

Regular Session, 2014

HOUSE BILL NO. 63

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

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

1 AN ACT

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

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

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

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

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

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

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

Be it enacted by the Legislature of Louisiana:

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

§163.1. Parish license fees for conducting race meetings

\* \* \*

D.

\* \* \*

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

\* \* \*

(d) The Arc of Caddo-Bossier Association of

~~Retarded Citizens~~ 1.3 %

\* \* \*

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

\* \* \*

B.

\* \* \*

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

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

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

§747. Contract for savings programs

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

\* \* \*

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

§1613. Disposition of funds; apportionment and allocation

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

1       ~~crippled~~ children with physical disabilities, in accordance with law, and may  
2       likewise be used in the work of the state hospital board, any such funds to be  
3       apportioned and allocated to such purposes by the governor.

4                               \*       \*       \*

5       §2799. Limitation of liability for damages from donated food

6               A.

7                               \*       \*       \*

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

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

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

29                               \*       \*       \*



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

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

\* \* \*

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

##### PERSONS WHO ARE AGED

#### §3541.21. Definitions

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

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

\* \* \*

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

\* \* \*

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

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

22 §202. District Attorneys' Retirement System

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

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

6 §203. Teachers' Retirement System

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

18 \* \* \*

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

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

3 §204. School Employees' Retirement System

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

15 \* \* \*

16 §206. Registrars of Voters Employees' Retirement System

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

## §207. Sheriffs' Pension and Relief Fund

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

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

\* \* \*

## §208. Municipal Police Employees' Retirement System

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

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

3 §209. Parochial Employees' Retirement System

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

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

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

14 §210. Municipal Employees' Retirement System

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

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

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

10 §211. Louisiana State Police Retirement System

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

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



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

4 \* \* \*

5 §213. Assessors' Retirement Fund

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

19 \* \* \*

20 §215. Firefighters' Retirement System

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

29 \* \* \*

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

2           A. Any eligible member of a state or statewide retirement system listed in  
3           this Subpart who ~~becomes disabled~~ acquires a disability may apply for disability  
4           benefits to the board of trustees of the retirement system of which he is a member.

5           The board of trustees shall require the supervisor of the applicant to submit to the  
6           board a report which shall include a brief history of the case and the supervisor's  
7           opinion as to the applicant's present ability to perform the normal duties required of  
8           him.

9   \*           \*           \*

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

20           D.

21   \*           \*           \*

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

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

3 \* \* \*

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

5 \* \* \*

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

13 \* \* \*

14 §701. Definitions

15 \* \* \*

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

1       ~~disabled~~ has a mental disability or a total and permanent disability and provided he  
2       remains unmarried.

3                                       \*           \*           \*

4       §768. Retirement allowances

5                                       \*           \*           \*

6               D.

7                                       \*           \*           \*

8               (2) With respect to each member of this system who has successfully  
9       completed at least three years of one program as defined in R.S. 17:3602(5), average  
10      earnable compensation shall specifically include compensation received pursuant to  
11      R.S. 17:3601 et seq. as follows: if the member has completed at least three years,  
12      sixty percent of such earnings shall be included; after completion of four years, the  
13      factor shall be eighty percent; and after completion of five years, the factor shall be  
14      one hundred percent; however, if the member has completed at least two years and  
15      subsequently ~~becomes disabled~~ acquires a disability, he shall receive forty percent  
16      of such earnings, and if the member has completed at least one year and  
17      subsequently becomes disabled acquires a disability, he shall receive twenty percent  
18      of such earnings. The provisions of this Paragraph shall be retroactive to May 1,  
19      1983. Any person who has retired from this system shall be entitled to have his  
20      benefits recomputed pursuant to the provisions of this Paragraph; however, in order  
21      to include compensation received pursuant to R.S. 17:3601 et seq. in average  
22      compensation for computation of disability retirement purposes only or for  
23      recomputation of such, all employee and employer contributions on such earnings  
24      shall be paid to the system.

25                                       \*           \*           \*

26      §778. Disability retirement

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

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

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

7 \* \* \*

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

17 \* \* \*

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

19 \* \* \*

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

26 \* \* \*

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

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

5 \* \* \*

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

15 \* \* \*

16 §784. Payment of benefits

17 \* \* \*

18 C.

19 \* \* \*

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

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

7 \* \* \*

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

16 \* \* \*

17 §804. Eligibility for disability retirement

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

24 §805. Computation of disability benefits

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

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

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

6 \* \* \*

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

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

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

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

27 \* \* \*



1           §952.36. Disability retirement

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

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

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

14                                   \*           \*           \*

15          §1147. Disability retirement

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

22                                   \*           \*           \*

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

26                                   \*           \*           \*

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

28                                   \*           \*           \*

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

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

\* \* \*

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

\* \* \*

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

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

4 \* \* \*

5 C.

6 \* \* \*

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

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

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

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

5 \* \* \*

6 §1313. Disability retirement; eligibility

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

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

19 \* \* \*

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

26 \* \* \*

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

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

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

14                    \*           \*           \*

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

17                    \*           \*           \*

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

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

3 \* \* \*

4 C.

5 \* \* \*

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

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

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

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

3 \* \* \*

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

5 \* \* \*

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

14 \* \* \*

15 §1402. Definitions

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

18 \* \* \*

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

27 \* \* \*

1           §1431. Eligibility for disability retirement

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

8           §1432. Computation of disability retirement benefit

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

13                                   \*           \*           \*

14           §1442. Surviving minor children

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

24                                   \*           \*           \*

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

26                                   \*           \*           \*

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



1       except in event of physical disability of any one of these officers, then the vice  
2       president is authorized to sign provided certification is furnished by a medical doctor  
3       that said officer ~~is disabled~~ has a disability. No warrant shall be drawn except by  
4       orders of the board, duly entered upon the records of the proceedings of the board.

5       In the event the said retirement fund, or any part thereof, shall by orders of said  
6       board, or otherwise, be deposited in any bank or banks, all interest or money which  
7       may be paid on account of any sum on deposit, shall belong to and constitute a part  
8       of said funds; provided that nothing herein contained shall be construed as  
9       authorizing said secretary to deposit said fund or any part thereof, unless so  
10      authorized by the board.

11                                   \*       \*       \*

12      §1503. Definitions

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

15                                   \*       \*       \*

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

24                                   \*       \*       \*

25      §1522. Disability retirement benefits

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

29                                   \*       \*       \*

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

4                               \*       \*       \*

5           §1523. Survivor benefits

6                               \*       \*       \*

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

10                              \*       \*       \*

11           §1530. Deferred Retirement Option Plan

12                              \*       \*       \*

13           K.

14                              \*       \*       \*

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

18                              \*       \*       \*

19           §1614. Service on which retirement allowances are based

20                              \*       \*       \*

21           D. If a member dies or ~~becomes disabled~~ acquires a disability on or after  
22 January 1, 2007, while performing qualified military service as defined in 26 U.S.C.  
23 414(u), the member's beneficiary is entitled to any additional benefits, other than  
24 benefit accruals relating to the period of qualified military service, provided under  
25 the system as if the member had resumed and then terminated employment on  
26 account of death or disability. Also, the system will credit the member's qualified  
27 military service as service for vesting purposes as though the member had resumed  
28 employment under USERRA immediately prior to the member's death or disability.

29                              \*       \*       \*

1           §1634. Disability retirement

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

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

13                                   \*       \*       \*

14          §1636. Survivors' benefits

15                                   \*       \*       \*

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

19                                   \*       \*       \*

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

27                                   \*       \*       \*

## 1        §1732. Definitions

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

4                                \*           \*           \*

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

8                                \*           \*           \*

## 9        §1758. Disability retirement

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

16                                \*           \*           \*

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

23                                \*           \*           \*

1           §1763. Deferred Retirement Option Plan

2                                   \*           \*           \*

3                   J.

4                                   \*           \*           \*

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

8                                   \*           \*           \*

9           §1784. Computation of disability benefits

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

13                                   \*           \*           \*

14           §1785. Survivor benefits; eligibility

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

17                                   \*           \*           \*

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

28                                   \*           \*           \*

1           §1804. Computation of disability benefits

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

5                               \*           \*           \*

6           §1805. Survivor benefits; eligibility

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

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

14                               \*           \*           \*

15          §1902. Definitions

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

18                               \*           \*           \*

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

26                               \*           \*           \*

27          §1934. Disability retirement

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

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

6 \* \* \*

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

13 \* \* \*

14 §1938. Deferred Retirement Option Plan

15 \* \* \*

16 J.

17 \* \* \*

18 (4)

19 \* \* \*

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

23 \* \* \*

24 §1944. Computation of disability benefits

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

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

3 \* \* \*

4 §1945. Survivor benefits; eligibility

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

7 \* \* \*

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

12 \* \* \*

13 §1964. Computation of disability benefits

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

19 \* \* \*

20 §1974. Computation of disability benefits

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

24 \* \* \*

25 §2074. Disability retirement

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



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

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

6 \* \* \*

7 §2077. Survivors' benefits

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

10 \* \* \*

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

13 \* \* \*

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

19 \* \* \*

20 §2144. Deferred Retirement Option Plan

21 \* \* \*

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

26 \* \* \*

27 §2165.6. Disability retirement

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

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

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

\* \* \*

§2178. Disability benefits; retirement benefits; death benefits

\* \* \*

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

(1) Service related disability benefit.

\* \* \*

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

\* \* \*

(3) Non-service related disability benefit.

\* \* \*

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

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

3 \* \* \*

4 C.(1)

5 \* \* \*

6 (c)

7 \* \* \*

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

18 \* \* \*

19 §2180. Limitations on payment of benefits

20 \* \* \*

21 C.

22 \* \* \*

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

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

10 \* \* \*

11 §2214. Membership

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

13 \* \* \*

14 (2)

15 \* \* \*

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

23 \* \* \*

24 §2220. Benefits; contribution limit

25 A.(1)

26 \* \* \*

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

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

3 \* \* \*

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

7 \* \* \*

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

11 \* \* \*

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

21 \* \* \*

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

28 \* \* \*

## §2221. Deferred Retirement Option Plan

\* \* \*

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

\* \* \*

(4)(a) If he 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.

\* \* \*

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

\* \* \*

### §2223. Disability retirement

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

\* \* \*

### §2241.7. 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 §2241.8. Survivor benefits

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

10 \* \* \*

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

21 \* \* \*

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

28 \* \* \*

## §2242.7. Disability retirement

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

\* \* \*

## §2242.8. Survivor benefits

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

\* \* \*

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

\* \* \*

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



1        disability prior to the attainment of age eighteen and is dependent upon the surviving  
2        spouse or other legal guardian for subsistence.

3                                \*           \*           \*

4        §2256. Benefits; refund of contributions, application, and payment

5                                \*           \*           \*

6                B.

7                                \*           \*           \*

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

10                (a) If any active contributing member or a disability retiree dies and leaves  
11        in addition to a surviving spouse, one or more children under eighteen years of age,  
12        each child under age eighteen shall be paid, on a monthly basis, an annual benefit  
13        equal to ten percent of the deceased member's or retiree's average final  
14        compensation, or two hundred dollars per month, whichever is greater. However,  
15        benefits payable on account of each child, when added to the benefits payable to the  
16        surviving eligible spouse, shall not exceed an aggregate of one hundred percent of  
17        the average final compensation. Benefits for a surviving child shall cease upon the  
18        child's attaining age eighteen years or upon marriage, whichever occurs first, except  
19        that benefits shall continue for an unmarried surviving child who is ~~handicapped or~~  
20        ~~mentally retarded~~ has a physical or intellectual disability as provided in Paragraph  
21        (3) of this Subsection. Additionally, any unmarried surviving child, who graduates  
22        from high school and enrolls, on a full-time basis, in an institute of higher education,  
23        shall have his benefit continued as long as he remains enrolled on a full-time basis  
24        and remains unmarried; however, the benefit payments shall not extend past four  
25        additional years nor past the surviving child's twenty-second birthday. Benefits  
26        payable under the provisions of this Subparagraph may be paid in trust as provided  
27        in R.S. 11:2256.2.

28                                \*           \*           \*

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

\* \* \*

§2256.2. Designation of benefits to be paid in trust

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

\* \* \*

§2257. Deferred Retirement Option Plan

\* \* \*

K.

\* \* \*

(4) If he 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.

1           §2258. Disability retirement

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

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

11           (1)

12                                   \*       \*       \*

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

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

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

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

3 \* \* \*

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

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

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

1           §2259. Optional allowances

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

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

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

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

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

28                                   \*           \*           \*

### §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,

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

3 \* \* \*

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

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

11 \* \* \*

12 §3107. Board of trustees; duties

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

14 \* \* \*

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

17 \* \* \*

18 §3113. Pensions and benefits

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

20 \* \* \*

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

26 \* \* \*

27 §3132. Composition of the fund

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

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

\* \* \*

§3143. Pensions and benefits

Pensions and benefits shall be as follows:

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



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

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

28 \* \* \*

1       §3145. Military service credit

2                                   \*       \*       \*

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

7                                   \*       \*       \*

8       §3166. Pensions and benefits

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

26                                   \*       \*       \*

27       §3178. Pensions and benefits

28                                   \*       \*       \*

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

3 \* \* \*

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

17 \* \* \*

18 §3192. Composition of the fund

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

26 \* \* \*

1           §3200. Pensions and benefits

2                   Pensions and benefits shall be as follows:

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

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

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

9 \* \* \*

10 §3222. Composition of the fund

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

16 \* \* \*

17 §3232. Pensions and benefits

18 Pensions and benefits shall be as follows:

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

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

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

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

7 \* \* \*

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

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

15 \* \* \*

16 §3288. Secretary; duties; powers

17 \* \* \*

18 B. The board of directors shall:

19 \* \* \*

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

22 \* \* \*

23 §3293. Pensions and benefits

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

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

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

\* \* \*

§3317. Board of directors; duties; meetings

\* \* \*

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

\* \* \*

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

\* \* \*

§3322. Pensions and benefits

\* \* \*

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

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



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

5 \* \* \*

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

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

12 \* \* \*

13 §3346. Benefits

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

15 \* \* \*

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

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

3 \* \* \*

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

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

12 \* \* \*

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

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

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

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

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

\* \* \*

§3378. Survivor benefits

A.(1)

\* \* \*

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

\* \* \*

(2)

\* \* \*

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

\* \* \*

§3385.1. Deferred Retirement Option Plan

\* \* \*

K.

\* \* \*

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

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

5                               \*       \*       \*

6           (f) If the member is found by the board to ~~be disabled~~ have a disability  
7 pursuant to R.S. 11:3376, the service-connected disability benefit shall be limited to  
8 the additional amount payable pursuant to R.S. 11:3381 or 3384 based on service  
9 rendered since termination of participation in the Deferred Retirement Option Plan.  
10 The lump sum payment made from the individual account balance in the Deferred  
11 Retirement Option Plan shall be paid to the member within one year of termination  
12 of employment, and the monthly payments that were being paid into the Deferred  
13 Retirement Option Plan during the period of participation shall begin to be paid to  
14 the retiree. The board's service-connected disability determination made pursuant  
15 to this Subparagraph shall apply to all benefits paid to the member based on service  
16 rendered both before and since termination of participation in the Deferred  
17 Retirement Option Plan.

18                               \*       \*       \*

19       §3402. Composition of the fund

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

28                               \*       \*       \*

1           §3410. Pensions and benefits

2                   Pensions and benefits shall be as follows:

3                                   \*           \*           \*

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

21                                   \*           \*           \*

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

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

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

3 \* \* \*

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

5 \* \* \*

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

12 \* \* \*

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

15 \* \* \*

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

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

\* \* \*

(5)

\* \* \*

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

\* \* \*

#### §3442. Pensions and benefits

Pensions and benefits shall be as follows:

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



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

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

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

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

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

3 \* \* \*

4 §3447. Merger with firefighters' retirement system

5 \* \* \*

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

18 \* \* \*

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

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

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

3 \* \* \*

4 §3473. Pensions and benefits

5 Pensions and benefits shall be as follows:

(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.

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

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

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

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

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

\* \* \*

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

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

\* \* \*

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

\* \* \*

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

that he is ~~no longer disabled~~ no longer has a disability. When the report shows that the member is ~~no longer disabled~~ no longer has a disability and can resume his duties as a police officer, the department head shall restore him to employment in the department with the rank and grade enjoyed at the time of his removal from service.

5 §3516. Death benefits

6 \* \* \*

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

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

18 \* \* \*

19 §3548. Bossier City; retirement for disability or length of service; benefit payments

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

27 \* \* \*

1           §3552. City of Bogalusa; death benefits

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

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

13                               \*       \*       \*

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

15                               \*       \*       \*

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

21                               \*       \*       \*

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



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

3 \* \* \*

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

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

12 \* \* \*

13 §3605. Board of directors; powers and duties

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

15 \* \* \*

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

18 \* \* \*

19 §3609. Pensions and benefits

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

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

10 \* \* \*

11 §3644. Disability payments

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

21 §3645. Death benefits

22 \* \* \*

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

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

7 \* \* \*

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

9 \* \* \*

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

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

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

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

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

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

21                                   \*       \*       \*

22          §3685.1. Limitations on payment of benefits

23                                   \*       \*       \*

24          B.

25                                   \*       \*       \*

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

28          (a) To any portion of a member's benefit which is payable to or for the  
29          benefit of a designated beneficiary, over the life of or over the life expectancy of

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

12 \* \* \*

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

21 \* \* \*

22 §3686. Disability retirement

23 \* \* \*

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

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

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

7 \* \* \*

8 §3724. Pensions and benefits

9 Pensions and benefits shall be as follows:

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

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

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

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

\* \* \*

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

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

\* \* \*

B. The city of Shreveport is specifically authorized to contract with the members of its police department to guarantee that the merger will not result in any member receiving less in regular retirement benefits provided he meets the age and service requirements of the Fund for a regular retirement benefit, than the member

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

9 \* \* \*

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

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

20 \* \* \*

21 §3771. Pensions and benefits

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

23 \* \* \*

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



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

4 \* \* \*

5 §3773. Payments during disability

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

9 \* \* \*

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

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

27 \* \* \*

1           §3780. Transfer to other department

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

10                                   \*           \*           \*

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

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

22                                   \*           \*           \*

23           §3802. Pensions and benefits

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

25                                   \*           \*           \*

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

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

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

24 \* \* \*

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

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

29 \* \* \*

### §3805. Military service credit

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

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

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

6 §1278. Illness, disability, or absence

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

14 \* \* \*

15 §3881. General exemptions from seizure

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

19 \* \* \*

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

25 \* \* \*

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

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

§32. Negligent homicide

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

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

\* \* \*

1 §39. Negligent injuring

2 \* \* \*

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

4 \* \* \*

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

10 \* \* \*

11 §45. Simple kidnapping

12 A. Simple kidnapping is:

13 \* \* \*

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

18 \* \* \*

19 §67.16. Identity theft

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

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

25 \* \* \*

26 C.(1)

27 \* \* \*

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

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

5 \* \* \*

6 (2)

7 \* \* \*

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

14 \* \* \*

15 (3)

16 \* \* \*

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

23 \* \* \*

24 (4)

25 \* \* \*

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



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

3 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 \* \* \*

5 §79.1. Criminal abandonment

6 A. Criminal abandonment is any of the following:

7 \* \* \*

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

13 \* \* \*

14 §89.1. Aggravated crime against nature

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

17 \* \* \*

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

22 \* \* \*

23 3. OFFENSES AFFECTING THE HEALTH AND SAFETY

24 OF THE INFIRM PERSONS WITH INFIRMITIES

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

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

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

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

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

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

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

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

29                                \*           \*           \*

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

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

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

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

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

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

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

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

5                                \*            \*            \*

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

9                                \*            \*            \*

10       §106. Obscenity

11                                \*            \*            \*

12            D.

13                                \*            \*            \*

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

16                                \*            \*            \*

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

20                                \*            \*            \*

21       §107.1. Ritualistic acts

22                                \*            \*            \*

23            C.

24                                \*            \*            \*

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

(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:

1           §536. Definitions

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

8   \*           \*           \*

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

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

21   \*           \*           \*

22          §541. Definitions

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

25   \*           \*           \*

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

28   \*           \*           \*



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

2 \* \* \*

3 §571.3. Diminution of sentence for good behavior

4 \* \* \*

5 B.

6 \* \* \*

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

10 \* \* \*

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

12 \* \* \*

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

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

21 \* \* \*

22 §581. Authorized audits and investigations

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

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

8 \* \* \*

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

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

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

27 \* \* \*

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

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

\* \* \*

§1039. Return of inmates to committing court for transfer

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

\* \* \*

§1402. Legislative findings and declaration

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

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

8 \* \* \*

9 §1503. Definitions

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

12 \* \* \*

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

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

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

3 \* \* \*

4 §1510. Implementation

5 \* \* \*

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

12 \* \* \*

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

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

19 \* \* \*

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

26 \* \* \*

27 §124. Appropriations, authority to make

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

1 appropriations shall not be less than Thirty Thousand Dollars (\$30,000.00) each year.

