

Regular Session, 2014

HOUSE BILL NO. 63

BY REPRESENTATIVES LEGER, ANDERS, COX, HARRIS, HOFFMANN, KATRINA JACKSON, LEBAS, POPE, 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 Title 9 of the

4 Louisiana Revised Statutes of 1950, and 3541.21(1) and (3), R.S. 11:202, 203(A) and

5 (C), 204(A), 206, 207(A) and (B), 208 through 210, 211(A) and (B), 213(A), 215(A),

6 218(A), (C), and (D)(3), 293(C), 701(19), 768(D)(2), 778(A), (B), and (D),

7 783(G)(1)(a), (I)(1)(a), and (K)(1), 784(C)(2) and (E), 804, 805(A) and (B), 901.36,

8 901.37, 952.36, 1147(A) and (C)(1), 1151(D), 1151.1(B)(1), (C)(2), and (D)(1),

9 1313(A), (B)(introductory paragraph), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1),

10 1345.8(B), 1402(5), 1431, 1432(A)(introductory paragraph), 1442, 1483(B), 1503(6),

11 1522(A)(1)(introductory paragraph) and (B)(introductory paragraph), 1523(G),

12 1530(K)(3), 1614(D), 1634(A) and (B)(introductory paragraph), 1636(B)(5),

13 1732(20), 1758(A) and (F), 1763(J)(2), 1784(introductory paragraph), 1785(A)(2),

14 1804(introductory paragraph), 1805(A)(1)(a), 1902(19), 1934(A) and (F),

15 1938(J)(4)(c), 1944(A)(introductory paragraph), 1945(A)(2), 1964(A)(introductory

16 paragraph), 1974(A), 2074(A) and (B)(1)(introductory paragraph),

17 2077(A)(introductory paragraph) and (B)(introductory paragraph) and (2), 2144(K),

18 2165.6(A) and (B)(introductory paragraph), 2178(B)(introductory paragraph), (1)(b),

19 and (3)(c) and (C)(1)(c)(iv)(aa), 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and

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

1 paragraph), 1371.1(introductory paragraph), (5), and (6), 1378(F)(34)(introductory  
2 paragraph), (a), and (c), 1472(12)(F)(IV), 1823(4)(e), 1829(G), 2061(introductory  
3 paragraph) and (10), and 3004(A)(1), R.S. 25:33(B)(4), R.S. 28:2(14) and (20), 22.5,  
4 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)  
5 through (G), 146, 148, 172(A), the heading of Part VIII of Chapter 1 of Title 28 of  
6 the Louisiana Revised Statutes of 1950, 200 through 205, 215.5(B)(5), the heading  
7 of Chapter 5 of Title 28 of the Louisiana Revised Statutes of 1950, 475, 476, 477(1)  
8 and (3)(a)(introductory paragraph) and (b), 478(A), 831(A)(introductory paragraph),  
9 (2), (3), (C)(1)(a) and (b)(i) through (iii), (E), and (F)(1), (4), and (5), 854(A)(2) and  
10 (3), 864(A)(2) and (3), 874(A)(2) and (3), 904(A)(2) and (3), and 915(A)(2), R.S.  
11 29:403(8), 726(E)(17)(a) and (20)(a)(i) and (iii)(aa), and 729(E)(13)(a)(i) and  
12 (iii)(aa), R.S. 32:295.1(D)(1), (2)(a), and (3)(a), 351(A)(2), 401(introductory  
13 paragraph) and (9), 403.2, and 863.1(C)(7), R.S. 33:1236(42), 1947(C)(2), 2411,  
14 4720.62(C), 4720.112(C), and 4720.138(C), R.S. 36:151(B), 251(B), and  
15 254(A)(10)(c) and (h), (B)(9), and (E)(1), R.S. 37:752(9)(a), (c)(ii), and (d)(ii),  
16 775(A)(10), 776(A)(9)(b) and (10)(b), 961(2), 1360.64(C)(1), 2363(C)(1), and 3003,  
17 R.S. 38:2261(A), (B), (E)(2), (3)(introductory paragraph) and (a), (4), (5), and (7),  
18 R.S. 39:302, 362(B)(3)(a)(iii) and (4)(a) and (F), 1484(B)(1)(introductory paragraph)  
19 and (h), (2)(c), and (5)(introductory paragraph) and (a), 1494.1(A)(3), 1554(D)(3),  
20 1594(I)(1), 1595.4(A) and (E)(2), (3)(introductory paragraph) and (a), (4), (5), and  
21 (7), and 1952(14)(introductory paragraph) and (e), R.S. 40:5(18), 384(11), 442(2),  
22 501(A)(2), 1299.27(A), (B)(introductory paragraph) and (2), and (C), 1299.52,  
23 1299.58(A)(introductory paragraph), (1), and (3), 1299.78.5(A)(1) and (2),  
24 1299.113(A)(4), 1299.114(9), 1299.118(3), 1299.119(A), 1300.85(C),  
25 1300.361(B)(introductory paragraph), 1355(B), 1379.3(C)(5), 1400(A) and (C)  
26 through (F), 1472.3(E)(2)(d), 1485.2(3), 1563(C)(6), 1573.1(A), 1574.1(A)(13)(a),  
27 1730.39(B), 1730.66(A), 1735, 1742(A)(1), (3), and (4)(a), (B)(1), (2)(c), and (6),  
28 and (C), 1742.1, 1742.2(A)(1), (3), and (4) and (B)(1), the heading of Part V-A of  
29 Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, 1748(A), 2009.21,

