disabled~~ with physical or mental disabilities and who are
2 dependent upon the member for support.

3 * * *

4 §1732. Definitions

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

7 * * *

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

11 * * *

12 §1758. Disability retirement

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

19 * * *

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

25 * * *

26 §1763. Deferred Retirement Option Plan

27 * * *

28 J.

29 * * *

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

4 * * *

5 §1784. Computation of disability benefits

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

9 * * *

10 §1785. Survivor benefits; eligibility

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

13 * * *

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

23 * * *

24 §1804. 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 * * *

§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

* * *

§1902. Definitions

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

* * *

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

* * *

§1934. 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, as specifically described and provided for

1 in R.S. 11:201 through 224, shall remain in full force except as otherwise provided
2 in R.S. 11:1943, 1963, and 1973.

3 * * *

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

9 * * *

10 §1938. Deferred Retirement Option Plan

11 * * *

12 J.

13 * * *

14 (4)

15 * * *

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

19 * * *

20 §1944. Computation of disability benefits

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

26 * * *

1 §1945. Survivor benefits; eligibility

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

4 * * *

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

9 * * *

10 §1964. Computation of disability benefits

11 A. 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 Medical
13 Disability Board. In no event shall such benefit exceed one hundred percent of final
14 compensation. The disability benefit shall be determined as provided in this Section:

15 * * *

16 §1974. Computation of disability benefits

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

20 * * *

21 §2074. Disability retirement

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

1 B.(1) 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 Medical
3 Disability Board. The disability benefit shall be determined as follows:

4 * * *

5 §2077. Survivors' benefits

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

8 * * *

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

11 * * *

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

17 * * *

18 §2144. Deferred Retirement Option Plan

19 * * *

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

24 * * *

25 §2165.6. Disability retirement

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

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

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

8 * * *

9 §2214. Membership

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

11 * * *

12 (2)

13 * * *

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

21 * * *

22 §2220. Benefits; contribution limit

23 A.(1)

24 * * *

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

29 * * *

(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 of one hundred percent of the deceased member's average 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 retarded~~ child with a total physical disability or intellectual disability if such child ~~was totally physically handicapped or mentally retarded~~ had a total physical disability or intellectual 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.

* * *

§2221. Deferred Retirement Option Plan

* * *

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

3 * * *

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

7 * * *

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

16 * * *

17 §2223. Disability retirement

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

24 * * *

25 §2241.7. Disability retirement

26 A.(1) Eligibility for disability benefits, procedures for application for
27 disability benefits, procedures for the certification of continuing eligibility for
28 disability benefits, the authority of the board of trustees to modify disability benefits,
29 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.

* * *

§2241.8. 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.

* * *

§2242.7. Disability retirement

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

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

5 * * *

6 §2242.8. Survivor benefits

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

10 * * *

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

21 * * *

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

28 * * *

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

* * *

(3) Benefits shall be payable as specified herein to ~~the surviving totally physically handicapped or mentally retarded child or children~~ any surviving child of a deceased member or retiree ~~as specified in the following~~ if the child has a total physical disability or an intellectual disability. The surviving ~~totally physically handicapped or mentally retarded child or children~~ child of a deceased active

1 contributing member, a deceased disability retiree, or a deceased regular retiree,
2 whether under or over the age of eighteen years, shall be entitled to the same benefits,
3 payable in the same manner as are provided in this Section for minor children, if the
4 child ~~was totally physically handicapped or mentally retarded~~ has a total physical
5 disability or an intellectual disability and had such disability at the time of death of
6 the member or retiree, and the child is dependent upon the surviving spouse or other
7 legal guardian for subsistence. Benefits payable under the provisions of this
8 Paragraph may be paid in trust as provided in R.S. 11:2256.2.

9 * * *

10 §2256.2. Designation of benefits to be paid in trust

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

17 * * *

18 §2257. Deferred Retirement Option Plan

19 * * *

20 K.

21 * * *

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

25 §2258. Disability retirement

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

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

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

6 (1)

7 * * *

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

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

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

25 * * *

26 C. Should a member who is on disability retirement die and leave a surviving
27 spouse, the surviving spouse shall receive a benefit of two hundred dollars per month.
28 When the member takes disability retirement he may in addition take an actuarially
29 reduced benefit in which case the member's surviving spouse shall receive fifty

1 percent of the disability benefit being paid immediately prior to the death of the
2 ~~disabled~~ retiree with a disability. If the surviving spouse receiving benefits pursuant
3 to this Subsection remarries, such benefits shall continue without interruption,
4 regardless of when the remarriage occurs.

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

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

23 §2259. Optional allowances

24 A.(1) With the provision that no optional selection shall be effective in case
25 a beneficiary dies within thirty days after retirement and that such a beneficiary shall
26 be considered as an active member at the time of death, until the first payment on
27 account of any benefit becomes due, any member may elect to receive his benefit in
28 a retirement allowance payable throughout life, or he may elect to receive the

actuarial equivalent at the time of his retirement allowance in a reduced allowance payable throughout life, with the provision that:

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

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

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

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

* * *

§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

1 to provide for the pensioning of ~~disabled~~ members of the Fire Department with
2 disabilities, and the widows or minor children of deceased members of said
3 Department, and to permit the retirement and pensioning of members of said Fire
4 Department after the required length of service, all as is hereinafter provided.

5 * * *

6 §3107. Board of trustees; duties

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

8 * * *

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

11 * * *

12 §3113. Pensions and benefits

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

14 * * *

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

19 * * *

20 §3132. Composition of the fund

21 From July 26, 1972, all funds, monies, proceeds, and revenues hereafter
22 provided for shall constitute and be "The Firemen's Pension and Relief Fund of the
23 consolidated fire districts of Bastrop, Louisiana", embracing Bastrop for the
24 pensioning of ~~disabled~~ members with disabilities, members who are superannuated,
25 and/or retired members of the consolidated fire districts, Bastrop, Louisiana, and their
26 widows and/or orphans, and for the relief and aid of any member of said fire
27 department in case of disability.

28 * * *

1 §3143. Pensions and benefits

2 Pensions and benefits shall be as follows:

3 (1) If any member of the said fire department who has been in the active
4 service of said fire department for a period of at least six months, is found by the
5 board of trustees to be totally physically or mentally disabled for service in said fire
6 department by reason of service in said fire department, he shall receive monthly from
7 the fund so long as such disability shall continue or until he becomes eligible for
8 retirement on service basis, whichever is sooner, a sum, which together with any
9 benefits from worker's compensation, shall be equal to thirty-three and one-third
10 percent of the total monthly salary of the active member of the said fire department
11 holding the position corresponding to that held by the beneficiary at the time that he
12 ~~became disabled~~ acquired the disability during the first five years of such disability.
13 During the second five years of such disability he shall receive a sum which together
14 with any benefits from worker's compensation, shall be equal to fifty percent of the
15 total monthly salary of the active member of the said fire department holding the
16 position corresponding to that held by the beneficiary at the time he ~~became disabled~~
17 acquired the disability. After ten years of such disability he shall receive a sum which
18 together with any benefits from worker's compensation shall be equal to sixty-six and
19 two-thirds percent of the total monthly salary of the active member of the said fire;
20 department holding the position corresponding to that held by the beneficiary at the
21 time that he ~~became disabled~~ acquired the disability; provided, however, that if such
22 member has served as a member of the fire department continuously for a period of
23 ten years at the time of such disability, he shall be eligible for retirement without
24 having served the full twenty-five years as stipulated in Paragraph (3) of this Section.

25 (2) If any member of said fire department, while in the active service is found
26 by the board of trustees to be totally physically or mentally disabled for service in said
27 fire department by reason or causes not arising or developing directly from his
28 employment in said fire department, save and except any disability which may arise
29 from the commission or attempted commission of a misdemeanor or felony or use of

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

20 * * *

21 §3145. Military service credit

22 * * *

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

27 * * *

1 §3166. Pensions and benefits

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

18 * * *

19 §3178. Pensions and benefits

20 * * *

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

23 * * *

24 (2) The disability payments provided for above shall be payable to a member
25 who is entitled to worker's compensation only after the expiration of the number of
26 weeks for which compensation is payable under the worker's compensation law of
27 Louisiana; provided, when a member ~~so disabled~~ with such disability ceases to
28 receive full salary payments from the city of Bogalusa and is only receiving worker's
29 compensation benefits as provided by law, such member shall at that time commence

1 to receive monthly disability payments from the pension fund in an amount which,
2 when added to the aggregate worker's compensation benefits to which he is entitled
3 per month, will equal the full amount of the disability payments per month such
4 member would be entitled to after termination of the period for which worker's
5 compensation benefits are payable. The provisions of this Paragraph shall apply to
6 any member of the fire department who is now or may hereafter be eligible to receive
7 disability payments.

8 * * *

9 §3192. Composition of the fund

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

17 * * *

18 §3200. Pensions and benefits

19 Pensions and benefits shall be as follows:

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

(2) If any member of said fire department having at least ten years of creditable service and while in the active service is found by the board of trustees to be totally disabled from either physical or mental causes for service in said fire department by reason of 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 to such extent as to become under the influence thereof or due to his negligence, he shall receive monthly from such fund so long as such disability shall continue or until he becomes eligible for retirement on service basis, whichever is sooner, a sum equal to 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, computed on the basis of the respective months. Provided further that the time elapsing while said 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. 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 years as stipulated in Paragraph (3) of this Section.

* * *

§3222. Composition of the fund

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

* * *

§3232. Pensions and benefits

Pensions and benefits shall be as follows:

A. If any member of the said fire department while in the active service of said fire department who shall be permanent in rank, be 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 worker's compensation benefits actually received by the member, shall be equal at any given time to sixty-six and two-thirds percent of the total monthly fireman's compensation of the active member of the fire department holding the position corresponding to that held by the beneficiary at the time he ~~became disabled~~ acquired the disability.

B. If any member of said fire department, while in the active service of said fire department who shall be permanent in rank be found by the board of trustees to be totally, physically, or mentally disabled for service in said fire department by reason of 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 the 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 worker's compensation benefits actually received by the member, shall be equal at any given time to twenty-five percent of the total monthly fireman's compensation of the

1 active member of the fire department holding the position corresponding to that held
2 by the beneficiary at the time he ~~became disabled~~ acquired the disability. In addition
3 thereto, any member entitled to disability under this Section who has more than five
4 years active service with the fire department at the time of disability shall also receive
5 a sum equal at any given time to two percent of the total monthly fireman's
6 compensation of the active member of the fire department holding the position
7 corresponding to that held by the beneficiary at the time he ~~became disabled~~ acquired
8 the disability. However, maximum benefits under this ~~subsection~~ Subsection for
9 nonservice disability shall never exceed those benefits provided for service disability.
10 Time elapsing during nonservice disability as provided for in this Section shall not be
11 included as time served for retirement purposes. Any member of said fire department
12 who shall become totally, physically, or mentally disabled for service in said fire
13 department while gainfully employed at any other profession or trade, or by any firm
14 or organization other than the City of Houma fire department shall not be entitled to
15 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 §3281. Firemen's pension and relief fund for the city of Lafayette; creation

27 There is hereby created a Firemen's Pension and Relief Fund for the City of
28 Lafayette, and a board of directors, to administer and disburse said fund, in order to
29 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 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

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

4 * * *

5 §3317. Board of directors; duties; meetings

6 * * *

7 C. The said board of directors shall have the power and it shall be its duty 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 for service therein
16 for causes not arising or developing directly from his employment in the said fire
17 department, or his employment elsewhere other than the fire department, and for
18 which he is therefore unable to collect compensation under the Worker's
19 Compensation Laws of Louisiana, said fireman shall, upon being found ~~so disabled~~
20 by the board of directors to have such disability, be paid monthly so long as such
21 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 disabilities
27 of the fire department and alarm system and the widows and orphans of the same.

28 * * *

1 §3346. Benefits

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

3 * * *

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

19 * * *

20 §3363. Powers of board; assessment of members; determination of applications for
21 benefits

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

28 * * *

§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

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

6 * * *

7 §3385.1. Deferred Retirement Option Plan

8 * * *

9 K.

10 * * *

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

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

22 * * *

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

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

6 * * *

7 §3402. Composition of the fund

8 From July 31, 1968, all funds, monies, proceeds and revenues hereafter
9 provided for shall constitute and be "The Fireman's Pension and Relief Fund for Fire
10 Protection District No. One of the Parish of Ouachita, State of Louisiana", for the
11 pensioning of ~~disabled~~ members with disabilities, members who are superannuated,
12 and/or retired employees of Fire Protection District No. One of the parish of Ouachita,
13 state of Louisiana, and their widows and/or orphans, and for the relief and aid of any
14 employee of said Fire Protection District No. One in case of temporary 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 it
22 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 of
24 discovering whether such disability to perform the duties of the position held at the
25 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 entitled
29 to notice and to be present at the hearing of any evidence, and shall be 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:

* * *

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

3 * * *

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

20 * * *

21 (5)

22 * * *

23 (b) Upon retirement for disability, a member shall receive a retirement
24 allowance if he has attained the age of fifty years; otherwise he shall receive a
25 disability benefit that shall be computed as follows: In the case of total disability of
26 any member resulting from injury received in the line of duty, even though he has less
27 than five years of creditable service, a monthly pension of sixty per cent of the salary
28 being received at the time of disability shall be paid to the ~~disabled~~ employee with a
29 disability. Any member of the system who has ~~become disabled~~ acquired a disability

1 or ~~incapacitated~~ incapacitating condition because of continued illness or as the result
2 of any injury received, even though not in the line of duty, and who has five years of
3 creditable service, but is not eligible for retirement, may apply for retirement under
4 the provision of this Section.

5 * * *

6 §3442. Pensions and benefits

7 Pensions and benefits shall be as follows:

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

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

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

1 that in which excess earnings are reported in order to effectuate the provisions of this
2 Paragraph as to that quarter in which the member received income in excess of that
3 allowed by this Paragraph.

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

18 * * *

19 §3447. Merger with firefighters' retirement system

20 * * *

21 C. The city of Shreveport is specifically authorized to contract with the active
22 members of its fire department to guarantee that the merger will not result in any
23 active member of the Fund receiving less in regular retirement benefits, provided he
24 meets the age and service requirements of the Fund for a regular retirement benefit,
25 than the member would have received if the Fund had not been merged with the
26 System; provided further, if a member ~~becomes disabled~~ acquires a disability or
27 survivor benefits become payable after the effective date of the merger, the System
28 shall pay such benefits; and the Fund shall pay the difference in disability or survivors
29 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 authority granted by this Subsection may designate the entity that will be responsible for administering benefits and resolving disputes that arise under the contract.

* * *

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

From July 27, 1966, the assets, funds, monies, and properties presently constituting the Municipal Employees' Retirement System of Louisiana to the credit of members of the West Monroe Fire Department and to include the funds contributed by the State of 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 West Monroe" for the pensioning of ~~disabled~~ members with disabilities, members who are superannuated, and/or retired members of the Fire Department of the City of West Monroe, operators of the alarm system, and their widows and/or orphans or dependent parents and for the relief and aid of members of said Fire Department in the case of temporary disability.

* * *

§3473. 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, becomes 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 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.

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

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

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

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

1 said Fire Department by such member and shall not be included as "Time served" in
2 determining eligibility for "retirement" under this Part.

3 * * *

4 §3514. Retirement for disability or length of service; benefit payments

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

11 * * *

12 §3515. Examination of ~~disabled~~ member with a disability; resumption of duty

13 * * *

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

20 §3516. Death benefits

21 * * *

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

28 (2) If, however, medical or psychological information indicates that such
29 ~~disabled~~ child with a disability can benefit from specialized training in order to be

1 rendered self supporting, then such child will receive benefits so long as he is actively
2 enrolled in a specialized school or training pro gram until such time as such child is
3 certified as being qualified to engage in gainful employment.

4 * * *

5 §3548. Bossier City; retirement for disability or length of service; benefit payments

6 A. The board of trustees of the fund for Bossier City shall retire from service
7 in the police department of Bossier City any member of the department found by a
8 majority vote of the board to have ~~become physically or mentally, permanently or~~
9 ~~temporarily, disabled~~ acquired a permanent or temporary physical or mental disability
10 while in the performance of his duties, as determined by the report of the department
11 physician, and shall place the retired member on the pension or relief roll.

12 * * *

13 §3552. City of Bogalusa; death benefits

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

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

25 * * *

26 §3553. Death benefits; optional allowances; Bossier City

27 * * *

28 B. If, on or after January 1, 1985, a retired member of the Bossier City police
29 department dies who is receiving a pension, or a member dies, or died, while in police

1 service, while on or off official duty, and leaves, or left, a child or children under
2 eighteen years of age, or a widow, or dependent mother, these survivors shall be paid
3 as follows:

4 * * *

5 (2) Each child under eighteen years of age, shall be paid monthly benefits
6 equal to one hundred fifty dollars per month, however, as each surviving child reaches
7 the age of eighteen his benefits shall cease, unless the child ~~is retarded~~ has an
8 intellectual disability and is not able to earn his own living; further, any surviving
9 child who graduates from high school and goes directly to a board approved or
10 accredited school or college, shall be paid a monthly benefit equal to one hundred
11 fifty dollars per month for the time he remains in a board approved or accredited
12 school or college, not to exceed four years.

13 * * *

14 §3601. Policemen's pension and relief fund for the city of Lafayette; creation

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

21 * * *

22 §3605. Board of directors; powers and duties

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

24 * * *

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

27 * * *

§3609. Pensions and benefits

A. If a member of the police department becomes disabled for service therein for causes not arising or developing directly from his employment in the police department and for which he is, therefore, unable to collect compensation under the worker's compensation laws of Louisiana, the policeman shall, upon being found so disabled to have such disability by the board of directors, be paid monthly so long as such disability continues, a sum equal to forty-five percent of the salary earned by the employee at the time such disability arises in the case of 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 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

1 shall never be reduced from the amount awarded at retirement. The board may
2 employ a doctor to assist, if necessary, in establishing the disability.

3 §3645. Death benefits

4 * * *

5 E. Dependent child or children as referred to in this ~~section~~ Subsection shall
6 include, regardless of any age any child who is ~~physically and/or mentally~~
7 ~~handicapped~~ has a physical and/or mental disability and shall receive benefits
8 throughout life if medical and/or psychological information indicates such child is
9 ~~totally and permanently disabled~~ has a total and permanent disability. If, however,
10 medical or psychological information indicates that such ~~disabled~~ child with a
11 disability can benefit from specialized training in order to be rendered self supporting,
12 then such child will receive benefits so long as he is actively enrolled in a specialized
13 school or training program until such time as such child is certified as being qualified
14 to engage in gainful employment. The board of trustees may demand at reasonable
15 intervals that such child submit to a medical and/or psychological examination for
16 current evaluation, subject to the penalty of all monthly payments being suspended
17 until submission to examination within fifteen days after request.

18 * * *

19 §3647. Retirement of members having twenty years or more of service

20 * * *

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

1 by any member retired in accordance with the provisions of this Section shall be
2 based on the following schedule:

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

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

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

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

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

5 * * *

6 §3685.1. Limitations on payment of benefits

7 * * *

8 B.

9 * * *

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

12 (a) To any portion of a member's benefit which is payable to or for the benefit
13 of a designated beneficiary, over the life of or over the life expectancy of such
14 beneficiary, provided that such distributions begin no later than one year after the date
15 of the member's death, or in the case of the member's surviving spouse, the date the
16 member would have attained the age of seventy years and six months. If the
17 designated beneficiary is a child of the member, for purposes of satisfying the
18 requirement of Paragraph (1) of this Subsection, any amount paid to such child shall
19 be treated as if paid to the member's surviving spouse if such amount would become
20 payable to such surviving spouse, if alive, upon the child's reaching age eighteen or,
21 if later, upon the child's completing a designated event. For purposes of this
22 Subparagraph, a designated event shall be the later of the date the child ~~is no longer~~
23 ~~disabled~~ ceases to have a disability or the date the child ceases to be a full-time
24 student or attains age twenty-three, if earlier.