2 The board may make additional appropriations to be used as a special fund for such

3 ~~aged and infirm~~ teachers who are aged or infirm as are, under the laws in effect on

4 July 26, 1922, receiving less than Twenty-Five Dollars (\$25.00) a month.

5 \* \* \*

6 §158. School buses for transportation of students; employment of bus operators;

7 alternative means of transportation; improvement of school bus turnarounds

8 \* \* \*

9 H.

10 \* \* \*

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

14 \* \* \*

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

21 \* \* \*

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

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

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

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

3 \* \* \*

4 B.

5 \* \* \*

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

13 \* \* \*

14 §407.2. Louisiana Early Childhood Opportunity Program

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

26 \* \* \*

27 §421.4. Salary increases, noninstructional school personnel

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

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



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

6 \* \* \*

7 §1947. Funding

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

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

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

27 \* \* \*

§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:

\* \* \*

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

5 \* \* \*

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

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

14 \* \* \*

15 §564. Assistance in voting on election day

16 \* \* \*

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

21 \* \* \*

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

26 \* \* \*

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

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

3 \* \* \*

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

8 \* \* \*

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

15 \* \* \*

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

17 \* \* \*

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

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

25 \* \* \*

§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  
25 conveyance.

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

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

8 \* \* \*

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

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

14 \* \* \*

15 B.

16 \* \* \*

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

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

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

4 A.

5 \* \* \*

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

10 (a)

11 \* \* \*

12 (vi)

13 \* \* \*

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

21 \* \* \*

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



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

3 \* \* \*

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

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

25 \* \* \*

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

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

3 \* \* \*

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

6 \* \* \*

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

18 \* \* \*

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

21 A.

22 \* \* \*

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

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

3 \* \* \*

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

10 \* \* \*

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

13 \* \* \*

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

23 \* \* \*

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

26 \* \* \*

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

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

8 \* \* \*

9 §1242. Definitions

10 As used in this Subpart:

11 \* \* \*

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

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

3 \* \* \*

4 §1288. Discrimination in automobile liability insurance prohibited

5 \* \* \*

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

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

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

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

19 \* \* \*

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

23 \* \* \*

24 §322. Definitions

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

27 \* \* \*

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

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

3 \* \* \*

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

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

12 \* \* \*

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

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

26 \* \* \*

27 §323. Discrimination

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

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

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

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

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

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

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

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

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

5                                   \*       \*       \*

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

8                                   \*       \*       \*

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

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

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

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



1           §324. Defenses

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

8   \*           \*           \*

9           §1017.1. Definitions

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

12   \*           \*           \*

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

15   \*           \*           \*

16           §1226. Rehabilitation of injured employees

17   \*           \*           \*

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

22   \*           \*           \*

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

25   \*           \*           \*

26           §1371.1. Definitions

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

29   \*           \*           \*

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

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

17 \* \* \*

18                    §1378. Determination of liability of fund

19 \* \* \*

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

27 \* \* \*

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

4 \* \*

(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.

8 \* \*

9 §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 \* \* \*

$$13 \quad (12)$$

14 \* \* \*

15 F. The term "employment" shall include:

16 \* \* \*

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.

23 \* \* \*

## 24 §1823. Definitions

25 For the purposes of this Chapter:

26 \* \* \*

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

28 \* \* \*

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

4                               \*           \*           \*

5           §1829. Special conditions

6                               \*           \*           \*

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

14                              \*           \*           \*

15          §2061. Definitions

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

18                              \*           \*           \*

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

25                              \*           \*           \*

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

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

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

4 \* \* \*

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

6 §33. Administration of program; specific purposes

7 \* \* \*

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

11 \* \* \*

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

16 \* \* \*

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

26 §2. Definitions

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

29 \* \* \*

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

\* \* \*

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

\* \* \*

#### §22.5. Community mental health centers

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

\* \* \*

#### §22.7. Geriatric hospitals and units

A. The department may establish and administer geriatric hospitals or units to receive and care for persons who are elderly and or infirm ~~persons~~ who have been discharged by a hospital for ~~the mentally ill~~ persons with mental illness and for other ~~elderly and infirm~~ persons who are elderly or infirm and in need of nursing and medical care. Such hospitals or units may be established on sites designated by the department, provided that no such geriatric hospital or unit may be established on

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

\* \* \*

§22.9. Rosenblum Mental Health Center

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

§22.10. New Orleans Adolescent Hospital

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

(1) Are suffering from substance abuse.

(2) Are emotionally disturbed.

(3) Have a mental illness.

(4) Have a developmental disability.

\* \* \*

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

\* \* \*

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

\* \* \*

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

3 \* \* \*

4 §50. Declaration of policy

5 The underlying policy of this Chapter is as follows:

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

8 \* \* \*

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

11 \* \* \*

12 §52. Voluntary admissions; general provisions

13 \* \* \*

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

17 \* \* \*

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

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

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

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

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

29 \* \* \*



## §55. Judicial hearings

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27                  ~~(7) (2)~~ 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.

(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.

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.

(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.

\* \* \*

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

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

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

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

11                                 \*           \*           \*

12          §148. Expenses of deportation

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

16                                 \*           \*           \*

17          §172. Deposit of patients' funds; disbursement

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

26                                 \*           \*           \*

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

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

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

§201. Transfer of administration

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

§202. Lease of land, buildings, equipment

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

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

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

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

3        §204. Contracts

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

20       §205. Allocation of funds

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

28                                \*           \*           \*

1           §215.5. Coroner's Strategic Initiative for a Health Information and Intervention

2                   Program; advisory board

3                               \*           \*           \*

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

5                               \*           \*           \*

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

8                               \*           \*           \*

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

11           §475. Short title

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

14           §476. Declaration of policy

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

## 1           §477. Definitions

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

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

9   \*           \*           \*

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

13   \*           \*           \*

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

## 19           §478. Promotion of community based homes

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

25   \*           \*           \*

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

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



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

\* \* \*

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

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

\* \* \*

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

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

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

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

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

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

\* \* \*

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

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

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

\* \* \*

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

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

\* \* \*

§854. Authority; functions, powers, and duties

A. The authority 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. The agreement between the authority and the secretary shall provide for the gradual

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

3 \* \* \*

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

5 A. The district shall:

6 \* \* \*

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

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

15 \* \* \*

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

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

19 \* \* \*

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

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

28 \* \* \*

§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.

\* \* \*

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

3                                   \*           \*           \*

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

6                                   \*           \*           \*

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

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

17                                   \*           \*           \*

18          (20)(a)

19                                   \*           \*           \*

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

26                                   \*           \*           \*

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

\* \* \*

\* \* \*

\* \* \*

\* \* \*

\* \* \*

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

4           §295.1. Safety belt use; tags indicating exemption

5   \*           \*           \*

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

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

18   \*           \*           \*

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

24   \*           \*           \*

25           §351. Horns and warning devices

26           A.

27   \*           \*           \*

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

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

6 \* \* \*

7 §401. Definitions

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

10 \* \* \*

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

22 \* \* \*

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

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



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

\* \* \*

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

\* \* \*

C.

\* \* \*

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

\* \* \*

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

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

3   \*           \*           \*

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

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

6 \* \* \*

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

9 \* \* \*

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

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

23 (a) Persons with mental illness.

24 (b) Persons with intellectual disabilities.

25 (c) Persons with developmental disabilities.

26 (d) Persons with addictive disorders.

27 (2) Public health services.

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

29 \* \* \*

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

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

4 \* \* \*

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

6 \* \* \*

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

9 \* \* \*

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

13 \* \* \*

14 B. The secretary shall have authority to:

15 \* \* \*

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

21 \* \* \*

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

28 \* \* \*

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

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

10 \* \* \*

11 §961. Definitions

12 As used in this Part:

13 \* \* \*

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

28 \* \* \*

1           §1360.64. Privileged communications

2   \*           \*           \*

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

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

7   \*           \*           \*

8           §2363. Privileged communications

9   \*           \*           \*

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

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

14   \*           \*           \*

15           §3003. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

\* \* \*

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

\* \* \*

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

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

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

\* \* \*

1 (4) ~~"Severely handicapped individuals"~~ "Individuals with severe disabilities"

2 means individuals with a physical, mental, or substance abuse disability which  
3 constitutes a substantial obstacle to their employment and is of such a nature as to  
4 prevent an individual from engaging in normal competitive employment.

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

10 \* \* \*

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

14 Section 21. R.S. 39:302, 362(B)(3)(a)(iii) and (4)(a) and (F),  
15 1484(B)(1)(introductory paragraph) and (h), (2)(c), and (5)(introductory paragraph) and (a),  
16 1494.1(A)(3), 1554(D)(3), 1594(I)(1), 1595.4(A) and (E)(2), (3)(introductory paragraph) and  
17 (a), (4), (5), and (7), and 1952(14)(introductory paragraph) and (e) are hereby amended and  
18 reenacted to read as follows:

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

20 To the extent possible, and except as constrained by its appropriation for  
21 technology purchases, a state agency shall take reasonable steps relative to  
22 procurement to ensure that state employees ~~who are disabled~~ with disabilities have  
23 access to data processing equipment, related services, and software that has been  
24 adapted in a manner to enable such technology to be used by such ~~disabled~~ state  
25 employees to the extent necessary to perform job-related duties.

26 \* \* \*

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

28 \* \* \*

29 B. Every rule and regulation prescribed for fleet vehicles shall be consistent  
30 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. Personal assignment of fleet vehicles is not permitted without specific approval from the commissioner of administration. Criteria which merit request for personal assignment include:

\* \* \*

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

\* \* \*

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

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

3 \* \* \*

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

14 \* \* \*

15 §1484. Definitions and objectives

16 \* \* \*

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

21 \* \* \*

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

24 \* \* \*

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

29 \* \* \*



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

4 \* \* \*

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

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

16 \* \* \*

17 §1494.1. Social service contracts

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

23 \* \* \*

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

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

3 \* \* \*

4 §1554. Application of this Chapter

5 \* \* \*

6 D.

7 \* \* \*

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

13 \* \* \*

14 §1594. Competitive sealed bidding

15 \* \* \*

16 I. Exemption.

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

25 \* \* \*

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

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

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

3 \* \* \*

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

6 \* \* \*

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

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

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

18 \* \* \*

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

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

28 \* \* \*

(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),

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

7 §5. General powers and jurisdiction

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

10 \* \* \*

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

16 \* \* \*

17 §384. Definitions

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

21 \* \* \*

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

30 \* \* \*

1           §442. Community facilities

2                   A local housing authority may:

3                                   \*           \*           \*

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

13                                   \*           \*           \*

14           §501. Selection and preferences

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

22                                   \*           \*           \*

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

29                                   \*           \*           \*

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

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

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

18 \* \* \*

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

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

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

\* \* \*

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

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

\* \* \*

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

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

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

\* \* \*

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



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

\* \* \*

### §1299.78.5. Provisions

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

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

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

\* \* \*

§1299.113. Program for combating spinal cord disabilities; establishment

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

\* \* \*

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

\* \* \*

#### §1299.114. Program functions and responsibilities

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

\* \* \*

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

\* \* \*

## 1           §1299.118. Purpose

2                   The legislature hereby finds and declares that:

3                                   \*           \*           \*

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

11                                   \*           \*           \*

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

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

23                                   \*           \*           \*

## 24          §1300.85. Services

25                                   \*           \*           \*

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

29                                   \*           \*           \*

§1300.361. Legislative intent

\* \* \*

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

\* \* \*

§1355. Powers and duties

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

\* \* \*

§1400. ~~Handicapped~~ Accessible parking enforcement

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

\* \* \*

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

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

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

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

\* \* \*

§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.

\* \* \*

## 1        §1485.2. Definitions

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

4                                \*           \*           \*

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

8                                \*           \*           \*

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

12                                \*           \*           \*

13        C.

14                                \*           \*           \*

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

25                                \*           \*           \*

## 26        §1573.1. Historic buildings renovation initiative

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

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

3 \* \* \*

4 §1574.1. Costs of handling plans

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

9 \* \* \*

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

12 \* \* \*

13 §1730.39. Powers of state fire marshal

14 \* \* \*

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

19 \* \* \*

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

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

24 \* \* \*

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

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

30 \* \* \*

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

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

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

\* \* \*

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



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

4               (2)

5                               \*       \*       \*

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

19                               \*       \*       \*

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

25                               \*       \*       \*

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

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

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

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

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

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

\* \* \*

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

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

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

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

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

25 \* \* \*

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

28 §1748. Access to government services

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

1 equal access to such services by persons ~~who are physically handicapped with~~  
2 physical disabilities. A consumer of such government services who ~~is visibly~~  
3 ~~handicapped~~ has a visible disability, and the person who is providing assistance to  
4 him in securing such services, shall be entitled to priority treatment when such  
5 services involve waiting periods.

6 \* \* \*

7 §2009.21. Mandatory screening of ~~mentally ill or mentally retarded~~ nursing home  
8 medicaid patients with mental illness or developmental disabilities;  
9 implementation, review

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

18 B. The Department of Health and Hospitals shall establish rules and  
19 regulations to implement the mandatory preadmission and ~~annual~~ resident review  
20 requirements for nursing care (other than ICF-DD) provided under Title XIX of the  
21 Social Security Act. Such rules and regulations shall require that the department  
22 must make a determination of eligibility with regard to the first level of screening  
23 within two working days after a request is submitted to the department. If the  
24 department determines that a second level of screening is required to ascertain the  
25 mental condition of the applicant, the second level of screening shall be conducted  
26 and completed within eight working days after the completion of the first level of  
27 screening, and the applicant shall be notified of the agency's determination on the  
28 date the screening is completed. If the department fails to comply with the time  
29 limits provided for in this Subsection, the applicant shall be deemed eligible under  
30 Title XIX for placement in a nursing facility without further delay.

1 C. The Department of Health and Hospitals, office of behavioral health, of  
2 ~~mental retardation, and of prevention of and recovery from alcohol and drug abuse~~  
3 shall be the ~~State Mental Health~~ state mental health authority and ~~State Mental~~  
4 ~~Retardation Authority~~ state developmental disability authority as provided for in the  
5 Social Security Act.

6 \* \* \*

7 §2009.25. Emergency preparedness plans for nursing homes; applicable parishes;  
8 requirements; Nursing Home Emergency Preparedness Review Committee;  
9 rules and regulations; application

10 \* \* \*

11 F. There is hereby created in the Department of Health and Hospitals the  
12 Nursing Home Emergency Preparedness Review Committee, hereinafter referred to  
13 in this Section as the "committee." The committee, which shall convene at least  
14 annually, shall be charged with reviewing the findings of the emergency  
15 preparedness plan submitted to the department under this Section, identifying risks  
16 and threats, identifying manpower issues for loading, transporting and unloading  
17 residents, and developing recommendations for emergency preparedness plans to  
18 promote the health, safety, and welfare of nursing home residents. The committee  
19 shall be comprised of the following members:

20 \* \* \*

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

23 \* \* \*

24 §2010.8. Residents' bill of rights

25 A. All nursing homes shall adopt and make public a statement of the rights  
26 and responsibilities of the residents residing therein and shall treat such residents in

1 accordance with the provisions of the statement. The statement shall assure each  
2 resident the following:

3 \* \* \*

4 (2)

5 \* \* \*

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

7 \* \* \*

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

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

12 \* \* \*

13 §2013. Department of Health and Hospitals as mental health and ~~mental retardation~~  
14 developmental disabilities authority

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

17 \* \* \*

18 (6) To administer any and all federal grants in aid funds awarded to the state  
19 of Louisiana and any state funds that may be appropriated or made available by the  
20 legislature for the establishment and conduct of an approved mental health and  
21 ~~mental retardation~~ developmental disabilities program in the state of Louisiana as  
22 contemplated by the provisions of the foregoing federal laws or the provisions of any  
23 state law relating to the subjects of this Section.

24 \* \* \*

25 §2013.2. Appointment of chaplains; compensation

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

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

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

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

11         §2013.3. Superintendent to furnish report on patient's condition

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

20                                 \*           \*           \*

21         §2017. Care of sick persons who are indigent or destitute ~~sick persons~~; maintenance

22                 A. The department may, in addition to the powers conferred on it by this  
23                 Chapter and in accordance with the provisions of this Chapter, exercise the following  
24                 functions:

25                         (1) Provide for the care and treatment, in privately owned hospitals and other  
26                         institutions, of sick persons who are indigent or destitute ~~sick persons~~, including  
27                         ~~mentally ill and~~ persons with mental illness or who are mentally deficient ~~persons~~.

1           (2) Furnish ~~the~~ to persons who are indigent or destitute proper dental,  
2           medical, surgical and other treatment, including their transportation to the point of  
3           treatment and return.

4                               \*           \*           \*

5           (4) Employ such physicians, interns and other employees as may, in its  
6           opinion, be necessary for the proper care and treatment of ~~the persons who are~~  
7           indigent ~~and~~ or destitute under this Chapter.

8                               \*           \*           \*

9           §2102. Definitions

10           As used in this Part:

11           A. "Hospital" means any institution, place, building, or agency, public or  
12           private, whether for profit or not, with facilities for the diagnosis, treatment, or care  
13           of persons who are suffering from illness, injury, infirmity, or deformity or other  
14           physical condition for which obstetrical, medical, or surgical services would be  
15           available and appropriate and which operates or is affiliated with facilities for the  
16           overnight care, observation, or recovery of those persons. The term "hospital" does  
17           not include the following:

18                               \*           \*           \*

19           (3) Persons, schools, institutions, ~~or~~ organizations engaged in the care and  
20           treatment of ~~mentally-retarded~~ children with intellectual disabilities and which are  
21           required to be licensed by the provisions of ~~R.S. 28:562 through R.S. 28:566~~ the  
22           Developmental Disability Law (R.S. 28:451.1 et seq.).

23                               \*           \*           \*

24           §2113.5. Services to ~~elderly~~ persons who are elderly and persons with disabilities

25           Any general hospital licensed under this Part, which is owned or operated,  
26           or both, by a hospital service district, or which benefits from being financed by the  
27           sale of bonds from the state or guaranteed by the state that are exempt from taxation  
28           as provided by Louisiana law, or which receives any other type of financial  
29           assistance from the state, is directed to give, when possible, priority to the treatment  
30           of ~~elderly, physically handicapped, or mentally handicapped~~ persons who are elderly



1 and persons with physical or mental disabilities in the delivery of nonemergency  
 2 health care services.

3 \* \* \*

4 §2116. Facility need review

5 \* \* \*

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

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

14 \* \* \*

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

22 \* \* \*

23 §2142. Geriatric hospitals and units

24 A. The department may establish and administer geriatric hospitals or units  
 25 to receive and care for persons who are elderly ~~and or infirm persons~~ who have been  
 26 discharged by a hospital for ~~the mentally ill~~ persons with mental illness and for other  
 27 persons who are elderly ~~and or infirm persons~~ who are in need of nursing and  
 28 medical care. Such hospitals or units may be established on sites designated by the  
 29 department in quarters constructed or designated by the department, provided that  
 30 no such geriatric hospital or unit may be established on any site located more than

1 five air miles from the administrative office of East Louisiana State Hospital or more  
2 than one air mile from the administrative office of Central Louisiana State Hospital.

3 \* \* \*

4 §2405.5. Training for law enforcement interaction with ~~mentally ill~~ persons with  
5 mental illness and ~~developmentally disabled~~ persons with developmental  
6 disabilities

7 A. The Council on Peace Officer Standards and Training, hereinafter  
8 referred to as the "council", shall develop a training course on law enforcement  
9 interaction with ~~mentally ill~~ persons with mental illness and ~~developmentally~~  
10 ~~disabled~~ persons with developmental disabilities. The council shall establish and  
11 develop curriculum requirements for the course in consultation with the appropriate  
12 community, local, and state organizations that are specialized in the area of working  
13 with persons who are mentally ill or developmentally disabled, as well as with any  
14 mental health advocacy groups who have expertise in the area of mental health and  
15 disability.

16 B.(1) The course shall consist of classroom instruction, which can include  
17 Internet instruction, and it shall include simulation of actual law enforcement  
18 scenarios involving ~~the mentally ill~~ persons with mental illness and ~~developmentally~~  
19 ~~disabled~~ persons with developmental disabilities to the maximum extent possible.