1 2009.25(F)(12), 2010.8(A)(2)(b)(v) and (vi), 2013(6), 2013.2, 2013.3, 2017(A)(1),  
2 (2), and (4), 2102(A)(3), 2113.5, 2116(B)(1) and (G), 2142(A), 2405.5(A) and (B)(1)  
3 and (2)(c) through (f), and 2471, R.S. 42:808(E), R.S. 46:51(8) and (13), 53(B),  
4 56(B)(2) and (H)(1), 61(A)(3), the heading of Subpart A of Part I of Chapter 3 of  
5 Title 46 of the Louisiana Revised Statutes of 1950, 151, 156(A) and (C), 230.1(A),  
6 231.6(B), 437.14(A)(7), the heading of Part III of Chapter 4 of Title 46 of the  
7 Louisiana Revised Statutes of 1950, 541, 932(9) and (10), 1053(E),  
8 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), (1), and  
9 (3), 1953(A), (B)(introductory paragraph), (C), and (D), 1954, 1955, 1956(A), 1957,  
10 1959, the heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of  
11 1950, the heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the  
12 Louisiana Revised Statutes of 1950, 2251, 2252(B), 2253(1), (2), (4), and (5),  
13 2254(A), (F)(1), (2), (4), and (5), (G)(introductory paragraph), (I), and (J)(1)(a)  
14 through (c) and (2), 2255, 2256(A) and (B), 2582(1), (2), (4), and (6),  
15 2584(introductory paragraph), (4), and (5), and 2673(C)(5), R.S.  
16 47:34(C)(2)(introductory paragraph) and (d)(ii), 44.1(B), 79(A)(2) and (B)(5),  
17 287.749(C)(2)(introductory paragraph) and (d)(ii), 305.38, 305.69(B)(2) and (3),  
18 337.9(D)(17), 360(G), 463.4(A)(1), (2), (4), and (6), (B)(1), (2), (3)(a), (4)(a) and  
19 (b), (5), and (6), (C)(2), (D), (E)(1)(introductory paragraph), (F), (G)(1) through (5)  
20 and (7), (I), (J)(1) through (3), (4)(introductory paragraph), (a), (c), and (d), (K), and  
21 (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),  
22 463.51(D)(2), 473.2(B) and (D), 490.4(E), 492(E), and 1061(B), R.S. 48:23(B) and  
23 261(A)(1), R.S. 49:121(E), the heading of Subpart D of Part VII of Chapter 1 of Title  
24 49 of the Louisiana Revised Statutes of 1950, 148, and 148.1(G)(1), (H), and (I),  
25 R.S. 51:1402(4), 1407(C) and (D)(1) through (3) and (4)(introductory paragraph),  
26 (b), (c), and (f), 2232(11)(a)(ii), 2303(3), 2312(A)(3), 2602(A),  
27 2603(9)(a)(introductory paragraph), 2606(A)(3) through (5), (6)(a)(introductory  
28 paragraph), (b)(introductory paragraph), (c)(i), (iii)(aa) and (bb), (d), and (B),  
29 2607(A) and (C), and 2608, R.S. 56:104.1(A), 109(A), 302.1(F)(1) and (3) through

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

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

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

6 Be it enacted by the Legislature of Louisiana:

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

9 §163.1. Parish license fees for conducting race meetings

10 \* \* \*

11 D.

12 \* \* \*

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

15 \* \* \*

16 (d) The Arc of Caddo-Bossier Association of  
17 Retarded Citizens 1.3 %

18 \* \* \*

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

21 \* \* \*

22 B.

23 \* \* \*

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

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

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

13 §747. Contract for savings programs

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

21 \* \* \*

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

25 §1613. Disposition of funds; apportionment and allocation

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

1           accordance with law, and may likewise be used in the work of the state hospital  
2           board, any such funds to be apportioned and allocated to such purposes by the  
3           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, "wild game"  
16          means all game fish, migratory and resident game birds, and game quadrupeds, as  
17          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   \*       \*       \*