25 * * *

26 D. If by operation of law or by action of the board of trustees, a survivor
27 benefit is payable to a specified person, the member shall be considered to have
28 designated such person as an alternate beneficiary. If there is more than one such
29 person, then the youngest ~~disabled~~ child with a disability shall be considered to have

1 been so designated, or, if none, then the youngest person entitled to receive a survivor
2 benefit shall be considered to have been so designated. The designation of a
3 designated beneficiary shall not prevent payment to multiple beneficiaries, but shall
4 only establish the permitted period of payments.

5 * * *

6 §3686. Disability retirement

7 * * *

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

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

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

20 * * *

21 §3724. Pensions and benefits

22 Pensions and benefits shall be as follows:

23 (1) If any member of the said police department, while in the active service
24 of said police department, becomes and is found by the board of trustees to be
25 temporarily, totally disabled, mentally or physically, for service in said police
26 department by reason of service therein, the said member shall receive monthly from
27 said fund, during such total disability or until he becomes eligible for retirement on
28 service basis, but not to exceed one year in any event, a sum equal to sixty-six and
29 two-thirds percent of the monthly salary for the active member of said police

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

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

13 (3)(a) If any member of the said police department becomes or is found to be
14 totally, permanently, physically or mentally disabled for service in the said police
15 department by reason of service therein, but is found by the board of trustees to be
16 physically and mentally capable and able to do work and perform work of any other
17 reasonable kind or character and said work is available, he shall receive each month,
18 as long as the disability shall continue, from such fund except as hereinafter provided,
19 a sum equal to fifty percent of the monthly salary of the active member of the said
20 police department holding the position corresponding to that held by the beneficiary
21 at the time he ~~became disabled~~ acquired the disability, until such time as he becomes
22 eligible for retirement on service basis.

23 (b) If any member of the said police department becomes or is found to be
24 totally, permanently, physically or mentally disabled for service in the said police
25 department by reason of service therein, he shall receive each month, as long as the
26 disability shall continue, from such fund except as hereinafter provided, a sum equal
27 to sixty-six and two-thirds percent of the monthly salary; provided that the Civil

1 Service Commission certify that such member is not capable of working in any
2 meaningful and gainful employment due to such on-the-job incurred disability.

3 * * *

4 §3731. Merger with Municipal Police Employees' Retirement System

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

10 * * *

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

23 * * *

24 §3761. Bus driver's pension and relief fund of the city of Monroe; creation

25 From July 30, 1952, the assets, funds, monies and properties presently
26 constituting the Bus Drivers' Pension Fund of the City of Monroe, Louisiana, shall,
27 together with the funds, proceeds and revenues hereinafter provided for, constitute
28 and be "The Bus Drivers' Pension and Relief Fund of the City of Monroe"; and such
29 fund is hereby dedicated to the pensioning of ~~disabled~~ members with disabilities,

1 members who are superannuated, and retired members of the Bus Drivers' Department
2 of the City of Monroe, and their widows and orphans and for the relief and aid of
3 members of said Bus Drivers' Department in the case of disability as hereinafter
4 provided.

5 * * *

6 §3771. Pensions and benefits

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

8 * * *

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

18 * * *

19 §3773. Payments during disability

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

23 * * *

24 §3778. Member participation; service not interrupted by physical infirmity; military
25 service; supplement to federal pension

26 A. A member's service period shall not be considered as having been
27 interrupted during such period that such member may not be employed by the
28 Department because of illness, injury, or other physical infirmity or disability; nor
29 shall it be considered as interrupted during such period that a member may be in

1 actual military service of his Country or state in time of war, peril, insurrection,
2 calamity, or other cause that may call the member from private life to military service,
3 and the dues of such member while absent from the Department during such military
4 service shall be waived. Provided also that if a member of the Department is called
5 into the Armed Forces of the United States, and as a result of his service he ~~becomes~~
6 ~~totally disabled~~ acquires a total disability and receives a pension from the Federal
7 Government, the pension fund herein will pay him an amount sufficient to equal the
8 sum of one hundred forty dollars per month, or if he is killed and his widow or
9 dependent children receive a pension from the Federal Government, the Bus Drivers'
10 Pension and Relief Fund shall pay his widow or dependent children an amount
11 necessary to total the sum of eighty dollars per month.

12 * * *

13 §3780. Transfer to other department

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

21 * * *

22 §3791. The Electrical Workers' Pension and Relief Fund of the City of Monroe;
23 creation

24 A Pension and Retirement Fund is herein created and shall hereinafter be
25 known and constituted as "The Electrical Workers' Pension and Relief Fund of the
26 City of Monroe, Louisiana"; and such fund is hereby dedicated to the pensioning of
27 ~~disabled~~ members with disabilities, members who are superannuated, and retired
28 members of the Electric Line Department, Electric Service Department, Street
29 Lighting Department, Electric Inspection Department, the Commercial Manager, and

1 the Electricians of the Water and Light Office of the City of Monroe, Louisiana, and
2 their widows and orphans and for the relief and aid of members of said Electric
3 Departments in the case of disability as hereinafter provided.

4 * * *

5 §3802. Pensions and benefits

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

7 * * *

8 (3) A member who has ~~become permanently disabled~~ acquired a permanent
9 disability as a result of an injury sustained or as a result of injuries received in the
10 performance of the employee's official duties to the extent that such employee is
11 mentally or physically incapacitated for the further performance of duty and to the
12 extent that such incapacity is likely to be permanent, such member shall, upon
13 submission of due proof in accordance with the requirements of the organization and
14 during the period of such disability, receive a sum per month, which when combined
15 with Social Security benefits received by him if any, equal two-thirds of the
16 employee's monthly salary averaged over a period of the best five years prior to the
17 date of disability less any workman's compensation or Social Security benefits
18 received, during the balance of his lifetime, provided that any time during said period
19 of disability the Board of Trustees hereof may require the member to submit to
20 physical examination in accordance with the requirements of the organization.

21 (4) A member, who has at least ten years of creditable service in this system
22 and who ~~becomes permanently disabled~~ acquires a permanent disability from any
23 cause, either while on or off duty, save and except any disability which may arise out
24 of or result from the commission or attempted commission of either a misdemeanor
25 or felony or use of any drug or intoxicating liquor to such extent as to become under
26 the influence thereof, to the extent that service cannot be performed in the department,
27 such member shall, upon submission of due proof in accordance with the
28 requirements of the organization, and during the period of such disability receive a
29 sum per month, which, when combined with Social Security benefits received by him,

1 if any, shall be equal to two-thirds of the employee's monthly salary averaged over a
2 period of the best five years prior to date of disability less any compensation paid,
3 during the balance of his lifetime, provided that any time during said period of
4 disability the board of trustees hereof may require the member to submit to physical
5 examination in accordance with the requirements of the organization.

6 * * *

7 §3804. Separation from service; disability; physical examination; leave of absence

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

11 * * *

12 §3805. Military service credit

13 A member's service period shall not be considered as having been interrupted
14 during such period that such member may not be employed by the various Electrical
15 Departments because of illness, injury, or other physical infirmity or disability; nor
16 shall it be considered as interrupted during such period that a member may be in
17 actual military service of his country or state in time of war, peril, insurrection,
18 calamity, or other cause that may call the member from private life to military service,
19 and the dues of such member while absent from the various Electrical Departments
20 during such military service shall be waived. Provided, also, that if a member of the
21 various Electrical Departments is called into the Armed Forces of the United States,
22 and as a result of his service he ~~becomes totally disabled~~ acquires a total disability and
23 receives a pension from the Federal Government, the pension fund herein will pay
24 him per month, an amount which when added to the Government payment, is
25 sufficient to equal two-thirds of his monthly salary but not to exceed the additional
26 amount which he is permitted to receive by the provisions of the government pension
27 act, averaged over a period of the best five years, or if he is killed and his widow or
28 dependent children under eighteen years of age receive a pension from the Federal
29 Government, the Pension and Relief Fund shall pay his widow if living or dependent

children, if no widow, until they reach age eighteen, an amount not to exceed forty percent of his salary averaged over the best five years of employment in the various Electrical Departments, provided that the widow's pension shall cease if she remarries.

* * *

§3808. Transfer to another department

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

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

§1278. Illness, disability, or absence

In the case of the illness, disability, or absence of any court reporter, the judges of the court may assign another court reporter to perform the duties of the ~~ill, 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

1 intellectual disabilities, mental health facility, hospital, or other residential facility,
2 or any individual who is sixty years of age or older. Lack of knowledge of the
3 person's age shall not be a defense.

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

7 * * *

8 §39. Negligent injuring

9 * * *

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

11 * * *

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

16 * * *

17 §45. Simple kidnapping

18 A. Simple kidnapping is:

19 * * *

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

24 * * *

25 §67.16. Identity theft

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

27 (1) ~~"Disabled person"~~ is "Person with a disability" means any person
28 regardless of age who has a mental, physical, or developmental disability that

1 substantially impairs the person's ability to provide adequately for his own care or
2 protection.

3 * * *

4 C.(1)

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 one
9 thousand dollars or more, shall be imprisoned, with or without hard labor, for not less
10 than three years and for not more than ten years, or may be fined not more than ten
11 thousand dollars, or both.

12 * * *

13 (2)

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

21 * * *

22 (3)

23 * * *

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

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

3 * * *

4 (4)

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 less
9 than three hundred dollars, shall be imprisoned with or without hard labor, for not less
10 than six months and not more than one year, or may be fined not more than five
11 hundred dollars, or both.

12 * * *

13 §67.21. Theft of the assets of ~~an aged~~ a person who is aged or ~~disabled~~ person with
14 a disability

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

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

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

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

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

28 (1) The intentional use, consumption, conversion, management, or
29 appropriation of ~~an aged person's or disabled person's~~ the funds, assets, or property

1 ~~of a person who is aged or person with a disability~~ without his authorization or
2 consent for the profit, advantage, or benefit of a person other than the ~~aged~~ person
3 ~~who is aged or disabled~~ person with a disability without his authorization or consent.

4 (2) The intentional misuse of ~~an aged or disabled person's~~ the power of
5 attorney ~~of a person who is aged or person with a disability~~ to use, consume, convert,
6 manage, or appropriate any funds, assets, or property of ~~an aged~~ a person who is aged
7 or ~~disabled~~ person with a disability for the profit, advantage, or benefit of a person
8 other than the ~~aged~~ person who is aged or ~~disabled~~ person with a disability without
9 his authorization or consent.

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

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

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

25 (3) Whoever commits the crime of theft of the assets of ~~an aged~~ a person who
26 is aged or ~~disabled~~ person with a disability when the value of the theft equals five
27 hundred dollars or less may be imprisoned for not more than six months and shall be
28 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;

* * *

1 3. OFFENSES AFFECTING THE HEALTH AND SAFETY

2 OF ~~THE INFIRM~~ PERSONS WITH INFIRMITIES3 §93.3. Cruelty to ~~the infirmed~~ persons with infirmities

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

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

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

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

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

7 * * *

8 §93.4. Exploitation of ~~the infirmed~~ persons with infirmities

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

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

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

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

25 C. Whoever is convicted, or who enters a plea agreement for exploitation of
26 ~~the infirmed~~ persons with infirmities shall be prohibited from having access to the
27 ~~victim's or any other disabled or aged person's~~ assets or property of the victim or of
28 any other person with a disability or person who is aged. The offender shall be
29 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

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

11 * * *

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

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

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

1 paid by the state. While the inmate is in such other institution his sentence shall
2 continue to run.

3 * * *

4 §830.1. Refusal of treatment by ~~mentally ill or mentally retarded~~ inmates with mental
5 illness or intellectual disability

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

19 * * *

20 §1039. Return of inmates to committing court for transfer

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

28 * * *

§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 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~~.

* * *

B.

* * *

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

* * *

§407.2. Louisiana Early Childhood Opportunity Program

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

* * *

§421.4. Salary increases, noninstructional school personnel

A. The salary increase funded by Act No. 12 of the 1991 Regular Session of the Legislature for noninstructional school employees, including teacher aides and paraprofessionals, school bus drivers, food service workers, including school lunch employees provided a pay increase pursuant to R.S. 17:422.3, school nurses, clerical, custodial, and maintenance personnel, and any other employees of a city or parish school board or unclassified noninstructional employees of the ~~state schools for the deaf, blind, spastic, and cerebral palsied~~ Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, and the Special School District No. One who are not required to hold a teacher's certificate as a condition of employment, shall continue to be paid to such employees from year to year. The legislature annually shall appropriate sufficient funds for this purpose and shall make such funds available to the employing school boards.

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

* * *

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

* * *

B. For purposes of this Section, the term "school employee" shall mean, without limitation, a teacher aide, paraprofessional, school bus driver, food service worker, clerical, custodial, and maintenance personnel, and any other employee of a city or parish school board, of ~~a state school for the deaf, blind, spastic, or cerebral palsied~~ the Louisiana School for the Deaf, the Louisiana School for the Visually 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 technical institute to blind persons pursuant to programs for such persons administered by the ~~Department of Children and Family Services~~ Louisiana Workforce Commission. Additionally, no other vending stands, vending machines, or other concessions shall be operated on the same premises as the vending stands, vending machines, and other concessions given preference by this Subsection. No blind person shall be required to pay any fee, service charge, or other cost to operate any vending stand, vending machine, or other concession on the premises of the former technical institute and no blind person operating such a vending stand, vending machine, or other concession on such premises shall be adversely impacted in any way in the operation of such stand, machine, or concession without reasonable or just cause.

* * *

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

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

* * *

C.

* * *

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

* * *

(b) 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 R.S. 47:463.4.

* * *

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

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

* * *

§564. Assistance in voting on election day

* * *

D.(1)(a) Prior to receiving assistance under this Section due to 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.

* * *

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

5 * * *

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

10 * * *

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

17 * * *

18 §1303. Persons entitled to vote in compliance with this Chapter

19 * * *

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

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

27 * * *

§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)

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

3 * * *

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

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

7 * * *

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

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

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

25 B. Any person, firm, or corporation, or agent, representative, or employee of
26 any person, firm, or corporation who deprives any blind person, visually ~~handicapped~~
27 impaired person, deaf person, hearing impaired person, or ~~otherwise physically~~
28 ~~disabled~~ person with any other physical disability, or any person who is accompanied
29 by a guide dog in training of any right conferred by Subsection A of this Section, shall

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

7 * * *

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

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

13 * * *

14 B.

15 * * *

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

(a)

* * *

(vi)

* * *

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

* * *

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

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

3 * * *

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

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

24 * * *

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

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

3 * * *

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

6 * * *

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

18 * * *

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

21 A.

22 * * *

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

1 limited duration insurance as defined pursuant to 45 CFR 144.103, the following
2 requirements for coverage of dependent children or grandchildren shall apply:

3 * * *

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

10 * * *

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

13 * * *

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

22 * * *

23 §1097. Discrimination in rates or failure to provide coverage because of severe
24 disability or sickle cell trait prohibited

25 * * *

26 B. "Severe disability", as used in this Section, means any disease of, or injury
27 to, the spinal cord resulting in permanent and total disability, amputation of any
28 extremity that requires prosthesis, permanent visual acuity of twenty/two hundred or
29 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 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 employee. Any unmarried child who is placed in the home of an insured or enrollee pursuant to an adoption placement agreement executed with an adoption agency licensed in accordance with the Child Care Facility and Child-Placing Agency Licensing Act (R.S. 46:1401 et seq.), or corresponding law of any other state, shall be considered a dependent child of the insured from the date of placement in the home of the insured or enrollee.

* * *

§1288. Discrimination in automobile liability insurance prohibited

* * *

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

Section 12. R.S. 23:251(A)(3), 322(3), (5), (6), (8), and (9)(introductory paragraph), 323(A), (B)(1) through (7), (C)(2), and (D)(1) and (2), 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) are hereby 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 (1) Fail or refuse to hire, promote, or reasonably accommodate an otherwise
2 qualified ~~disabled~~ person with a disability on the basis of a disability, when it is
3 unrelated to the individual's ability, with reasonable accommodation, to perform the
4 duties of a particular job or position.

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

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

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

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

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

27 (7) Discharge or take other discriminatory action against an otherwise
28 qualified ~~disabled~~ person with a disability when adaptive devices or aids may need

1 to be utilized to enable that individual, at the individual's own expense, to perform the
2 specific requirements of the job.

3 * * *

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

6 * * *

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

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

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

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

26 §324. Defenses

27 A. It may be a defense to a charge of discrimination under this Part that an
28 alleged application of qualification standards, tests, or selection criteria that screen
29 out or tend to screen out or otherwise deny a job or benefit to a ~~disabled~~ person with

1 a disability has been shown to be job-related and consistent with business necessity,
2 and such performance cannot be accomplished by reasonable accommodation, as
3 required under this Part.

4 * * *

5 §1017.1. Definitions

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

8 * * *

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

11 * * *

12 §1226. Rehabilitation of injured employees

13 * * *

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

18 * * *

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

21 * * *

22 §1371.1. Definitions

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

25 * * *

26 (5) "Psychiatrist" shall mean an individual licensed to practice medicine by
27 the Louisiana State Board of Medical Examiners or, in the event that the individual
28 is practicing medicine in a jurisdiction other than Louisiana, licensed by the
29 appropriate member board of the Federation of State Medical Boards to practice

1 psychiatry, who has completed a residency in psychiatry, been in clinical practice for
2 at least three years and has training in the evaluation, diagnosis, and treatment of
3 ~~mental retardation~~ intellectual disabilities.

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

13 * * *

14 §1378. Determination of liability of fund

15 * * *

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

23 * * *

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

27 * * *

(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.

* * *

1 §22.9. Rosenblum Mental Health Center

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

7 §22.10. New Orleans Adolescent Hospital

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

13 (1) Are suffering from substance abuse.

14 (2) Are emotionally disturbed.

15 (3) Have a mental illness.

16 (4) Have a developmental disability.

17 * * *

18 §25.1. Establishment of Feliciana Forensic Facility; authorization to establish
19 forensic facilities in New Orleans, Baton Rouge, Shreveport, and Alexandria

20 * * *

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

23 * * *

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

26 * * *

1 §50. Declaration of policy

2 The underlying policy of this Chapter is as follows:

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

5 * * *

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

8 * * *

9 §52. Voluntary admissions; general provisions

10 * * *

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

14 * * *

15 G.(1) No admission may be deemed voluntary unless the admitting physician
16 determines that the person to be admitted has the capacity to make a knowing and
17 voluntary consent to the admission.18 (2) Knowing and voluntary consent shall be determined by the ability of the
19 individual to understand all of the following:20 ~~(1)~~ (a) That the treatment facility to which the patient is requesting admission
21 is one for ~~mentally ill~~ persons with mental illness or persons suffering from substance
22 abuse;;23 ~~(2)~~ (b) That he is making an application for admission,and.24 ~~(3)~~ (c) The nature of his status and the provisions governing discharge or
25 conversion to an involuntary status.