20 (2) In addition, the training course shall include, at a minimum, core  
21 instruction in all of the following:

22 \* \* \*

23 (c) Conflict resolution and de-escalation techniques for potentially dangerous  
24 situations involving ~~mentally ill~~ persons with mental illness or ~~developmentally~~  
25 ~~disabled~~ persons with developmental disabilities.

26 (d) Appropriate language usage when interacting with ~~mentally ill~~ persons  
27 with mental illness or ~~developmentally disabled~~ persons with developmental  
28 disabilities.

1 (e) Alternatives to lethal force when interacting with potentially dangerous  
2 ~~mentally ill~~ persons with mental illness or ~~developmentally disabled~~ persons with  
3 developmental disabilities.

4 (f) Community and state resources available to serve ~~mentally ill~~ persons  
5 with mental illness or ~~developmentally disabled~~ persons with developmental  
6 disabilities and how these resources can best be utilized by law enforcement to  
7 benefit and safely serve the mentally ill or developmentally disabled community.

8 \* \* \*

9 §2471. Statement of purpose

10 A. The legislature hereby declares that one of the most serious issues facing  
11 the present health care system today is the absence of a high quality home health care  
12 service delivery system as an alternative approach to traditional institutional  
13 placement. Furthermore, extensive legislative study has revealed that home care is  
14 increasingly being recognized as the preferred method in the delivery of service to  
15 ~~the persons who are chronically ill or disabled~~ and persons with disabilities because  
16 it: (1) allows such persons to receive needed treatment and care at home while  
17 enabling them to continue to maintain the family and community ties which are so  
18 important; and (2) provides less costly long term care services that are by far more  
19 satisfying and effective than institutional placement.

20 B. ~~Recent federal~~ Federal developments under Public Law 97-35, "The  
21 Omnibus Budget Reconciliation Act of 1981," have given states more latitude and  
22 authority to cover a broad range of in-home and community support services under  
23 Medicaid. The legislature recognizes the need for deinstitutionalization of ~~the~~  
24 persons who are chronically ill and ~~disabled~~ persons with disabilities, and intends  
25 that the state should not only participate in such programs but also establish a broad  
26 range of coordinated noninstitutional care. Therefore, it is the purpose of this  
27 Chapter to provide for a comprehensive and fully coordinated approach to long term  
28 home health care. The legislature further recognizes that persons other than those  
29 eligible for Medicaid are also in need of a broad array of health and social services.  
30 The legislature therefore states its intent to expand the long term home health care

1 program in terms of eligibility requirements and the range of services provided for  
2 recipients. For this purpose, the Oversight Subcommittee of the Joint Committee on  
3 Health and Welfare shall periodically review the program.

4 Section 23. R.S. 42:808(E) is hereby amended and reenacted to read as follows:

5 §808. Eligibility in group programs

6 \* \* \*

7 E. Notwithstanding any provision of law to the contrary, any  
8 ~~developmentally disabled~~ person with a developmental disability who ~~became~~  
9 ~~disabled~~ acquired such disability prior to attaining the age of twenty-one, with one  
10 parent whose coverage of such person was terminated as a result of lost employment  
11 of the parent and one parent who is an employee, as defined in Paragraphs (A)(1) and  
12 ~~(A)(3)~~ of this Section, participating in life, health, or other programs sponsored by  
13 the Office of Group Benefits, shall be covered as a dependent of such parent  
14 participating in life, health, or other programs sponsored by the Office of Group  
15 Benefits, regardless of the age of the ~~developmentally disabled~~ person with a  
16 developmental disability.

17 Section 24. R.S. 46:51(8) and (13), 53(B), 56(B)(2) and (H)(1), 61(A)(3), the  
18 heading of Subpart A of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of  
19 1950, 151, 156(A) and (C), 230.1(A), 231.6(B), 437.14(A)(7), the heading of Part III of  
20 Chapter 4 of Title 46 of the Louisiana Revised Statutes of 1950, 541, 932(9) and (10),  
21 1053(E), 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), (1),  
22 and (3), 1953(A), (B)(introductory paragraph), (C), and (D), 1954, 1955, 1956(A), 1957,  
23 1959, the heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of 1950, the  
24 heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the Louisiana Revised  
25 Statutes of 1950, 2251, 2252(B), 2253(1), (2), (4), and (5), 2254(A), (F)(1), (2), (4), and (5),  
26 (G)(introductory paragraph), (I), and (J), 2255, 2256(A) and (B), 2582(1), (2), (4), and (6),  
27 2584(introductory paragraph), (4), and (5), and 2673(C)(5) are hereby amended and  
28 reenacted to read as follows:

1           §51. Duties of the department

2                   The Department of Children and Family Services, through its secretary, shall  
3 administer the public assistance and welfare laws of the state, as follows:

4                                   \*           \*           \*

5                   (8) Administer and supervise all public child welfare activities relating to  
6 children who are dependent, neglected, delinquent, or ~~physically or mentally~~  
7 ~~handicapped~~ have physical, intellectual, or mental disabilities; establish, extend, and  
8 strengthen services for such children in parish or regional offices; license and  
9 supervise all parish, municipal, and private agencies, institutions, and individuals,  
10 caring for children, including visitorial powers, under the rules and regulations of the  
11 department; contract with private individuals to hold their homes open for and to  
12 care for children in need of temporary or long time foster care and provide such other  
13 services for children as may be authorized by law.

14                                   \*           \*           \*

15                   (13) Administer or supervise all state institutions and agencies providing  
16 services or care for persons who are dependent, delinquent, or ~~physically or mentally~~  
17 ~~handicapped or retarded~~ have physical, intellectual, or mental disabilities, where the  
18 administrative or supervisory authority is specifically transferred to the department  
19 in accordance with law.

20                                   \*           \*           \*

21           §53. Transfer of appropriations to department by other state agencies, public or  
22 private entities, including any health care provider; procedure; purpose;  
23 expenditures

24                                   \*           \*           \*

25                   B.(1) The funds collected or collectible during each fiscal year by the  
26 department under the authority of this Section from a state agency and the United  
27 States of America shall be deposited in a special account in the state treasury to the  
28 credit of the state agency that transferred a portion of its appropriation to the  
29 department for the purpose of seeking matching funds from the United States of

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~~ for children with disabilities, nutrition, immunization, and other medical and public health services records pertaining to children or adults and where such records are

1 in the custody of parish health units, and regional and central offices of the office of  
2 public health of the Department of Health and Hospitals.

3 \* \* \*

4 H.(1) Information pertaining to foster care of children, reports and  
5 investigations on abuse or neglect of children, and records of other child welfare  
6 services administered by the department, including but not limited to ~~handicapped~~  
7 ~~children's services~~ children's special health services, nutrition, immunization, and  
8 other medical and public health services records pertaining to children and where  
9 such records are in the custody of parish health units or regional and central offices  
10 of the office of public health of the Department of Health and Hospitals, shall not be  
11 subject to discovery or subpoena in any civil suit in which the department is not a  
12 party.

13 \* \* \*

14 §61. Elderly abuse; release of information

15 A.

16 \* \* \*

17 (3) For purposes of this Section, "elderly abuse" shall mean abuse of any  
18 person sixty years of age or older and shall include the abuse of any ~~infirm~~ person  
19 with an infirmity residing in a state licensed facility.

20 \* \* \*

## 21 CHAPTER 3. PUBLIC ASSISTANCE

### 22 PART I. ADULT SERVICES

#### 23 SUBPART A. ~~ELDERLY, BLIND AND DISABLED~~ PERSONS WHO ARE 24 ELDERLY, BLIND, OR HAVE DISABILITIES

25 §151. System of adult services

26 A. The Department of Health and Hospitals shall provide a system of adult  
27 services for ~~the persons who are~~ elderly, blind, and disabled or have disabilities  
28 pursuant to Title VI of the Social Security Act of 1935 as amended.

B. The provisions of this Section shall become effective when the necessary funds are made available to the department.

\* \* \*

§156. Supplementary assistance to persons who are aged, blind, or have disabilities  
and disabled persons

A. Any person who is aged, blind, or has a disability ~~and disabled person,~~ within the meaning of Subchapter XVI of Chapter Seven of the Social Security Act, as amended, who, for the month of December, 1973, was a recipient of old age assistance, disability assistance, or aid to the needy blind, and is a recipient of supplemental security income under Subchapter XVI of Chapter Seven of the Social Security Act, as amended, shall be entitled to receive a monthly supplementary payment in the amount described in Subsection B below, such payment to terminate the month in which such individual dies or the first month such individual ceases to be eligible for supplemental security income under Subchapter XVI of Chapter Seven of the Social Security Act, as amended.

\* \* \*

C. Any person who is aged, blind, or ~~disabled~~ person has a disability and who was receiving old age assistance, aid to the needy blind or disability assistance under the state plan in effect on December 31, 1973, who ceased to be eligible for such assistance on January 1, 1974, solely because of the enactment of Public Law 92-603, Public Law 93-66, or by other federal legislation pertaining to such public laws, shall be entitled to receive financial assistance under the conditions and in an amount no less than that set forth in the state plan in effect December 31, 1973.

\* \* \*

## §230.1. Legislative intent

A. It is the intent of the legislature that families in Louisiana be strong and economically self-reliant so as to minimize their dependence on government benefits for basic needs. To accomplish this goal, it is the intent of this Part that the Department of Children and Family Services ensures that all cash assistance recipients, with the exception of the disabled persons with disabilities or who are



1       incapacitated, are actively and universally engaged in meaningful activities designed  
2       to enable their transition from cash assistance to self-reliance. It is the further intent  
3       that cash assistance participants demonstrate and are expected to exercise active and  
4       diligent personal responsibility in achieving self-reliance through employment and  
5       increased workplace literacy. All appropriate state agencies responsible for  
6       employment, training, and educating Louisiana's citizens are expected to cooperate  
7       in the pursuit of this goal.

8                               \*       \*       \*

9       §231.6. Termination of eligibility; twenty-four-month limit; refusal of employment

10                              \*       \*       \*

11               B. The provisions of this Section shall not apply to an individual who is  
12       incapacitated or ~~disabled individual~~ has a disability as documented or to such an  
13       individual in the recipient's household.

14                              \*       \*       \*

15       §437.14. Grounds for denial or revocation of enrollment

16               A. The department may deny or revoke enrollment in the medical assistance  
17       programs to a health care provider if any of the following are found to be applicable  
18       to the health care provider, his agent, a managing employee, or any person having  
19       an ownership interest equal to five percent or greater in the health care provider:

20                              \*       \*       \*

21               (7) Conviction under federal or state law of a criminal offense punishable by  
22       imprisonment of a year or more which involves moral turpitude, or acts against ~~the~~  
23       persons who are elderly, children, or infirmed persons with infirmities.

24                              \*       \*       \*

25       PART III. DESTITUTE ~~CRIPPLED~~ PERSONS OVER FIFTY WITH DISABILITIES

26       §541. Destitute ~~crippled~~ persons over fifty with disabilities

27               Parish governing authorities may provide annually in their budget for  
28       residents of their respective parishes, who are over fifty years of age, who ~~are~~  
29       ~~deformed or crippled~~ have had a physical disability from birth, who have never been

1 convicted of any offense in the courts of this state, and who are in destitute and  
2 necessitous circumstances.

3 \* \* \*

4 §932. Powers and duties

5 The office shall have the following powers and duties:

6 \* \* \*

7 (9) To exercise the functions of the state relative to nutrition programs for  
8 the ~~elderly and handicapped~~ citizens of Louisiana who are elderly or have  
9 disabilities.

10 (10) To perform the functions of the state which are designed to meet the  
11 social and community needs of Louisiana residents sixty years of age or older,  
12 including but not limited to the provision of such comprehensive social programs as  
13 homemaker services, home repair and maintenance services, employment and  
14 training services, recreational and transportation services, counseling, information  
15 and referral services, protective services under R.S. 15:1501 et seq., and  
16 health-related outreach; but excluding the transportation program for the ~~elderly and~~  
17 ~~the handicapped program~~ persons who are elderly or have disabilities administered  
18 by the Department of Transportation and Development under Section 16(b)(2) of the  
19 Federal Urban Mass Transportation Act of 1964 as amended and other such  
20 programs and services assigned to departments of state government as provided in  
21 Title 36 of the Louisiana Revised Statutes of 1950.

22 \* \* \*

23 §1053. Commission; qualification of members; appointment; vacancies;  
24 compensation; removal of commissioners; certain powers

25 \* \* \*

26 E. In the Parish of Ouachita, the Ouachita Parish Hospital Service District  
27 within which is situated the G. B. Cooley Hospital ~~for Retarded Children~~, shall be  
28 governed by a board composed of seven members. One of the first additional

commissioners so appointed shall serve for two years, and one for four years;  
thereafter, their terms shall be as provided in Subsection C of this Section.

\* \* \*

§1407. Rules, regulations, and standards for licenses

\* \* \*

B.(1) The regulations developed by the department, at a minimum, shall  
accomplish all of the following:

\* \* \*

(e) Prohibit discrimination by early childhood learning centers and  
specialized providers on the basis of race, color, creed, sex, national origin, ~~handicap~~  
disability, ancestry, or whether the child is being breastfed. However, nothing in this  
Subparagraph shall be construed to affect, limit, or otherwise restrict any of the  
following:

\* \* \*

§1951. Statement of policy

It is the policy of this state to encourage and enable a ~~physically disabled~~  
person with a physical disability to participate fully in the social and economic life  
of the state and to engage in remunerative employment. In addition, it is the policy  
of this state that a ~~physically disabled~~ person with a physical disability shall be  
employed by the state, political subdivisions of the state, public schools, and all other  
employment supported in whole or in part by public funds on the same terms and  
conditions as an able-bodied person, unless it is shown that the particular disability  
prevents the performance of the work involved.

§1952. Definitions

As used in this Chapter,:

(1) "Assistance dog" means a dog who has been trained or is being trained  
to aid a particular ~~physically disabled~~ person with a physical disability.

\* \* \*

(3) ~~"Physically disabled person"~~ "Person with a physical disability" means  
a person who is blind, visually ~~handicapped~~ impaired, deaf, hearing impaired, or  
~~otherwise physically disabled~~ has any other physical disability.

4           §1953. Use of public facilities; equal accommodations; assistance dogs

5           A. Every ~~physically disabled~~ person with a physical disability shall have the  
6           same right as ~~an~~ a person who is able-bodied ~~person~~ to the full and free use of the  
7           streets, highways, sidewalks, walkways, public buildings, public facilities, and other  
8           public places.

9                   B. Every ~~physically disabled~~ person with a physical disability shall be  
10                   entitled to full and equal accommodations, advantages, facilities, and privileges in  
11                   the following, subject only to the conditions and limitations established by law and  
12                   applicable alike to all persons:

13 \* \* \*

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.

26 §1954. Housing accommodations; full and equal access; degree of care; assistance  
27 dogs

28 A. Every ~~disabled~~ person with a disability shall be entitled to full and equal  
29 access, as other members of the general public, to all housing accommodations

1 offered for rent, lease, or compensation in this state, subject to the conditions and  
2 limitations established by law and applicable alike to all persons.

3 B. Nothing in this Section shall require any person renting, leasing, or  
4 providing for compensation real property to modify his property in any way or to  
5 provide a higher degree of care for a ~~physically disabled~~ person with a physical  
6 disability than for a person who is ~~not physically disabled~~ does not have a physical  
7 disability.

8 C. Each ~~physically disabled~~ person with a physical disability who has an  
9 assistance dog, especially trained to aid such person or who obtains such a dog, shall  
10 be entitled to full and equal access to all housing accommodations as defined in R.S.  
11 46:1952(2), and he shall not be required to pay extra compensation for such dog but  
12 shall be liable for any damage done to the premises or any person on the premises  
13 by such dog.

14 §1955. Assistance dog trainers and puppy raisers; rights; liability

15 During the training of an assistance dog, any trainer or puppy raiser of such  
16 dog shall have the same rights and privileges as a ~~physically disabled~~ person with a  
17 physical disability to be accompanied by an assistance dog in any place or facility  
18 provided in this Chapter without being required to pay an extra charge for such dog.  
19 However, during the training of an assistance dog, he shall be liable for any damages  
20 done to any person, premises, or facility by the assistance dog.

21 §1956. Violation of rights; injury or interference with an assistance dog; penalties;  
22 civil action; damages; cost and attorney fees

23 A. Any person, firm, or corporation, or the agent, representative, or  
24 employee of any person, firm, or corporation who: withholds, denies, deprives, or  
25 attempts to withhold, deny, or deprive; intimidates, threatens, coerces, or attempts  
26 to threaten, intimidate, or coerce; punishes or attempts to punish a ~~physically~~  
27 ~~disabled~~ person with a physical disability or a trainer or puppy raiser of an assistance  
28 dog, during the training of such dog, or for exercising his right to be admitted to or  
29 enjoy the places and facilities provided in this Chapter; or otherwise interferes with  
30 the rights of a ~~physically disabled~~ person with a physical disability under this

Chapter shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.

\* \* \*

§1957. Precautions for operators of motor vehicles approaching ~~physically disabled~~ pedestrians with physical disabilities

A. Operators of motor vehicles approaching a ~~physically disabled~~ pedestrian with a physical disability who is carrying a cane predominantly white in color, with or without a red tip, or a ~~physically disabled~~ pedestrian with a physical disability using an assistance dog shall take all necessary precautions to avoid injury to such pedestrian.

B. Any such operator who fails to take all necessary precautions to avoid injury to a ~~physically disabled~~ pedestrian with a physical disability shall be liable in damages for any injury caused to the pedestrian and any injury caused to the pedestrian's assistance dog.

C. No operator of a motor vehicle shall drive into or upon any crosswalk while a ~~physically disabled~~ pedestrian with a physical disability is on the crosswalk or crossing or attempting to cross the crosswalk if such pedestrian indicates his intention to cross or to continue to cross the crosswalk. Failure by the pedestrian to signal his intention to cross the crossway shall not deprive him of the ~~right-of-way~~ right-of-way given to him by other applicable law or regulation.

\* \* \*

§1959. Scope of Chapter

Nothing in this Chapter shall be construed to amend, repeal, conflict with, or supersede any federal or state law, rule, or regulation or local ordinance mandating full and equal access in the use of public facilities or places, common carriers, public conveyances, or other modes of transportation, or housing accommodations for a ~~physically disabled~~ person with a physical disability.

\* \* \*

## 1 CHAPTER 29. TRANSPORTATION AID FOR

2 ~~THE ELDERLY AND HANDICAPPED~~3 PERSONS WHO ARE ELDERLY AND PERSONS WITH DISABILITIES

4 §2200. Transportation assistance for ~~the persons who are~~ elderly and ~~handicapped~~  
5 persons with disabilities

6 \* \* \*

7 §2201. ~~Elderly and handicapped persons~~ Persons who are elderly and persons with  
8 disabilities; capital acquisitions; definitions

9 As used in this Chapter, the terms "~~elderly and handicapped persons~~"  
10 "persons who are elderly", "persons with disabilities", and "capital acquisitions" shall  
11 be defined in accordance with the appropriate federal law and the regulations and  
12 definitions in effect thereunder.

13 \* \* \*

14 §2203. Coordination of services

15 Prior to awarding a grant to any agency, the Department of Transportation  
16 and Development shall require the applicant agency to assess and verify the local  
17 needs for the special transportation services. Each applicant agency shall also certify  
18 that local agencies are coordinating their service plans and that the awarding of the  
19 grant will not foster a duplication of services for ~~the persons who are~~ elderly and  
20 ~~handicapped~~ persons with disabilities.

21 \* \* \*

22 CHAPTER 30. CIVIL RIGHTS FOR ~~HANDICAPPED~~ PERSONS23 WITH DISABILITIES

24 §2251. Short title

25 This Chapter may be cited as the "Civil Rights Act for ~~Handicapped~~ Persons  
26 with Disabilities".

1           §2252. Purpose

2   \*       \*       \*

3                   B. The opportunity to obtain education, housing, and other real estate and  
4 full and equal utilization of public services and programs without discrimination on  
5 the basis of a ~~handicap~~ disability is a civil right.

6           §2253. Definitions

7                   For the purposes of this Chapter the following definitions shall apply:

8                   (1) "~~Handicapped person~~" "Person with a disability" means any person who  
9 has an impairment which substantially limits one or more life activities or (a) has a  
10 record of such an impairment or (b) is regarded as having such an impairment.

11                   (2) "Impairment" means ~~retardation~~ an intellectual disability; any physical  
12 or physiological disorder or condition, or prior mental disorder or condition, but does  
13 not include chronic alcoholism or any other form of active drug addiction; any  
14 cosmetic disfigurement; or an anatomical loss of body systems.

15   \*       \*       \*

16                   (4) "Otherwise qualified ~~handicapped~~ person with a disability" means:

17                   (a) With respect to educational services, a ~~handicapped~~ person with a  
18 disability who meets the academic and technical standards requisite to admission or  
19 participation in educational and extracurricular activities and programs.