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

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

12 \* \* \*

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

14 PERSONS WHO ARE AGED

15 §3541.21. Definitions

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

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

19 \* \* \*

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

23 \* \* \*

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

1 1522(A)(1)(introductory paragraph) and (B)(introductory paragraph), 1523(G), 1530(K)(3),  
 2 1614(D), 1634(A) and (B)(introductory paragraph), 1636(B)(5), 1732(20), 1758(A) and (F),  
 3 1763(J)(2), 1784(introductory paragraph), 1785(A)(2), 1804(introductory paragraph),  
 4 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(introductory paragraph),  
 5 1945(A)(2), 1964(A)(introductory paragraph), 1974(A), 2074(A) and (B)(1)(introductory  
 6 paragraph), 2077(A)(introductory paragraph) and (B)(introductory paragraph) and (2),  
 7 2144(K), 2165.6(A) and (B)(introductory paragraph), 2178(B)(introductory paragraph),  
 8 (1)(b), and (3)(c) and (C)(1)(c)(iv)(aa), 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and  
 9 (B)(2)(a)(ii), 2221(K)(4)(a) and (M), 2223(A)(1), 2241.7(A)(1), 2241.8(2)(a)(ii),  
 10 2242.7(A)(1), 2242.8(2)(a)(ii), 2256(B)(2)(a) and (3), 2256.2(A), 2257(K)(4), 2258(A),  
 11 (B)(introductory paragraph) and (1)(c) and (d), (2)(a), and (C) through (E), 2259(A)(1),  
 12 3005.1(I)(2) and (J)(4), 3039.1(K)(4), 3041(B), 3101, 3107(5), 3113(6), 3132, 3143(1) and  
 13 (2), 3145(D), 3166(A), 3178(C)(2), 3192, 3200(1) and (2), 3222, 3232(A), (B), and (C), 3281,  
 14 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 paragraph),  
 20 3773, 3778(A), 3780, 3791, 3802(3) and (4), 3804(A), 3805, and 3808 are hereby amended  
 21 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 was  
 29 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 that  
2 the disability was not incurred while the member was an active contributing member  
3 in active service. Such presumption may be overcome only by clear, competent, and  
4 convincing evidence that the disability was incurred while the member was an active  
5 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 the  
12 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 Subpart,  
22 is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled  
23 to disability benefits under the provisions of R.S. 11:805, provided the member has  
24 at least five years of creditable service, and provided that the disability was incurred  
25 while the member was an active contributing member in active service. However, if  
26 the application for disability benefits is not filed while the member is in service, it  
27 shall be presumed that the disability was not incurred while the member was an active  
28 contributing member in active service. Such presumption may be overcome only by

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

15 \* \* \*

16 §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 that  
25 the disability was not incurred while the member was an active contributing member  
26 in active service. Such presumption may be overcome only by clear, competent, and  
27 convincing evidence that the disability was incurred while the member was an active  
28 contributing member in active service.

1 §207. Sheriffs' Pension and Relief Fund

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

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

16 \* \* \*

17 §208. Municipal Police Employees' Retirement System

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

1 evidence that the disability was incurred while the member was an active contributing  
2 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 Subpart,  
7 is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled  
8 to disability benefits under the provisions of R.S. 11:1943 and 1944, provided the  
9 member has at least five years of creditable service, and provided that the disability  
10 was incurred while the member was an active contributing member in active service.  
11 However, if the application for disability benefits is not filed while the member is in  
12 service, it shall be presumed that the disability was not incurred while the member  
13 was an active contributing member in active service. Such presumption may be  
14 overcome only by clear, competent, and convincing evidence that the disability was  
15 incurred while the member was an active contributing member in active service.

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

28 C. A member covered by Plan C of this system who ~~becomes disabled~~  
29 acquires a disability, and who files for disability benefits while in service, and who

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

11 §210. Municipal Employees' Retirement System

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

24 B. A member covered by Plan B of this system, who ~~becomes disabled~~  
25 acquires a disability, and who files for disability benefits while in service, and who  
26 upon medical examination and certification as provided for elsewhere in this Subpart,  
27 is found to ~~be totally disabled~~ have a total disability for any cause, shall be entitled  
28 to disability benefits under the provisions of R.S. 11:1804, provided the member has  
29 at least ten years of creditable service, and provided that the disability was incurred

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

7 §211. Louisiana State Police Retirement System

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

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

28 \* \* \*



1 §213. Assessors' Retirement Fund

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

15 \* \* \*

16 §215. Firefighters' Retirement System

17 A. 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 solely as the result of injuries sustained in the performance of  
21 his official duties, or for any cause, provided the member has at least five years of  
22 creditable service and provided that the disability was incurred while the member was  
23 an active contributing member in active service, shall be entitled to disability benefits  
24 under the provisions of R.S. 11:2258(B).

25 \* \* \*

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

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

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

4 \* \* \*

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

15 D.

16 \* \* \*

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

25 \* \* \*

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

27 \* \* \*

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

1 or the surviving ~~physically or mentally handicapped~~ child with a physical or mental  
2 disability who is entitled to a survivor benefit of a deceased public servant convicted  
3 of a public corruption crime shall be based solely on the amount of the public  
4 servant's benefit forfeited to the retirement system and shall not be based on any  
5 amount remitted to the public servant.

6 \* \* \*

7 §701. Definitions

8 \* \* \*

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

23 \* \* \*

24 §768. Retirement allowances

25 \* \* \*

26 D.

27 \* \* \*

28 (2) With respect to each member of this system who has successfully  
29 completed at least three years of one program as defined in R.S. 17:3602(5), average

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

\*       \*       \*

§778. Disability retirement

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

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

\*       \*       \*

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

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

7 \* \* \*

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

9 \* \* \*

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

16 \* \* \*

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

24 \* \* \*

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

1 ~~totally and permanently disabled~~ has a total and permanent disability and the mental  
2 or physical incapacity is certified by the State Medical Disability Board, the optional  
3 benefit, when it becomes payable, shall be paid to the person having legal custody of  
4 the property of the child.