26 * * *

1 §55. Judicial hearings

2 * * *

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

11 * * *

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

14 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

10 * * *

11 §148. Expenses of deportation

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

15 * * *

16 §172. Deposit of patients' funds; disbursement

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

25 * * *

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 that
17 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 local
14 governing authority or private corporation or association and the state shall not be
15 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 with
17 local authorities relative to program, management, personnel, and facilities of a
18 community ~~mental~~ behavioral health or ~~mental-retardation~~ developmental disabilities
19 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 allotted
23 to any community ~~mental~~ behavioral health center as contemplated by R.S. 28:204
24 but the allocation may be cancelled at any time the department finds a community
25 ~~mental~~ behavioral health or ~~mental-retardation~~ developmental disabilities center is
26 violating any of the standards of operation and maintenance adopted under the
27 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.

1 §477. Definitions

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

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

9 * * *

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

13 * * *

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

19 §478. Promotion of community based homes

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

25 * * *

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

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

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

4 * * *

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

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

12 * * *

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

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

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

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

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

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

27 * * *

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

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

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

10 * * *

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

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

17 * * *

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

19 A. The authority shall:

20 * * *

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

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

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

* * *

§864. Authority; functions, powers, and duties

A. The district shall:

* * *

(2) Be responsible for community-based 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 residential and 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 addictive disorders.

* * *

§874. Authority; functions, powers, and duties

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

* * *

(2) Be responsible for community-based 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 residential and 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 addictive disorders.

* * *

§904. District; functions, powers, and duties

A. The district 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.

(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

1 have special needs, and all other residents whenever such evacuations can be
2 accomplished without endangering human life.

3 * * *

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

6 * * *

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

8 * * *

9 (13)(a) In consultation with experts in the fields of animal sheltering,
10 veterinary medicine, public health and safety, other professional and technical
11 personnel deemed appropriate, and the state office of homeland security and
12 emergency preparedness, formulate emergency operation plans for the humane
13 evacuation, transport, and temporary sheltering of service animals and household pets
14 in times of emergency or disaster that:

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

21 * * *

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

26 * * *

Section 16. 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) are hereby amended and reenacted to read as follows:

§295.1. Safety belt use; tags indicating exemption

* * *

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

(2)(a) On the application of any ~~mentally or physically disabled individual~~ person with a mental or physical disability whose impairment is permanent and prevents use of a seat belt, the commissioner shall issue a special tag for the benefit 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

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

6 * * *

7 §401. Definitions

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

10 * * *

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

22 * * *

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

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

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

* * *

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

* * *

C.

* * *

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

* * *

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

§1236. Powers of parish governing authorities

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

* * *

(42) To provide support for programs of social welfare for the aid of the needy through the programs for ~~mentally retarded or mentally handicapped persons~~ persons

1 with intellectual or mental disabilities within their respective parishes out of general
 2 funds of the parish or any other monies available, including the authority to make
 3 grants or subsidies to private or public nonprofit associations or corporations or
 4 organizations for use solely in programs of cooperative endeavor to aid ~~the mentally~~
 5 ~~retarded or the mentally handicapped~~ persons with intellectual or mental disabilities.

6 * * *

7 §1947. Law Enforcement Officers and Firemen's Survivor Benefit Review Board;
 8 payment of claims

9 * * *

10 C.

11 * * *

12 (2) "Child" or "children," as used in this Section, means any unmarried child
 13 under the age of eighteen years, or an unmarried student under the age of twenty-three
 14 years, who is the issue of a marriage of a law enforcement officer or fireman; the
 15 legally adopted child of a law enforcement officer or fireman; the natural child of a
 16 female law enforcement officer or fireman; the child of a law enforcement officer or
 17 fireman if a court of competent jurisdiction has made an order of filiation declaring
 18 the paternity of such law enforcement officer or fireman for the child; or the child of
 19 a male law enforcement officer or fireman who has been acknowledged in accordance
 20 with law by the male law enforcement officer or fireman. In addition, the term
 21 "child" or "children" shall include a child of any age who meets the definition of
 22 "child" or "children," excepting the age requirement, who ~~is physically and/or~~
 23 ~~mentally handicapped~~ has a physical or mental disability, if medical ~~and/or~~ or
 24 psychological information indicates such child is totally and permanently disabled
 25 and who is solely dependent upon the law enforcement officer or fireman for support.

26 * * *

27 §2411. Nature of tests; eligibility for tests; adaptation for ~~handicapped~~
 28 with disabilities

29 A. Tests of fitness for original entrance and for promotion shall be
 30 competitive, and open to all citizens who, if over eighteen years of age, are qualified

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

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

30 * * *

§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~~ the elderly persons of the state who are

1 elderly, including but not limited to coordination of services of all state agencies
2 serving the elderly and requiring reports from them; developing a plan for efficient
3 coordination of functions and services for the elderly and for consolidation of such
4 functions and services within the department with local administration by the parish
5 voluntary councils on aging; administration of the Older Americans Act and related
6 programs; administration of all federal funds appropriated, allocated, or otherwise
7 made available to the state for services to the elderly, except funds for programs
8 administered by other state departments or agencies as specified by the Louisiana
9 Revised Statutes of 1950; exercising functions relative to nutrition programs for the
10 ~~elderly and handicapped~~ citizens of Louisiana who are elderly or have disabilities,
11 homemaker services, home repair and maintenance services, employment and training
12 services, recreational and transportation services, counseling, information and referral
13 services, protective services as provided in R.S. 15:1501 et seq., and health-related
14 outreach, but excluding the transportation program for ~~the elderly and the~~
15 ~~handicapped~~ persons who are elderly or have disabilities administered by the
16 Department of Transportation and Development under Section 16(b)(2) of the Federal
17 Urban Mass Transportation Act of 1964 as amended and other such programs and
18 services assigned to other departments of state government as provided in Title 36 of
19 the Louisiana Revised Statutes of 1950; collection of facts and statistics and making
20 special studies of conditions pertaining to the employment, health, financial status,
21 recreation, social adjustment, or other conditions affecting the welfare of the aged;
22 keeping abreast of the latest developments in aging throughout the nation and
23 interpreting such findings to the public; providing for a mutual exchange of ideas and
24 information on national, state, and local levels; and making recommendations to the
25 governor and to the legislature for needed improvements and additional resources to
26 promote the welfare of the aging in the state.

27 * * *

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

* * *

B. The Department of Health and Hospitals, through its offices and officers,
shall be responsible for the development and providing of health and medical services
for the prevention of disease for the citizens of Louisiana. The Department of Health
and Hospitals shall provide health and medical services for the uninsured and
medically indigent citizens of Louisiana. The secretary and the chancellor of the
Louisiana State University Health Sciences Center shall provide for coordination in
the delivery of services provided by the Louisiana State University Health Sciences
Center with those services provided by the Department of Health and Hospitals, local
health departments, and federally qualified health centers, including but not limited
to ~~services for the mentally ill, for persons with mental retardation and developmental
disabilities, for those suffering from addictive disorders, public health 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 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 enter a case for the purposes of providing consultation and indirect services and evaluating an individual for the need of services. Prevention, wellness, and education related services shall not require a referral; however, in workers' compensation injuries preauthorization shall be required by the employer or workers' compensation insurer or provider. Implementation of direct occupational therapy to individuals for their specific medical condition or conditions shall be based on a referral or order from a physician, advanced practice registered nurse, dentist, podiatrist, or optometrist licensed to practice. Practice shall be in accordance with published standards of practice established by the American Occupational Therapy Association, Inc., and the essentials of accreditation established by the agencies recognized to accredit specific facilities and programs.

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

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

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

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

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

(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

1 services performed by ~~severely handicapped~~ individuals with severe disabilities in
2 state-operated and state-supported sheltered workshops.

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

8 * * *

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

11 * * *

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

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

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

22 * * *

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

27 (5) "Sheltered workshop" means a facility designed to provide gainful
28 employment for ~~severely handicapped~~ individuals with severe disabilities who cannot
29 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 adapted in a manner to enable such technology to be used by such ~~disabled~~ state employees to the extent necessary to perform job-related duties.

* * *

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

* * *

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

* * *

(3)(a) Personal assignment of a fleet vehicle shall be permitted only in individual situations in which cost savings to the state are substantiated or the health and welfare of the general public are essentially affected or in which the commissioner of administration deems it to be in the best interest of the state.

1 Personal assignment of fleet vehicles is not permitted without specific approval from
2 the commissioner of administration. Criteria which merit request for personal
3 assignment include:

4 * * *

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

10 * * *

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

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

24 * * *

25 F. The commissioner of administration shall not promulgate rules or
26 regulations which require ~~state schools for the deaf, blind, spastic, and cerebral~~
27 ~~palsied~~ the Louisiana School for the Deaf, the Louisiana School for the Visually
28 Impaired, the Louisiana Special Education Center, the Special School District
29 ~~Number One~~, and any community and group home and residential facilities
30 administered by the Department of Children and Family Services or the Department

of Health and Hospitals to have an inscription, painting, stencil, or decal placed conspicuously on an automobile, truck, or other vehicle with the name of the board, commission, department, agency, or subdivision of the state to which the automobile, truck, or other vehicle belongs, if the vehicle is used to transport students or clients.

* * *

§1484. Definitions and objectives

* * *

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

* * *

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

* * *

(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 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

1 order to lease residential living options ~~for mentally retarded or developmentally~~
2 ~~disabled individuals~~ persons with intellectual or developmental disabilities without
3 carrying out the competitive sealed bidding requirement of this Chapter.

4 * * *

5 §1594. Competitive sealed bidding

6 * * *

7 I. Exemption.

8 (1) Purchases of goods manufactured by or services performed by ~~severely~~
9 ~~handicapped individuals~~ with severe disabilities in state-operated and state-supported
10 sheltered workshops as defined in R.S. 39:1595.4 shall be exempt from the provisions
11 of this Section. This exemption shall also apply to goods and services procured by
12 purchase order directly from a central nonprofit agency contracting under R.S.
13 39:1595.4 to assist qualified sheltered workshops; any purchase order shall be issued
14 directly to the central nonprofit agency for all goods and services within the
15 exemption provided under this Subsection.

16 * * *

17 §1595.4. Preference for goods manufactured, or services performed, by sheltered
18 workshops; definitions; coordinating council

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

23 * * *

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

26 * * *

27 (2) "Goods manufactured and services performed by ~~severely handicapped~~
28 individuals with severe disabilities" means goods and services for which not less than
29 seventy-five percent of the man-hours of direct labor required for manufacture or
30 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.

* * *

§1952. Definitions

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

* * *

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

* * *

(e) ~~Handicapped: having~~ Person with a disability: a person who has a permanent physical impairment which includes any physiological disorder or

condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, speech organs, skin, and endocrine, which substantially limits at least one ~~or more~~ major life activity of an individual, as defined in R.S. 28:477(3)(a), as verified by two physicians or as certified by the Veteran's Administration as meeting the qualifications and approved by the division. The division may require an additional independent medical examination by a physician chosen by the division, at the applicant's expense, prior to approval of an application. For the purpose of this Subparagraph, ~~"handicapped"~~ "disability" shall not mean mental impairment, temporary impairment, alcohol or drug addiction, sexual or behavioral disorders, or substantially limiting illnesses including human immunodeficiency virus.

* * *

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.

* * *

1 §501. Selection and preferences

2 A. Each housing authority shall adopt and promulgate policies establishing
3 a plan for selection of applicants. The plan shall include standards for eligibility,
4 procedures for prompt notification of eligibility or disqualification, and procedures
5 for maintaining a waiting list of eligible applicants for whom vacancies are not
6 immediately available. Eligible applicants shall be offered available vacancies as
7 provided in said policies. Such policies and plans may, but shall not be required to,
8 include:

9 * * *

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

16 * * *

17 §1299.27. Safety precautions; procedures for removal and repainting

18 A. Whenever a child or children under six years of age or ~~mentally retarded~~
19 person with an intellectual disability resides in any residential premises in which any
20 paint, plaster, or other accessible materials contain dangerous levels of lead as defined
21 pursuant to ~~R.S. 40:1299.24~~ the provisions of this Part, after notification by the state
22 health officer or his representative, the owner shall remove or cover said paint,
23 plaster, or other material so as to make it inaccessible to children under six years of
24 age or ~~mentally retarded~~ persons with intellectual disabilities. Whenever any such
25 residential premises containing said dangerous levels of lead undergoes a change of
26 ownership and as a result thereof, a child ~~or children~~ under six years of age or
27 ~~mentally retarded persons~~ a person with an intellectual disability will become a
28 resident therein, the new owner shall remove or cover said paint, plaster, or other
29 material so as to make it inaccessible to such ~~children or mentally retarded persons~~
30 child or person.

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

4 * * *

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

10 C. This duty shall apply to every owner of residential premises whenever a
11 child ~~or children~~ under six years of age or ~~mentally retarded persons reside~~ or a
12 person with an intellectual disability resides therein or whenever such premises
13 undergoes a change of ownership and as a result thereof a child ~~or children~~ under six
14 years of age or ~~mentally retarded persons~~ person with an intellectual disability shall
15 reside therein, whether or not his premises have been inspected pursuant to R.S.
16 40:1299.24 or otherwise. ~~This section~~ The provisions of this Section shall be strictly
17 construed and enforced so as to best protect the safety of residents of such dwellings.

18 * * *

19 §1299.52. Part not applicable to care and treatment of ~~mentally ill~~ persons with
20 mental illness; exception

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

25 * * *

26 §1299.58. Consent to surgical or medical treatment for ~~developmentally disabled~~
27 persons with developmental disabilities and residents of state-operated
28 nursing homes

29 A. Upon the written recommendation of the treating physician, the following
30 persons may consent to any surgical or medical treatment on behalf of any

1 ~~developmentally disabled~~ person with a developmental disability who is a recipient
2 of service from a state-operated supported living program or home- and
3 community-based service provider, or who is a resident of a state-operated residential
4 facility, community, or group home for ~~the developmentally disabled~~ persons with
5 developmental disabilities, state-supervised extended family living program, or a
6 nonstate-operated residential facility, community, or group home for ~~the~~
7 ~~developmentally disabled~~ persons with developmental disabilities, or who is a
8 resident of a state-operated nursing home:

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

12 * * *

13 (3) For a resident of a nonstate-operated residential facility, community, or
14 group home for ~~the developmentally disabled~~ persons with developmental disabilities,
15 the chief executive officer of the provider organization which administers or operates
16 the facility or home.

17 * * *

18 §1299.78.5. Provisions

19 A. The Department of Health and Hospitals shall promulgate regulations
20 governing the following:

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

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

25 * * *

26 §1299.113. Program for combating spinal cord disabilities; establishment

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

30 * * *

(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~~ persons with spinal cord 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

1 program to persons with cystic fibrosis under twenty-one years of age, to the extent
2 that funds are appropriated by the legislature for the purpose of providing such
3 services.

4 * * *

5 §1300.85. Services

6 * * *

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

10 * * *

11 §1300.361. Legislative intent

12 * * *

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

21 * * *

22 §1355. Powers and duties

23 * * *

24 B. Pursuant to the provisions of R.S. 46:2582(4), the board shall review
25 material and evidence submitted to it by the ~~handicapped~~ accessible parking
26 privileges investigation committee within the governor's office of disability affairs.
27 If, in the board's determination, the review of such material does indicate a possible
28 inappropriate certification by a physician of an individual's eligibility for ~~handicapped~~
29 accessible parking privileges, the board shall submit such material along with a

1 recommendation for appropriate disciplinary action to the Louisiana State Board of
2 Medical Examiners.

3 * * *

4 §1379.3. Statewide permits for concealed handguns; application procedures;
5 definitions

6 * * *

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

8 * * *

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

11 * * *

12 §1400. ~~Handicapped~~ Accessible parking enforcement

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

19 * * *

20 C. The program shall incorporate a training program, to be offered at each
21 troop headquarters, incorporating matters relevant to volunteers recognizing and
22 collecting evidence on violations of ~~handicapped~~ accessible parking restrictions.
23 Such training shall include training in legal matters with respect to violations of
24 ~~handicapped~~ accessible parking restrictions and personal safety matters. Volunteers
25 shall be trained to identify violators and to collect information necessary to provide
26 evidence of violation, including vehicle identification information, all legal matters
27 relevant to identifying a properly marked restricted parking area and a violation
28 thereof, the collection of photographic information which would be sufficient to
29 establish a presumption of a violation, and matters of personal safety and ethics. The

1 training course may be offered as often as the police troop deems necessary to serve
2 potential volunteers who have requested enrollment in the course.

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

9 E. Upon identification of the owner of the vehicle, the state police shall send
10 by registered mail, return receipt requested, to ~~said~~ the owner a citation for the
11 parking violation. Such citation shall include information on the submission of fines
12 and how the individual may contest the citation. Each troop of the state police may
13 train and utilize volunteers in any aspect of the program which it deems appropriate
14 and for which volunteers offer their services, including clerical responsibilities
15 associated with the processing of information relative to violations of ~~handicapped~~
16 accessible parking restrictions and in the dissemination of citations.

17 F. The office of state police shall establish and promulgate rules and
18 regulations necessary for the operation of the program in accordance with the
19 Administrative Procedure Act. Such rules may include the establishment of a
20 minimum number of participants who must enroll in the training course before such
21 course is offered, criteria for successful completion of the course, certification of
22 successful completion, procedures for identification of persons who have completed
23 the course and who are thereby authorized to submit information relative to violations
24 of ~~handicapped~~ accessible parking restrictions, procedures for the submission and
25 processing of such information, and any other matter which the office deems
26 necessary or convenient for successful operation of the program.

27 * * *

§1472.3. License; manufacturer, dealer-distributor, user, blaster, or handler of explosives

* * *

E.

* * *

(2) To qualify for a license, an applicant shall:

* * *

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

* * *

§1485.2. Definitions

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

* * *

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

* * *

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

* * *

C.

* * *

(6) The monitoring function conferred upon the fire marshal by this Section is solely intended to achieve the equal, effective enforcement of the state's adopted fire protection, life safety, and ~~handicapped~~ accessibility laws, codes, rules, and regulations. It is not intended that the fire marshal shall retain or assume responsibility or liability for inspections performed by fire prevention bureaus. The local governing authority shall, by specific resolution accompanying the ordinance

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* * *

§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.

* * *

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

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

* * *

(3) Any owner or lessee of a facility who fails to provide and maintain spaces reserved and designated for the exclusive use of vehicles bearing a special license

1 plate or parking card issued to a ~~mobility-impaired~~ driver with a mobility impairment
2 free of obstructions shall be fined not more than five hundred dollars.

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

9 * * *

10 B.(1) No person shall park any vehicle in a ~~mobility-impaired~~ an accessible
11 parking space unless such person has a license plate or hang tag for ~~the~~
12 ~~mobility-impaired~~ persons with mobility impairments issued pursuant to R.S.
13 47:463.4 or a properly displayed special parking card issued pursuant to R.S.
14 47:463.4.1.

15 (2)

16 * * *

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

30 * * *

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

6 C. Subsection B of this Section shall not be construed to affect or preempt any
7 ordinance of any local governmental subdivision or to prohibit any local
8 governmental subdivision of the state from adopting ordinances regulating
9 ~~mobility-impaired~~ accessible parking which ordinances may provide for penalties and
10 enforcement as deemed appropriate by the local governing authority. The governing
11 authorities of local governmental subdivisions may adopt such ordinances pursuant
12 to R.S. 32:41 or 42, R.S. 33:1236(28), any applicable provisions of a home rule
13 charter, or any other applicable provision of law. Except as provided in R.S.
14 46:2583(A)(2), the provisions of local ordinances shall control in all aspects of
15 enforcement of such ordinances.