20                   (b) With respect to other services, a ~~handicapped~~ person with a disability  
21 who meets the essential eligibility requirements for the receipt of such services.

22                   (5) "Person" includes an individual, agent, association, corporation, joint  
23 stock company, labor union, legal representative, mutual company, partnership,  
24 receiver, trust, trustee in bankruptcy, unincorporated organization, the state, or any  
25 other legal or commercial entity or state, local or political governmental entity or  
26 agency; except that, the persons presently in compliance with federal statutes  
27 regarding discrimination of ~~the handicapped and persons who are elderly and persons~~  
28 with disabilities are excluded.

29   \*       \*       \*



§2254. Nondiscrimination policy in educational facilities, real estate transactions,  
and state-funded programs

A. No otherwise qualified person shall, on the basis of a ~~handicap~~ disability, be subjected to discrimination by any educational facility, in any real estate transaction, or be excluded from participating in, or denied the benefits of, any program or activity which receives financial assistance from the state or any of its political subdivisions.

F. In accordance with ~~R.S. 46:2254(A)~~ Subsection A of this Section an educational institution shall not:

(1) Discriminate in any manner in the full utilization of the institution, or the services provided and rendered thereby to an otherwise qualified individual because of a ~~handicap~~ disability that is unrelated to the individual's ability to utilize and benefit from the institution or its services, or because of the use of adaptive devices or aids.

(2) Exclude, expel, limit, or otherwise discriminate against an otherwise qualified individual seeking admission as a student or an individual enrolled as a student at the institution on the basis of a ~~handicap~~ disability that is unrelated to the individual's academic ability or ability to utilize and benefit from the institution, or because of the use of adaptive devices or aids.

\* \* \*

(4) Print, publish, or cause to be printed or published a catalog or other notice or advertisement indicating a preference, limitation, specification, or discrimination based on the ~~handicap~~ disability of an otherwise qualified applicant that is unrelated to the applicant's academic ability or ability to utilize and benefit from the institution or its services, or the use of adaptive devices or aids by an otherwise qualified applicant for admission.

(5) Announce or follow a policy of denial or limitation of educational opportunities to a group or its members because of a ~~handicap~~ disability that is 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.

\* \* \*

G. An owner or any other person engaging in a real estate transaction, such as a real estate broker or salesman, shall not, in accordance with ~~R.S. 46:2254(A)~~ Subsection A of this Section on the basis of a ~~handicap~~ disability that is unrelated to an otherwise qualified individual's ability to acquire, rent, or maintain property:

\* \* \*

I.(1) A person to whom application is made for financial assistance or financing in connection with a real estate transaction or for the construction, rehabilitation, repair, maintenance, or improvement of ~~real~~ immovable property, or a representative of such a person shall not discriminate against the otherwise qualified applicant on the basis of a ~~handicap~~ disability that is unrelated to the individual's ability to acquire, rent, or maintain property or use a form of application for financial assistance or financing or make or keep a record of inquiry for reasons contrary to the provisions or purposes of this Chapter in connection with applications for financial assistance or financing which indicates, directly or indirectly, a limitation, specification, or discrimination based on ~~handicap~~ disability that is unrelated to the individual's ability to acquire, rent, or maintain property.

(2) Nothing in this Subsection shall be construed to prohibit an owner, lender, or his agency from requiring that an applicant who seeks to buy, rent, lease, or obtain financial assistance or housing accommodations supply information concerning the applicant's financial, business, or employment status or other information designed solely to determine the applicant's credit worthiness.

(3) Nothing in this Subsection shall require any person renting, leasing, or providing for compensation ~~real~~ immovable property to modify his property in any way or provide a higher degree of care for a ~~handicapped~~ person with a disability than for a person who ~~is not handicapped~~ does not have a disability.

1 J.(1) In accordance with ~~R.S. 46:2254(A)~~ Subsection A of this Section, any  
2 program or activity which receives financial assistance from the state or any of its  
3 political subdivisions shall not directly or through contractual, licensing, or other  
4 arrangements:

5 (a) Deny an otherwise qualified person on the basis of ~~handicap~~ disability  
6 the opportunity to participate in or benefit from the aid, benefit, or service.

7 (b) Provide an otherwise qualified person with an aid, benefit, or service that  
8 is not as effective as, or equal to, that provided to others because of their ~~handicap~~  
9 disability.

10 (c) Provide different or separate aid benefits, or services to otherwise  
11 qualified persons because of ~~handicap~~ disability, unless such action is necessary to  
12 provide qualified ~~handicapped~~ persons with disabilities with aid, benefits, or services  
13 that are as effective as those provided to others.

14 (2) A recipient of state financial assistance shall operate a program or  
15 activity in a facility which is accessible to and usable by ~~handicapped~~ persons with  
16 disabilities and shall comply with ANSI specifications as defined in ~~R.S.~~  
17 ~~46:2253(20)~~ R.S. 46:2253(18) by January 1, 1982.

18 §2255. Construction

19 Nothing in this Act shall be construed to prohibit or alter any program,  
20 service, facility, school, or privilege which is afforded, oriented, or restricted to a  
21 person because of his ~~handicap~~ disability, from continuing to habilitate, rehabilitate,  
22 or accommodate that person.

23 §2256. Complaints; filing procedure; compensation

24 A. When any ~~handicapped~~ person with a disability believes that any person  
25 has engaged or is engaging in discriminatory practices, as defined in this Chapter,  
26 he shall have one year from the date of the alleged discriminatory act to file a  
27 complaint in the appropriate civil district court.

28 B. ~~Handicapped individuals~~ Persons with disabilities who have been subject  
29 to unlawful discrimination as defined in this Chapter shall have the right to any and  
30 all remedies available under the law if they prevail in a suit under this Chapter

1 including, but not limited to, compensatory damages, attorneys' fees, costs, and any  
2 other relief deemed appropriate. Any person who believes he has been discriminated  
3 against and intends to pursue court action must give the person who has allegedly  
4 discriminated written notice of this fact at least ~~30~~ thirty days before initiating court  
5 action, must detail the discrimination and both parties must make a good faith effort  
6 to resolve the dispute before court action.

7 \* \* \*

8 §2582. Powers and duties

9 The office of disability affairs shall have the following powers and duties:

10 (1) To collect facts and statistics and make special studies of conditions  
11 pertaining to the employment, health, financial status, recreation, social adjustment  
12 of ~~the disabled~~ persons with disabilities, or which otherwise affect the welfare of  
13 those persons ~~the disabled~~.

14 (2) To keep abreast of the latest developments concerning disabilities and ~~the~~  
15 ~~disabled~~ persons with disabilities throughout the nation and to interpret its findings  
16 to the public.

17 \* \* \*

18 (4) To make recommendations to the governor and to the legislature for  
19 needed improvements and additional resources to promote the welfare of ~~the~~  
20 ~~disabled~~ persons with disabilities in the state.

21 \* \* \*

22 (6) To coordinate the services of all state agencies serving ~~the disabled~~  
23 persons with disabilities and require reports from such state agencies and institutions.

24 \* \* \*

25 §2584. ~~Handicapped~~ Accessible parking privileges investigation committee

26 The office of disability affairs is hereby authorized to establish a committee  
27 comprised of membership as it deems appropriate for the purpose of consideration  
28 of matters relative to ~~handicapped~~ accessible parking privileges. Such committee  
29 may:

30 \* \* \*

(4) Submit evidence or materials to the Louisiana Medical Advisory Board within the Department of Public Safety and Corrections if such evidence or materials indicate possible inappropriate or illegal certification of a person as ~~mobility impaired~~ having a mobility impairment. If, in the board's discretion, the review of such material does indicate possible inappropriate or illegal certification by a physician, the board shall submit such material along with a recommendation for appropriate disciplinary action to the Louisiana State Board of Medical Examiners.

(5) Monitor, evaluate, and propose and advocate changes to laws, rules, and regulations relative to ~~handicapped~~ accessible parking privileges to the extent allowable by law.

\* \* \*

§2673. Adult residential assisted living pilot project; creation

\* \* \*

C. The criteria for the pilot project shall include but are not limited to the following:

\* \* \*

(5) Have one hundred percent handicapped accessible physical building features.

\* \* \*

Section 25. R.S. 47:34(C)(2)(introductory paragraph) and (d)(ii), 44.1(B), 79(A)(2) and (B)(5), 287.749(C)(2)(introductory paragraph) and (d)(ii), 305.38, 305.69(B)(2) and (3), 337.9(D)(17), 360(G), 463.4(A)(1), (2), (4), and (6), (B)(1), (2), (3)(a), (4)(a) and (b), (5), and (6), (C)(2), (D), (E)(1)(introductory paragraph), (F), (G)(1) through (5) and (7), (I), (J)(1) through (3), (4)(introductory paragraph), (a), (c), and (d), (K), and (L), 463.4.1(A), 463.4.2(A)(1) and (B)(1) and (4), 463.4.3(A), 463.5(C), 463.21(A), 463.51(D)(2), 473.2(B) and (D), 490.4(E), 492(E), and 1061(B) are hereby amended and reenacted to read as follows:

§34. Corporation tax credit

\* \* \*

C. Eligible employees are defined as follows:

\* \* \*

(2) A "new economically disadvantaged employee" is a new employee who is ~~either~~ any of the following:

\* \* \*

(d) where such status presents significant barriers to employment:

\* \* \*

(ii) a ~~handicapped individual~~ person with a disability;

\* \* \*

§44.1. Annual retirement or disability income; exemption from taxation

\* \* \*

B. Six thousand dollars of annual disability income received by an individual shall be exempt from state income taxation. For purposes of this Subsection, "disability income" means payment for permanent total disability as provided for in R.S. 23:1221(2). However, any individual claiming an exemption for the blind, for having sustained the loss of one or more limbs, for ~~mental retardation~~ intellectual disability, or for deafness as provided for in R.S. 47:79(A)(2) shall not be eligible for this exemption.

\* \* \*

§79. Credits of individuals against net income

A.

\* \* \*

(2) In addition to the exemptions above provided for, an exemption of one thousand dollars is allowed for the taxpayer who is blind or who has sustained the loss of one or more limbs or who ~~is mentally retarded~~ has an intellectual disability or who is deaf. As used herein the word "blind" shall mean and refer to persons who have been determined by a qualified ophthalmologist or optometrist to have no vision or to have vision which is insufficient for use in an occupation or activity for

1 which sight is essential. For purposes herein, the word "deaf" shall be defined as in  
 2 Paragraph (5) of Subsection B of this ~~section~~ Section. Each person claiming an  
 3 exemption under the provisions of this ~~paragraph~~ Paragraph shall be able to prove  
 4 such claim by certificate of a qualified physician or optometrist.

5 B.

6 \* \* \*

7 (5) Credit for certain dependents. A credit of one thousand dollars is  
 8 allowed for each dependent as defined in Subsection ~~(C)~~ C of this ~~section~~ Section  
 9 who is blind or deaf or who has sustained the loss of one or more limbs or who ~~is~~  
 10 ~~mentally retarded~~ has an intellectual disability. As herein used the word "blind" shall  
 11 be defined as in Paragraph ~~(2) of Subsection (A)~~ (A)(2) of this ~~section~~ Section. For  
 12 purposes herein, the word "deaf" shall mean and refer to persons whose hearing is  
 13 so impaired that it is insufficient for use in an occupation or activity for which  
 14 hearing is essential. The taxpayer claiming credit as herein provided shall be able  
 15 to prove such claim by certificate of a qualified physician or optometrist issued for  
 16 each such dependent for which a credit is claimed.

17 \* \* \*

18 §287.749. Jobs credit

19 \* \* \*

20 C. Eligible employees are defined as follows:

21 \* \* \*

22 (2) A "new economically disadvantaged employee" means a new employee  
 23 who is ~~either~~ any of the following:

24 \* \* \*

25 (d) where such status presents significant barriers to employment:

26 \* \* \*

27 (ii) a ~~handicapped individual~~ person with a disability;

28 \* \* \*

1       §305.38. Exclusions and exemptions; sheltered workshop for ~~mentally retarded~~  
2               persons with intellectual disabilities

3               The sale at retail, the use, the consumption, the distribution, and the storage  
4       for use or consumption in this state of each item or article of tangible personal  
5       property by a sheltered workshop for ~~the mentally retarded~~ persons with intellectual  
6       disabilities licensed by the Department of Children and Family Services as a day  
7       developmental training center for ~~the mentally retarded~~ persons with intellectual  
8       disabilities shall not be subject to the sales and use taxes levied by the state or by any  
9       political subdivision thereof.

10                               \*       \*       \*

11       §305.69. Exemption; motor vehicles for use by persons with orthopedic disabilities

12                               \*       \*       \*

13               B.

14                               \*       \*       \*

15               (2) Modifications of a vehicle for the purpose of transporting ~~an~~  
16       ~~orthopedically disabled~~ a person with an orthopedic disability shall include  
17       installation of such items as a wheelchair lift, hoist, attached ramp, wheelchair  
18       hold-down clamps, or special seat restraints other than conventional seat belts to  
19       allow for the transportation of ~~an orthopedically disabled~~ a person with an orthopedic  
20       disability in a reasonable manner.

21               (3) Modifications of a vehicle for operation by ~~an orthopedically disabled~~ a  
22       person with an orthopedic disability shall include altering such items as the  
23       conventional brake, acceleration, or steering systems to facilitate the operation of the  
24       vehicle by ~~an orthopedically disabled~~ a person with an orthopedic disability, and the  
25       installation of such items as a wheelchair lift, hoist, or attached ramp to allow ~~an~~  
26       ~~orthopedically disabled~~ a person with an orthopedic disability to enter the motor  
27       vehicle.

28                               \*       \*       \*



§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 who is disabled to the extent that he is home-bound, confined to a bed or wheelchair, requires the aid and attendance of another person, and is unable to enter the normal work force.

\* \* \*

§463.4. Special license plates or hang tags for ~~mobility-impaired~~ persons with mobility impairments

A.(1) On the application of any ~~mobility-impaired~~ person with a mobility impairment whose impairment is permanent, the secretary shall issue a special license plate for the benefit of the applicant. The applicant may designate one recipient motor vehicle owned or leased by him, his spouse, his parents, his legal guardian, or by a legal entity which has designated the vehicle as intended for the exclusive use of that ~~mobility-impaired~~ person with a mobility impairment.

(2) Should the applicant designate a motor vehicle owned by his spouse, his parents, his legal guardian, or a legal entity, the owner shall indicate written assent and acceptance of the special plate with the understanding that it may be cancelled at will by the ~~mobility-impaired~~ person with a mobility impairment, upon written notice from the ~~mobility-impaired~~ person with a mobility impairment to the owner of the recipient motor vehicle and upon written notice to the secretary. A cancelled

1 special plate of this nature shall be surrendered to the secretary and such plate may  
2 be reassigned to a motor vehicle as designated by the ~~mobility-impaired~~ individual  
3 with a mobility impairment. No additional fee shall be charged for such  
4 reassignment until renewal charges become due upon expiration of the plate.

5 \* \* \*

6 (4) Within forty-five days of the death of a ~~mobility-impaired~~ person with  
7 a mobility impairment to whom a special license plate has been issued, it shall be the  
8 responsibility of the next of kin of that person to surrender the plate to the secretary.

9 \* \* \*

10 (6) The special license plates shall bear the international symbol of  
11 accessibility and shall be followed by such numbers or letters as the secretary finds  
12 expedient. Each initial application shall be accompanied by a currently dated  
13 medical examiner's statement certifying that the applicant is ~~a mobility-impaired~~  
14 ~~person whose~~ has a mobility impairment that is permanent.

15 B.(1) In addition to a special license plate, on the application for a hang tag  
16 made by any ~~mobility-impaired~~ person with a mobility impairment whose  
17 impairment is permanent, and upon a showing of good cause, the secretary shall  
18 issue a hang tag, renewable as any driver's license for a person whose impairment is  
19 permanent every four years and which shall be valid until revoked or suspended.  
20 The secretary shall determine the form, size, and color of the hang tag, and the  
21 material of which it is to be made. The card shall bear the international symbol of  
22 accessibility. The secretary shall adopt and promulgate rules and regulations relating  
23 to the issuance, revocation, surrender, and proper display of the tags. Each initial  
24 application shall be accompanied by a currently dated medical examiner's statement  
25 which includes the medical examiner's state license number certifying that the  
26 applicant is ~~a mobility-impaired person whose~~ has a mobility impairment that is  
27 permanent.

28 (2) On the application for a hang tag made by any ~~mobility-impaired~~ person  
29 with a mobility impairment whose impairment is temporary, and upon showing of  
30 good cause, the secretary shall issue a hang tag, renewable each year and which

1 shall be valid until revoked or suspended. The secretary shall determine the form,  
2 size, and color of the hang tag, and the material of which it is to be made. The card  
3 shall bear the international symbol of accessibility. The secretary shall adopt and  
4 promulgate rules and regulations relating to the issuance, revocation, surrender, and  
5 proper display of the tags. Each initial application and each renewal application shall  
6 be accompanied by a currently dated medical examiner's statement which includes  
7 the medical examiner's state license number certifying that the applicant ~~is a~~  
8 ~~mobility-impaired person whose~~ has a mobility impairment that is temporary.

9 (3) No person to whom a hang tag is issued shall do either of the following:

10 (a) Display or permit the display of the hang tag on any motor vehicle when  
11 having reasonable cause to believe the motor vehicle is being used in connection  
12 with an activity which does not include providing transportation for a ~~mobility-~~  
13 ~~impaired person~~ with a mobility impairment.

14 \* \* \*

15 (4) For the purpose of this Section, "good cause" shall mean the existence  
16 of any of the following circumstances:

17 (a) The ~~mobility-impaired person~~ with a mobility impairment submitting an  
18 application for a hang tag does not own a vehicle.

19 (b) The ~~mobility-impaired person~~ with a mobility impairment submitting an  
20 application for a hang tag needs or uses multiple vehicles in the performance of his  
21 employment or travel, or to obtain medical treatment.

22 \* \* \*

23 (5) When a person to whom a hang tag has been issued changes his place of  
24 residence to another state, country, or province, he shall surrender the hang tag to the  
25 secretary. Upon the death of a ~~mobility-impaired person~~ with a mobility impairment  
26 to whom a hang tag has been issued, it shall be the responsibility of the next of kin  
27 of that person to surrender the tag to the secretary.

28 (6) If the commissioner of motor vehicles, in his discretion, finds that  
29 appropriate circumstances exist, an additional hang tag may be issued on behalf of

1 a ~~mobility-impaired~~ person with a mobility impairment if his parents are divorced  
2 and residing in separate households and if he is dependent on both parents.

3 C.

4 \* \* \*

5 (2) Any person who loses a hang tag and, after obtaining a duplicate, finds  
6 the original, shall immediately surrender the original hang tag to the secretary or to  
7 any field office of the Department of Public Safety and Corrections, office of motor  
8 vehicles, and shall not display the original hang tag on any vehicle for the purpose  
9 of exercising ~~handicapped~~ accessible parking privileges.

10 D. The secretary shall not issue special license plates, hang tags, or mobility  
11 ~~impaired~~ impairment identification cards except as designated in this Section or in  
12 R.S. 47:490.4. Any ~~mobility-impaired~~ person with a mobility impairment whose  
13 impairment is permanent may obtain a hang tag or mobility impaired identification  
14 card at no additional fee other than the issuance cost of three dollars.  
15 Notwithstanding any other provision of law to the contrary, except as provided in  
16 Subsection C of this Section, the secretary shall not charge any fee in excess of ten  
17 dollars for the issuance of special license plates for ~~mobility-impaired~~ persons with  
18 mobility impairments.

19 E.(1) The term "~~mobility-impaired person~~" "person with a mobility  
20 impairment" shall include any person who is impaired because of any of the  
21 following conditions:

22 \* \* \*

23 F. When a motor vehicle bearing plates or displaying a hang tag issued to a  
24 ~~mobility-impaired~~ person with a mobility impairment, as prescribed in this Section,  
25 is being operated for the transport of the ~~mobility-impaired~~ person with a mobility  
26 impairment, the motor vehicle may be parked for a period of two hours, three hours  
27 in the city of New Orleans, in excess of the legal parking period permitted by local  
28 authorities, except where local ordinances or police regulations prohibit parking on  
29 a highway for the purpose of creating a fire lane or where the ordinances or police  
30 regulations provide for the accommodation of heavy traffic during morning,

1 afternoon, or evening hours or where the motor vehicle is parked in such a manner  
2 as to clearly be a traffic hazard.