5 \* \* \*

6 §784. Payment of benefits

7 \* \* \*

8 C.

9 \* \* \*

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

26 \* \* \*

27 E. If by operation of law or by action of the board of trustees a survivor  
28 benefit is payable to a specified person or persons, the member shall be considered  
29 to have designated such person as an alternate beneficiary hereunder. If there is more

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

6 \* \* \*

7 §804. Eligibility for disability retirement

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

14 §805. Computation of disability benefits

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

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

24 \* \* \*

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

27 Whenever a teacher ~~becomes disabled or incapacitated~~ acquires a disability  
28 or incapacitating condition and has been employed as a teacher in a particular parish  
29 for a period of twenty-five years or more, the parish school board of the parish is

1 authorized to pay him, upon his application, an amount which, when added to any  
2 retirement benefits received by the teacher, shall not exceed one-half his monthly  
3 salary during the last year of his employment in the public schools. The word  
4 "teacher" as used in this Part means principal, supervisor, and superintendent of  
5 public schools, as well as ~~class-room~~ classroom teachers.

6 §901.37. Retirement of ~~disabled~~ teachers with disabilities by parish school boards;  
7 authority; amount of retirement benefits

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

16 \* \* \*

17 §952.36. Disability retirement

18 A. Eligibility for disability benefits, procedures for application for disability  
19 benefits, procedures for the certification of continuing eligibility for disability  
20 benefits, the authority of the board of trustees to modify disability benefits, and  
21 procedures governing the restoration to active service of a ~~formerly disabled~~ an  
22 employee who formerly had a disability are specifically described and provided for  
23 in R.S. 42:702 through ~~R.S. 42:706~~.

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

27 A service retirement allowance computed on the basis of the member's



1 average regular compensation and years of credited service at the time of disability  
2 retirement without any reduction for reason of age.

3 \* \* \*

4 §1147. Disability retirement

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

11 \* \* \*

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

15 \* \* \*

16 §1151. Survivor benefits; members hired on or before June 30, 2010

17 \* \* \*

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

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

7 \* \* \*

8 §1151.1. Survivors' benefits; members hired on or after July 1, 2010

9 \* \* \*

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

21 \* \* \*

22 C.

23 \* \* \*

24 (2)(a) In addition to the amount payable in accordance with Subsection B of  
25 this Section, ~~the surviving totally physically handicapped or mentally disabled child~~  
26 ~~or children~~ any surviving child of a deceased member, whether under or over the age  
27 of eighteen years, shall be entitled to the same benefits, payable in the same manner,  
28 as are provided by this Section for minor children, if the child ~~was totally physically~~  
29 ~~handicapped or mentally disabled~~ has a total physical disability or mental disability,



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

7   \*       \*       \*

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

14   \*       \*       \*

15          §1318. Pension of ~~physically handicapped or mentally disabled~~ children with  
 16          physical or mental disabilities of deceased employee hired on or before  
 17          December 31, 2010

18          A. ~~The surviving totally physically handicapped or mentally disabled child~~  
 19          ~~or children~~ Any child of a deceased member whose first employment making him  
 20          eligible for membership in one of the state systems occurred on or before December  
 21          31, 2010, whether under or over the age of eighteen years, shall be entitled to the  
 22          same benefits, payable in the same manner as provided by this Chapter for surviving  
 23          spouses, if the child has a total physical disability or mental disability.

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

28   \*       \*       \*

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

3 \* \* \*

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

15 \* \* \*

16 C.

17 \* \* \*

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

26 (b) The applicant shall provide adequate proof of ~~handicap~~ physical or mental  
27 disability of such surviving child or children and shall notify the board of any  
28 subsequent changes in the child's condition to such an extent that the child is no  
29 longer dependent upon the surviving spouse or legal guardian and any changes in the

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

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

14 \* \* \*

15 §1345.8. Survivors' benefit for members killed in the line of duty

16 \* \* \*

17 B. If the member has a surviving spouse, ~~minor, or handicapped or mentally~~  
18 ~~incapacitated~~ child or children who are minors, have a disability, or are mentally  
19 incapacitated, the amount of the total benefit shall equal eighty percent of the  
20 member's average compensation. The benefit shall be shared equally by the surviving  
21 spouse and children. When a child who is ~~not handicapped or~~ neither has a disability  
22 nor is mentally incapacitated no longer meets the definition of minor child under R.S.  
23 11:1301, his benefit shall cease, and the remaining beneficiaries shall have their  
24 shares adjusted accordingly.

25 \* \* \*

26 §1402. Definitions

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

29 \* \* \*



1 paid for one child, and ten dollars per month shall be paid for each additional child  
2 until he reaches the age of eighteen years, or as long as he is ~~physically or mentally~~  
3 ~~disabled~~ has a physical or mental disability.

4 \* \* \*

5 §1483. Control and expenditure of funds; investments; warrants; expenses; deposits

6 \* \* \*

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

19 \* \* \*

20 §1503. Definitions

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

23 \* \* \*

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



1 member, issued an order of filiation declaring the paternity of such male member for  
2 the child.