16 §1742.1. Additional fine for enforcement of ~~mobility-impaired~~ accessible parking
17 regulations

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

25 §1742.2. Local variances in ~~mobility-impaired~~ accessible parking restrictions

26 A.(1) The legislature finds that providing sufficient ~~mobility-impaired~~
27 accessible parking spaces for use by both employees and visitors to public or private
28 buildings or facilities, as defined in R.S. 40:1732, is essential to protecting the civil
29 rights of ~~the disabled~~ persons with disabilities. To this end, the state, through the fire

1 marshal, has insisted on compliance with the ADA Standards, and the legislature has
2 set substantial fines for ~~mobility-impaired~~ accessible parking violations.

3 * * *

4 (3) The legislature finds that as a matter of policy, there is a clear conceptual
5 distinction between reserving ~~mobility-impaired~~ accessible parking spaces for a
6 facility that is in use and reserving such spaces associated with a facility that is not
7 in use and at which the general parking spaces are being used for another facility.
8 This distinction is in part grounded in the logic of the accessibility guidelines
9 themselves. The guidelines relate each reserved parking space to a particular facility
10 in requiring an accessible route from the parking space to the facility. In a case where
11 the facility is not in use, there is no presumption that there is an accessible route from
12 a ~~mobility-impaired~~ an accessible parking place to any other facility. Thus, if there
13 is no legitimate reason for any person to be visiting a facility, the reservation of
14 parking spaces for ~~mobility-impaired~~ visitors with mobility impairments at that
15 facility is unnecessary.

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

24 B.(1) The governing authority of any parish or municipality may, by
25 ordinance, provide for time variances applicable to the reservation of parking spaces
26 for ~~mobility-impaired~~ persons with mobility impairments at facilities identified in
27 Paragraph (2) of this Subsection. By such a variance, the governing authority may
28 establish times during which particular ~~mobility-impaired~~ accessible parking spaces
29 are available for general use and no citations for ~~mobility-impaired~~ accessible parking
30 violations shall be issued for use of the parking space. Any such variance shall be

1 indicated by signage displayed at each parking space subject to the variance, and signs
 2 indicating the times during which parking is not reserved shall be mounted on the
 3 same post or, if not on a post, in the same manner as and in close proximity to the
 4 ~~mobility-impaired~~ accessible parking sign itself. Different time variances may be
 5 applied to different spaces at the same facility.

6 * * *

7 PART V-A. ACCESS TO GOVERNMENT SERVICES FOR

8 ~~PHYSICALLY HANDICAPPED~~ PERSONS WITH DISABILITIES

9 §1748. Access to government services

10 A. Each state agency and political subdivision having jurisdiction over
 11 buildings where government services are provided to the public shall provide for
 12 equal access to such services by persons ~~who are physically handicapped with~~
 13 physical disabilities. A consumer of such government services who ~~is visibly~~
 14 ~~handicapped~~ has a visible disability, and the person who is providing assistance to
 15 him in securing such services, shall be entitled to priority treatment when such
 16 services involve waiting periods.

17 * * *

18 §2009.21. Mandatory screening of ~~mentally ill or mentally retarded~~ nursing home
 19 medicaid patients with mental illness or developmental disabilities
 20 implementation, review

21 A. Public Law 100-203 establishes mandatory preadmission screening and
 22 ~~annual~~ resident review requirements for nursing care (other than ICF-DD) provided
 23 under Title XIX of the Social Security Act. Section 1919(b)(3)(F) of the Social
 24 Security Act prohibits admission of a mentally ill or mentally retarded Title XIX
 25 recipient unless the recipient requires the level of services provided by a nursing
 26 facility because of his physical and mental condition as determined by the ~~State~~
 27 ~~Mental Health~~ state mental health authority or ~~State Mental Retardation Authority~~
 28 state mental retardation or developmental disability authority.

29 B. The Department of Health and Hospitals shall establish rules and
 30 regulations to implement the mandatory preadmission and ~~annual~~ resident review

1 requirements for nursing care (other than ICF-DD) provided under Title XIX of the
2 Social Security Act. Such rules and regulations shall require that the department must
3 make a determination of eligibility with regard to the first level of screening within
4 two working days after a request is submitted to the department. If the department
5 determines that a second level of screening is required to ascertain the mental
6 condition of the applicant, the second level of screening shall be conducted and
7 completed within eight working days after the completion of the first level of
8 screening, and the applicant shall be notified of the agency's determination on the date
9 the screening is completed. If the department fails to comply with the time limits
10 provided for in this Subsection, the applicant shall be deemed eligible under Title XIX
11 for placement in a nursing facility without further delay.

12 C. The Department of Health and Hospitals, office of behavioral health, of
13 ~~mental retardation, and of prevention of and recovery from alcohol and drug abuse~~
14 shall be the ~~State Mental Health~~ state mental health authority and ~~State Mental~~
15 ~~Retardation Authority~~ state developmental disability authority as provided for in the
16 Social Security Act.

17 * * *

18 §2009.25. Emergency preparedness plans for nursing homes; applicable parishes;
19 requirements; Nursing Home Emergency Preparedness Review Committee;
20 rules and regulations; application

21 * * *

22 F. There is hereby created in the Department of Health and Hospitals the
23 Nursing Home Emergency Preparedness Review Committee, hereinafter referred to
24 in this Section as the "committee." The committee, which shall convene at least
25 annually, shall be charged with reviewing the findings of the emergency preparedness
26 plan submitted to the department under this Section, identifying risks and threats,
27 identifying manpower issues for loading, transporting and unloading residents, and

1 developing recommendations for emergency preparedness plans to promote the
2 health, safety, and welfare of nursing home residents. The committee shall be
3 comprised of the following members:

4 * * *

5 (12) The executive director of the Advocacy Center ~~for the Elderly and~~
6 ~~Disabled~~ or his designee.

7 * * *

8 §2010.8. Residents' bill of rights

9 A. All nursing homes shall adopt and make public a statement of the rights
10 and responsibilities of the residents residing therein and shall treat such residents in
11 accordance with the provisions of the statement. The statement shall assure each
12 resident the following:

13 * * *

14 (2)

15 * * *

16 (b) The right to be granted immediate access to the following:

17 * * *

18 (v) The agency responsible for the protection of and the advocacy system for
19 ~~developmentally disabled individuals~~ persons with developmental disabilities.

20 (vi) The agency responsible for the protection of and the advocacy system for
21 ~~mentally ill individuals~~ persons with mental illness.

22 * * *

23 §2013. Department of Health and Hospitals as mental health and ~~mental retardation~~
24 developmental disabilities authority

25 The Department of Health and Hospitals in addition to other powers and duties
26 conferred upon it by this Chapter, is hereby designated as the sole agency:

27 * * *

28 (6) To administer any and all federal grants in aid funds awarded to the state
29 of Louisiana and any state funds that may be appropriated or made available by the
30 legislature for the establishment and conduct of an approved mental health and ~~mental~~

1 ~~retardation~~ developmental disabilities program in the state of Louisiana as
2 contemplated by the provisions of the foregoing federal laws or the provisions of any
3 state law relating to the subjects of this Section.

4 * * *

5 §2013.2. Appointment of chaplains; compensation

6 A. The Department of Health and Hospitals may provide for the services on
7 a contractual basis of a Catholic priest and a minister of the other ~~nonCatholic~~ non-
8 Catholic predominating religious denomination of patients in each of the hospitals ~~for~~
9 ~~the mentally ill~~ under its administration for persons with mental illness.

10 B. The Catholic priest shall be appointed by and subject to the Bishop or
11 Archbishop in whose diocese or archdiocese the hospital for ~~the mentally ill~~ persons
12 with mental illness is located. The minister of the other predominating religious
13 denomination shall be selected and appointed by the secretary of the Department of
14 Health and Hospitals.

15 C. The Catholic priest and the minister of the predominating ~~nonCatholic~~
16 non-Catholic denomination shall be paid a monthly fee to be fixed by the secretary.

17 D. The secretary may provide for the employment of additional chaplains of
18 any religious denomination on a contractual basis and shall have authority to fix their
19 fees.

20 §2013.3. Superintendent to furnish report on patient's condition

21 Superintendents of all hospitals for ~~the mentally ill~~ persons with mental illness
22 administered by the Department of Health and Hospitals are required upon written
23 request of the coroner of the parish from which the patient was committed to furnish
24 a report to the coroner of the patient's condition, showing diagnosis, laboratory
25 findings, treatment prescribed and prognosis; and upon the written request of the
26 attorney of the patient or a near relative shall make the patient's medical record
27 available for inspection by such attorney or relative at such time as may be fixed by
28 the superintendent.

29 * * *

§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~~ 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.

* * *

§2116. Facility need review

* * *

B. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for facility need review. The rules and regulations shall include but not be limited to the following:

(1) Criteria for review of beds for Level 4 adult residential care providers as defined in R.S. 40:2166.3 and identified in R.S. 40:2166.5, and community and group home beds for ~~the developmentally disabled~~ persons with developmental disabilities, to determine if there is a need for additional beds to enroll and participate in the Title XIX program.

* * *

G. Any intermediate care facility for people with developmental disabilities, which serves children or adults ~~suffering from mental retardation~~ with intellectual disabilities, autism, or behavioral problems, with no less than one hundred fifty and no more than one hundred eighty beds, shall be eligible for the facility need review process as set out above and in rules and regulations promulgated by the Department of Health and Hospitals as authorized in Subsections A and B of this Section. The exemption shall exist for a maximum of fifty additional beds.

* * *

§2142. 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 persons who are elderly and or infirm persons who are in need of nursing and medical care. Such hospitals or units may be established on sites designated by the department in quarters constructed or 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.

* * *

§2405.5. Training for law enforcement interaction with ~~mentally ill~~ persons with mental illness and ~~developmentally disabled~~ persons with developmental disabilities

A. The Council on Peace Officer Standards and Training, hereinafter referred to as the "council", shall develop a training course on law enforcement interaction with ~~mentally ill~~ persons with mental illness and ~~developmentally disabled~~ persons with developmental disabilities. The council shall establish and develop curriculum requirements for the course in consultation with the appropriate community, local, and state organizations that are specialized in the area of working with persons who are mentally ill or developmentally disabled, as well as with any mental health advocacy groups who have expertise in the area of mental health and disability.

B.(1) The course shall consist of classroom instruction, which can include Internet instruction, and it shall include simulation of actual law enforcement scenarios involving ~~the mentally ill~~ persons with mental illness and ~~developmentally disabled~~ persons with developmental disabilities to the maximum extent possible.

(2) In addition, the training course shall include, at a minimum, core instruction in all of the following:

* * *

(c) Conflict resolution and de-escalation techniques for potentially dangerous situations involving ~~mentally ill persons with mental illness~~ or ~~developmentally disabled persons with developmental disabilities~~.

(d) Appropriate language usage when interacting with ~~mentally ill persons with mental illness~~ or ~~developmentally disabled persons with developmental disabilities~~.

(e) Alternatives to lethal force when interacting with potentially dangerous ~~mentally ill persons with mental illness~~ or ~~developmentally disabled persons with developmental disabilities~~.

(f) Community and state resources available to serve ~~mentally ill persons with mental illness~~ or ~~developmentally disabled persons with developmental disabilities~~ and how these resources can best be utilized by law enforcement to benefit and safely serve the mentally ill or developmentally disabled community.

* * *

§2471. Statement of purpose

A. The legislature hereby declares that one of the most serious issues facing the present health care system today is the absence of a high quality home health care service delivery system as an alternative approach to traditional institutional placement. Furthermore, extensive legislative study has revealed that home care is increasingly being recognized as the preferred method in the delivery of service to ~~the persons who are~~ chronically ill ~~or disabled~~ and persons with disabilities because it: (1) allows such persons to receive needed treatment and care at home while enabling them to continue to maintain the family and community ties which are so important; and (2) provides less costly long term care services that are by far more satisfying and effective than institutional placement.

B. ~~Recent federal~~ Federal developments under Public Law 97-35, "The Omnibus Budget Reconciliation Act of 1981," have given states more latitude and authority to cover a broad range of in-home and community support services under Medicaid. The legislature recognizes the need for deinstitutionalization of ~~the persons who are~~ chronically ill and ~~disabled~~ persons with disabilities, and intends that

1 the state should not only participate in such programs but also establish a broad range
2 of coordinated noninstitutional care. Therefore, it is the purpose of this Chapter to
3 provide for a comprehensive and fully coordinated approach to long term home health
4 care. The legislature further recognizes that persons other than those eligible for
5 Medicaid are also in need of a broad array of health and social services. The
6 legislature therefore states its intent to expand the long term home health care
7 program in terms of eligibility requirements and the range of services provided for
8 recipients. For this purpose, the Oversight Subcommittee of the Joint Committee on
9 Health and Welfare shall periodically review the program.

10 Section 23. R.S. 42:808(E) is hereby amended and reenacted to read as follows:

11 §808. Eligibility in group programs

12 * * *

13 E. Notwithstanding any provision of law to the contrary, any ~~developmentally~~
14 ~~disabled~~ person with a developmental disability who ~~became disabled~~ acquired such
15 disability prior to attaining the age of twenty-one, with one parent whose coverage of
16 such person was terminated as a result of lost employment of the parent and one
17 parent who is an employee, as defined in Paragraphs (A)(1) and ~~(A)(3)~~ of this Section,
18 participating in life, health, or other programs sponsored by the Office of Group
19 Benefits, shall be covered as a dependent of such parent participating in life, health,
20 or other programs sponsored by the Office of Group Benefits, regardless of the age
21 of the ~~developmentally disabled~~ person with a developmental disability.

22 Section 24. R.S. 46:51(8) and (13), 53(B), 56(B)(2) and (H)(1), 61(A)(3), the heading
23 of Subpart A of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, 151,
24 156(A) and (C), 230.1(A), 231.6(B), 437.14(A)(7), the heading of Part III of Chapter 4 of
25 Title 46 of the Louisiana Revised Statutes of 1950, 541, 932(9) and (10), 1053(E),
26 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), (1), and (3),
27 1953(A), (B)(introductory paragraph), (C), and (D), 1954, 1955, 1956(A), 1957, 1959, the
28 heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of 1950, the heading of
29 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the Louisiana Revised Statutes of
30 1950, 2251, 2252(B), 2253(1), (2), (4), and (5), 2254(A), (F)(1), (2), (4), and (5),

(G)(introductory paragraph), (I), and (J)(1)(a) through (c) and (2), 2255, 2256(A) and (B), 2582(1), (2), (4), and (6), 2584(introductory paragraph), (4), and (5), and 2673(C)(5) are hereby amended and reenacted to read as follows:

§51. Duties of the department

The Department of Children and Family Services, through its secretary, shall administer the public assistance and welfare laws of the state, as follows:

* * *

(8) Administer and supervise all public child welfare activities relating to children who are dependent, neglected, delinquent, or ~~physically or mentally handicapped~~ have physical, intellectual, or mental disabilities; establish, extend, and strengthen services for such children in parish or regional offices; license and supervise all parish, municipal, and private agencies, institutions, and individuals, caring for children, including visitorial powers, under the rules and regulations of the department; contract with private individuals to hold their homes open for and to care for children in need of temporary or long time foster care and provide such other services for children as may be authorized by law.

* * *

(13) Administer or supervise all state institutions and agencies providing services or care for persons who are dependent, delinquent, or ~~physically or mentally handicapped or retarded~~ have physical, intellectual, or mental disabilities, where the administrative or supervisory authority is specifically transferred to the department in accordance with law.

* * *

§53. Transfer of appropriations to department by other state agencies, public or private entities, including any health care provider; procedure; purpose; expenditures

* * *

B.~~(1)~~ The funds collected or collectible during each fiscal year by the department under the authority of this Section from a state agency and the United States of America shall be deposited in a special account in the state treasury to the

credit of the state agency that transferred a portion of its appropriation to the 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~~ 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, Supplemental Nutrition Assistance Program (food stamp) records, 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

1 for children with disabilities, nutrition, immunization, and other medical and public
2 health services records pertaining to children or adults and where such records are in
3 the custody of parish health units, and regional and central offices of the office of
4 public health of the Department of Health and Hospitals.

5 * * *

6 H.(1) Information pertaining to foster care of children, reports and
7 investigations on abuse or neglect of children, and records of other child welfare
8 services administered by the department, including but not limited to ~~handicapped~~
9 ~~children's services~~ children's special health services, nutrition, immunization, and
10 other medical and public health services records pertaining to children and where such
11 records are in the custody of parish health units or regional and central offices of the
12 office of public health of the Department of Health and Hospitals, shall not be subject
13 to discovery or subpoena in any civil suit in which the department is not a party.

14 * * *

15 §61. Elderly abuse; release of information

16 A.

17 * * *

18 (3) For purposes of this Section, "elderly abuse" shall mean abuse of any
19 person sixty years of age or older and shall include the abuse of any ~~infirm~~ person
20 with an infirmity residing in a state licensed facility.

21 * * *

22 CHAPTER 3. PUBLIC ASSISTANCE

23 PART I. ADULT SERVICES

24 SUBPART A. ~~ELDERLY, BLIND AND DISABLED~~ PERSONS WHO ARE 25 ELDERLY, BLIND, OR HAVE DISABILITIES

26 §151. System of adult services

27 A. The Department of Health and Hospitals shall provide a system of adult
28 services for ~~the persons who are~~ elderly, blind, ~~and disabled~~ or have disabilities
29 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 Seven
15 of the Social Security Act, as amended.

16 * * *

17 C. Any person who is aged, blind, or disabled person has a disability and who
18 was receiving old age assistance, aid to the needy blind or disability assistance under
19 the state plan in effect on December 31, 1973, who ceased to be eligible for such
20 assistance on January 1, 1974, solely because of the enactment of Public Law 92-603,
21 Public Law 93-66, or by other federal legislation pertaining to such public laws, shall
22 be entitled to receive financial assistance under the conditions and in an amount no
23 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 an
19 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 residents
28 of their respective parishes, who are over fifty years of age, who ~~are deformed or~~
29 ~~crippled~~ have had a physical disability from birth, who have never been convicted of

any offense in the courts of this state, and who are in destitute and necessitous circumstances.

* * *

§932. Powers and duties

The office shall have the following powers and duties:

* * *

(9) To exercise the functions of the state relative to nutrition programs for the ~~elderly and handicapped~~ citizens of Louisiana who are elderly or have disabilities.

(10) To perform the functions of the state which are designed to meet the social and community needs of Louisiana residents sixty years of age or older, including but not limited to the provision of such comprehensive social programs as homemaker services, home repair and maintenance services, employment and training services, recreational and transportation services, counseling, information and referral services, protective services under R.S. 15:1501 et seq., and health-related outreach; but excluding the transportation program for ~~the elderly and the handicapped program~~ persons who are elderly or have disabilities administered by the Department of Transportation and Development under Section 16(b)(2) of the Federal Urban Mass Transportation Act of 1964 as amended and other such programs and services assigned to departments of state government as provided in Title 36 of the Louisiana Revised Statutes of 1950.

* * *

§1053. Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers

* * *

E. In the Parish of Ouachita, the Ouachita Parish Hospital Service District within which is situated the G. B. Cooley Hospital ~~for Retarded Children~~, shall be 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 offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

B. Nothing in this Section shall require any person renting, leasing, or providing for compensation real property to modify his property in any way or to

1 provide a higher degree of care for a ~~physically disabled~~ person with a physical
2 disability than for a person who ~~is not physically disabled~~ does not have a physical
3 disability.