3 G.(1) Any person who ~~is not a mobility impaired person~~ does not have a  
4 mobility impairment as prescribed in this Section and who willfully and falsely  
5 represents himself as having the qualifications to obtain such special license plates,  
6 hang tag, or mobility ~~impaired~~ impairment identification card authorized by this  
7 Section shall be fined not less than one hundred dollars nor more than two hundred  
8 fifty dollars, or shall be imprisoned for not more than thirty days, or both, and on  
9 subsequent offenses, shall be fined not less than two hundred fifty dollars nor more  
10 than five hundred dollars, or shall be imprisoned for not more than ninety days, or  
11 both.

12 (2) Any person who utilizes a hang tag or a vehicle bearing a special plate  
13 to obtain ~~handicapped~~ accessible parking privileges and has not transported a  
14 mobility impaired person in that vehicle prior to parking the vehicle, may be fined  
15 not less than fifty dollars nor more than two hundred fifty dollars or shall be  
16 imprisoned for not more than thirty days, or both, and on the second and subsequent  
17 offenses, shall be fined not less than one hundred dollars nor more than five hundred  
18 dollars, or shall be imprisoned for not more than sixty days, or both.

19 (3) Any ~~mobility impaired~~ person with a mobility impairment who allows  
20 his hang tag or specially licensed vehicle to be used, when said tag or vehicle is used  
21 to illegally access ~~handicapped~~ accessible parking privileges by an individual not  
22 entitled to such special ~~handicapped~~ accessible parking privileges shall have his  
23 ~~handicapped~~ accessible parking privileges suspended for six months and shall be  
24 fined not less than fifty dollars nor more than two hundred fifty dollars, or shall be  
25 imprisoned for not more than thirty days for the first offense, or both. On the second  
26 and subsequent offenses, said suspension shall be for one year, and the individual  
27 shall be fined not less than two hundred fifty dollars nor more than five hundred  
28 dollars, in addition to suspension of said privileges, or shall be imprisoned not more  
29 than thirty days, or both.

(4) Any medical examiner who willfully and falsely certifies that a person ~~is mobility-impaired~~ has a mobility impairment in order to allow that person to obtain the special license plate, hang tag, or ~~mobility-impaired~~ mobility impairment identification card authorized in this Section shall be fined one thousand dollars, or shall be imprisoned for not more than ninety days, or both.

(5) Not later than January 1, 1995, any ~~mobility-impaired~~ person with a mobility impairment who has a hang tag shall also have a picture identification card as determined by Subsection J of this Section in his possession when using ~~handicapped~~ accessible parking privileges. Any person who has a hang tag and who utilizes a ~~handicapped~~ an accessible parking area after January 1, 1995, without such identification may be fined not less than fifty dollars nor more than five hundred dollars or shall be imprisoned for not more than thirty days, or both.

\* \* \*

(7) When a peace officer issues a citation for an alleged violation of the laws governing parking in a ~~handicapped~~ an accessible parking space, there shall be a rebuttable presumption that the person in whose name the vehicle is registered was operator of the vehicle when the alleged violation was committed.

I. Every ~~mobility-impaired~~ person with a mobility impairment operating or otherwise being transported by a vehicle displaying the international symbol of ~~the~~ handicapped accessibility or the word "handicapped" on a valid special license plate, disabled veteran license plate, or hang tag shall be entitled to invoke all ~~handicapped~~ accessible parking privileges provided in this Section, without regard to the location of the issuing authority, or the residence or domicile of the person invoking the ~~handicapped~~ accessible parking privileges. "Issuing authority" as defined in this Section shall mean the office of motor vehicles of the Department of Public Safety and Corrections or comparable government issuing authorities outside the state of Louisiana.

J.(1) Upon initial application or first application after August 15, 1995, for renewal of a hang tag, each ~~mobility-impaired~~ person with a mobility impairment who intends to obtain or to renew his hang tag, shall have in his possession or shall

1 obtain or renew a ~~mobility-impaired~~ mobility impairment driver's license or  
2 ~~mobility-impaired~~ mobility impairment identification card issued by the secretary.

3 The secretary may include the designation "~~Mobility-impaired~~" "Mobility  
4 impairment" or an abbreviation thereof, on the drivers' licenses and identification  
5 cards which are currently issued by the secretary.

6 (2) The secretary shall renew a ~~mobility-impaired~~ mobility impairment  
7 identification card for a person whose impairment is permanent every four years.

8 (3) The secretary shall renew a ~~mobility-impaired~~ mobility impairment  
9 identification card each year for a person whose impairment is temporary.

10 (4) The ~~mobility-impaired~~ mobility impairment driver's license or the  
11 ~~mobility-impaired~~ mobility impairment identification card shall:

12 (a) Identify the person as ~~mobility-impaired~~ whose having a mobility  
13 impairment that is permanent.

14 \* \* \*

15 (c) Include a photograph of the ~~mobility-impaired~~ person with a mobility  
16 impairment.

17 (d) The ~~mobility-impaired~~ mobility impairment driver's license or the  
18 ~~mobility-impaired~~ mobility impairment identification card shall include a place for  
19 the signature of the person to whom it is issued, or of that person's next of kin.  
20 When a person to whom a ~~mobility-impaired~~ mobility impairment driver's license  
21 or a ~~mobility-impaired~~ mobility impairment identification card has been issued  
22 changes his place or residence to another state, country, or province, he shall  
23 surrender the ~~mobility-impaired~~ mobility impairment driver's license or ~~mobility-~~  
24 ~~impaired~~ mobility impairment identification card to the secretary. Upon the death  
25 of a ~~mobility-impaired~~ person with a mobility impairment to whom a ~~mobility-~~  
26 ~~impaired~~ mobility impairment driver's license or ~~mobility-impaired~~ mobility  
27 impairment identification card has been issued, it shall be the responsibility of the  
28 immediate family of that person to surrender the ~~mobility-impaired~~ mobility  
29 impairment driver's license or ~~mobility-impaired~~ mobility impairment identification  
30 card to the secretary.

1 K. Upon the application of any institution providing transportation for  
2 ~~mobility impaired~~ persons with mobility impairments, the secretary shall issue  
3 special license plates designating the vehicle or vehicles declared by the applicant  
4 to be used by him exclusively for the use of transporting ~~mobility impaired~~ persons  
5 with mobility impairments. The license plates shall bear the international symbol of  
6 accessibility and shall be followed by such numbers or letters as the secretary finds  
7 expedient. Each initial application shall be accompanied by a currently dated  
8 statement verifying that the applying institution will use said vehicles exclusively to  
9 provide transportation for ~~mobility impaired~~ persons with mobility impairments. A  
10 proportionate refund based on the remaining term of any other license plate is hereby  
11 authorized in favor of such eligible institutions.

12 L. The provisions of the law relating to the issuance, revocation, and use of  
13 special license plates, hang tags, ~~mobility impaired~~ impairment drivers' licenses, and  
14 ~~mobility impaired~~ impairment identification cards shall be administered by the  
15 secretary of the Department of Public Safety and Corrections and his authorized  
16 employee. All references to "the secretary" with respect to those laws shall be  
17 deemed to be references to the secretary of the Department of Public Safety and  
18 Corrections, or to his authorized employees.

19 \* \* \*

20 §463.4.1. Special parking cards for ~~temporarily mobility impaired~~ persons with  
21 temporary mobility impairments

22 A. A special parking card bearing the international symbol of accessibility  
23 may be issued to any person who is ~~temporarily mobility impaired~~ has a temporary  
24 mobility impairment as defined in R.S. 47:463.4(E) upon application to the secretary  
25 and accompanied by a currently dated written physician's statement certifying that  
26 the person is ~~mobility impaired~~ has a mobility impairment.

27 \* \* \*



~~§463.4.2. Mobility impaired persons~~ Persons with mobility impairments; motor fuel  
service price

A.(1) ~~"Mobility impaired driver"~~ "Driver with a mobility impairment" shall mean a ~~mobility impaired~~ person with a mobility impairment as defined in R.S. 47:463.4(E) who utilizes a parking card or a vehicle bearing a special plate to obtain ~~handicapped~~ accessible parking privileges as defined by R.S. 47:463.4; or R.S. 47:463.4.1.

\* \* \*

B. A motor fuel dealer shall have an employee dispense motor fuel into a motor vehicle from a full-service pump at the same price as the motor fuel dealer charges the general public for the same grade of motor fuel dispensed from a 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

1 vehicle displaying a counterfeit ~~mobility-impaired~~ accessible parking placard in a  
2 parking space or area reserved for persons with disabilities.

3 \* \* \*

4 §463.5. Private bus; recreational vehicles

5 \* \* \*

6 C. The provisions of this Section shall not apply to ~~mobility-impaired~~  
7 persons with mobility impairments registering specially equipped vans or buses with  
8 devices which are necessary for raising and lowering wheelchairs.

9 \* \* \*

10 §463.21. Special handicapped license plates for farm vehicles

11 A. On the application of any ~~mobility-impaired~~ person with a mobility  
12 impairment as defined in R.S. 47:463.4(E), and upon a showing of good cause, the  
13 secretary shall issue special license plates for farm vehicles designating the vehicle  
14 declared by the applicant to be used by him. The license plates shall bear the  
15 international symbol of accessibility; the word "handicapped", reading from left to  
16 right; and shall be followed by such numbers and letters as the secretary finds  
17 expedient. Each initial application shall be accompanied by a currently dated  
18 physician's statement certifying that the applicant ~~is a mobility-impaired person~~ has  
19 a mobility impairment. The department shall not charge any fee, other than the  
20 regular fee for annual registration for the issuance of the license plate.

21 \* \* \*

22 §463.51. Special prestige license plates; Lions International

23 \* \* \*

24 D.

25 \* \* \*

26 (2) An amount of monies equal to the total amount of donations shall be  
27 equally divided and disbursed annually by the office for citizens with developmental  
28 disabilities to the Louisiana Lions Eye Foundation in New Orleans and the ~~Crippled~~  
29 ~~Children's Camp~~ Louisiana Lions Camp in Leesville. The monies shall be used  
30 solely for the expenses incurred in providing services to ~~the developmentally~~

1 disabled children of this state with developmental disabilities and in providing  
2 treatment to the persons who are sight-impaired whose eligibility for such treatment  
3 shall be determined by the Louisiana Lions Eye Foundation. The services of the  
4 Louisiana Lions Eye Foundation and the ~~Crippled Children's Camp~~ Louisiana Lions  
5 Camp are hereby deemed a public purpose and shall qualify as cooperative  
6 endeavors under the provisions of Article VII, Section 14(C) of the Constitution of  
7 Louisiana.

8 \* \*

9                    §473.2. Special handicapped license plates for dealers and owners of commercial  
10                    vehicles

11 \* \* \*

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).

16 \* \* \*

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.

20 \* \* \*

21 §490.4. Military honor license plates for certain disabled veterans

22 \* \* \*

23 E. The secretary may issue a military honor license plate, as provided for in  
24 this Section, for each vehicle registered in the applicant's name, and the holder of  
25 such license plate shall be accorded the same privileges as holders of license plates  
26 for ~~mobility impaired~~ persons with mobility impairments. The secretary shall also  
27 issue a hang tag as provided in R.S. 47:463.4(B)(1), which bears the international  
28 symbol of accessibility, to any disabled veteran who has or is issued such a plate and  
29 who requests the hang tag. No fee shall be charged for the hang tag, and it shall be  
30 exempt from renewal requirements applicable to hang tags issued pursuant to R.S.

1 47:463.4. However, lost, destroyed, or mutilated hang tags shall be replaced  
2 according to the provisions of R.S. 47:463.4(C), including payment of the reissuance  
3 fee. A person using the hang tag in a vehicle with a disabled veteran license plate  
4 is not required to obtain or possess a mobility ~~impaired~~ impairment driver's license  
5 or identification card.

6 \* \* \*

7 §492. Amateur radio station plates for owners and operators

8 \* \* \*

9 E. On the application of any person who is an amateur radio station owner  
10 or operator and who is also either a ~~mobility-impaired~~ person with a mobility  
11 impairment as defined in R.S. 47:463.4(E) or a disabled veteran as defined in R.S.  
12 47:490.4, the secretary shall issue to such applicant a special license plate in  
13 accordance with Subsection A of this Section which shall contain the appropriate  
14 symbol indicating that the applicant is also a ~~mobility-impaired~~ person with a  
15 mobility impairment or a disabled veteran.

16 \* \* \*

17 §1061. Telecommunication tax for the deaf

18 \* \* \*

19 B. The monies in the Telecommunications for the Deaf Fund shall be used  
20 solely to establish, administer, and promote a statewide program to provide  
21 accessibility services and assistive technology for persons who are deaf, deaf/blind,  
22 hard of hearing, speech impaired, or others ~~who are similarly handicapped with~~  
23 similar disabilities or impairments, in the amounts appropriated each year by the  
24 legislature to the Louisiana Commission for the Deaf. Any surplus monies  
25 remaining to the credit of the fund on June thirtieth of each year and any funds  
26 earned through the investment of the monies in the fund shall remain to the credit of  
27 the fund.

28 \* \* \*

1           Section 26. R.S. 48:23(B) and 261(A)(1) are hereby amended and reenacted to read  
2 as follows:

3           §23. Engineering and other help

4                                   \*           \*           \*

5           B. Notwithstanding any provision of law, or any provision of the department,  
6 or any provision of Civil Service to the contrary, the department, at its discretion,  
7 may hire ~~disabled~~ persons with disabilities in the position of Bridge Tender I.

8                                   \*           \*           \*

9           §261. Maintenance work by department employees; exceptions

10           A.(1) Except as otherwise provided in this Section, all maintenance  
11 operations shall be performed by the employees of the department. However, the  
12 department may, by contract or other means, arrange for the maintenance of any  
13 section or sections of highways or any of the facilities of the Department of  
14 Transportation and Development when, in the sole discretion of the secretary, there  
15 are not adequate employees to perform the maintenance work required by either  
16 federal or state law or sound engineering practices. The secretary shall give due  
17 consideration to budgetary constraints and employment restrictions prior to entering  
18 into any contract to perform maintenance work. All such contracts to ~~private~~  
19 ~~concerns or individuals or private concerns~~, except ~~handicapped~~ individuals with  
20 disabilities or ~~handicapped~~ organizations serving individuals with disabilities, shall  
21 be in accordance with the public bid provisions of this Title.

22                                   \*           \*           \*

23           Section 27. R.S. 49:121(E), the heading of Subpart D of Part VII of Chapter 1 of  
24 Title 49 of the Louisiana Revised Statutes of 1950, 148, and 148.1(G)(1), (H), and (I) are  
25 hereby amended and reenacted to read as follows:

26           §121. Name of board, department, or subdivisions; marking on boat or vehicle;

27                   Louisiana public license plates; exemptions

28                                   \*           \*           \*

29           E. Those vehicles used in crime prevention and detection and similar  
30 investigative work, which if identified as required by this Section could not be used

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~~ 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~~ 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), (c)(i), (iii)(aa) and (bb), (d), and (B), 2607(A) and (C), and 2608 are hereby amended and reenacted to read as follows:

§1402. Definitions

As used in this Chapter, the following words and phrases shall have the meanings hereinafter ascribed to them:

\* \* \*

(4) ~~"Disabled person"~~ "Person with a disability" means a person with a mental, physical, or developmental disability that substantially impairs that person's ability to provide adequately for his own care or protection.

\* \* \*

§1407. Restraining prohibited acts

\* \* \*

C. In addition to any other civil penalty provided for in this Section, if a person is found by the court to have engaged in any method, act, or practice in Louisiana declared to be unlawful under this Chapter, and the violation was committed against an elder person or a ~~disabled person~~ person with a disability, as defined in this Section, the court may impose an additional civil penalty not to exceed five thousand dollars for each violation.

D. In determining whether to impose an enhanced civil penalty under this Section and the amount thereof, the court shall consider any of the following:

(1) Whether the defendant's conduct was in disregard of the rights of the elder ~~or disabled~~ person or person with a disability.

(2) Whether the defendant knew or should have known that the defendant's conduct was directed to an elder ~~or disabled~~ person or person with a disability.

(3) Whether the elder ~~or disabled~~ person or person with a disability was more vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired understanding, restricted mobility, or disability than other persons and whether the elder ~~or disabled~~ person or person with a disability actually suffered physical, emotional, or economic damage resulting from the defendant's conduct.

(4) Whether the defendant's conduct caused an elder ~~or disabled~~ person or person with a disability to suffer any of the following:

\* \* \*

(b) Loss or encumbrance upon a primary residence of the elder ~~or disabled~~ person or person with a disability.

(c) Loss of or encumbrance upon the ~~elder or disabled person's~~ principal employment or principal source of income of the elder person or person with a disability.

\* \* \*

(f) Loss of assets essential to the health and welfare of the elder ~~or disabled~~ person or person with a disability.

\* \* \*

#### §2232. Definitions

As used in this Chapter:

\* \* \*

(11)(a) "Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such impairment, or being regarded as having such an impairment. For purposes of all laws which incorporate by reference, apply to, or rely for meaning upon the term



disability as defined herein, the terms used in this definition have the following meanings:

\* \* \*

(ii) "Mental impairment" means any mental or psychological disorder, such as ~~mental retardation~~ intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

\* \* \*

#### §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.

\* \* \*

1           §2602. Policy

2           A. The legislature finds and declares that persons in this state who seek a  
3 place to live should be able to find such housing whenever it is available. Further,  
4 in many localities there may be housing shortages. All persons should therefore be  
5 able to compete for available housing on an open, fair, and equitable basis, regardless  
6 of race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin.

7   \*           \*           \*

8           §2603. Definitions

9           As used in this Chapter:

10    \*           \*           \*

11           (9)(a) "~~Handicap~~" "Disability" means, with respect to a person:

12    \*           \*           \*

13           §2606. Discrimination in sale or rental of housing and other prohibited practices

14           A. As made applicable by R.S. 51:2604, and except as exempted by  
15 Subsection B thereof and R.S. 51:2605, it is unlawful:

16    \*           \*           \*

17           (3) To make, print, or publish, or cause to be made, printed, or published any  
18 notice, statement, or advertisement, with respect to the sale or rental of a dwelling  
19 that indicates any preference, limitation, or discrimination based on race, color,  
20 religion, sex, ~~handicap~~ disability, familial status, or national origin, or an intention  
21 to make any such preference, limitation, or discrimination.

22           (4) To represent to any person because of race, color, religion, sex, ~~handicap~~  
23 disability, familial status, or national origin that any dwelling is not available for  
24 inspection, sale, or rental when such dwelling is in fact so available.

25           (5) For profit, to induce or attempt to induce any person to sell or rent any  
26 dwelling by representations regarding the entry or prospective entry into the  
27 neighborhood of a person or persons of a particular race, color, religion, sex,  
28 ~~handicap~~ disability, familial status, or national origin.

29           (6)(a) To discriminate in the sale or rental, or to otherwise make unavailable  
30 or deny, a dwelling to any buyer or renter because of a ~~handicap~~ disability of:

\* \* \*

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a ~~handicap~~ disability of:

\* \* \*

(c) For purposes of this Paragraph, discrimination includes:

(i) A refusal to permit, at the expense of the ~~handicapped~~ person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

\* \* \*

(iii) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

(aa) The public use and common use portions of such dwellings are readily accessible to and usable by ~~handicapped persons with disabilities~~;

(bb) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by ~~handicapped persons in persons who use wheelchairs; and.~~

\* \* \*

(d) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for ~~physically handicapped people~~ persons with disabilities (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of R.S. 51:2606(A)(6)(c)(iii)(cc).

\* \* \*

B. Nothing in this Section shall be construed to invalidate or limit any law of this state or a political subdivision of this state that requires dwellings to be

designed and constructed in a manner that affords ~~handicapped~~ persons with disabilities greater access than is required by this Section.

\* \* \*

§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  
27 shall authorize persons over the age of sixty to use trails in the wildlife management  
28 areas which are set aside for use exclusively by ~~disabled~~ persons with disabilities.

29 \* \* \*

§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:

\* \* \*

1 (2) Hoop nets:

2 \* \* \*

3 (b) ~~Mobility impaired persons~~ Persons with mobility impairments, as defined  
4 in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years may  
5 use one hoop net not greater than eighteen feet by eight feet, for the purpose of  
6 catching catfish for home consumption only. There shall be no gear fee or license  
7 charge, and all such persons must be in possession of valid identification.

8 \* \* \*

9 (4) Slat traps:

10 \* \* \*

11 (b) ~~Mobility impaired persons~~ Persons with mobility impairments, as defined  
12 in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years, may  
13 use one legal size slat trap for the purpose of catching catfish for home consumption  
14 only. There shall be no gear fee or license charge and all persons must be in  
15 possession of valid identification.