3 \* \* \*

4 §1522. Disability retirement benefits

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

8 \* \* \*

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

12 \* \* \*

13 §1523. Survivor benefits

14 \* \* \*

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

18 \* \* \*

19 §1530. Deferred Retirement Option Plan

20 \* \* \*

21 K.

22 \* \* \*

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

26 \* \* \*

27 §1614. Service on which retirement allowances are based

28 \* \* \*

1           D. If a member dies or ~~becomes disabled~~ acquires a disability on or after  
 2           January 1, 2007, while performing qualified military service as defined in 26 U.S.C.  
 3           414(u), the member's beneficiary is entitled to any additional benefits, other than  
 4           benefit accruals relating to the period of qualified military service, provided under the  
 5           system as if the member had resumed and then terminated employment on account  
 6           of death or disability. Also, the system will credit the member's qualified military  
 7           service as service for vesting purposes as though the member had resumed  
 8           employment under USERRA immediately prior to the member's death or disability.

9   \*       \*       \*

10           §1634. Disability retirement

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

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

22   \*       \*       \*

23           §1636. Survivors' benefits

24   \*       \*       \*

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

28   \*       \*       \*

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

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

8   \*       \*       \*

9           §1732. Definitions

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

12   \*       \*       \*

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

16   \*       \*       \*

17           §1758. Disability retirement

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

24   \*       \*       \*

25           F. Should the medical board determine, and the board of trustees concur, that  
 26           any disability beneficiary is ~~no longer disabled~~ no longer has a disability, or should  
 27           any disability beneficiary who has not attained normal retirement age refuse to submit  
 28           to at least one medical examination in any one year, such disability beneficiary shall

1           forfeit all rights to his benefits which shall be revoked by the board of trustees.

2   \*       \*       \*

3           §1763. Deferred Retirement Option Plan

4   \*       \*       \*

5                    J.

6   \*       \*       \*

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

10   \*       \*       \*

11           §1784. Computation of disability benefits

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

15   \*       \*       \*

16           §1785. Survivor benefits; eligibility

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

19   \*       \*       \*

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

29   \*       \*       \*

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

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 submit  
10 to at least one medical examination in any one year, such disability beneficiary shall  
11 forfeit all rights to his benefits which shall be revoked by the board of trustees.

12 \* \* \*

13 §1938. Deferred Retirement Option Plan

14 \* \* \*

15 J.

16 \* \* \*

17 (4)

18 \* \* \*

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

22 \* \* \*

23 §1944. Computation of disability benefits

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

29 \* \* \*

1 §1945. Survivor benefits; eligibility

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

4 \* \* \*

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

9 \* \* \*

10 §1964. Computation of disability benefits

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

15 \* \* \*

16 §1974. Computation of disability benefits

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

20 \* \* \*

21 §2074. Disability retirement

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

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

4                                   \*       \*       \*

5           §2077. Survivors' benefits

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

8                                   \*       \*       \*

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

11                                  \*       \*       \*

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

17                                  \*       \*       \*

18           §2144. Deferred Retirement Option Plan

19                                  \*       \*       \*

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

24                                  \*       \*       \*

25           §2165.6. Disability retirement

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



1 employee who formerly had a disability are specifically provided for in Subpart E of  
2 Part II of Chapter 4 of Subtitle I of this Title.

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

6 \* \* \*

7 §2178. Disability benefits; retirement benefits; death benefits

8 \* \* \*

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

17 (1) Service related disability benefit.

18 \* \* \*

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

23 \* \* \*

24 (3) Non-service related disability benefit.

25 \* \* \*

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

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

3 \* \* \*

4 C.(1)

5 \* \* \*

6 (c)

7 \* \* \*

8 (iv)(aa) Notwithstanding the provisions of Item (iii) of this Subparagraph, a  
9 member whose first employment making him eligible for membership in the system  
10 began on or after January 1, 2012, who retires with thirty or more years of creditable  
11 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 average  
16 compensation multiplied by the number of years of creditable service in the fund.

17 \* \* \*

18 §2180. Limitations on payment of benefits

19 \* \* \*

20 C.

21 \* \* \*

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

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

\* \* \*

9 §2214. Membership

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

11 \* \* \*

12 (2)

13 \* \* \*

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

21 \* \* \*

22 §2220. Benefits; contribution limit

23 A.(1)

24 \* \* \*

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

29 \* \* \*

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

4 \* \* \*

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

8 \* \* \*

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

18 \* \* \*

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

25 \* \* \*

26 §2221. Deferred Retirement Option Plan

27 \* \* \*

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

3   \*       \*       \*

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

7   \*       \*       \*

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

16   \*       \*       \*

17 §2223. Disability retirement

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

24   \*       \*       \*

25 §2241.7. Disability retirement

26           A.(1) Eligibility for disability benefits, procedures for application for  
27 disability benefits, procedures for the certification of continuing eligibility for  
28 disability benefits, the authority of the board of trustees to modify disability benefits,  
29 and procedures governing the restoration to active service of a ~~formerly disabled~~ an

1 employee who formerly had a disability shall be as provided in R.S. 11:202 through  
2 225.