4 C. Each ~~physically disabled~~ person with a physical disability who has an
5 assistance dog, especially trained to aid such person or who obtains such a dog, shall
6 be entitled to full and equal access to all housing accommodations as defined in R.S.
7 46:1952(2), and he shall not be required to pay extra compensation for such dog but
8 shall be liable for any damage done to the premises or any person on the premises by
9 such dog.

10 §1955. Assistance dog trainers and puppy raisers; rights; liability

11 During the training of an assistance dog, any trainer or puppy raiser of such
12 dog shall have the same rights and privileges as a ~~physically disabled~~ person with a
13 physical disability to be accompanied by an assistance dog in any place or facility
14 provided in this Chapter without being required to pay an extra charge for such dog.
15 However, during the training of an assistance dog, he shall be liable for any damages
16 done to any person, premises, or facility by the assistance dog.

17 §1956. Violation of rights; injury or interference with an assistance dog; penalties;
18 civil action; damages; cost and attorney fees

19 A. Any person, firm, or corporation, or the agent, representative, or employee
20 of any person, firm, or corporation who: withholds, denies, deprives, or attempts to
21 withhold, deny, or deprive; intimidates, threatens, coerces, or attempts to threaten,
22 intimidate, or coerce; punishes or attempts to punish a ~~physically disabled~~ person with
23 a physical disability or a trainer or puppy raiser of an assistance dog, during the
24 training of such dog, or for exercising his right to be admitted to or enjoy the places
25 and facilities provided in this Chapter; or otherwise interferes with the rights of a
26 ~~physically disabled~~ person with a physical disability under this Chapter shall be guilty
27 of a misdemeanor and fined not less than one hundred dollars nor more than five
28 hundred dollars or imprisoned for not more than six months, or both.

29 * * *

§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~~" "persons
10 who are elderly", "persons with disabilities", and "capital acquisitions" shall be
11 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 and
16 Development shall require the applicant agency to assess and verify the local needs
17 for the special transportation services. Each applicant agency shall also certify that
18 local agencies are coordinating their service plans and that the awarding of the grant
19 will not foster a duplication of services for ~~the persons who are~~ elderly and
20 ~~handicapped~~ persons with disabilities.

21 * * *

22 CHAPTER 30. CIVIL RIGHTS FOR ~~HANDICAPPED~~ PERSONS
23 WITH DISABILITIES

24 §2251. Short title

25 This Chapter may be cited as the "Civil Rights Act for ~~Handicapped~~ Persons
26 with Disabilities".

§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) 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
unrelated to the group or members' academic ability or ability to utilize and benefit
from the institution or its services, or because of the use of adaptive devices or aids.

* * *

1 G. An owner or any other person engaging in a real estate transaction, such
2 as a real estate broker or salesman, shall not, in accordance with R.S. 46:2254(A) on
3 the basis of a ~~handicap~~ disability that is unrelated to an otherwise qualified
4 individual's ability to acquire, rent, or maintain property:

5 * * *

6 I.(1) A person to whom application is made for financial assistance or
7 financing in connection with a real estate transaction or for the construction,
8 rehabilitation, repair, maintenance, or improvement of real property, or a
9 representative of such a person shall not discriminate against the otherwise qualified
10 applicant on the basis of a ~~handicap~~ disability that is unrelated to the individual's
11 ability to acquire, rent, or maintain property or use a form of application for financial
12 assistance or financing or make or keep a record of inquiry for reasons contrary to the
13 provisions or purposes of this Chapter in connection with applications for financial
14 assistance or financing which indicates, directly or indirectly, a limitation,
15 specification, or discrimination based on ~~handicap~~ disability that is unrelated to the
16 individual's ability to acquire, rent, or maintain property.

17 (2) Nothing in this Subsection shall be construed to prohibit an owner, lender,
18 or his agency from requiring that an applicant who seeks to buy, rent, lease, or obtain
19 financial assistance or housing accommodations supply information concerning the
20 applicant's financial, business, or employment status or other information designed
21 solely to determine the applicant's credit worthiness.

22 (3) Nothing in this Subsection shall require any person renting, leasing, or
23 providing for compensation real property to modify his property in any way or
24 provide a higher degree of care for a ~~handicapped~~ person with a disability than for a
25 person who ~~is not handicapped~~ does not have a disability.

26 J.(1) In accordance with R.S. 46:2254(A), any program or activity which
27 receives financial assistance from the state or any of its political subdivisions shall not
28 directly or through contractual, licensing, or other arrangements:

29 (a) Deny an otherwise qualified person on the basis of ~~handicap~~ disability the
30 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) 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

1 action, must detail the discrimination and both parties must make a good faith effort
2 to resolve the dispute before court action.

3 * * *

4 §2582. Powers and duties

5 The office of disability affairs shall have the following powers and duties:

6 (1) To collect facts and statistics and make special studies of conditions
7 pertaining to the employment, health, financial status, recreation, social adjustment
8 of ~~the disabled~~ persons with disabilities, or which otherwise affect the welfare of
9 those persons ~~the disabled~~.

10 (2) To keep abreast of the latest developments concerning disabilities and ~~the~~
11 ~~disabled~~ persons with disabilities throughout the nation and to interpret its findings
12 to the public.

13 * * *

14 (4) To make recommendations to the governor and to the legislature for
15 needed improvements and additional resources to promote the welfare of ~~the disabled~~
16 persons with disabilities in the state.

17 * * *

18 (6) To coordinate the services of all state agencies serving ~~the disabled~~
19 persons with disabilities and require reports from such state agencies and institutions.

20 * * *

21 §2584. ~~Handicapped~~ Accessible parking privileges investigation committee

22 The office of disability affairs is hereby authorized to establish a committee
23 comprised of membership as it deems appropriate for the purpose of consideration of
24 matters relative to ~~handicapped~~ accessible parking privileges. Such committee may:

25 * * *

26 (4) Submit evidence or materials to the Louisiana Medical Advisory Board
27 within the Department of Public Safety and Corrections if such evidence or materials
28 indicate possible inappropriate or illegal certification of a person as ~~mobility impaired~~
29 having a mobility impairment. If, in the board's discretion, the review of such
30 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 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~~

1 has an intellectual disability. As herein used the word "blind" shall be defined as in
 2 Paragraph (2) of Subsection ~~(A)~~ A of this ~~section~~ Section. For purposes herein, the
 3 word "deaf" shall mean and refer to persons whose hearing is so impaired that it is
 4 insufficient for use in an occupation or activity for which hearing is essential. The
 5 taxpayer claiming credit as herein provided shall be able to prove such claim by
 6 certificate of a qualified physician or optometrist issued for each such dependent for
 7 which a credit is claimed.

8 * * *

9 §287.749. Jobs credit

10 * * *

11 C. Eligible employees are defined as follows:

12 * * *

13 (2) A "new economically disadvantaged employee" means a new employee
 14 who is ~~either~~ any of the following:

15 * * *

16 (d) where such status presents significant barriers to employment:

17 * * *

18 (ii) a ~~handicapped individual~~ person with a disability;

19 * * *

20 §305.38. Exclusions and exemptions; sheltered workshop for ~~mentally-retarded~~
 21 persons with intellectual disabilities

22 The sale at retail, the use, the consumption, the distribution, and the storage
 23 for use or consumption in this state of each item or article of tangible personal
 24 property by a sheltered workshop for ~~the mentally-retarded~~ persons with intellectual
 25 disabilities licensed by the Department of Children and Family Services as a day
 26 developmental training center for ~~the mentally-retarded~~ persons with intellectual
 27 disabilities shall not be subject to the sales and use taxes levied by the state or by any
 28 political subdivision thereof.

29 * * *

§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.

* * *

§360. Exemptions

* * *

G. ~~Disabled persons~~ Persons with disabilities. There shall be no license tax imposed, assessed, or collected under the provisions of this Chapter on any person

1 who is disabled to the extent that he is home-bound, confined to a bed or wheelchair,
2 requires the aid and attendance of another person, and is unable to enter the normal
3 work force.

4 * * *

5 §463.4. Special license plates or hang tags for ~~mobility-impaired~~ persons with
6 mobility impairments

7 A.(1) On the application of any ~~mobility-impaired~~ person with a mobility
8 impairment whose impairment is permanent, the secretary shall issue a special license
9 plate for the benefit of the applicant. The applicant may designate one recipient
10 motor vehicle owned or leased by him, his spouse, his parents, his legal guardian, or
11 by a legal entity which has designated the vehicle as intended for the exclusive use
12 of that ~~mobility-impaired~~ person with a mobility impairment.

13 (2) Should the applicant designate a motor vehicle owned by his spouse, his
14 parents, his legal guardian, or a legal entity, the owner shall indicate written assent
15 and acceptance of the special plate with the understanding that it may be cancelled at
16 will by the ~~mobility-impaired~~ person with a mobility impairment, upon written notice
17 from the ~~mobility-impaired~~ person with a mobility impairment to the owner of the
18 recipient motor vehicle and upon written notice to the secretary. A cancelled special
19 plate of this nature shall be surrendered to the secretary and such plate may be
20 reassigned to a motor vehicle as designated by the ~~mobility-impaired~~ individual with
21 a mobility impairment. No additional fee shall be charged for such reassignment until
22 renewal charges become due upon expiration of the plate.

23 * * *

24 (4) Within forty-five days of the death of a ~~mobility-impaired~~ person with a
25 mobility impairment to whom a special license plate has been issued, it shall be the
26 responsibility of the next of kin of that person to surrender the plate to the secretary.

27 * * *

28 (6) The special license plates shall bear the international symbol of
29 accessibility and shall be followed by such numbers or letters as the secretary finds
30 expedient. Each initial application shall be accompanied by a currently dated medical

1 examiner's statement certifying that the applicant ~~is a mobility-impaired person whose~~
2 has a mobility impairment that is permanent.

3 B.(1) In addition to a special license plate, on the application for a hang tag
4 made by any ~~mobility-impaired~~ person with a mobility impairment whose impairment
5 is permanent, and upon a showing of good cause, the secretary shall issue a hang tag,
6 renewable as any driver's license for a person whose impairment is permanent every
7 four years and which shall be valid until revoked or suspended. The secretary shall
8 determine the form, size, and color of the hang tag, and the material of which it is to
9 be made. The card shall bear the international symbol of accessibility. The secretary
10 shall adopt and promulgate rules and regulations relating to the issuance, revocation,
11 surrender, and proper display of the tags. Each initial application shall be
12 accompanied by a currently dated medical examiner's statement which includes the
13 medical examiner's state license number certifying that the applicant ~~is a mobility-~~
14 ~~impaired person whose~~ has a mobility impairment that is permanent.

15 (2) On the application for a hang tag made by any ~~mobility-impaired~~ person
16 with a mobility impairment whose impairment is temporary, and upon showing of
17 good cause, the secretary shall issue a hang tag, renewable each year and which shall
18 be valid until revoked or suspended. The secretary shall determine the form, size, and
19 color of the hang tag, and the material of which it is to be made. The card shall bear
20 the international symbol of accessibility. The secretary shall adopt and promulgate
21 rules and regulations relating to the issuance, revocation, surrender, and proper
22 display of the tags. Each initial application and each renewal application shall be
23 accompanied by a currently dated medical examiner's statement which includes the
24 medical examiner's state license number certifying that the applicant ~~is a mobility-~~
25 ~~impaired person whose~~ has a mobility impairment that is temporary.

26 (3) No person to whom a hang tag is issued shall do either of the following:

27 (a) Display or permit the display of the hang tag on any motor vehicle when
28 having reasonable cause to believe the motor vehicle is being used in connection with

an activity which does not include providing transportation for a ~~mobility-impaired~~ person with a mobility impairment.

* * *

(4) For the purpose of this Section, "good cause" shall mean the existence of any of the following circumstances:

(a) The ~~mobility-impaired~~ person with a mobility impairment submitting an application for a hang tag does not own a vehicle.

(b) The ~~mobility-impaired~~ person with a mobility impairment submitting an application for a hang tag needs or uses multiple vehicles in the performance of his employment or travel, or to obtain medical treatment.

* * *

(5) When a person to whom a hang tag has been issued changes his place of residence to another state, country, or province, he shall surrender the hang tag to the secretary. Upon the death of a ~~mobility-impaired~~ person with a mobility impairment to whom a hang tag has been issued, it shall be the responsibility of the next of kin of that person to surrender the tag to the secretary.

(6) If the commissioner of motor vehicles, in his discretion, finds that appropriate circumstances exist, an additional hang tag may be issued on behalf of a ~~mobility-impaired~~ person with a mobility impairment if his parents are divorced and residing in separate households and if he is dependent on both parents.

C.

* * *

(2) Any person who loses a hang tag and, after obtaining a duplicate, finds the original, shall immediately surrender the original hang tag to the secretary or to any field office of the Department of Public Safety and Corrections, office of motor vehicles, and shall not display the original hang tag on any vehicle for the purpose of exercising ~~handicapped~~ accessible parking privileges.

D. The secretary shall not issue special license plates, hang tags, or mobility ~~impaired~~ impairment identification cards except as designated in this Section or in

R.S. 47:490.4. Any ~~mobility-impaired~~ person with a mobility impairment whose

1 impairment is permanent may obtain a hang tag or mobility impaired identification
2 card at no additional fee other than the issuance cost of three dollars.
3 Notwithstanding any other provision of law to the contrary, except as provided in
4 Subsection C of this Section, the secretary shall not charge any fee in excess of ten
5 dollars for the issuance of special license plates for ~~mobility-impaired~~ persons with
6 mobility impairments.

7 E.(1) The term "~~mobility-impaired person~~" "person with a mobility
8 impairment" shall include any person who is impaired because of any of the following
9 conditions:

10 * * *

11 F. When a motor vehicle bearing plates or displaying a hang tag issued to a
12 ~~mobility-impaired~~ person with a mobility impairment, as prescribed in this Section,
13 is being operated for the transport of the ~~mobility-impaired~~ person with a mobility
14 impairment, the motor vehicle may be parked for a period of two hours, three hours
15 in the city of New Orleans, in excess of the legal parking period permitted by local
16 authorities, except where local ordinances or police regulations prohibit parking on
17 a highway for the purpose of creating a fire lane or where the ordinances or police
18 regulations provide for the accommodation of heavy traffic during morning,
19 afternoon, or evening hours or where the motor vehicle is parked in such a manner as
20 to clearly be a traffic hazard.

21 G.(1) Any person who ~~is not a mobility-impaired person~~ does not have a
22 mobility impairment as prescribed in this Section and who willfully and falsely
23 represents himself as having the qualifications to obtain such special license plates,
24 hang tag, or mobility ~~impaired~~ impairment identification card authorized by this
25 Section shall be fined not less than one hundred dollars nor more than two hundred
26 fifty dollars, or shall be imprisoned for not more than thirty days, or both, and on
27 subsequent offenses, shall be fined not less than two hundred fifty dollars nor more
28 than five hundred dollars, or shall be imprisoned for not more than ninety days, or
29 both.

1 (2) Any person who utilizes a hang tag or a vehicle bearing a special plate to
2 obtain ~~handicapped~~ accessible parking privileges and has not transported a mobility
3 impaired person in that vehicle prior to parking the vehicle, may be fined not less than
4 fifty dollars nor more than two hundred fifty dollars or shall be imprisoned for not
5 more than thirty days, or both, and on the second and subsequent offenses, shall be
6 fined not less than one hundred dollars nor more than five hundred dollars, or shall
7 be imprisoned for not more than sixty days, or both.

8 (3) Any ~~mobility-impaired~~ person with a mobility impairment who allows his
9 hang tag or specially licensed vehicle to be used, when said tag or vehicle is used to
10 illegally access ~~handicapped~~ accessible parking privileges by an individual not
11 entitled to such special ~~handicapped~~ accessible parking privileges shall have his
12 ~~handicapped~~ accessible parking privileges suspended for six months and shall be
13 fined not less than fifty dollars nor more than two hundred fifty dollars, or shall be
14 imprisoned for not more than thirty days for the first offense, or both. On the second
15 and subsequent offenses, said suspension shall be for one year, and the individual
16 shall be fined not less than two hundred fifty dollars nor more than five hundred
17 dollars, in addition to suspension of said privileges, or shall be imprisoned not more
18 than thirty days, or both.

19 (4) Any medical examiner who willfully and falsely certifies that a person ~~is~~
20 ~~mobility-impaired~~ has a mobility impairment in order to allow that person to obtain
21 the special license plate, hang tag, or ~~mobility-impaired~~ mobility impairment
22 identification card authorized in this Section shall be fined one thousand dollars, or
23 shall be imprisoned for not more than ninety days, or both.

24 (5) Not later than January 1, 1995, any ~~mobility-impaired~~ person with a
25 mobility impairment who has a hang tag shall also have a picture identification card
26 as determined by Subsection J of this Section in his possession when using
27 ~~handicapped~~ accessible parking privileges. Any person who has a hang tag and who
28 utilizes a ~~handicapped~~ an accessible parking area after January 1, 1995, without such

1 identification may be fined not less than fifty dollars nor more than five hundred
2 dollars or shall be imprisoned for not more than thirty days, or both.

3 * * *

4 (7) When a peace officer issues a citation for an alleged violation of the laws
5 governing parking in a ~~handicapped~~ an accessible parking space, there shall be a
6 rebuttable presumption that the person in whose name the vehicle is registered was
7 operator of the vehicle when the alleged violation was committed.

8 I. Every ~~mobility-impaired~~ person with a mobility impairment operating or
9 otherwise being transported by a vehicle displaying the international symbol of ~~the~~
10 ~~handicapped~~ accessibility or the word "handicapped" on a valid special license plate,
11 disabled veteran license plate, or hang tag shall be entitled to invoke all ~~handicapped~~
12 accessible parking privileges provided in this Section, without regard to the location
13 of the issuing authority, or the residence or domicile of the person invoking the
14 ~~handicapped~~ accessible parking privileges. "Issuing authority" as defined in this
15 Section shall mean the office of motor vehicles of the Department of Public Safety
16 and Corrections or comparable government issuing authorities outside the state of
17 Louisiana.

18 J.(1) Upon initial application or first application after August 15, 1995, for
19 renewal of a hang tag, each ~~mobility-impaired~~ person with a mobility impairment who
20 intends to obtain or to renew his hang tag, shall have in his possession or shall obtain
21 or renew a ~~mobility-impaired~~ mobility impairment driver's license or ~~mobility-~~
22 ~~impaired~~ mobility impairment identification card issued by the secretary. The
23 secretary may include the designation "~~Mobility-impaired~~" "Mobility impairment" or
24 an abbreviation thereof, on the drivers' licenses and identification cards which are
25 currently issued by the secretary.

26 (2) The secretary shall renew a ~~mobility-impaired~~ mobility impairment
27 identification card for a person whose impairment is permanent every four years.

28 (3) The secretary shall renew a ~~mobility-impaired~~ mobility impairment
29 identification card each year for a person whose impairment is temporary.

(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.

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 statement verifying that the applying institution will use said vehicles exclusively to provide transportation for ~~mobility-impaired~~ persons with mobility impairments. A

1 proportionate refund based on the remaining term of any other license plate is hereby
2 authorized in favor of such eligible institutions.

3 L. The provisions of the law relating to the issuance, revocation, and use of
4 special license plates, hang tags, mobility ~~impaired~~ impairment drivers' licenses, and
5 mobility ~~impaired~~ impairment identification cards shall be administered by the
6 secretary of the Department of Public Safety and Corrections and his authorized
7 employee. All references to "the secretary" with respect to those laws shall be
8 deemed to be references to the secretary of the Department of Public Safety and
9 Corrections, or to his authorized employees.