16 \* \* \*

17 §1699. Chicot State Park, special facilities camp for ~~handicapped~~ persons with  
18 disabilities; creation; advisory committee; programs; use

19 A. The office of state parks in the Department of Culture, Recreation and  
20 Tourism is hereby authorized to select, designate, and set aside a site at Chicot State  
21 Park or to acquire a site in close proximity thereto for the purpose of establishing a  
22 facility to serve the special needs of ~~physically and mentally impaired~~ citizens with  
23 physical disabilities and mental impairments. This site and all facilities now or  
24 hereafter developed thereon shall be under the operation and supervision of the office  
25 of state parks.

26 B. The office of state parks shall be responsible for the planning and  
27 development of such park facilities to meet the needs of ~~physically and mentally~~  
28 ~~impaired~~ citizens with physical disabilities and mental impairments.

29 C. The office for citizens with developmental disabilities of the Department  
30 of Health and Hospitals, in coordination with the Louisiana Developmental

1 Disabilities Council, shall be responsible for all programmatic functions of such park  
2 facility, including but not limited to the following:

3 (1) The preparation and administration of programs for the benefit of  
4 ~~handicapped~~ persons with disabilities.

5 (2) Scheduling and coordination of the use of this facility by ~~the handicapped~~  
6 persons with disabilities.

7 \* \* \*

8 D. The office of state parks; and the office of mental retardation for citizens  
9 with developmental disabilities; ~~and the Bureau For Handicapped Persons~~ shall  
10 establish rules and regulations for the implementation of this Section. Such rules and  
11 regulations shall be structured so as to give priority of facility use to groups of  
12 ~~handicapped~~ persons with disabilities but shall not necessarily preclude use by  
13 ~~nonhandicapped individuals or groups~~ persons who do not have disabilities.

14 \* \* \*

15 §1762. Powers and duties

16 \* \* \*

17 C. In order to carry out its duties and functions the commission may:

18 \* \* \*

19 (6) ~~Insure~~ Ensure that in the use and enjoyment of every portion of Audubon  
20 Park and Zoo and all of the facilities therein there will not be any discrimination  
21 against any person because of ~~handicap~~ disability, age, race, color, religion, sex, or  
22 national origin.

23 (7) Affirmative action shall be taken to ~~insure~~ ensure that all employees of  
24 the commission and of any entity with whom the commission contracts for services  
25 shall be treated during employment without regard to their race, age, ~~handicap~~  
26 disability, color, religion, sex, or national origin.

27 Section 30. The heading of Section 12 of Chapter 1 of Title VIII of Book I of the  
28 Louisiana Civil Code and Civil Code Articles 354, 356, 358 through 360, and 3107 are  
29 hereby amended and reenacted to read as follows:



SECTION 12--OF CONTINUING OR PERMANENT TUTORSHIP OF  
~~MENTALLY RETARDED PERSONS~~ WITH INTELLECTUAL DISABILITIES

Art. 354. Procedure for placing under tutorship.

~~Mentally retarded or deficient children~~ Persons, including certain children,  
with intellectual disabilities or mental deficiencies may be placed under continuing  
or permanent tutorship without formal or complete interdiction in accordance with  
the following rules and the procedures stated in the Louisiana Code of Civil  
Procedure.

\* \* \*

Art. 356. Title of proceedings; procedural rules; parents as tutor and undertutor.

The title of the proceedings shall be Continuing Tutorship of (Name of  
Person), A ~~Mentally Retarded~~ Person with an Intellectual Disability.

\* \* \*

Art. 358. Authority, privileges, and duties of tutor and undertutor; termination of  
tutorship.

The granting of the decree shall confer upon the tutor and undertutor the  
same authority, privileges, and responsibilities as in other tutorships, including the  
same authority to give consent for any medical treatment or procedure, to give  
consent for any educational plan or procedure, and to obtain medical, educational,  
or other records, but the responsibility of the tutor for the offenses or quasi-offenses  
of the ~~retarded~~ person with an intellectual disability shall be the same as that of a  
curator for those of the interdicted person and the tutorship shall not terminate until  
the decree is set aside by the court of the domicile, or the court of last domicile if the  
domicile of the ~~mentally retarded~~ person with an intellectual disability is removed  
from the State of Louisiana.

Art. 359. Restriction on legal capacity.

The decree if granted shall restrict the legal capacity of the ~~mentally retarded~~  
person with an intellectual disability to that of a permanent minor, except that after  
the age of eighteen the ~~retarded~~ person, unless formally interdicted, shall have the

1 legal capacity of a minor who has been granted the emancipation conferring the  
2 power of administration as set forth in Chapter 2, Section 2 of this book and title.

3 Art. 360. Parents' rights of administration.

4 In addition to the rights of tutorship, the parents shall retain, during the  
5 marriage and for the minority of the ~~retarded~~ child with an intellectual disability, all  
6 rights of administration granted to parents of ~~normal~~ typical children during their  
7 minority.

8 \* \* \*

9 Art. 3107. Capacity of arbitrators.

10 A. All persons may be arbitrators, except such as are under some incapacity  
11 or infirmity, which renders them unfit for that function.

12 B. Therefore, minors under the age of eighteen years, persons interdicted,  
13 those who are deaf and ~~dumb~~ unable to speak, can not be arbitrators.

14 Section 31. Code of Criminal Procedure Articles 334.4(A)(7), 573.1, 648(B)(3)(q)  
15 through (s), 658(A), 814(A)(58), and 905.5.1(A) through (G), (H)(1), (2)(introductory  
16 paragraph), and (n) are hereby amended and reenacted to read as follows:

17 Art. 334.4. Arrest for certain crimes; release on own recognizance prohibited

18 A. Notwithstanding any other provision of law to the contrary, any defendant  
19 who has been arrested for any of the following crimes shall not be released by the  
20 court on the defendant's own recognizance or on the signature of any other person:

21 \* \* \*

22 (7) R.S. 14:93.3 (cruelty to ~~the infirmed~~ persons with infirmities), if the  
23 person has a prior conviction for the same offense.

24 \* \* \*

25 Art. 573.1. Running of time limitations; exception; exploitation of the infirmed

26 The time limitations established by Article 572 shall not commence to run  
27 as to the crime of exploitation of ~~the infirmed~~ persons with infirmities (R.S. 14:93.4)  
28 until the crime is discovered by a competent victim, or in the case of an incompetent  
29 victim, by a competent third person.

30 \* \* \*

1 Art. 648. Procedure after determination of mental capacity or incapacity

2 \* \* \*

3 B.

4 \* \* \*

5 (3) If, after the hearing, the court determines that the incompetent defendant  
6 is unlikely in the foreseeable future to be capable of standing trial, the court shall  
7 order the defendant released or remanded to the custody of the Department of Health  
8 and Hospitals which, within ten days exclusive of weekends and holidays, may  
9 institute civil commitment proceedings pursuant to Title 28 of the Louisiana Revised  
10 Statutes of 1950, or release the defendant. The defendant shall remain in custody  
11 pending such civil commitment proceedings. If the defendant is committed to a  
12 treatment facility pursuant to Title 28 of the Louisiana Revised Statutes of 1950, the  
13 director of the institution designated for the patient's treatment shall, in writing,  
14 notify the court and the district attorney when the patient is to be discharged or  
15 conditionally discharged, as long as the charges are pending. If not dismissed  
16 without prejudice at an earlier trial, charges against an unrestorable incompetent  
17 defendant shall be dismissed on the date upon which his sentence would have  
18 expired had he been convicted and received the maximum sentence for the crime  
19 charged, or on the date five years from the date of his arrest for such charges,  
20 whichever is sooner, except for the following charges:

21 \* \* \*

22 (q) R.S. 14:93.3 (cruelty to ~~the infirmed~~ persons with infirmities).

23 (r) R.S. 14:93.4 (exploitation of ~~the infirmed~~ persons with infirmities).

24 (s) R.S. 14:93.5 (sexual battery of ~~the infirm~~ persons with infirmities).

25 \* \* \*

26 Art. 658. Probation; conditional release; reporting

27 A. When the committed person is released on probation, which shall also be  
28 known as conditional release, the clerk of court shall deliver to him a certificate  
29 setting forth the period and the conditions of his probation. It shall be a condition  
30 of every such probation that the person released shall be recommitted if he becomes

1 dangerous to others or to himself for reasons of mental illness, substance abuse, or  
2 ~~mental retardation~~ intellectual disability. The probationer shall be required to agree  
3 in writing to the conditions of his probation.

4 \* \* \*

5 Art. 814. Responsive verdicts; in particular

6 A. The only responsive verdicts which may be rendered when the indictment  
7 charges the following offenses are:

8 \* \* \*

9 58. Cruelty to ~~the Infirm~~ Persons with Infirmities:

10 Guilty.

11 Guilty of attempted cruelty to ~~the infirm~~ persons with infirmities.

12 Guilty of simple battery.

13 Guilty of assault.

14 Guilty of negligent injuring.

15 Not guilty.

16 \* \* \*

17 Art. 905.5.1. ~~Mental retardation~~ Intellectual disability

18 A. Notwithstanding any other provisions of law to the contrary, no person  
19 ~~who is mentally retarded~~ with an intellectual disability shall be subjected to a  
20 sentence of death.

21 B. Any capital defendant who claims to ~~be mentally retarded~~ have an  
22 intellectual disability shall file written notice thereof within the time period for filing  
23 of pretrial motions as provided by Code of Criminal Procedure Article 521.

24 C.(1) Any defendant in a capital case making a claim of ~~mental retardation~~  
25 intellectual disability shall prove the allegation by a preponderance of the evidence.  
26 The jury shall try the issue of ~~mental retardation~~ intellectual disability of a capital  
27 defendant during the capital sentencing hearing unless the state and the defendant  
28 agree that the issue is to be tried by the judge. If the state and the defendant agree,  
29 the issue of ~~mental retardation~~ intellectual disability of a capital defendant may be  
30 tried prior to trial by the judge alone.

1           (2) Any pretrial determination by the judge that a defendant ~~is not mentally~~  
2 ~~retarded~~ does not have an intellectual disability shall not preclude the defendant from  
3 raising the issue at the penalty phase, nor shall it preclude any instruction to the jury  
4 pursuant to this Section.

5           D. Once the issue of ~~mental retardation~~ intellectual disability is raised by the  
6 defendant, and upon written motion of the district attorney, the defendant shall  
7 provide the state, within time limits set by the court, any and all medical,  
8 correctional, educational, and military records, raw data, tests, test scores, notes,  
9 behavioral observations, reports, evaluations, and any other information of any kind  
10 reviewed by any defense expert in forming the basis of his opinion that the defendant  
11 ~~is mentally retarded~~ has an intellectual disability.

12           E. By filing a notice relative to a claim of ~~mental retardation~~ intellectual  
13 disability under this Article, the defendant waives all claims of confidentiality and  
14 privilege to, and is deemed to have consented to the release of, any and all medical,  
15 correctional, educational, and military records, raw data, tests, test scores, notes,  
16 behavioral observations, reports, evaluations, expert opinions, and any other such  
17 information of any kind or other records relevant or necessary to an examination or  
18 determination under this Article.

19           F. When a defendant makes a claim of ~~mental retardation~~ intellectual  
20 disability under this Article, the state shall have the right to an independent  
21 psychological and psychiatric examination of the defendant. A psychologist or  
22 medical psychologist conducting such examination must be licensed by the  
23 Louisiana State Board of Examiners of Psychologists or the Louisiana State Board  
24 of Medical Examiners, whichever is applicable. If the state exercises this right, and  
25 upon written motion of the defendant, the state shall provide the defendant, within  
26 time limits set by the court, any and all medical, correctional, educational, and  
27 military records, and all raw data, tests, test scores, notes, behavioral observations,  
28 reports, evaluations, and any other information of any kind reviewed by any state  
29 expert in forming the basis of his opinion that the defendant ~~is not mentally retarded~~  
30 does not have an intellectual disability. If the state fails to comply with any such

1 order, the court may impose sanctions as provided by Code of Criminal Procedure  
2 Article 729.5.

3 G. If the defendant making a claim of ~~mental retardation~~ intellectual  
4 disability fails to comply with any order issued pursuant to Paragraph D of this  
5 Article, or refuses to submit to or fully cooperate in any examination by experts for  
6 the state pursuant to either Paragraph D or F of this Article, upon motion by the  
7 district attorney, the court shall neither conduct a pretrial hearing concerning the  
8 issue of ~~mental retardation~~ intellectual disability nor instruct the jury of the  
9 prohibition of executing ~~mentally retarded~~ defendants with intellectual disabilities.

10 H.(1) ~~"Mental retardation" means a disability characterized by significant~~  
11 ~~limitations in both intellectual functioning and adaptive behavior as expressed in~~  
12 ~~conceptual, social, and practical adaptive skills. The onset must occur before the age~~  
13 ~~of eighteen years. "Intellectual disability", formerly referred to as "mental~~  
14 ~~retardation", is a disability characterized by all of the following deficits, the onset of~~  
15 which must occur during the developmental period:

16 (a) Deficits in intellectual functions such as reasoning, problem solving,  
17 planning, abstract thinking, judgment, academic learning, and learning from  
18 experience, confirmed by both clinical assessment and individualized, standardized  
19 intelligence testing.

20 (b) Deficits in adaptive functioning that result in failure to meet  
21 developmental and sociocultural standards for personal independence and social  
22 responsibility; and that, without ongoing support, limit functioning in one or more  
23 activities of daily life including, without limitation, communication, social  
24 participation, and independent living, across multiple environments such as home,  
25 school, work, and community.

26 (2) A diagnosis of one or more of the following conditions does not  
27 necessarily constitute ~~mental retardation~~ an intellectual disability:

28 \* \* \*

29 (n) Other ~~handicapping~~ disabling conditions.

30 \* \* \*

1           Section 32. Code of Evidence Article 510(B)(2)(k) and (C)(2)(f) are hereby amended  
2 and reenacted to read as follows:

3           Art. 510. Health care provider-patient privilege

4                                   \*           \*           \*

5           B.

6                                   \*           \*           \*

7           (2) Exceptions. There is no privilege under this Article in a noncriminal  
8 proceeding as to a communication:

9                                   \*           \*           \*

10           (k) When the communication is relevant to proceedings concerning issues  
11 of child abuse, elder abuse, or the abuse of ~~disabled or incompetent~~ persons with  
12 disabilities or persons who are incompetent.

13                                  \*           \*           \*

14           C.

15                                  \*           \*           \*

16           (2) Exceptions. There is no privilege under this Article in a criminal case as  
17 to a communication:

18                                  \*           \*           \*

19           (f) When the communication is relevant to an investigation of or prosecution  
20 for child abuse, elder abuse, or the abuse of ~~disabled or incompetent~~ persons with  
21 disabilities or persons who are incompetent.

22                                  \*           \*           \*

23           Section 33. Children's Code Articles 559(B)(introductory paragraph) and  
24 (C)(introductory paragraph), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3)  
25 and (G), 837.1(A)(3), 894(introductory paragraph) and (3), 895(A), 910(E), 916, 1003(9),  
26 1125(B), 1402(1) and (3), 1404(15) through (17) and (24), 1405(C), 1416(D) and (E),  
27 1417(A), 1420(A), 1451(A), 1465(A) and (B), 1467(B)(1), 1468(A), and 1469(A) are hereby  
28 amended and reenacted and Children's Code Article 1003(introductory paragraph) is hereby  
29 enacted to read as follows:

Art. 559. Organization; board of trustees; director

\* \* \*

B. The duties of the board of trustees enumerated in ~~R.S. 28:64(B)~~ R.S. 28:64(C) shall be applicable to this program, including all of the following specific duties:

\* \* \*

C. The duties of the director enumerated in ~~R.S. 28:64(C)~~ R.S. 28:64(E) shall be applicable to the program, including all of the following specific duties:

\* \* \*

Art. 681. Dispositional alternatives

A. In a case in which a child has been adjudicated to be in need of care, the child's health and safety shall be the paramount concern, and the court may do any of the following:

\* \* \*

(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



1 admission, change of status, or discharge from the mental hospital or psychiatric  
2 unit. Upon modification of the disposition to a placement other than a mental  
3 hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be  
4 relieved of representation of the child.

5 F. A child shall not be committed to a public or private institution for ~~the~~  
6 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based  
7 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an  
8 intellectual disability and such condition has a substantial adverse effect on his  
9 ability to function and requires care and treatment in an institution.

10 \* \* \*

11 Art. 781. Disposition; generally

12 \* \* \*

13 D. A child shall not be committed to a public or private mental institution  
14 or institution for ~~the mentally ill~~ persons with mental illness unless the court finds,  
15 based on psychological or psychiatric evaluation, that the child has a mental disorder,  
16 other than ~~mental retardation~~ an intellectual disability, which has a substantial  
17 adverse effect on his ability to function and requires care and treatment in an  
18 institution. When the child is in the custody of the state of Louisiana, this finding  
19 shall not be made without the representation of the child by an attorney appointed  
20 from the Mental Health Advocacy Service, unless such attorneys are unavailable as  
21 determined by the director or the child retains private counsel who shall represent  
22 only the interest of the child. The Mental Health Advocacy Service's attorney so  
23 appointed shall continue to represent the child in any proceeding relating to  
24 admission, change of status, or discharge from the mental hospital or psychiatric  
25 unit. Upon modification of the disposition to a placement other than a mental  
26 hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be  
27 relieved of representation of the child.

28 E. A child shall not be committed to a public or private institution for ~~the~~  
29 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based  
30 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an

1        intellectual disability and such condition has a substantial adverse effect on his  
2        ability to function and requires care and treatment in an institution.

3                                \*           \*           \*

4        Art. 809. Right to counsel

5                                \*           \*           \*

6                C. No child shall be admitted in accordance with this Title to a public or  
7        private mental institution or institution for ~~the mentally ill~~ persons with mental  
8        illness nor shall proceedings in accordance with Chapter 7 of this Title or Article 869  
9        go forward unless he has been represented by retained private counsel who  
10       represents only the child's interest or by an attorney from the Mental Health  
11       Advocacy Service, unless its executive director has determined that its attorneys are  
12       unavailable. Any attorney from the Mental Health Advocacy Service so appointed  
13       shall continue to represent the child in any proceeding relating to admission, change  
14       of status, or discharge from the mental hospital or psychiatric unit. Upon  
15       modification of the disposition to placement other than a mental hospital or  
16       psychiatric unit, the Mental Health Advocacy Service's attorney shall be relieved of  
17       representation of the child upon request of the Mental Health Advocacy Service or  
18       the child.

19                                \*           \*           \*

20        Art. 837. Procedure after determination of mental capacity

21                                \*           \*           \*

22                B. If the court determines by a preponderance of the evidence that the child  
23        lacks the mental capacity to proceed and the alleged delinquent act is a felony, the  
24        proceedings shall be suspended and the court may:

25                                \*           \*           \*

26                (3) Commit the child to the Department of Health and Hospitals, a private  
27        mental institution, or an institution for ~~the mentally ill~~ persons with mental illness  
28        in accordance with Department of Health and Hospitals policy. The court may also  
29        order restoration services for the child and appoint a restoration service provider.  
30        However, a child shall not be committed unless the court finds, after a contradictory

1 hearing with ten days notice to the district attorney and counsel for the child, that the  
2 child, as a result of mental illness, is dangerous to himself or others or is gravely  
3 disabled. If the court further finds that the child will not have the mental capacity  
4 to proceed in the foreseeable future, the court shall order civil commitment as  
5 provided in Title XIV. However, no child shall be discharged or conditionally  
6 discharged except upon court order after a motion and contradictory hearing.

7 \* \* \*

8 G. Under no circumstances shall a child who is found to lack the mental  
9 capacity to proceed in accordance with this Chapter be held in a secure placement  
10 facility longer than permitted elsewhere by this Code for a ~~mentally ill or~~  
11 ~~developmentally disabled~~ child with a mental illness or developmental disability.

12 \* \* \*

13 Art. 837.1. Standards for restoration service providers

14 A. A restoration service provider shall meet the following qualifications:

15 \* \* \*

16 (3) Shall be a psychiatrist, licensed psychologist, medical psychologist,  
17 licensed clinical social worker, qualified ~~mental retardation~~ intellectual disability  
18 professional, or licensed professional counselor all of whom have been engaged in  
19 the practice of clinical psychology or counseling for not less than three consecutive  
20 years immediately preceding the appointment and who have expertise in child  
21 development specific to severe chronic disability of children attributable to  
22 intellectual impairment, if the court determines the child lacks the mental capacity  
23 to proceed because of mental illness or developmental disorder.

24 \* \* \*

25 Art. 894. Disposition after finding of insanity

26 In cases in which a child has not been adjudicated a delinquent and has been  
27 found to be insane at the time of the offense, the court may ~~either~~ take any of the  
28 following actions:

29 \* \* \*

(3) Commit the child to the Department of Health and Hospitals, office of behavioral health or a private mental institution or an institution for ~~the mentally ill~~ persons with mental illness pursuant to Article 895 of this Chapter.