3 \* \* \*

4 §2241.8. Survivor benefits

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

8 \* \* \*

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

19 \* \* \*

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

26 \* \* \*

27 §2242.7. Disability retirement

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

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

5 \* \* \*

6 §2242.8. Survivor benefits

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

10 \* \* \*

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

21 \* \* \*

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

28 \* \* \*

1 §2256. Benefits; refund of contributions, application, and payment

2 \* \* \*

3 B.

4 \* \* \*

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

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

24 \* \* \*

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

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

9 \* \* \*

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

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

17 \* \* \*

18 §2257. Deferred Retirement Option Plan

19 \* \* \*

20 K.

21 \* \* \*

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

25 §2258. Disability retirement

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

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

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

6 (1)

7 \* \* \*

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

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

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

25 \* \* \*

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

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

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

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

23 §2259. Optional allowances

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

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

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

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

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

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

22 \* \* \*

23 §3005.1. Deferred Retirement Option Plan

24 \* \* \*

25 I.

26 \* \* \*

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

4                                   \*       \*       \*

5           J.

6                                   \*       \*       \*

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

10                                  \*       \*       \*

11       §3039.1. Deferred Retirement Option Plan

12                                  \*       \*       \*

13           K.

14                                  \*       \*       \*

15           (4) If the member 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       §3041. Disability retirement annuity; qualification

20                                  \*       \*       \*

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

26                                  \*       \*       \*

27       §3101. Firemen's pension and relief fund for the city of Alexandria; creation

28           There is hereby created a Firemen's Pension and Relief Fund for the City of  
29 Alexandria, and a Board of Trustees, to administer and disburse said fund, in order

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

5 \* \* \*

6 §3107. Board of trustees; duties

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

8 \* \* \*

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

11 \* \* \*

12 §3113. Pensions and benefits

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

14 \* \* \*

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

19 \* \* \*

20 §3132. Composition of the fund

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

28 \* \* \*

1 §3143. Pensions and benefits

2 Pensions and benefits shall be as follows:

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

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

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

\* \* \*

21 §3145. Military service credit

\* \* \*

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

\* \* \*



1 §3166. Pensions and benefits

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

18 \* \* \*

19 §3178. Pensions and benefits

20 \* \* \*

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

23 \* \* \*

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

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

8 \* \* \*

9 §3192. Composition of the fund

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

17 \* \* \*

18 §3200. Pensions and benefits

19 Pensions and benefits shall be as follows:

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



1 §3222. Composition of the fund

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

7 \* \* \*

8 §3232. Pensions and benefits

9 Pensions and benefits shall be as follows:

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

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

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

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

26 §3281. Firemen's pension and relief fund for the city of Lafayette; creation

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

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

4 \* \* \*

5 §3288. Secretary; duties; powers

6 \* \* \*

7 B. The board of directors shall:

8 \* \* \*

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

11 \* \* \*

12 §3293. Pensions and benefits

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

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

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

4 \* \* \*

5 §3317. Board of directors; duties; meetings

6 \* \* \*

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

8 \* \* \*

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

11 \* \* \*

12 §3322. Pensions and benefits

13 \* \* \*

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

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

22 \* \* \*

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

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

28 \* \* \*

1 §3346. Benefits

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

3 \* \* \*

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

19 \* \* \*

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

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

28 \* \* \*



1 §3377. Retirement for nonservice connected disability; method of establishing  
2 pension

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

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

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

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

28 \* \* \*

1 §3378. Survivor benefits

2 A.(1)

3 \* \* \*

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

16 \* \* \*

17 (2)

18 \* \* \*

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

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

6 \* \* \*

7 §3385.1. Deferred Retirement Option Plan

8 \* \* \*

9 K.

10 \* \* \*

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

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

22 \* \* \*

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

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

6 \* \* \*

7 §3402. Composition of the fund

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

15 \* \* \*

16 §3410. Pensions and benefits

17 Pensions and benefits shall be as follows:

18 \* \* \*

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

1 propound any questions pertinent or relevant to such matter, and also shall have the  
2 right to introduce upon his own behalf any competent evidence he may see fit. All  
3 witnesses so produced shall be examined under oath. The decision of the board of  
4 trustees shall be final and conclusive, and no appeal shall be allowed therefrom, nor  
5 shall the same be subject to review except by the board of trustees or upon proper  
6 application to the courts.

7 \* \* \*

8 §3431. Firemen's pension and relief fund for the city of Shreveport; creation

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

18 \* \* \*

19 §3438. Salary deductions paid into the fund; contributions by the city

20 \* \* \*

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

27 \* \* \*

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

3   \*       \*       \*

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

20   \*       \*       \*

21           (5)