10 * * *

11 §463.4.1. Special parking cards for ~~temporarily mobility impaired~~ persons with
12 temporary mobility impairments

13 A. A special parking card bearing the international symbol of accessibility
14 may be issued to any person who ~~is temporarily mobility impaired~~ has a temporary
15 mobility impairment as defined in R.S. 47:463.4(E) upon application to the secretary
16 and accompanied by a currently dated written physician's statement certifying that the
17 person ~~is mobility impaired~~ has a mobility impairment.

18 * * *

19 §463.4.2. ~~Mobility impaired persons~~ Persons with mobility impairments; motor fuel
20 service price

21 A.(1) "~~Mobility impaired driver~~" "Driver with a mobility impairment" shall
22 mean a ~~mobility impaired~~ person with a mobility impairment as defined in R.S.
23 47:463.4(E) who utilizes a parking card or a vehicle bearing a special plate to obtain
24 ~~handicapped~~ accessible parking privileges as defined by R.S. 47:463.4; or ~~R.S.~~
25 ~~47:463.4.1.~~

26 * * *

27 B. A motor fuel dealer shall have an employee dispense motor fuel into a
28 motor vehicle from a full-service pump at the same price as the motor fuel dealer
29 charges the general public for the same grade of motor fuel dispensed from a
30 self-service pump, if all of the following apply:

(1) The motor vehicle displays special registration plates or parking cards which identify the vehicle as one used by a ~~mobility-impaired~~ driver with a mobility impairment.

* * *

(4) After January 1, 1995, the ~~mobility-impaired~~ person with a mobility impairment produces either a pictured identification card as determined by R.S. 47:463.4(J) or a temporary parking card as determined by R.S. 47:463.4.1.

* * *

§463.4.3. Manufacture, sale, possession, or use of counterfeit ~~mobility-impaired~~ accessible parking placards; penalties

A. It shall be unlawful to manufacture, sell, possess, or use a counterfeit ~~mobility-impaired~~ accessible parking placard which is a facsimile of the ~~mobility-impaired~~ accessible parking placards issued by the Department of Public Safety and Corrections, office of motor vehicles, pursuant to the provisions of R.S. 47:463.4. Additionally, a person shall be in violation of the provisions of this Section and ~~handicapped~~ accessible parking regulations if he knowingly parks a vehicle displaying a counterfeit ~~mobility-impaired~~ accessible parking placard in a parking space or area reserved for persons with disabilities.

* * *

§463.5. Private bus; recreational vehicles

* * *

C. The provisions of this Section shall not apply to ~~mobility-impaired~~ persons with mobility impairments registering specially equipped vans or buses with devices which are necessary for raising and lowering wheelchairs.

* * *

§463.21. Special handicapped license plates for farm vehicles

A. On the application of any ~~mobility-impaired~~ person with a mobility impairment as defined in R.S. 47:463.4(E), and upon a showing of good cause, the secretary shall issue special license plates for farm vehicles designating the vehicle declared by the applicant to be used by him. The license plates shall bear the

international symbol of accessibility; the word "handicapped", reading from left to right; and shall be followed by such numbers and letters as the secretary finds expedient. Each initial application shall be accompanied by a currently dated physician's statement certifying that the applicant ~~is a mobility-impaired person~~ has a mobility impairment. The department shall not charge any fee, other than the regular fee for annual registration for the issuance of the license plate.

* * *

§463.51. Special prestige license plates; Lions International

* * *

D.

* * *

(2) An amount of monies equal to the total amount of donations shall be equally divided and disbursed annually by the office for citizens with developmental disabilities to the Louisiana Lions Eye Foundation in New Orleans and the ~~Crippled Children's Camp~~ Louisiana Lions Camp in Leesville. The monies shall be used solely for the expenses incurred in providing services to ~~the developmentally disabled~~ children of this state with developmental disabilities and in providing treatment to ~~the~~ persons who are sight-impaired whose eligibility for such treatment shall be determined by the Louisiana Lions Eye Foundation. The services of the Louisiana Lions Eye Foundation and the ~~Crippled Children's Camp~~ Louisiana Lions Camp are hereby deemed a public purpose and shall qualify as cooperative endeavors under the provisions of Article VII, Section 14(C) of the Constitution of Louisiana.

* * *

§473.2. Special handicapped license plates for dealers and owners of commercial vehicles

* * *

B. The secretary shall establish and promulgate rules and regulations for the issuance of handicapped license plates. Any vehicle bearing special handicapped

license plates shall only be operated by or for the benefit of a ~~handicapped~~ person with a mobility impairment as defined in R.S. 47:463.4(E).

* * *

D. Any such dealer plates so issued may, during the registration period for which issued, be transferred from one vehicle to another for the use and benefit of a ~~handicapped~~ person with a mobility impairment.

* * *

§490.4. Military honor license plates for certain disabled veterans

* * *

E. The secretary may issue a military honor license plate, as provided for in this Section, for each vehicle registered in the applicant's name, and the holder of such license plate shall be accorded the same privileges as holders of license plates for ~~mobility-impaired~~ persons with mobility impairments. The secretary shall also issue a hang tag as provided in R.S. 47:463.4(B)(1), which bears the international symbol of accessibility, to any disabled veteran who has or is issued such a plate and who requests the hang tag. No fee shall be charged for the hang tag, and it shall be exempt from renewal requirements applicable to hang tags issued pursuant to R.S. 47:463.4. However, lost, destroyed, or mutilated hang tags shall be replaced according to the provisions of R.S. 47:463.4(C), including payment of the reissuance fee. A person using the hang tag in a vehicle with a disabled veteran license plate is not required to obtain or possess a ~~mobility impaired~~ impairment driver's license or identification card.

* * *

§492. Amateur radio station plates for owners and operators

* * *

E. On the application of any person who is an amateur radio station owner or operator and who is also either a ~~mobility-impaired~~ person with a mobility impairment as defined in R.S. 47:463.4(E) or a disabled veteran as defined in R.S. 47:490.4, the secretary shall issue to such applicant a special license plate in accordance with Subsection A of this Section which shall contain the appropriate symbol indicating

1 that the applicant is also a ~~mobility impaired~~ person with a mobility impairment or a
2 disabled veteran.

3 * * *

4 §1061. Telecommunication tax for the deaf

5 * * *

6 B. The monies in the Telecommunications for the Deaf Fund shall be used
7 solely to establish, administer, and promote a statewide program to provide
8 accessibility services and assistive technology for persons who are deaf, deaf/blind,
9 hard of hearing, speech impaired, or others ~~who are similarly handicapped with~~
10 similar disabilities or impairments, in the amounts appropriated each year by the
11 legislature to the Louisiana Commission for the Deaf. Any surplus monies remaining
12 to the credit of the fund on June thirtieth of each year and any funds earned through
13 the investment of the monies in the fund shall remain to the credit of the fund.

14 * * *

15 Section 26. R.S. 48:23(B) and 261(A)(1) are hereby amended and reenacted to read
16 as follows:

17 §23. Engineering and other help

18 * * *

19 B. Notwithstanding any provision of law, or any provision of the department,
20 or any provision of Civil Service to the contrary, the department, at its discretion, may
21 hire ~~disabled~~ persons with disabilities in the position of Bridge Tender I.

22 * * *

23 §261. Maintenance work by department employees; exceptions

24 A.(1) Except as otherwise provided in this Section, all maintenance
25 operations shall be performed by the employees of the department. However, the
26 department may, by contract or other means, arrange for the maintenance of any
27 section or sections of highways or any of the facilities of the Department of
28 Transportation and Development when, in the sole discretion of the secretary, there
29 are not adequate employees to perform the maintenance work required by either
30 federal or state law or sound engineering practices. The secretary shall give due

consideration to budgetary constraints and employment restrictions prior to entering into any contract to perform maintenance work. All such contracts to ~~private concerns or individuals or private concerns~~, except ~~handicapped~~ individuals with disabilities or ~~handicapped~~ organizations serving individuals with disabilities, shall be in accordance with the public bid provisions of this Title.

* * *

Section 27. 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) are hereby amended and reenacted to read as follows:

§121. Name of board, department, or subdivisions; marking on boat or vehicle;
Louisiana public license plates; exemptions

* * *

E. Those vehicles used in crime prevention and detection and similar investigative work, which if identified as required by this Section could not be used effectively for such purposes, are exempt from the provisions of this Part, and, in addition, the vehicles used by the governor, lieutenant governor, statewide elected officials, ~~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, the Special School District Number One, and any community and group homes and residential facilities administered by the Department of Children and Family Services or the Department of Health and Hospitals are exempt from the provisions of this Part.

* * *

SUBPART D. PUBLIC BUILDINGS--USEABILITY BY ~~PHYSICALLY HANDICAPPED~~ PERSONS WITH PHYSICAL DISABILITIES

§148. Construction and design of state owned buildings; ~~handicapped~~ persons with disabilities

The standards and specifications set forth in this Section shall apply to all state owned buildings, educational institutions, and office buildings which are constructed, renovated or remodeled in whole or in part by the use of state funds, or the funds of

any board, commission, agency, or department of the state; provided, however, that the provisions of this ~~Sub-Part~~ Subpart shall not apply to buildings constructed by parish or city school boards. All such buildings and facilities constructed, renovated, or remodeled in this state after July 27, 1966, shall conform to each of the standards and specifications prescribed herein for the purpose of making such buildings and facilities accessible to and usable by ~~the physically handicapped~~ persons with physical disabilities, or standards and specifications reasonably similar thereto.

§148.1. Specifications for grounds, buildings and facilities

* * *

G.(1) An appropriate number of toilet rooms shall be accessible to, and usable by, ~~the physically handicapped~~ persons with physical disabilities and shall have space to allow traffic of individuals in wheelchairs.

* * *

H. An appropriate number of water fountains or other water-dispensing means shall be mounted thirty inches above the floor and in a way which will make them usable by ~~the physically handicapped~~ persons with physical disabilities. Water fountains or coolers shall be hand-operated or hand-and-foot operated.

I. Where elevators are to be provided they shall be accessible to, and usable by, ~~the physically disabled~~ persons with physical disabilities at all levels normally used by the general public. Elevators shall be designed to allow for traffic by wheelchairs.

* * *

Section 28. 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), and (c)(iii)(aa), 2607(A) and (C), and 2608 are hereby amended and reenacted to read as follows:

1 §1402. Definitions

2 As used in this Chapter, the following words and phrases shall have the
3 meanings hereinafter ascribed to them:

4 * * *

5 (4) ~~"Disabled person"~~ "Person with a disability" means a person with a
6 mental, physical, or developmental disability that substantially impairs that person's
7 ability to provide adequately for his own care or protection.

8 * * *

9 §1407. Restraining prohibited acts

10 * * *

11 C. In addition to any other civil penalty provided for in this Section, if a
12 person is found by the court to have engaged in any method, act, or practice in
13 Louisiana declared to be unlawful under this Chapter, and the violation was
14 committed against an elder person or a ~~disabled~~ person with a disability, as defined
15 in this Section, the court may impose an additional civil penalty not to exceed five
16 thousand dollars for each violation.

17 D. In determining whether to impose an enhanced civil penalty under this
18 Section and the amount thereof, the court shall consider any of the following:

19 (1) Whether the defendant's conduct was in disregard of the rights of the elder
20 ~~or disabled~~ person or person with a disability.

21 (2) Whether the defendant knew or should have known that the defendant's
22 conduct was directed to an elder ~~or disabled~~ person or person with a disability.

23 (3) Whether the elder ~~or disabled~~ person or person with a disability was more
24 vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired
25 understanding, restricted mobility, or disability than other persons and whether the
26 elder ~~or disabled~~ person or person with a disability actually suffered physical,
27 emotional, or economic damage resulting from the defendant's conduct.

28 (4) Whether the defendant's conduct caused an elder ~~or disabled~~ person or
29 person with a disability to suffer any of the following:

30 * * *

(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.

* * *

§2303. Definitions

The following words or terms as used in this Chapter shall have the following meanings unless a different meaning appears from the context:

* * *

(3) ~~"Disabled person's business enterprise"~~ "Business enterprise of a person with a disability" means a small business concern which is at least fifty-one percent

owned and controlled by a ~~disabled~~ person with a disability as defined by the federal Americans With Disabilities Act of 1990.

* * *

§2312. Powers and authority; duties

A. The corporation shall serve as the single review board for all financial assistance, loans, incentives or inducements, customized workforce training, investment programs, and any related appropriations, grants, or joint ventures administered by the Department of Economic Development, excluding those financial incentive programs administered by the State Board of Commerce and Industry. The corporation shall formulate and implement the policies for the delivery of services to obtain the following effects:

* * *

(3) The leverage of funds from Louisiana financial institutions by issuing guarantees for economically disadvantaged and other Louisiana based micro-businesses, small businesses, medium sized businesses, and ~~disabled persons~~ business enterprises of persons with disabilities.

* * *

§2602. Policy

A. The legislature finds and declares that persons in this state who seek a place to live should be able to find such housing whenever it is available. Further, in many localities there may be housing shortages. All persons should therefore be able to compete for available housing on an open, fair, and equitable basis, regardless of race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin.

* * *

§2603. Definitions

As used in this Chapter:

* * *

(9)(a) ~~"Handicap"~~ "Disability" means, with respect to a person:

* * *

§2606. Discrimination in sale or rental of housing and other prohibited practices

A. As made applicable by R.S. 51:2604, and except as exempted by Subsection B thereof and R.S. 51:2605, it is unlawful:

* * *

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin.

(6)(a) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a ~~handicap~~ disability of:

* * *

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a ~~handicap~~ disability of:

* * *

(c) For purposes of this Paragraph, discrimination includes:

* * *

(iii) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(aa) The public use and common use portions of such dwellings are readily accessible to and usable by ~~handicapped~~ persons with disabilities;

* * *

§2607. Discrimination in residential real estate related transactions

A. It is unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin.

* * *

C. Nothing in this Chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, ~~handicap~~ disability, or familial status.

§2608. Discrimination in provision of brokerage services

It is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin.

Section 29. 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) are hereby amended and reenacted to read as follows:

§104.1. ~~Physically-challenged hunter~~ Hunting permits for persons with physical disabilities

A. The Louisiana Wildlife and Fisheries Commission is hereby authorized to adopt rules and regulations for the creation and issuance of hunting permits for individuals ~~who are temporarily or permanently disabled~~ with temporary or permanent disabilities. A temporary disability is one of such severity that it shall last for a duration of at least one year. The rules and regulations shall provide for the

1 duration and costs of the permits and provide for disability classifications of
2 "~~wheelchair bound~~", "~~mobility impaired~~" "wheelchair user", "mobility impairment"
3 as defined in R.S. 47:463.4(E), and "amputee of an upper extremity". Such permits
4 may be issued only to those persons certified by a physician licensed to practice
5 medicine by the Louisiana State Board of Medical Examiners. If the physician
6 certifies that the disability is temporary, the person holding the permit shall be
7 required to ~~re-certify~~ recertify to the department each year that such certification is
8 still valid. The commission rules and regulations shall provide for special ~~handicap~~
9 hunts for persons with disabilities, special deer seasons, and access to wildlife
10 management areas.

11 * * *

12 §109. Wildlife management areas; wildlife refuges; public hunting grounds and
13 recreation areas; notice; signs; ~~disabled hunters~~ with disabilities

14 A. The commission may establish, maintain, and manage any state wildlife
15 management area, wildlife refuge, public hunting ground, or outdoor recreation area,
16 as it deems proper for wildlife management purposes. With the approval of the
17 governor, it may lease, buy, or accept donation of, and set apart, any other lands
18 suitable and desirable for such purposes and thereon establish, maintain, and operate
19 such areas. The public shall be notified of the fact of the establishment of such areas
20 by publication of a proclamation by the governor, describing the exact location and
21 description of the lands set apart and the objects and purposes of the dedication, for
22 thirty days in the official journal of the state and the official journal of the parish
23 where the lands are located. The commission shall cause suitable signs to be placed
24 at reasonable distances along the boundaries of the lands and at roads and other
25 entrances for the information of the public. No person shall willfully or maliciously
26 remove, destroy, or deface any sign or notice placed or posted. The commission shall
27 authorize persons over the age of sixty to use trails in the wildlife management areas
28 which are set aside for use exclusively by ~~disabled~~ persons with disabilities.

29 * * *

§302.1. Annual license; temporary license; fees; saltwater fee; exemptions

* * *

F.(1) Notwithstanding any other provision of this Subpart to the contrary, any resident of this state who ~~is mentally retarded or developmentally disabled~~ has an intellectual or developmental disability and who is engaged in recreational fishing as part of approved therapy and habilitation service, and who is fishing under the 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.

* * *

(4) Slat traps:

* * *

(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 legal size slat trap for the purpose of catching catfish for home consumption only. There shall be no gear fee or license charge and all persons must be in possession of valid identification.

* * *

§1699. Chicot State Park, special facilities camp for ~~handicapped persons with disabilities~~; creation; advisory committee; programs; use

A. The office of state parks in the Department of Culture, Recreation and Tourism is hereby authorized to select, designate, and set aside a site at Chicot State Park or to acquire a site in close proximity thereto for the purpose of establishing a facility to serve the special needs of ~~physically and mentally impaired~~ citizens with physical disabilities and mental impairments. This site and all facilities now or hereafter developed thereon shall be under the operation and supervision of the office of state parks.

B. The office of state parks shall be responsible for the planning and development of such park facilities to meet the needs of ~~physically and mentally impaired~~ citizens with physical disabilities and mental impairments.

C. The office for citizens with developmental disabilities of the Department of Health and Hospitals, in coordination with the Louisiana Developmental

Disabilities Council, shall be responsible for all programmatic functions of such park facility, including but not limited to the following:

(1) The preparation and administration of programs for the benefit of ~~handicapped~~ persons with disabilities.

(2) Scheduling and coordination of the use of this facility by ~~the handicapped~~ persons with disabilities.

* * *

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:

1 SECTION 12--OF CONTINUING OR PERMANENT TUTORSHIP OF
2 ~~MENTALLY RETARDED PERSONS~~ WITH INTELLECTUAL DISABILITIES

3 Art. 354. Procedure for placing under tutorship.

4 ~~Mentally retarded or deficient children~~ Children with intellectual disabilities
5 or mental deficiencies may be placed under continuing or permanent tutorship without
6 formal or complete interdiction in accordance with the following rules and the
7 procedures stated in the Louisiana Code of Civil Procedure.

8 * * *

9 Art. 356. Title of proceedings; procedural rules; parents as tutor and undertutor.

10 The title of the proceedings shall be Continuing Tutorship of (Name of
11 Person), A ~~Mentally Retarded Person~~ with an Intellectual Disability.

12 * * *

13 Art. 358. Authority, privileges, and duties of tutor and undertutor; termination of
14 tutorship.

15 The granting of the decree shall confer upon the tutor and undertutor the same
16 authority, privileges, and responsibilities as in other tutorships, including the same
17 authority to give consent for any medical treatment or procedure, to give consent for
18 any educational plan or procedure, and to obtain medical, educational, or other
19 records, but the responsibility of the tutor for the offenses or quasi-offenses of the
20 ~~retarded~~ person with an intellectual disability shall be the same as that of a curator for
21 those of the interdicted person and the tutorship shall not terminate until the decree
22 is set aside by the court of the domicile, or the court of last domicile if the domicile
23 of the ~~mentally retarded~~ person with an intellectual disability is removed from the
24 State of Louisiana.