Art. 895. Commitment to mental institution

A. In cases in which a child has been adjudicated a delinquent, the court may commit him to a public or private mental institution or institution for ~~the mentally ill~~ persons with mental illness if the court finds, based on psychological or psychiatric evaluation, that the child has a mental disorder, other than ~~mental retardation~~ an intellectual disability, which has a substantial adverse effect on his ability to function and requires care and treatment in an institution.

\* \* \*

Art. 910. Modification procedure; generally applicable

\* \* \*

E. A judgment of disposition shall not be modified to release a child from the custody of a public or private mental institution or an institution for ~~the mentally ill~~ persons with mental illness without three days prior notice to the district attorney and the institution.

\* \* \*

Art. 916. Modification of a mental health commitment

A. In cases where a child has been committed to the Department of Health and Hospitals, office of behavioral health, or private mental institution, or an institution for ~~the mentally ill~~ persons with mental illness, the court may also modify the judgment on motion of the department or superintendent of a private mental institution.

B. In cases in which a child has been adjudicated a delinquent, a judgment of disposition shall not be modified to release a child from the custody of the Department of Health and Hospitals, office of behavioral health, or private mental institution or an institution for ~~the mentally ill~~ persons with mental illness without three days prior notice to the district attorney and the department or other institution.

1 C. Notwithstanding any provisions of law to the contrary, in cases in which  
2 a child has not been adjudicated a delinquent and has been found to be insane at the  
3 time of the offense, a child shall not be released from the custody of the Department  
4 of Health and Hospitals, office of behavioral health, or private mental institution, or  
5 an institution for ~~the mentally ill~~ persons with mental illness except upon order of the  
6 court after motion and contradictory hearing.

7 \* \* \*

8 Art. 1003. Definitions

9 As used in this Title:

10 \* \* \*

11 (9) "Mental illness" means a psychiatric disorder which has substantial  
12 adverse effects on the parent's ability to function and which requires care and  
13 treatment as determined by a psychiatrist or psychologist. It does not include a  
14 person ~~suffering solely from mental retardation, epilepsy, alcoholism, or drug abuse.~~  
15 who has, solely, one of the following conditions:

16 (a) An intellectual disability.

17 (b) Epilepsy.

18 (c) Alcoholism.

19 (d) Drug abuse.

20 \* \* \*

21 Art. 1125. Statement of family history; contents; form

22 \* \* \*

1                                    B. The Statement of Family History form shall be substantially as follows:

2                                    STATEMENT OF FAMILY HISTORY

3		Child's Biological MOTHER	Child's Biological FATHER
4	Age		
5	Height		
6	Weight		
7	Hair color		
8	Eye color		
9	Complexion		
10	Body build		
11	Education-last		
12	grade completed/		
13	degree received		
14	Right/left handed		
15	Occupation		
16	Talents		
17	Religion		
18	Race		
19	Ethnicity/		
20	Nationality		
21	Native		
22	American/Tribal		
23	Affiliation, if		
24	applicable		
25	Other		

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Yes	No	Diseases/conditions	If yes,
			<ul style="list-style-type: none"><li>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)];</li><li>state specific condition;</li><li>age of onset;</li><li>treatment (medication, surgery, etc.); and</li><li>outcome.</li></ul>
		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.)	

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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		<del>Mental retardation</del>	
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	

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.



		Miscarriages, stillbirths, neonatal deaths	
		SIDS	
		Rh Factor	
		HIV ( biological mother only)	
		Venereal disease during pregnancy (biological mother only)	
		Other: specify	
		Other: specify	
		Other: specify	
Prenatal History			
Yes	No		If yes, <ul style="list-style-type: none"><li>state type;</li><li>state amount; and</li><li>state during what months of pregnancy.</li></ul>
		Prescription medication	
		Over the counter medication	
		Alcohol	
		Tobacco	
		Other Drugs	

Are the parents of the child biologically related to each other? Yes\_\_\_\_\_ No\_\_\_\_\_

If yes what is the biological relationship? \_\_\_\_\_

Has the minor child had the following immunizations?

YES NO YES NO

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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    \*    \*    \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

## 1        Art. 1402. Declaration of policy

2                The underlying policy of this Title is as follows:

3                (1) That ~~mentally ill~~ minors with mental illness and minors suffering from  
4        substance abuse, and their caretakers on their behalf, be encouraged to seek voluntary  
5        treatment.

6                                \*           \*           \*

7                (3) That continuity of care for ~~the mentally ill~~ persons with mental illness and  
8        minors suffering from substance abuse be provided.

9                                \*           \*           \*

## 10        Art. 1404. Definitions

11                As used in this Title:

12                                \*           \*           \*

13                (15) "Mental Health Advocacy Service" means a service established by the  
14        state of Louisiana for the purpose of providing legal counsel and representation for  
15        ~~mentally disabled~~ persons with mental disabilities and for children and to ensure that  
16        their legal rights are protected.17                (16) ~~"Mentally ill person"~~ "Person with mental illness" means any person with  
18        a psychiatric disorder which has substantial adverse effects on his ability to function  
19        and who requires care and treatment. It does not include a person ~~suffering solely~~  
20        ~~from mental retardation,~~ with, solely, an intellectual disability, or who suffers solely  
21        from epilepsy, alcoholism, or drug abuse.22                (17) "Patient" means any person detained and taken care of as a ~~mentally ill~~  
23        person with mental illness or person suffering from substance abuse.

24                                \*           \*           \*

25                (24) "Treatment facility" means any public or private hospital, retreat,  
26        institution, mental health center, or facility licensed by the state of Louisiana in which  
27        any ~~mentally ill~~ minor with mental illness or minor suffering from substance abuse  
28        is received or detained as a patient except a facility under the control or supervision

1 of the Department of Public Safety and Corrections unless otherwise provided in Title  
2 VIII of this Code.

3 Art. 1405. Mental Health Advocacy Service (MHAS); representation; fees

4 \* \* \*

5 C. Nothing in this Title shall be construed to prohibit a ~~mentally ill~~ person with  
6 mental illness or respondent from being represented by privately retained counsel.

7 If a MHAS attorney has been appointed by the court and the ~~mentally ill~~ minor with  
8 mental illness or respondent secures his own counsel, the court shall discharge the  
9 MHAS attorney.

10 \* \* \*

11 Art. 1416. Facility records; confidentiality; disclosure; destruction

12 \* \* \*

13 D. Any attorney representing a ~~mentally ill~~ minor with mental illness or a  
14 respondent as defined herein shall have ready access to view and copy all mental  
15 health and developmental disability records pertaining to his client unless the client  
16 objects. The attorney shall return all copies of his client's medical record to the  
17 treatment facility upon completion of their use. If the patient or respondent later  
18 retains a private attorney to represent him, the MHAS shall destroy all copies of  
19 records pertaining to his case.

20 E. Any respondent or ~~mentally disabled~~ minor with a mental disability shall  
21 have the right to demand that the records in the possession of his attorney regarding  
22 his mental condition be destroyed or returned to the treatment facility and he shall  
23 have the right to assurance by the director that such records have been so destroyed  
24 by the MHAS attorney.

25 Art. 1417. Court records

26 A. Each court shall keep a record of the cases relating to ~~mentally ill~~ minors  
27 with mental illness coming before it under this Title and the disposition of them. It

1 shall also keep on file the original petition and certificates of physicians required by  
2 this Chapter, or a microfilm duplicate of such records.

3 \* \* \*

4 Art. 1420. Admission by emergency certificate; extension

5 A. A ~~mentally ill~~ minor with mental illness or a minor suffering from  
6 substance abuse may be admitted and detained at a treatment facility for observation,  
7 diagnosis, and treatment for a period not to exceed fifteen days under an emergency  
8 certificate.

9 \* \* \*

10 Art. 1451. Conversion to voluntary status

11 A. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with  
12 mental illness or minor suffering from substance abuse from applying for conversion  
13 of involuntary or emergency admission status to voluntary admission status.

14 \* \* \*

15 Art. 1465. Voluntary admissions favored

16 A. Admitting physicians are encouraged to admit ~~mentally ill~~ minors with  
17 mental illness or minors suffering from substance abuse to treatment facilities on  
18 voluntary admission status whenever medically feasible.

19 B. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with  
20 mental illness or minor suffering from substance abuse from applying for conversion  
21 of involuntary or emergency admission status to voluntary admission status. Any  
22 minor patient on an involuntary admission status shall have the right to apply for a  
23 writ of habeas corpus in order to have his admission status changed to voluntary  
24 status.

25 \* \* \*

26 Art. 1467. Capacity required

27 \* \* \*

1 B. Knowing and voluntary consent shall be determined by the ability of the  
2 minor to understand:

3 (1) That the treatment facility to which the minor patient is requesting  
4 admission is one for ~~mentally ill~~ persons with mental illness or persons suffering from  
5 substance abuse.

6 \* \* \*

7 Art. 1468. Informal voluntary admission

8 A. In the discretion of the director, any ~~mentally ill~~ minor with mental illness  
9 or minor suffering from substance abuse, who is sixteen years of age or older and who  
10 desires admission to a treatment facility for diagnosis or treatment of a psychiatric  
11 disorder or substance abuse, may be admitted upon the minor patient's request without  
12 a formal application.

13 \* \* \*

14 Art. 1469. Formal voluntary admission

15 A. Any ~~mentally ill~~ minor with mental illness or minor suffering from  
16 substance abuse who is sixteen years old or older and who desires admission to a  
17 treatment facility for diagnosis ~~and/or~~ or treatment of a psychiatric disorder or  
18 substance abuse and who is deemed suitable for formal voluntary admission by the  
19 admitting physician may be so admitted upon his written request.

20 \* \* \*

21 Section 34. R.S. 17:348(C), Part IX of Chapter 1 of Title 28 of the Louisiana Revised  
22 Statutes of 1950, comprised of R.S. 28:211 and 213, R.S. 40:2113.1, Chapter 9 of Title 46  
23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:981 and 982, Chapter 27  
24 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2111 through  
25 2114, Chapter 33 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S.  
26 46:2391 through 2397, and Chapter 53 of Title 46 of the Louisiana Revised Statutes of 1950,  
27 comprised of R.S. 46:2681, are hereby repealed in their entirety.

1           Section 35.(A) The legislature hereby finds that language used to refer to persons  
2   with disabilities and other persons with exceptionalities shapes and reflects attitudes toward  
3   and perceptions of such persons by society.

4           (B) It is hereby declared that the intent of the legislature is to delete from the  
5   lawbodies of this state terms that convey negative or derogatory perceptions of persons with  
6   disabilities and other persons with exceptionalities. Accordingly, the intent of the legislature  
7   is to provide in this Act for establishment of new terminology in law that is more appropriate  
8   than the terminology replaced herein, and which conveys no explicit or implicit  
9   dehumanization of persons with disabilities or other persons with exceptionalities.

10          (C) It is not the intent of the legislature that changes in terms referring to persons with  
11   disabilities and other persons with exceptionalities, as effected by this Act, alter or affect in  
12   any way the substance, interpretation, or application of any existing law or administrative  
13   rule.

14          (D) Nothing in this Act shall be construed to expand or diminish any right of or  
15   benefit for any person provided by any existing law or administrative rule.

16          Section 36.(A)(1) For the purposes of the provisions of law amended by this Act,  
17   references to "intellectual disability" shall mean any condition formerly referred to as  
18   "mental retardation".

19          (2) For the purposes of the provisions of law amended by this Act, references to a  
20   "person with an intellectual disability" shall mean a person formerly referred to as "mentally  
21   retarded".

22          (3) For the purposes of the provisions of law amended by this Act, the term  
23   "disability", as used to describe a condition or characteristic of a person, shall have the  
24   meaning of the former term "handicap" as used in the same manner.

25          (4) For the purposes of the provisions of law amended by this Act, references to a  
26   "person with a physical disability" and a "person with a disability" shall mean a person  
27   formerly referred to as "physically handicapped", a "handicapped person", "the  
28   handicapped", a "crippled person", a "disabled person", or "the disabled".

1 (5) For the purposes of the provisions of law amended by this Act, references to a  
2 "person who is infirm" and a "person with an infirmity" shall have the meaning of the former  
3 terms "the infirm" and "the infirmed".

4 (6) For the purposes of the provisions of law amended by this Act, references to a  
5 person who "acquires a disability" shall have the meaning of the former references to a  
6 person who "becomes disabled".

7 (7) For the purposes of the provisions of law amended by this Act, references to  
8 "certified as having a disability" shall have the meaning of the former references to "certified  
9 as disabled".

10 (8) For the purposes of the provisions of law amended by this Act, the terms  
11 "accessible" and "accessibility" have the meanings, respectively, of the former terms  
12 "handicapped accessible" and "handicapped accessibility".

13 (9) For the purposes of the provisions of law amended by this Act, references to a  
14 "person with a mobility impairment" shall mean a person formerly referred to as "mobility-  
15 impaired".

16 (10) For the purposes of the provisions of law amended by this Act, references to a  
17 "person with mental illness" shall mean a person formerly referred to as either "the mentally  
18 ill" or "mentally ill person".

19 (11) For the purposes of the provisions of law amended by this Act, the linguistic  
20 paradigm known as "person first language", which emphasizes a person's humanity over any  
21 condition or characteristic the person may have, is employed wherever possible to refer to  
22 persons with disabilities and other persons with exceptionalities. The legislature hereby  
23 recognizes and affirms the importance of person first language as a respectful and preferred  
24 way of referring to persons with disabilities and other persons with exceptionalities.

25 (B) Each agency, board, commission, department, office, and other instrumentality  
26 of the state to which the legislature has delegated authority to promulgate rules and  
27 regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., is  
28 hereby authorized and requested to employ the preferred terminology described in Section  
29 36(A) of this Act in referring to persons with disabilities and other persons with



1 exceptionalities in duly promulgated administrative rules, policy publications, and materials  
2 published in paper format or electronically, whether for internal use or public use, including  
3 but not limited to informational brochures, resource guides, reference materials, manuals,  
4 and the content of any Internet website or other electronic media. The provisions of this  
5 Section shall apply prospectively; however, nothing herein shall be construed to limit any  
6 agency, board, commission, department, office, or other instrumentality of the state from  
7 amending existing administrative rules for the purpose of instituting the preferred  
8 terminology described in Section 36(A) of this Act.

9 (C) The legislative services offices of the House of Representatives and the Senate  
10 are hereby authorized and requested to publish guidance in legislative drafting manuals and  
11 in other professional resources as those offices may deem appropriate concerning use of the  
12 preferred terminology described in Section 36(A) of this Act.

13 Section 37. The Louisiana State Law Institute is hereby authorized and requested to  
14 change terminology referring to persons with disabilities and other persons with  
15 exceptionalities throughout the revised statutes and codes of this state wherever necessary  
16 to institute the preferred terminology described in Section 36(A) of this Act.

17 Section 38. This Act shall become effective upon signature by the governor or, if not  
18 signed by the governor, upon expiration of the time for bills to become law without signature  
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
21 effective on the day following such approval.

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#### 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)]

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Leger

HB No. 63

**Abstract:** Revises terminology referring to persons with disabilities and other persons with exceptionalities.

**General Provisions**

Proposed law revises terminology in present law referring to persons with disabilities and other persons with exceptionalities by deleting and making substitutions for obsolete, derogatory, or offensive terms.

Proposed law corrects names of agencies, institutions, private organizations, and other entities; removes references to offices, bureaus, and other subdivisions of state agencies and to programs and services that have otherwise been repealed or no longer exist; and makes technical changes and corrections.

Proposed law provides a legislative finding indicating that language used to refer to persons with disabilities and other persons with exceptionalities shapes and reflects attitudes toward and perceptions of such persons by society.

Proposed law provides that it is the intent of the legislature, through enactment of proposed law, to:

- (1) Delete from present law terms that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities.
- (2) Establish new terminology in law that is more appropriate than the terminology it replaces, and which conveys no explicit or implicit dehumanization of persons with disabilities or other persons with exceptionalities.

Proposed law stipulates that it is not the intent of the legislature that the changes in terms effected by proposed law affect the substance, application, or interpretation of any provision of present law or present administrative code.

Proposed law provides that nothing in proposed law shall be construed to expand or diminish any right of or benefit for any person provided by present law or present administrative code.

Effective prospectively, proposed law authorizes and requests each agency, board, commission, department, and other instrumentality of the state with rulemaking authority to employ the preferred terminology provided for in proposed law in referring to persons with disabilities and other persons with exceptionalities in the following:

- (1) Duly promulgated administrative rules.
- (2) Policy publications.
- (3) All materials published in paper format or electronically, whether for internal use or public use, including but not limited to the following:
  - (a) Informational brochures.
  - (b) Resource guides.
  - (c) Reference materials.
  - (d) Manuals.
  - (e) The content of any Internet website or other electronic media.

Proposed law stipulates that nothing in proposed law shall be construed to limit any agency, board, commission, department, office, or other instrumentality of the state from amending present administrative code for the purpose of instituting the preferred terminology described in proposed law.

Proposed law authorizes the legislative services offices of the legislature to publish guidance in legislative drafting manuals and in other professional resources as appropriate concerning use of the preferred terminology described in proposed law.

Proposed law authorizes the La. State Law Institute to change terminology referring to persons with disabilities and other persons with exceptionalities throughout statutes and codes wherever necessary to institute the preferred terminology described in proposed law.

### **Description of Terminology Changes**

Proposed law provides for the following changes to terminology in present law:

- (1) For purposes of proposed law, references to "intellectual disability" mean any condition formerly referred to as "mental retardation".
- (2) For purposes of proposed law, references to a "person with an intellectual disability" mean a person formerly referred to as "mentally retarded".
- (3) For purposes of proposed law, the term "disability", as used to describe a condition or characteristic of a person, has the meaning of the former term "handicap" as used in the same manner.
- (4) For purposes of proposed law, references to a "person with a physical disability" and a "person with a disability", as appropriate to the context, mean a person formerly referred to as "physically handicapped", a "handicapped person", "the handicapped", a "crippled person", a "disabled person", or "the disabled".
- (5) For purposes of proposed law, references to a "person who is infirm" and a "person with an infirmity" have the meaning of the former terms "the infirm" or "the infirmed".
- (6) For purposes of proposed law, references to a person who "acquires a disability" have the meaning of the former references to a person who "becomes disabled".
- (7) For purposes of proposed law, references to "certified as having a disability" have the meaning of the former references to "certified as disabled".
- (8) For purposes of proposed law, the terms "accessible" and "accessibility" have the meanings, respectively, of the former terms "handicapped accessible" and "handicapped accessibility".
- (9) For purposes of proposed law, references to a "person with a mobility impairment" mean a person formerly referred to as "mobility impaired".
- (10) For purposes of proposed law, references to a "person with mental illness" mean a person formerly referred to as either "the mentally ill" or a "mentally ill person".

Proposed law provides that for purposes of proposed law, the linguistic paradigm known as "person first language", which emphasizes a person's humanity over any condition or

characteristic the person may have, is employed wherever possible to refer to persons with disabilities and other persons with exceptionalities. Provides a declaration affirming the importance of person first language as a respectful and preferred way of referring to persons with disabilities and other persons with exceptionalities.

### **Location of Terminology Changes**

Proposed law changes the terms "mentally retarded" and "mental retardation" to "intellectually disabled" and "intellectual disability", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 4:715, R.S. 11:783, 2220, 2256, 3438, and 3553, R.S. 14:35.2, 93.3, and 126.3, R.S. 15:830 and 830.1, R.S. 22:941, 1000, 1003, 1097, and 1242, R.S. 23:322, 1371.1, and 1378, R.S. 28:2, 831, 854, 864, and 874, R.S. 33:1236, R.S. 36:251 and 254, R.S. 39:1484, 1494.1, and 1554, R.S. 40:1299.27, 1379.3, 1472.3, 2009.21, 2102, and 2116, R.S. 46:51, 53, and 2253, R.S. 47:44.1, 79, 305.38, and 337.9, R.S. 51:2232, R.S. 56:302.1, C.C. Arts. 354, 356, and 358-360, C.Cr.P. Arts. 658 and 905.5.1, and Ch.C. Arts. 683, 781, 837.1, 895, 1003, 1125, and 1404.

Proposed law changes the term "handicap", where used to describe a condition or characteristic of a person, to "disability" in the following Sections of present law:

R.S. 11:1151, 1151.1, 1318, 1323, and 2077, R.S. 15:1402, R.S. 17:158, R.S. 22:941, 1000, 1001, 1003, 1012, 1242, and 1288, R.S. 32:295.1, R.S. 33:2411, 4720.62, 4720.112, and 4720.138, R.S. 46:1407, 2252, 2254, and 2255, R.S. 51:2602, 2603, and 2606 - 2608, and R.S. 56:1762.