22   \*       \*       \*

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

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

5 \* \* \*

6 §3442. Pensions and benefits

7 Pensions and benefits shall be as follows:

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

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

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



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

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

18 \* \* \*

19 §3447. Merger with firefighters' retirement system

20 \* \* \*

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

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

4 \* \* \*

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

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

17 \* \* \*

18 §3473. Pensions and benefits

19 Pensions and benefits shall be as follows:

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

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

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

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

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

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

3 \* \* \*

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

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

11 \* \* \*

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

13 \* \* \*

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

20 §3516. Death benefits

21 \* \* \*

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

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

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

4 \* \* \*

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

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

12 \* \* \*

13 §3552. City of Bogalusa; death benefits

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

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

25 \* \* \*

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

27 \* \* \*

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

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

4 \* \* \*

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

13 \* \* \*

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

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

21 \* \* \*

22 §3605. Board of directors; powers and duties

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

24 \* \* \*

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

27 \* \* \*

1 §3609. Pensions and benefits

2 A. If a member of the police department becomes disabled for service therein  
3 for causes not arising or developing directly from his employment in the police  
4 department and for which he is, therefore, unable to collect compensation under the  
5 worker's compensation laws of Louisiana, the policeman shall, upon being found ~~so~~  
6 ~~disabled~~ to have such disability by the board of directors, be paid monthly so long as  
7 such disability continues, a sum equal to forty-five percent of the salary earned by the  
8 employee at the time such disability arises in the case of employees who have served  
9 up to and including ten years. Employees who have served for a period of eleven  
10 years shall receive forty-six percent. Employees who have served for a period of  
11 twelve years shall receive forty-seven percent. Employees who have served for a  
12 period of thirteen years shall receive forty-eight percent. Employees who have served  
13 for a period of fourteen years shall receive forty-nine percent. Employees who have  
14 served for fifteen years shall receive fifty percent. Employees who have served for  
15 a period of sixteen years shall receive fifty-one percent. Employees who have served  
16 for a period of seventeen years shall receive fifty-two percent. Employees who have  
17 served for a period of eighteen years shall receive fifty-three percent. Employees who  
18 have served for a period of nineteen years shall receive fifty-four percent. Employees  
19 who have served for a period of twenty years shall receive fifty-five percent.

20 \* \* \*

21 §3644. Disability payments

22 Notwithstanding any other law to the contrary, if any officer, member, or  
23 employee of the police department, at any time, while in the active discharge of duty,  
24 or otherwise, ~~becomes permanently disabled~~ acquires a permanent disability so as to  
25 render his or her retirement from service necessary, he or she shall be retired by a  
26 two-thirds vote of the members of the board and shall receive a sum not to exceed  
27 fifty percent of his salary at the time of the permanent disability, however, such  
28 disability payment shall not be less than five hundred dollars per month. This sum



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

3 §3645. Death benefits

4 \* \* \*

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

18 \* \* \*

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

20 \* \* \*

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

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

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

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

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

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





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

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

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

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

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

3 \* \* \*

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

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

10 \* \* \*

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

23 \* \* \*

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

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

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

5 \* \* \*

6 §3771. Pensions and benefits

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

8 \* \* \*

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

18 \* \* \*

19 §3773. Payments during disability

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

23 \* \* \*

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

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

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

\* \* \*

13 §3780. Transfer to other department

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

\* \* \*

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

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



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

4 \* \* \*

5 §3802. Pensions and benefits

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

7 \* \* \*

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

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

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

6 \* \* \*

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

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

11 \* \* \*

12 §3805. Military service credit

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

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

5 \* \* \*

6 §3808. Transfer to another department

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

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

17 §1278. Illness, disability, or absence

18 In the case of the illness, disability, or absence of any court reporter, the  
19 judges of the court may assign another court reporter to perform the duties of the ~~ill,~~  
20 ~~disabled, or absent~~ court reporter who is ill, has a disability, or is absent. The judges  
21 of the court may appoint a qualified person to serve temporarily as a court reporter  
22 during such period of illness, disability, or absence. The person so appointed court  
23 reporter to serve temporarily shall receive the compensation and fees provided in R.S.  
24 13:1272 and ~~R.S. 13:1273~~.

25 \* \* \*

26 §3881. General exemptions from seizure

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

29 \* \* \*

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

6 \* \* \*

7 Section 6. R.S. 14:32(D)(3), 35.2(A)(introductory paragraph), (B), and (C), 39(D)(3),  
 8 45(A)(3), 67.16(A)(1), (C)(1)(b), (2)(b), (3)(b), and (4)(b), 67.21(A) through (D), 79.1(A)(2),  
 9 89.1(A)(4), the heading of Subpart B(3) of Part V of Chapter 1 of Title 14 of the Louisiana  
 10 Revised Statutes of 1950, 93.3(A) through (D) and (E)(1), 93.4, 93.5(A)(introductory  
 11 paragraph) and (D), 106(D)(2)(introductory paragraph) and (d), 107.1(C)(2) and (3),  
 12 126.3(A), and 202.1(F)(4) are hereby amended and reenacted to read as follows:

13 §32. Negligent homicide

14 \* \* \*

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

16 \* \* \*

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

21 \* \* \*

22 §35.2. Simple battery of ~~the infirm~~ persons with infirmities

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

26 \* \* \*

27 B. For purposes of this Section, "~~infirm, disabled, or aged~~ person who is  
 28 infirm, has a disability, or is aged" shall include but not be limited to any individual  
 29 who is a resident of a nursing home, ~~mental retardation~~ facility for persons with

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

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

7                                \*        \*        \*

8        §39. Negligent injuring

9                                \*        \*        \*

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

11                                \*        \*        \*

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

16                                \*        \*        \*

17        §45. Simple kidnapping

18                A. Simple kidnapping is:

19                                \*        \*        \*

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

24                                \*        \*        \*

25        §67.16. Identity theft

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

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

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

3 \* \* \*

4 C.(1)

5 \* \* \*

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

12 \* \* \*

13 (2)

14 \* \* \*

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

21 \* \* \*

22 (3)

23 \* \* \*

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

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

3 \* \* \*

4 (4)

5 \* \* \*

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

12 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

9                                   \*       \*       \*

10       §79.1. Criminal abandonment

11           A. Criminal abandonment is any of the following:

12                                   \*       \*       \*

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

18                                   \*       \*       \*

19       §89.1. Aggravated crime against nature

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

22                                   \*       \*       \*

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

27                                   \*       \*       \*

## 1                   3. OFFENSES AFFECTING THE HEALTH AND SAFETY

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

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

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

15 Caregiver includes but is not limited to adult children, parents, relatives, neighbors,  
16 daycare institutions and facilities, adult congregate living facilities, and nursing  
17 homes which or who have voluntarily assumed or been assigned the care of ~~an aged~~  
18 ~~or infirmed person or disabled adult, a person who is aged, a person with an infirmity,~~  
19 or an adult with a disability; or have assumed voluntary residence with ~~an aged or~~  
20 ~~infirmed person or disabled adult~~ a person who is aged, a person with an infirmity, or  
21 an adult with a disability.