25 Art. 359. Restriction on legal capacity.

26 The decree if granted shall restrict the legal capacity of the ~~mentally retarded~~
27 person with an intellectual disability to that of a permanent minor, except that after
28 the age of eighteen the ~~retarded~~ person, unless formally interdicted, shall have the
29 legal capacity of a minor who has been granted the emancipation conferring the
30 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~~ typical children 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) and (H)(1) and (2)(introductory paragraph) 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

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

1 dangerous to others or to himself for reasons of mental illness, substance abuse, or
2 ~~mental retardation~~ intellectual disability. The probationer shall be required to agree
3 in writing to the conditions of his probation.

4 * * *

5 Art. 814. Responsive verdicts; in particular

6 A. The only responsive verdicts which may be rendered when the indictment
7 charges the following offenses are:

8 * * *

9 58. Cruelty to ~~the Infirm~~ Persons with Infirmities:

10 Guilty.

11 Guilty of attempted cruelty to ~~the infirm~~ persons with infirmities.

12 Guilty of simple battery.

13 Guilty of assault.

14 Guilty of negligent injuring.

15 Not guilty.

16 * * *

17 Art. 905.5.1. ~~Mental retardation~~ Intellectual disability

18 A. Notwithstanding any other provisions of law to the contrary, no person
19 ~~who is mentally retarded~~ with an intellectual disability shall be subjected to a sentence
20 of death.

21 B. Any capital defendant who claims to ~~be mentally retarded~~ have an
22 intellectual disability shall file written notice thereof within the time period for filing
23 of pretrial motions as provided by Code of Criminal Procedure Article 521.

24 C.(1) Any defendant in a capital case making a claim of ~~mental retardation~~
25 intellectual disability shall prove the allegation by a preponderance of the evidence.
26 The jury shall try the issue of ~~mental retardation~~ intellectual disability of a capital
27 defendant during the capital sentencing hearing unless the state and the defendant
28 agree that the issue is to be tried by the judge. If the state and the defendant agree, the
29 issue of ~~mental retardation~~ intellectual disability of a capital defendant may be tried
30 prior to trial by the judge alone.

1 (2) Any pretrial determination by the judge that a defendant ~~is not mentally~~
2 ~~retarded~~ does not have an intellectual disability shall not preclude the defendant from
3 raising the issue at the penalty phase, nor shall it preclude any instruction to the jury
4 pursuant to this Section.

5 D. Once the issue of ~~mental retardation~~ intellectual disability is raised by the
6 defendant, and upon written motion of the district attorney, the defendant shall
7 provide the state, within time limits set by the court, any and all medical, correctional,
8 educational, and military records, raw data, tests, test scores, notes, behavioral
9 observations, reports, evaluations, and any other information of any kind reviewed by
10 any defense expert in forming the basis of his opinion that the defendant ~~is mentally~~
11 ~~retarded~~ has an intellectual disability.

12 E. By filing a notice relative to a claim of ~~mental retardation~~ intellectual
13 disability under this Article, the defendant waives all claims of confidentiality and
14 privilege to, and is deemed to have consented to the release of, any and all medical,
15 correctional, educational, and military records, raw data, tests, test scores, notes,
16 behavioral observations, reports, evaluations, expert opinions, and any other such
17 information of any kind or other records relevant or necessary to an examination or
18 determination under this Article.

19 F. When a defendant makes a claim of ~~mental retardation~~ intellectual
20 disability under this Article, the state shall have the right to an independent
21 psychological and psychiatric examination of the defendant. A psychologist or
22 medical psychologist conducting such examination must be licensed by the Louisiana
23 State Board of Examiners of Psychologists or the Louisiana State Board of Medical
24 Examiners, whichever is applicable. If the state exercises this right, and upon written
25 motion of the defendant, the state shall provide the defendant, within time limits set
26 by the court, any and all medical, correctional, educational, and military records, and
27 all raw data, tests, test scores, notes, behavioral observations, reports, evaluations, and
28 any other information of any kind reviewed by any state expert in forming the basis
29 of his opinion that the defendant ~~is not mentally retarded~~ does not have an intellectual

disability. If the state fails to comply with any such order, the court may impose sanctions as provided by Code of Criminal Procedure Article 729.5.

G. If the defendant making a claim of ~~mental retardation~~ intellectual 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"~~ "Intellectual disability" 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.

(2) A diagnosis of one or more of the following conditions does not necessarily constitute ~~mental retardation~~ an intellectual disability:

* * *

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.

* * *

1 C.

2 * * *

3 (2) Exceptions. There is no privilege under this Article in a criminal case as
4 to a communication:

5 * * *

6 (f) When the communication is relevant to an investigation of or prosecution
7 for child abuse, elder abuse, or the abuse of ~~disabled or incompetent~~ persons with
8 disabilities or persons who are incompetent.

9 * * *

10 Section 33. Children's Code Articles 559(B)(introductory paragraph) and
11 (C)(introductory paragraph), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3)
12 and (G), 837.1(A)(3), 894(introductory paragraph) and (3), 895(A), 910(E), 916, 1003(9),
13 1125(B), 1402(1) and (3), 1404(15) through (17) and (24), 1405(C), 1416(D) and (E),
14 1417(A), 1420(A), 1451(A), 1465(A) and (B), 1467(B)(1), 1468(A), and 1469(A) are hereby
15 amended and reenacted and Children's Code Article 1003(introductory paragraph) is hereby
16 enacted to read as follows:

17 Art. 559. Organization; board of trustees; director

18 * * *

19 B. The duties of the board of trustees enumerated in ~~R.S. 28:64(B)~~ R.S.
20 28:64(C) shall be applicable to this program, including all of the following specific
21 duties:

22 * * *

23 C. The duties of the director enumerated in ~~R.S. 28:64(C)~~ R.S. 28:64(E) shall
24 be applicable to the program, including all of the following specific duties:

25 * * *

26 Art. 681. Dispositional alternatives

27 A. In a case in which a child has been adjudicated to be in need of care, the
28 child's health and safety shall be the paramount concern, and the court may do any of
29 the following:

30 * * *

(3) Commit a child found to ~~be mentally ill~~ have a mental illness to a public or private institution for ~~the mentally ill~~ persons with mental illness.

* * *

Art. 683. Disposition; generally

* * *

E. A child shall not be committed to a public or private mental institution or institution for ~~the mentally ill~~ persons with mental illness unless 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. When the child is in the custody of the state of Louisiana, this finding shall not be made without the representation of the child by an attorney appointed from the Mental Health Advocacy Service, unless such attorneys are unavailable as determined by the director or the child retains private counsel who shall represent only the interest of the child. The Mental Health Advocacy Service's attorney 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 a placement other than a mental hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be relieved of representation of the child.

F. A child shall not be committed to a public or private institution for ~~the mentally retarded~~ persons with intellectual disabilities unless the court finds, based 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. 781. Disposition; generally

* * *

D. A child shall not be committed to a public or private mental institution or institution for ~~the mentally ill~~ persons with mental illness unless the court finds, based on psychological or psychiatric evaluation, that the child has a mental disorder, other

1 than ~~mental retardation~~ an intellectual disability, which has a substantial adverse
2 effect on his ability to function and requires care and treatment in an institution.
3 When the child is in the custody of the state of Louisiana, this finding shall not be
4 made without the representation of the child by an attorney appointed from the Mental
5 Health Advocacy Service, unless such attorneys are unavailable as determined by the
6 director or the child retains private counsel who shall represent only the interest of the
7 child. The Mental Health Advocacy Service's attorney so appointed shall continue
8 to represent the child in any proceeding relating to admission, change of status, or
9 discharge from the mental hospital or psychiatric unit. Upon modification of the
10 disposition to a placement other than a mental hospital or psychiatric unit, the Mental
11 Health Advocacy Service's attorney shall be relieved of representation of the child.

12 E. A child shall not be committed to a public or private institution for ~~the~~
13 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based
14 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an
15 intellectual disability and such condition has a substantial adverse effect on his ability
16 to function and requires care and treatment in an institution.

17 * * *

18 Art. 809. Right to counsel

19 * * *

20 C. No child shall be admitted in accordance with this Title to a public or
21 private mental institution or institution for ~~the mentally ill~~ persons with mental illness
22 nor shall proceedings in accordance with Chapter 7 of this Title or Article 869 go
23 forward unless he has been represented by retained private counsel who represents
24 only the child's interest or by an attorney from the Mental Health Advocacy Service,
25 unless its executive director has determined that its attorneys are unavailable. Any
26 attorney from the Mental Health Advocacy Service so appointed shall continue to
27 represent the child in any proceeding relating to admission, change of status, or
28 discharge from the mental hospital or psychiatric unit. Upon modification of the
29 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 hearing with ten days notice to the district attorney and counsel for the child, that the child, as a result of mental illness, is dangerous to himself or others or is gravely disabled. If the court further finds that the child will not have the mental capacity to proceed in the foreseeable future, the court shall order civil commitment as provided in Title XIV. However, no child shall be discharged or conditionally discharged except upon court order after a motion and contradictory hearing.

* * *

G. Under no circumstances shall a child who is found to lack the mental capacity to proceed in accordance with this Chapter be held in a secure placement facility longer than permitted elsewhere by this Code for a ~~mentally ill or developmentally disabled~~ child with a mental illness or developmental disability.

* * *

Art. 837.1. Standards for restoration service providers

A. A restoration service provider shall meet the following qualifications:

* * *

(3) Shall be a psychiatrist, licensed psychologist, medical psychologist, licensed clinical social worker, qualified ~~mental retardation~~ intellectual disability professional, or licensed professional counselor all of whom have been engaged in the practice of clinical psychology or counseling for not less than three consecutive years immediately preceding the appointment and who have expertise in child development specific to severe chronic disability of children attributable to intellectual impairment, if the court determines the child lacks the mental capacity to proceed because of mental illness or developmental disorder.

* * *

Art. 894. Disposition after finding of insanity

In cases in which a child has not been adjudicated a delinquent and has been found to be insane at the time of the offense, the court may ~~either~~ take any of the following actions:

* * *

(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~~

1 persons with mental illness without three days prior notice to the district attorney and
2 the institution.

3 * * *

4 Art. 916. Modification of a mental health commitment

5 A. In cases where a child has been committed to the Department of Health
6 and Hospitals, office of behavioral health, or private mental institution, or an
7 institution for ~~the mentally ill~~ persons with mental illness, the court may also modify
8 the judgment on motion of the department or superintendent of a private mental
9 institution.

10 B. In cases in which a child has been adjudicated a delinquent, a judgment of
11 disposition shall not be modified to release a child from the custody of the
12 Department of Health and Hospitals, office of behavioral health, or private mental
13 institution or an institution for ~~the mentally ill~~ persons with mental illness without
14 three days prior notice to the district attorney and the department or other institution.

15 C. Notwithstanding any provisions of law to the contrary, in cases in which
16 a child has not been adjudicated a delinquent and has been found to be insane at the
17 time of the offense, a child shall not be released from the custody of the Department
18 of Health and Hospitals, office of behavioral health, or private mental institution, or
19 an institution for ~~the mentally ill~~ persons with mental illness except upon order of the
20 court after motion and contradictory hearing.

21 * * *

22 Art. 1003. Definitions

23 As used in this Title:

24 * * *

25 (9) "Mental illness" means a psychiatric disorder which has substantial
26 adverse effects on the parent's ability to function and which requires care and
27 treatment as determined by a psychiatrist or psychologist. It does not include a person
28 ~~suffering solely from mental retardation, epilepsy, alcoholism, or drug abuse. who~~
29 has, solely, one of the following conditions:

30 (a) An intellectual disability.

- 1
- (b) Epilepsy.
- 2
- (c) Alcoholism.
- 3
- (d) Drug abuse.

4

* * *

5

Art. 1125. Statement of family history; contents; form

6

* * *

7

B. The Statement of Family History form shall be substantially as follows:

8

STATEMENT OF FAMILY HISTORY

9

	Child's Biological MOTHER	Child's Biological FATHER
10	Age	
11	Height	
12	Weight	
13	Hair color	
14	Eye color	
15	Complexion	
16	Body build	
17	Education-last	
18	grade completed/	
19	degree received	
20	Right/left handed	
21	Occupation	
22	Talents	
23	Religion	
24	Race	
25	Ethnicity/	
26	Nationality	
27	Native	
28	American/Tribal	
29	Affiliation, if	
30	applicable	
31	Other	

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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.)	

1			Epilepsy, seizures,	
2			convulsions	
3			Allergies (drugs, food,	
4			other)	
5			Asthma	
6			Vision	
7			problems/blindness	
8			Hearing	
9			problems/deafness	
10			Speech disorders	
11			Dental	
12			problems/braces	
13			Birth defects (cleft	
14			palate, missing digit,	
15			club foot, etc.)	
16			Curvature of spine	
17			Headaches/migraines	
18			Alcoholism	
19			Substance abuse	
20			Eating	
21			disorders/obesity	
22			Mental illness	
23			(schizophrenia,	
24			bipolar, depressive,	
25			etc.)	
26			Mental retardation	
27			<u>Intellectual</u>	
28			<u>disability</u> –non-injury	
29			(PKU, Down's	
30			Syndrome, etc.)	
31			Learning disabilities	
32			(ADD, ADHD, etc.)	
33			Multiple births	

1			Miscarriages,	
2			stillbirths, neonatal	
3			deaths	
4			SIDS	
5			Rh Factor	
6			HIV (biological	
7			mother only)	
8			Venereal disease	
9			during pregnancy	
10			(biological mother	
11			only)	
12			Other: specify	
13			Other: specify	
14			Other: specify	
15	Prenatal			
16	History			
17	Yes	No		If yes,
18				• state type;
19				• state amount; and
20				• state during what months of pregnancy.
21			Prescription	
22			medication	
23			Over the counter	
24			medication	
25			Alcohol	
26			Tobacco	
27			Other Drugs	

28 Are the parents of the child biologically related to each other? Yes_____ No_____

29 If yes what is the biological relationship? _____

30 Has the minor child had the following immunizations?

31 YES NO YES NO

- 1 () () Birth-2 mo. Hepatitis (Hep) B () () 12-15 mo. Hib, MMR # 1
- 2 () () 1 – 4 mo. Hep B () () 12-18 mo. Var (chickenpox)
- 3 () () 2 mo. DTaP, IPV, Hib, () () 15-18 mo. DTaP
- 4 () () 4 mo. DTaP, IPV, Hib, () () 4-6 yrs. MMR # 2, DTaP,
- 5 OPV
- 6 () () 6 mo. DTaP, Hib, () () 11-12 yrs. MMR # 2, Var,
- 7 Hep B
- 8 () () 6-18 mo. Hep B, IPV () () 11-16 yrs. Td (tetanus,
- 9 diphtheria)

10 Has the minor child had the following illnesses?

- 11 YES NO YES NO
- 12 () () Pertussis (P) (Whooping Cough) () () Rheumatic Fever
- 13 () () Rubella (R) (Measles) () () Tonsillitis
- 14 () () Mumps (M) () () Convulsions
- 15 () () Chicken Pox (Var) () () Asthma
- 16 () () Rotavirus (Rv) () () Polio (IPV)
- 17 () () Scarlet Fever () () Allergies, specify
- 18 () () Diphtheria (D) _____
- 19 () () Surgery, operations, specify _____
- 20 () () Glandular Disturbances, specify _____

21 Does the minor child have or has he had any other serious illnesses or medical conditions?

- 22 _____
- 23 _____
- 24 _____

25 * * *

1 Art. 1402. Declaration of policy

2 The underlying policy of this Title is as follows:

3 (1) That ~~mentally ill~~ minors with mental illness and minors suffering from
4 substance abuse, and their caretakers on their behalf, be encouraged to seek voluntary
5 treatment.

6 * * *

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

9 * * *

10 Art. 1404. Definitions

11 As used in this Title:

12 * * *

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

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

22 (17) "Patient" means any person detained and taken care of as a ~~mentally ill~~
23 person with mental illness or person suffering from substance abuse.

24 * * *

25 (24) "Treatment facility" means any public or private hospital, retreat,
26 institution, mental health center, or facility licensed by the state of Louisiana in which
27 any ~~mentally ill~~ minor with mental illness or minor suffering from substance abuse is
28 received or detained as a patient except a facility under the control or supervision of the

1 Department of Public Safety and Corrections unless otherwise provided in Title VIII
2 of this Code.

3 Art. 1405. Mental Health Advocacy Service (MHAS); representation; fees

4 * * *

5 C. Nothing in this Title shall be construed to prohibit a ~~mentally ill~~ person with
6 mental illness or respondent from being represented by privately retained counsel. If
7 a MHAS attorney has been appointed by the court and the ~~mentally ill~~ minor with
8 mental illness or respondent secures his own counsel, the court shall discharge the
9 MHAS attorney.

10 * * *

11 Art. 1416. Facility records; confidentiality; disclosure; destruction

12 * * *

13 D. Any attorney representing a ~~mentally ill~~ minor with mental illness or a
14 respondent as defined herein shall have ready access to view and copy all mental health
15 and developmental disability records pertaining to his client unless the client objects.
16 The attorney shall return all copies of his client's medical record to the treatment facility
17 upon completion of their use. If the patient or respondent later retains a private attorney
18 to represent him, the MHAS shall destroy all copies of records pertaining to his case.

19 E. Any respondent or ~~mentally disabled~~ minor with a mental disability shall have
20 the right to demand that the records in the possession of his attorney regarding his
21 mental condition be destroyed or returned to the treatment facility and he shall have the
22 right to assurance by the director that such records have been so destroyed by the
23 MHAS attorney.

24 Art. 1417. Court records

25 A. Each court shall keep a record of the cases relating to ~~mentally ill~~ minors with
26 mental illness coming before it under this Title and the disposition of them. It shall also
27 keep on file the original petition and certificates of physicians required by this Chapter,
28 or a microfilm duplicate of such records.

29 * * *

1 Art. 1420. Admission by emergency certificate; extension

2 A. A ~~mentally ill~~ minor with mental illness or a minor suffering from substance
3 abuse may be admitted and detained at a treatment facility for observation, diagnosis,
4 and treatment for a period not to exceed fifteen days under an emergency certificate.

5 * * *

6 Art. 1451. Conversion to voluntary status

7 A. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with
8 mental illness or minor suffering from substance abuse from applying for conversion
9 of involuntary or emergency admission status to voluntary admission status.

10 * * *

11 Art. 1465. Voluntary admissions favored

12 A. Admitting physicians are encouraged to admit ~~mentally ill~~ minors with
13 mental illness or minors suffering from substance abuse to treatment facilities on
14 voluntary admission status whenever medically feasible.

15 B. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with
16 mental illness or minor suffering from substance abuse from applying for conversion
17 of involuntary or emergency admission status to voluntary admission status. Any minor
18 patient on an involuntary admission status shall have the right to apply for a writ of
19 habeas corpus in order to have his admission status changed to voluntary status.

20 * * *

21 Art. 1467. Capacity required

22 * * *

23 B. Knowing and voluntary consent shall be determined by the ability of the
24 minor to understand:

25 (1) That the treatment facility to which the minor patient is requesting admission
26 is one for ~~mentally ill~~ persons with mental illness or persons suffering from substance
27 abuse.

28 * * *

1 Art. 1468. Informal voluntary admission

A. In the discretion of the director, any ~~mentally ill~~ minor with mental illness or minor suffering from substance abuse, who is sixteen years of age or older and who 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.