Proposed law changes the terms "the handicapped", "the physically handicapped", "handicapped person", "crippled person", "disabled person", and "the disabled" to "person with a physical disability" and "person with a disability", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 6:747, R.S. 9:1613, 2799, 2799.3, and 3541.21, R.S. 11:293, 778, 784, 805, 901.37, 952.36, 1147, 1151, 1151.1, 1313, 1318, 1323, 1345.8, 1402, 1431, 1442, 1503, 1523, 1634, 1636, 1732, 1758, 1902, 1934, 2074, 2077, 2165.6, 2178, 2180, 2214, 2220, 2223, 2241.7, 2241.8, 2242.7, 2242.8, 2256, 2256.2, 2258, 2259, 3101, 3107, 3113, 3132, 3145, 3166, 3178, 3192, 3222, 3281, 3288, 3293, 3317, 3322, 3341, 3363, 3377, 3378, 3385.1, 3402, 3410, 3431, 3438, 3442, 3461, 3473, 3515, 3552, 3601, 3605, 3609, 3645, 3647, 3685.1, 3686, 3761, 3773, 3780, 3791, 3804, and 3808, R.S. 14:32, 35.2, 39, 67.16, 67.21, 79.1, 93.3, 93.4, 107.1, and 202.1, R.S. 15:1503 and 1510, R.S. 17:407.2 and 1947, R.S. 18:106.1, 1303, and 1400.21, R.S. 21:51 and 52, R.S. 22:1001 and 1012, R.S. 23:322-324, 1017.1, 1226, 1823, 1829, 2061, and 3004, R.S. 25:33, R.S. 28:2, 22.10, 64, 475 - 477, 831, 854, 864, 874, 904, and 915, R.S. 29:403, 726, and 729, R.S. 32:295.1, 403.2, and 863.1, R.S. 33:1236, 1947, and 2411, R.S. 36:151 and 254, R.S. 37:752, 775, 776, 1360.64, 2363, and 3003, R.S. 38:2261, R.S. 39:302, 362, 1484, 1554, 1594, 1595.4, and 1952, R.S. 40:384, 442, 501, 1299.58, 1299.78.5, 1299.113, 1299.114, 1300.85, 1485.2, 1735, 1742, 1742.2, 1748, 2010.8, 2113.5, 2116, 2405.5, and 2471, R.S. 42:808, R.S. 46:51, 56, 151, 156, 230.1, 231.6, 541, 932, 1951-1957, 1959, 2200, 2201, 2203, 2251, 2253, 2256, and 2582, R.S. 47:34, 287.749, 305.69, 360, 463.51, 473.2, and 1061, R.S. 48:23 and 261, R.S. 49:148 and 148.1, R.S. 51:1402, 1407, 2303, 2312, and 2606, R.S. 56:104.1, 109, 302.1, and 1699, C.E. Art. 510, and Ch.C. Arts. 1404 and 1416.

Proposed law changes the terms "the infirm" and "the infirmed" to "person who is infirm" and "person with an infirmity", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 14:35.2, 93.3-93.5, and 106, R.S. 15:334.4, 536, 537, 541, 571.3, and 571.34, R.S. 17:124, R.S. 28:22.7, R.S. 29:726, R.S. 37:961, R.S. 40:2142, R.S. 46:61 and 437.14, and C.Cr.P. Arts. 573.1, 648, and 814.

Proposed law changes references to a person who "becomes disabled" to a person who "acquires a disability" in the following Sections of present law:

R.S. 11:202-204, 206-211, 213, 215, 218, 701, 768, 901.36, 1530, 1614, 1763, 1785, 1805, 1938, 1945, 2144, 2178, 2220, 2221, 2241.8, 2242.8, 2257, 2258, 3005.1, 3039.1, 3143, 3200, 3232, 3346, 3377, 3385.1, 3438, 3442, 3447, 3473, 3514, 3548, 3644, 3647, 3686, 3724, 3731, 3771, 3778, 3802, and 3805, and R.S. 42:808.

Proposed law changes the term "certified as disabled" to "certified as having a disability" in the following Sections of present law:

R.S. 11:218, 701, 778, 783, 804, 805, 952.36, 1147, 1313, 1432, 1483, 1522, 1634, 1784, 1804, 1944, 1964, 1974, 2074, 2165.6, 2178, 2258, and 3041.

Proposed law changes the terms "handicapped accessible" and "handicapped accessibility" to "accessible" and "accessibility", respectively, in the following Sections of present law:

R.S. 17:67, R.S. 40:1355, 1400, 1563, 1573.1, 1574.1, 1730.39, and 1730.66, R.S. 46:2584 and 2673, and R.S. 47:463.4.

Proposed law changes the term "mobility-impaired person" to "person with a mobility impairment" in the following Sections of present law:

R.S. 40:1742 and 1742.2, R.S. 46:2584, R.S. 47:463.4, 463.4.1, 463.4.2, 463.5, 463.21, 490.4, and 492, and R.S. 56:302.3.

Proposed law changes the terms "the mentally ill" and "mentally ill person" to "person with mental illness" in the following Sections and Articles of present law:

R.S. 15:830 and 830.1, R.S. 28:2, 22.5, 22.7, 22.9, 22.10, 25.1, 50, 52, 55, 64, 146, 148, 172, 200, and 201, R.S. 36:251, R.S. 40:1299.52, 1300.361, 2009.21, 2010.8, 2013.2, 2013.3, 2017, 2142, 2405.5, and Ch.C. Arts. 681, 683, 781, 809, 837, 894, 895, 910, 916, 1402, 1404, 1405, 1416, 1417, 1420, 1451, 1465, and 1467-1469.

### **Provisions to be Repealed**

Proposed law deletes the following provisions of present law:

- (1) Provisions relative to services for students originally enrolled prior to May 1, 1985, in the La. Special Education Center when it was called the La. School for Spastic Children which no longer apply to any student (R.S. 17:348(C)).
- (2) Provisions referring to an abolished task force and pilot program concerning supervision and monitoring of persons with mental illness in outpatient treatment programs (R.S. 28:211 and 213).

- (3) Provisions referring to the abolished Mental Health Research and Training Account (R.S. 40:2113.1).
- (4) Provisions relative to treatment and care of "inmates" of special schools, homes, and other therapeutic institutions which no longer exist (R.S. 46:981 and 982).
- (5) Provisions establishing a bureau for handicapped persons within DCFS (R.S. 46:2111 through 2114).
- (6) Provisions referring to the abolished Community Residential Development Fund and Community Residential Program which formerly supported group homes, supervised living facilities, and out-of-home respite care for persons with mental or physical disabilities (R.S. 46:2391 through 2397).
- (7) Provisions referring to an abolished program of community-based services for persons with disabilities, persons who are elderly, and persons with mental illness (R.S. 46:2681).

### **Effective Date**

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 4:163.1(D)(2)(d) and 715(B)(2), R.S. 6:747(A), R.S. 9:1613, 2799(A)(2) and (B)(1), 2799.3, the heading of Part V-A of Chapter 2 of Code Title XII of Code Book III of Title 9 of the La. Revised Statutes of 1950, and 3541.21(1) and (3), R.S. 11:202, 203(A) and (C), 204(A), 206, 207(A) and (B), 208-210, 211(A) and (B), 213(A), 215(A), 218(A), (C), and (D)(3), 293(C), 701(19), 768(D)(2), 778(A), (B), and (D), 783(G)(1)(a), (I)(1)(a), and (K)(1), 784(C)(2) and (E), 804, 805(A) and (B), 901.36, 901.37, 952.36, 1147(A) and (C)(1), 1151(D), 1151.1(B)(1), (C)(2), and (D)(1), 1313(A), (B)(intro. para.), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1), 1345.8(B), 1402(5), 1431, 1432(A)(intro. para.), 1442, 1483(B), 1503(6), 1522(A)(1)(intro. para.) and (B)(intro. para.), 1523(G), 1530(K)(3), 1614(D), 1634(A) and (B)(intro. para.), 1636(B)(5), 1732(20), 1758(A) and (F), 1763(J)(2), 1784(intro. para.), 1785(A)(2), 1804(intro. para.), 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(intro. para.), 1945(A)(2), 1964(A)(intro. para.), 1974(A), 2074(A) and (B)(1)(intro. para.), 2077(A)(intro. para.) and (B)(intro. para.) and (2), 2144(K), 2165.6(A) and (B)(intro. para.), 2178(B)(intro. para.), (1)(b), and (3)(c) and (C)(1)(c)(iv)(aa), 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and (B)(2)(a)(ii), 2221(K)(4)(a) and (M), 2223(A)(1), 2241.7(A)(1), 2241.8(2)(a)(ii), 2242.7(A)(1), 2242.8(2)(a)(ii), 2256(B)(2)(a) and (3), 2256.2(A), 2257(K)(4), 2258(A), (B)(intro. para.) and (1)(c) and (d), (2)(a), and (C)-(E), 2259(A)(1), 3005.1(I)(2) and (J)(4), 3039.1(K)(4), 3041(B), 3101, 3107(5), 3113(6), 3132, 3143(1) and (2), 3145(D), 3166(A), 3178(C)(2), 3192, 3200(1) and (2), 3222, 3232(A), (B), and (C), 3281, 3288(B)(5), 3293(1), 3317(C)(5), 3322(B)(1)(a), 3341(A), 3346(3), 3363(A), 3377(A), 3378(A)(1)(g) and (2)(c), 3385.1(K)(6) and (7)(f), 3402, 3410(5), 3431, 3438(B)(4)(b) and (5)(b), 3442(1)-(4), 3447(C), 3461, 3473(1)-(4), 3514(A), 3515(B), 3516(C)(1) and (2), 3548(A), 3552(A) and (B), 3553(B)(2), 3601(A), 3605(A)(5), 3609(A), 3644, 3645(E), 3647(E) and (F), 3685.1(B)(2)(a) and (D), 3686(B)(1)(a) and (b), 3724(1)-(3), 3731(intro. para.) and (B), 3761, 3771(2)(a)(intro. para.), 3773, 3778(A), 3780, 3791, 3802(3) and (4), 3804(A), 3805, and 3808, R.S. 13:1278 and 3881(A)(8), R.S. 14:32(D)(3), 35.2(A)(intro. para.), (B), and (C), 39(D)(3), 45(A)(3), 67.16(A)(1), (C)(1)(b), (2)(b), (3)(b), and (4)(b), 67.21(A)-(D), 79.1(A)(2), 89.1(A)(4), the heading of Subpart B(3) of Part V of Chapter 1 of Title 14 of the La. Revised Statutes of 1950, 93.3(A)-(D) and (E)(1), 93.4, 93.5(A)(intro. para.) and (D), 106(D)(2)(intro. para.) and (d), 107.1(C)(2) and (3), 126.3(A), and 202.1(F)(4), R.S. 15:536(A), 537(A), 541(2)(m), 571.3(B)(3)(r), 571.34(A), 581, 830(A) and (B), 830.1(A), 1039, 1402(A), 1503(6) and (7), and 1510(C), R.S. 17:67(G), 124, 158(H)(2)(f), 240(A)(1) and (B)(2), 407.2, 421.4, 422.6(B), 1947(A)(1) and (2), and 3217.2(D), R.S. 18:106(C)(2)(b), 106.1(A)(intro. para.),

564(D)(1)(a)(ii) and (2)(a)(ii) and (E), 1303(I)(intro. para.) and (1)(a), 1309.3(D)(1)(a)(ii) and (E), and 1400.21(B)(4), R.S. 21:51(C) and 52(A) and (B), R.S. 22:941(B)(7), 1000(A)(1)(a)(vi)(bb)(IV) and (2)(a) and (b)(iv), 1001(B), 1003(A)(2)(d), 1012(B), 1097(B), 1242(6), and 1288(B), R.S. 23:251(A)(3), 322(3), (5), (6), (8), and (9)(intro. para.), 323(A), (B)(1)-(7), (C)(2), and (D)(1) and (2), 324(A), 1017.1(5), 1226(B)(1)(intro. para.) and (C)(1)(intro. para.), 1371.1(intro. para.), (5), and (6), 1378(F)(34)(intro. para.), (a), and (c), 1472(12)(F)(IV), 1823(4)(e), 1829(G), 2061 (intro. para.) and (10), and 3004(A)(1), R.S. 25:33(B)(4), R.S. 28:2(14) and (20), 22.5, 22.7(A), 22.9, 22.10, 25.1(C)(1)(a)(v), 50(1) and (3), 52(B) and (G), 55(G), 64(B)-(G), 146, 148, 172(A), the heading of Part VIII of Chapter 1 of Title 28 of the La. Revised Statutes of 1950, 200-205, 215.5(B)(5), the heading of Chapter 5 of Title 28 of the La. Revised Statutes of 1950, 475, 476, 477(1) and (3)(a)(intro. para.) and (b), 478(A), 831(A)(intro. para.), (2), (3), (C)(1)(a) and (b)(i)-(iii), (E), and (F)(1), (4), and (5), 854(A)(2) and (3), 864(A)(2) and (3), 874(A)(2) and (3), 904(A)(2) and (3), and 915(A)(2), R.S. 29:403(8), 726(E)(17)(a) and (20)(a)(i) and (iii)(aa), and 729(E)(13)(a)(i) and (iii)(aa), R.S. 32:295.1(D)(1), (2)(a), and (3)(a), 351(A)(2), 401(intro. para.) and (9), 403.2, and 863.1(C)(7), R.S. 33:1236(42), 1947(C)(2), 2411, 4720.62(C), 4720.112(C), and 4720.138(C), R.S. 36:151(B), 251(B), and 254(A)(10)(c) and (h), (B)(9), and (E)(1), R.S. 37:752(9)(a), (c)(ii), and (d)(ii), 775(A)(10), 776(A)(9)(b) and (10)(b), 961(2), 1360.64(C)(1), 2363(C)(1), and 3003, R.S. 38:2261(A), (B), (E)(2), (3)(intro. para.) and (a), (4), (5), and (7), R.S. 39:302, 362(B)(3)(a)(iii) and (4)(a) and (F), 1484(B)(1)(intro. para.) and (h), (2)(c), and (5)(intro. para.) and (a), 1494.1(A)(3), 1554(D)(3), 1594(I)(1), 1595.4(A) and (E)(2), (3)(intro. para.) and (a), (4), (5), and (7), and 1952(14)(intro. para.) and (e), R.S. 40:5(18), 384(11), 442(2), 501(A)(2), 1299.27(A), (B)(intro. para.) and (2), and (C), 1299.52, 1299.58(A)(intro. para.), (1), and (3), 1299.78.5(A)(1) and (2), 1299.113(A)(4), 1299.114(9), 1299.118(3), 1299.119(A), 1300.85(C), 1300.361(B)(intro. para.), 1355(B), 1379.3(C)(5), 1400(A) and (C)-(F), 1472.3(E)(2)(d), 1485.2(3), 1563(C)(6), 1573.1(A), 1574.1(A)(13)(a), 1730.39(B), 1730.66(A), 1735, 1742(A)(1), (3), and (4)(a), (B)(1), (2)(c), and (6), and (C), 1742.1, 1742.2(A)(1), (3) and (4) and (B)(1), the heading of Part V-A of Chapter 8 of Title 40 of the La. Revised Statutes of 1950, 1748(A), 2009.21, 2009.25(F)(12), 2010.8(A)(2)(b)(v) and (vi), 2013(6), 2013.2, 2013.3, 2017(A)(1), (2), and (4), 2102(A)(3), 2113.5, 2116(B)(1) and (G), 2142(A), 2405.5(A) and (B)(1) and (2)(c)-(f), and 2471, R.S. 42:808(E), R.S. 46:51(8) and (13), 53(B), 56(B)(2) and (H)(1), 61(A)(3), the heading of Subpart A of Part I of Chapter 3 of Title 46 of the La. Revised Statutes of 1950, 151, 156(A) and (C), 230.1(A), 231.6(B), 437.14(A)(7), the heading of Part III of Chapter 4 of Title 46 of the La. Revised Statutes of 1950, 541, 932(9) and (10), 1053(E), 1407(B)(1)(e)(intro. para.), 1951, 1952(intro. para.), (1), and (3), 1953(A), (B)(intro. para.), (C), and (D), 1954, 1955, 1956(A), 1957, 1959, the heading of Chapter 29 of Title 46 of the La. Revised Statutes of 1950, the heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the La. Revised Statutes of 1950, 2251, 2252(B), 2253(1), (2), (4), and (5), 2254(A), (F)(1), (2), (4), and (5), (G)(intro. para.), (I), and (J), 2255, 2256(A) and (B), 2582(1), (2), (4), and (6), 2584(intro. para.), (4), and (5), and 2673(C)(5), R.S. 47:34(C)(2)(intro. para.) and (d)(ii), 44.1(B), 79(A)(2) and (B)(5), 287.749(C)(2)(intro. para.) and (d)(ii), 305.38, 305.69(B)(2) and (3), 337.9(D)(17), 360(G), 463.4(A)(1), (2), (4), and (6), (B)(1), (2), (3)(a), (4)(a) and (b), (5), and (6), (C)(2), (D), (E)(1)(intro. para.), (F), (G)(1)-(5) and (7), (I), (J)(1)-(3), (4)(intro. para.), (a), (c), and (d), (K), and (L), 463.4.1(A), 463.4.2(A)(1) and (B)(1) and (4), 463.4.3(A), 463.5(C), 463.21(A), 463.51(D)(2), 473.2(B) and (D), 490.4(E), 492(E), and 1061(B), R.S. 48:23(B) and 261(A)(1), R.S. 49:121(E), the heading of Subpart D of Part VII of Chapter 1 of Title 49 of the La. Revised Statutes of 1950, 148, and 148.1(G)(1), (H), and (I), R.S. 51:1402(4), 1407(C) and (D)(1)-(3) and (4)(intro. para.), (b), (c), and (f), 2232(11)(a)(ii), 2303(3), 2312(A)(3), 2602(A), 2603(9)(a)(intro. para.), 2606(A)(3)-(5), (6)(a)(intro. para.), (b)(intro. para.), (c)(i), (iii)(aa) and (bb), (d), and (B), 2607(A) and (C), and 2608, R.S. 56:104.1(A), 109(A), 302.1(F)(1) and (3)-(5), 302.3(B)(2)(b) and (4)(b), 1699(A), (B), (C)(1) and (2), and (D), and 1762(C)(6) and (7), the heading of Section 12 of Chapter 1 of Title VIII of Book I of the Louisiana Civil Code and C.C. Arts. 354, 356, 358-360, and 3107, C.Cr.P. Arts. 334.4(A)(7), 573.1, 648(B)(3)(q)-(s), 658(A), 814(A)(58), and 905.5.1(A)-(G) and (H)(1), (2)(intro. para.), and (n), C.E. Art. 510(B)(2)(k) and (C)(2)(f), and Ch.C. Arts. 559(B)(intro. para.) and (C)(intro. para.), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3) and (G), 837.1(A)(3), 894(intro. para.) and (3), 895(A), 910(E),

916, 1003(9), 1125(B), 1402(1) and (3), 1404(15)-(17) and (24), 1405(C), 1416(D) and (E), 1417(A), 1420(A), 1451(A), 1465(A) and (B), 1467(B)(1), 1468(A), and 1469(A); Adds R.S. 28:64(H) and (I) and Ch.C. Art. 1003(intro. para.); Repeals R.S. 17:348(C), R.S. 28:211 and 213, R.S. 40:2113.1, R.S. 46:981, 982, 2111-2114, 2391-2397, and 2681)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Added definition of the term "intellectual disability" to present law relative to persons who shall not be subjected to a sentence of death.
2. Changed "handicapped person" to "person with a disability" in present law relative to discrimination in sale or rental of housing, consistent with other changes proposed law makes throughout present law.
3. Made technical changes.

House Floor Amendments to the engrossed bill.

1. Changed certain occurrences of "the elderly" to "persons who are elderly" consistent with person-first language changes proposed law makes throughout present law.
2. Added provision stipulating that nothing in proposed law shall be construed to limit any agency, board, commission, department, office, or other instrumentality of the state from amending present administrative code for the purpose of instituting the preferred terminology described in proposed law.
3. Added provision authorizing the legislative services offices of the legislature to publish guidance in legislative drafting manuals and in other professional resources as appropriate concerning use of the preferred terminology described in proposed law.
4. Added provision authorizing the La. State Law Institute to change terminology referring to persons with disabilities and other persons with exceptionalities throughout statutes and codes wherever necessary to institute the preferred terminology described in proposed law.
5. Made technical changes.