7 * * *

8 Art. 1469. Formal voluntary admission

9 A. Any ~~mentally ill~~ minor with mental illness or minor suffering from substance
10 abuse who is sixteen years old or older and who desires admission to a treatment facility
11 for diagnosis ~~and/or~~ or treatment of a psychiatric disorder or substance abuse and who
12 is deemed suitable for formal voluntary admission by the admitting physician may be
13 so admitted upon his written request.

14 * * *

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 lawbooks 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

1 terminology replaced herein, and which conveys no explicit or implicit dehumanization of
2 persons with disabilities or other persons with exceptionalities.

3 (C) It is not the intent of the legislature that changes in terms referring to persons with
4 disabilities and other persons with exceptionalities, as effected by this Act, alter or affect in
5 any way the substance, interpretation, or application of any existing law or administrative rule.

6 (D) Nothing in this Act shall be construed to expand or diminish any right of or benefit
7 for any person provided by any existing law or administrative rule.

8 Section 36.(A) For the purposes of the provisions of law amended by this Act,
9 references to "intellectual disability" shall mean any condition formerly referred to as "mental
10 retardation".

11 (B) For the purposes of the provisions of law amended by this Act, references to a
12 "person with an intellectual disability" shall mean a person formerly referred to as "mentally
13 retarded".

14 (C) For the purposes of the provisions of law amended by this Act, the term
15 "disability", as used to describe a condition or characteristic of a person, shall have the
16 meaning of the former term "handicap" as used in the same manner.

17 (D) For the purposes of the provisions of law amended by this Act, references to a
18 "person with a physical disability" and a "person with a disability" shall mean a person
19 formerly referred to as "physically handicapped", a "handicapped person", "the handicapped",
20 a "crippled person", a "disabled person", or "the disabled".

21 (E) For the purposes of the provisions of law amended by this Act, references to a
22 "person who is infirm" and a "person with an infirmity" shall have the meaning of the former
23 terms "the infirm" and "the infirmed".

24 (F) For the purposes of the provisions of law amended by this Act, references to a
25 person who "acquires a disability" shall have the meaning of the former references to a person
26 who "becomes disabled".

27 (G) For the purposes of the provisions of law amended by this Act, references to
28 "certified as having a disability" shall have the meaning of the former references to "certified
29 as disabled".

1 (H) For the purposes of the provisions of law amended by this Act, the terms
2 "accessible" and "accessibility" have the meanings, respectively, of the former terms
3 "handicapped accessible" and "handicapped accessibility".

4 (I) For the purposes of the provisions of law amended by this Act, references to a
5 "person with a mobility impairment" shall mean a person formerly referred to as "mobility-
6 impaired".

7 (J) For the purposes of the provisions of law amended by this Act, references to a
8 "person with mental illness" shall mean a person formerly referred to as either "the mentally
9 ill" or "mentally ill person".

10 (K) For the purposes of the provisions of law amended by this Act, the linguistic
11 paradigm known as "person first language", which emphasizes a person's humanity over any
12 condition or characteristic the person may have, is employed wherever possible to refer to
13 persons with disabilities and other persons with exceptionalities. The legislature hereby
14 recognizes and affirms the importance of person first language as a respectful and preferred
15 way of referring to persons with disabilities and other persons with exceptionalities.

16 Section 37. Each agency, board, commission, department, office, and other
17 instrumentality of the state to which the legislature has delegated authority to promulgate rules
18 and regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., is
19 hereby authorized and requested to employ the preferred terminology described in Section 36
20 of this Act in referring to persons with disabilities and other persons with exceptionalities in
21 duly promulgated administrative rules, policy publications, and materials published in paper
22 format or electronically, whether for internal use or public use, including but not limited to
23 informational brochures, resource guides, reference materials, manuals, and the content of any
24 Internet website or other electronic media. The provisions of this Section shall apply
25 prospectively.

26 Section 38. The Louisiana State Law Institute is hereby authorized and requested to
27 redesignate, in accordance with the provisions of the Act which originated as House Bill No.
28 ____ of this 2014 Regular Session of the Legislature, the numbers of all Sections of statute

1 amended by this Act and recodified by the provisions of the Act which originated as House
2 Bill No. ____ of this 2014 Regular Session of the Legislature.

3 Section 39. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 63

Abstract: Revises terminology referring to persons with disabilities and other persons with exceptionalities.

General Provisions

Proposed law revises terminology in present law referring to persons with disabilities and other persons with exceptionalities by deleting and making substitutions for obsolete, derogatory, or offensive terms.

Proposed law corrects names of agencies, institutions, private organizations, and other entities; removes references to offices, bureaus, and other subdivisions of state agencies and to programs and services that have otherwise been repealed or no longer exist; and makes technical changes and corrections.

Proposed law provides a legislative finding indicating that language used to refer to persons with disabilities and other persons with exceptionalities shapes and reflects attitudes toward and perceptions of such persons by society.

Proposed law provides that it is the intent of the legislature, through enactment of proposed law, to:

- (1) Delete from present law terms that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities.
- (2) Establish new terminology in law that is more appropriate than the terminology it replaces, and which conveys no explicit or implicit dehumanization of persons with disabilities or other persons with exceptionalities.

Proposed law stipulates that it is not the intent of the legislature that the changes in terms effected by proposed law affect the substance, application, or interpretation of any provision of present law or present administrative code.

Proposed law provides that nothing in proposed law shall be construed to expand or diminish any right of or benefit for any person provided by present law or present administrative code.

Effective prospectively, proposed law authorizes and requests each agency, board, commission, department, and other instrumentality of the state with rulemaking authority to employ the preferred terminology provided for in proposed law in referring to persons with disabilities and other persons with exceptionalities in the following:

- (1) Duly promulgated administrative rules.
- (2) Policy publications.
- (3) All materials published in paper format or electronically, whether for internal use or public use, including but not limited to the following:
 - (a) Informational brochures.
 - (b) Resource guides.
 - (c) Reference materials.
 - (d) Manuals.
 - (e) The content of any Internet website or other electronic media.

Description of Terminology Changes

Proposed law provides for the following changes to terminology in present law:

- (1) For purposes of proposed law, references to "intellectual disability" mean any condition formerly referred to as "mental retardation".
- (2) For purposes of proposed law, references to a "person with an intellectual disability" mean a person formerly referred to as "mentally retarded".
- (3) For purposes of proposed law, the term "disability", as used to describe a condition or characteristic of a person, has the meaning of the former term "handicap" as used in the same manner.
- (4) For purposes of proposed law, references to a "person with a physical disability" and a "person with a disability", as appropriate to the context, mean a person formerly referred to as "physically handicapped", a "handicapped person", "the handicapped", a "crippled person", a "disabled person", or "the disabled".
- (5) For purposes of proposed law, references to a "person who is infirm" and a "person with an infirmity" have the meaning of the former terms "the infirm" or "the infirmed".
- (6) For purposes of proposed law, references to a person who "acquires a disability" have the meaning of the former references to a person who "becomes disabled".
- (7) For purposes of proposed law, references to "certified as having a disability" have the meaning of the former references to "certified as disabled".

- (8) For purposes of proposed law, the terms "accessible" and "accessibility" have the meanings, respectively, of the former terms "handicapped accessible" and "handicapped accessibility".
- (9) For purposes of proposed law, references to a "person with a mobility impairment" mean a person formerly referred to as "mobility impaired".
- (10) For purposes of proposed law, references to a "person with mental illness" mean a person formerly referred to as either "the mentally ill" or a "mentally ill person".

Proposed law provides that for purposes of proposed law, the linguistic paradigm known as "person first language", which emphasizes a person's humanity over any condition or characteristic the person may have, is employed wherever possible to refer to persons with disabilities and other persons with exceptionalities. Provides a declaration affirming the importance of person first language as a respectful and preferred way of referring to persons with disabilities and other persons with exceptionalities.

Location of Terminology Changes

Proposed law changes the terms "mentally retarded" and "mental retardation" to "intellectually disabled" and "intellectual disability", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 4:715, R.S. 11:783, 2220, 2256, 3438, and 3553, R.S. 14:35.2, 93.3, and 126.3, R.S. 15:830 and 830.1, R.S. 22:941, 1000, 1003, 1097, and 1242, R.S. 23:322, 1371.1, and 1378, R.S. 28:2, 831, 854, 864, and 874, R.S. 33:1236, R.S. 36:251 and 254, R.S. 39:1484, 1494.1, and 1554, R.S. 40:1299.27, 1379.3, 1472.3, 2009.21, 2102, and 2116, R.S. 46:51, 53, and 2253, R.S. 47:44.1, 79, 305.38, and 337.9, R.S. 51:2232, R.S. 56:302.1, C.C. Arts. 354, 356, and 358-360, C.Cr.P. Arts. 658 and 905.5.1, and Ch.C. Arts. 683, 781, 837.1, 895, 1003, 1125, and 1404.

Proposed law changes the term "handicap", where used to describe a condition or characteristic of a person, to "disability" in the following Sections of present law:

R.S. 11:1151, 1151.1, 1318, 1323, and 2077, R.S. 15:1402, R.S. 17:158, R.S. 22:941, 1000, 1001, 1003, 1012, 1242, and 1288, R.S. 32:295.1, R.S. 33:2411, 4720.62, 4720.112, and 4720.138, R.S. 46:1407, 2252, 2254, and 2255, R.S. 51:2602, 2603, and 2606 - 2608, and R.S. 56:1762.

Proposed law changes the terms "the handicapped", "the physically handicapped", "handicapped person", "crippled person", "disabled person", and "the disabled" to "person with a physical disability" and "person with a disability", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 6:747, R.S. 9:1613, 2799, 2799.3, and 3541.21, R.S. 11:293, 778, 784, 805, 901.37, 952.36, 1147, 1151, 1151.1, 1313, 1318, 1323, 1345.8, 1402, 1431, 1442, 1503, 1523, 1634, 1636, 1732, 1758, 1902, 1934, 2074, 2077, 2165.6, 2178, 2180, 2214, 2220, 2223, 2241.7, 2241.8, 2242.7, 2242.8, 2256, 2256.2, 2258, 2259, 3101, 3107, 3113, 3132, 3145, 3166, 3178, 3192, 3222, 3281, 3288, 3293, 3317, 3322, 3341, 3363, 3377, 3378, 3385.1, 3402, 3410, 3431, 3438, 3442, 3461, 3473, 3515, 3552, 3601, 3605, 3609, 3645, 3647, 3685.1, 3686, 3761, 3773, 3780, 3791, 3804, and 3808, R.S. 14:32, 35.2, 39, 67.16, 67.21, 79.1, 93.3, 93.4, 107.1, and 202.1, R.S. 15:1503 and 1510, R.S. 17:407.2 and 1947, R.S. 18:106.1, 1303, and 1400.21, R.S. 21:51 and 52, R.S. 22:1001 and 1012, R.S. 23:322-324, 1017.1, 1226, 1823, 1829, 2061, and 3004, R.S. 25:33, R.S. 28:2, 22.10, 64, 475 - 477, 831, 854, 864, 874, 904, and 915, R.S. 29:403, 726, and 729, R.S. 32:295.1, 403.2, and 863.1, R.S. 33:1236, 1947, and 2411, R.S. 36:151 and 254,

R.S. 37:752, 775, 776, 1360.64, 2363, and 3003, R.S. 38:2261, R.S. 39:302, 362, 1484, 1554, 1594, 1595.4, and 1952, R.S. 40:384, 442, 501, 1299.58, 1299.78.5, 1299.113, 1299.114, 1300.85, 1485.2, 1735, 1742, 1742.2, 1748, 2010.8, 2113.5, 2116, 2405.5, and 2471, R.S. 42:808, R.S. 46:51, 56, 151, 156, 230.1, 231.6, 541, 932, 1951-1957, 1959, 2200, 2201, 2203, 2251, 2253, 2256, and 2582, R.S. 47:34, 287.749, 305.69, 360, 463.51, 473.2, and 1061, R.S. 48:23 and 261, R.S. 49:148 and 148.1, R.S. 51:1402, 1407, 2303, 2312, and 2606, R.S. 56:104.1, 109, 302.1, and 1699, C.E. Art. 510, and Ch.C. Arts. 1404 and 1416.

Proposed law changes the terms "the infirm" and "the infirmed" to "person who is infirm" and "person with an infirmity", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 14:35.2, 93.3-93.5, and 106, R.S. 15:334.4, 536, 537, 541, 571.3, and 571.34, R.S. 17:124, R.S. 28:22.7, R.S. 29:726, R.S. 37:961, R.S. 40:2142, R.S. 46:61 and 437.14, and C.Cr.P. Arts. 573.1, 648, and 814.

Proposed law changes references to a person who "becomes disabled" to a person who "acquires a disability" in the following Sections of present law:

R.S. 11:202-204, 206-211, 213, 215, 218, 701, 768, 901.36, 1530, 1614, 1763, 1785, 1805, 1938, 1945, 2144, 2178, 2220, 2221, 2241.8, 2242.8, 2257, 2258, 3005.1, 3039.1, 3143, 3200, 3232, 3346, 3377, 3385.1, 3438, 3442, 3447, 3473, 3514, 3548, 3644, 3647, 3686, 3724, 3731, 3771, 3778, 3802, and 3805, and R.S. 42:808.

Proposed law changes the term "certified as disabled" to "certified as having a disability" in the following Sections of present law:

R.S. 11:218, 701, 778, 783, 804, 805, 952.36, 1147, 1313, 1432, 1483, 1522, 1634, 1784, 1804, 1944, 1964, 1974, 2074, 2165.6, 2178, 2258, and 3041.

Proposed law changes the terms "handicapped accessible" and "handicapped accessibility" to "accessible" and "accessibility", respectively, in the following Sections of present law:

R.S. 17:67, R.S. 40:1355, 1400, 1563, 1573.1, 1574.1, 1730.39, and 1730.66, R.S. 46:2584 and 2673, and R.S. 47:463.4.

Proposed law changes the term "mobility-impaired person" to "person with a mobility impairment" in the following Sections of present law:

R.S. 40:1742 and 1742.2, R.S. 46:2584, R.S. 47:463.4, 463.4.1, 463.4.2, 463.5, 463.21, 490.4, and 492, and R.S. 56:302.3.

Proposed law changes the terms "the mentally ill" and "mentally ill person" to "person with mental illness" in the following Sections and Articles of present law:

R.S. 15:830 and 830.1, R.S. 28:2, 22.5, 22.7, 22.9, 22.10, 25.1, 50, 52, 55, 64, 146, 148, 172, 200, and 201, R.S. 36:251, R.S. 40:1299.52, 1300.361, 2009.21, 2010.8, 2013.2, 2013.3, 2017, 2142, 2405.5, and Ch.C. Arts. 681, 683, 781, 809, 837, 894, 895, 910, 916, 1402, 1404, 1405, 1416, 1417, 1420, 1451, 1465, and 1467-1469.

Provisions to be Repealed

Proposed law deletes the following provisions of present law:

- (1) Provisions relative to services for students originally enrolled prior to May 1, 1985, in the La. Special Education Center when it was called the La. School for Spastic Children which no longer apply to any student (R.S. 17:348(C)).
- (2) Provisions referring to an abolished task force and pilot program concerning supervision and monitoring of persons with mental illness in outpatient treatment programs (R.S. 28:211 and 213).
- (3) Provisions referring to the abolished Mental Health Research and Training Account (R.S. 40:2113.1).
- (4) Provisions relative to treatment and care of "inmates" of special schools, homes, and other therapeutic institutions which no longer exist (R.S. 46:981 and 982).
- (5) Provisions establishing a bureau for handicapped persons within DCFS (R.S. 46:2111 through 2114).
- (6) Provisions referring to the abolished Community Residential Development Fund and Community Residential Program which formerly supported group homes, supervised living facilities, and out-of-home respite care for persons with mental or physical disabilities (R.S. 46:2391 through 2397).
- (7) Provisions referring to an abolished program of community-based services for persons with disabilities, persons who are elderly, and persons with mental illness (R.S. 46:2681).

Effective Date

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 4:163.1(D)(2)(d) and 715(B)(2), R.S. 6:747(A), R.S. 9:1613, 2799(A)(2) and (B)(1), 2799.3, the heading of Part V-A of Chapter 2 of Title 9 of the La. Revised Statutes of 1950, and 3541.21(1) and (3), R.S. 11:202, 203(A) and (C), 204(A), 206, 207(A) and (B), 208-210, 211(A) and (B), 213(A), 215(A), 218(A), (C), and (D)(3), 293(C), 701(19), 768(D)(2), 778(A), (B), and (D), 783(G)(1)(a), (I)(1)(a), and (K)(1), 784(C)(2) and (E), 804, 805(A) and (B), 901.36, 901.37, 952.36, 1147(A) and (C)(1), 1151(D), 1151.1(B)(1), (C)(2), and (D)(1), 1313(A), (B)(intro. para.), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1), 1345.8(B), 1402(5), 1431, 1432(A)(intro. para.), 1442, 1483(B), 1503(6), 1522(A)(1)(intro. para.) and (B)(intro. para.), 1523(G), 1530(K)(3), 1614(D), 1634(A) and (B)(intro. para.), 1636(B)(5), 1732(20), 1758(A) and (F), 1763(J)(2), 1784(intro. para.), 1785(A)(2), 1804(intro. para.), 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(intro. para.), 1945(A)(2), 1964(A)(intro. para.), 1974(A), 2074(A) and (B)(1)(intro. para.), 2077(A)(intro. para.) and (B)(intro. para.) and (2), 2144(K), 2165.6(A) and (B)(intro. para.), 2178(B)(intro. para.), (1)(b), and (3)(c) and (C)(1)(c)(iv)(aa), 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and (B)(2)(a)(i i), 2221(K)(4)(a) and (M), 2223(A)(1), 2241.7(A)(1), 2241.8(2)(a)(ii), 2242.7(A)(1), 2242.8(2)(a)(ii), 2256(B)(2)(a) and (3), 2256.2(A), 2257(K)(4), 2258(A), (B)(intro. para.) and (1)(c) and (d), (2)(a), and (C)-(E), 2259(A)(1), 3005.1(I)(2) and (J)(4), 3039.1(K)(4), 3041(B), 3101, 3107(5), 3113(6), 3132, 3143(1) and (2), 3145(D), 3166(A), 3178(C)(2), 3192, 3200(1) and (2), 3222, 3232(A), (B), and (C), 3281, 3288(B)(5), 3293(1), 3317(C)(5), 3322(B)(1)(a), 3341(A), 3346(3), 3363(A), 3377(A), 3378(A)(1)(g) and (2)(c), 3385.1(K)(6) and (7)(f), 3402, 3410(5), 3431, 3438(B)(4)(b) and (5)(b), 3442(1)-(4), 3447(C), 3461, 3473(1)-(4), 3514(A), 3515(B), 3516(C)(1) and (2), 3548(A), 3552(A) and (B), 3553(B)(2), 3601(A), 3605(A)(5), 3609(A), 3644, 3645(E), 3647(E) and (F), 3685.1(B)(2)(a) and (D), 3686(B)(1)(a) and (b), 3724(1)-(3), 3731(intro. para.) and (B), 3761, 3771(2)(a)(intro. para.), 3773, 3778(A), 3780, 3791, 3802(3) and (4), 3804(A), 3805, and 3808, R.S. 13:1278 and 3881(A)(8), R.S. 14:32(D)(3), 35.2(A)(intro. para.), (B), and (C), 39(D)(3), 45(A)(3), 67.16(A)(1), (C)(1)(b), (2)(b), (3)(b),

and (4)(b), 67.21(A)-(D), 79.1(A)(2), 89.1(A)(4), the heading of Subpart B(3) of Part V of Chapter 1 of Title 14 of the La. 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