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

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

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

\* \* \*

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

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

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

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

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

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

1 any other ~~disabled or aged person~~ person with a disability or person who is aged. The  
2 provisions of this Subsection shall not be construed to prohibit the offender from  
3 inheriting from the ~~infirm~~ victim with an infirmity.

4 §93.5. Sexual battery of ~~the infirm~~ persons with infirmities

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

8 \* \* \*

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

12 \* \* \*

13 §106. Obscenity

14 \* \* \*

15 D.

16 \* \* \*

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

19 \* \* \*

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

23 \* \* \*

24 §107.1. Ritualistic acts

25 \* \* \*

26 C.

27 \* \* \*

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

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

7 \* \* \*

8 §126.3. False statements concerning employment in a nursing or health care facility

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

18 \* \* \*

19 §202.1. Home improvement fraud; penalties

20 \* \* \*

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

25 \* \* \*

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

28 \* \* \*

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

4 §536. Definitions

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

11 \* \* \*

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

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

24 \* \* \*

25 §541. Definitions

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

28 \* \* \*

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

3 \* \* \*

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

5 \* \* \*

6 §571.3. Diminution of sentence for good behavior

7 \* \* \*

8 B.

9 \* \* \*

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

13 \* \* \*

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

15 \* \* \*

16 §571.34. Alternative to traditional imprisonment; prisoners who are elderly or infirm  
17 ~~prisoners~~

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

24 \* \* \*

25 §581. Authorized audits and investigations

26 With the written authorization of the deputy secretary, any employee or agent  
27 of the bureau, for purpose of audit or investigation of violations of any provisions  
28 herein, or any official rule or regulation of the bureau, shall be granted access by any  
29 public or private criminal justice agency collecting, processing, storing, or

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

11 \* \* \*

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

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

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





1 §1402. Legislative findings and declaration

2 A. The legislature hereby finds and declares that it is the right of every  
3 person, regardless of race, color, creed, religion, national origin, sex, age, or ~~handicap~~  
4 disability, to be secure and protected from fear, intimidation, and physical harm  
5 caused by the activities of violent groups and individuals. It is not the intent of this  
6 Chapter to interfere with the constitutional exercise of the protected rights of freedom  
7 of expression and association. The legislature hereby recognizes the right of every  
8 citizen to harbor and constitutionally express beliefs on any lawful subject  
9 whatsoever, to associate lawfully with others who share similar beliefs, to petition  
10 lawfully constituted authority for a redress of perceived grievances, and to participate  
11 in the electoral process.

12 \* \* \*

13 §1503. Definitions

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

16 \* \* \*

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

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

6 \* \* \*

7 §1510. Implementation

8 \* \* \*

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

15 \* \* \*

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

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

22 \* \* \*

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

29 \* \* \*

1 §124. Appropriations, authority to make

2 The Orleans Parish School Board may make annual appropriations out of any  
3 of its funds to the teachers' retirement fund of the public schools of the parish; these  
4 appropriations shall not be less than Thirty Thousand Dollars (\$30,000.00) each year.  
5 The board may make additional appropriations to be used as a special fund for such  
6 ~~aged and infirm~~ teachers who are aged or infirm as are, under the laws in effect on  
7 July 26, 1922, receiving less than Twenty-Five Dollars a month.

8 \* \* \*

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

11 \* \* \*

12 H.

13 \* \* \*

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

17 \* \* \*

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

24 \* \* \*

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

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

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

6 \* \* \*

7 B.

8 \* \* \*

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

16 \* \* \*

17 §407.2. Louisiana Early Childhood Opportunity Program

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

29 \* \* \*

1 §421.4. Salary increases, noninstructional school personnel

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

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

26 \* \* \*

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



1 agency, the cost of any special education and related services shall be reimbursed by  
2 the local education agency within the boundaries of which the student resides, except  
3 as provided in Paragraph (3) of this Subsection.

4 \* \* \*

5 §3217.2. Orleans Regional Technical Institute, merger with Delgado Community  
6 College

7 \* \* \*

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

21 \* \* \*

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

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

27 \* \* \*

28 C.

29 \* \* \*



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

3 \* \* \*

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

8 \* \* \*

9 §106.1. Change of registration for ~~disabled~~ voters with disabilities and  
10 documentation establishing disability

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

16 \* \* \*

17 §564. Assistance in voting on election day

18 \* \* \*

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

23 \* \* \*

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

28 \* \* \*

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

5   \*       \*       \*

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

10   \*       \*       \*

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

17   \*       \*       \*

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

19   \*       \*       \*

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

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

27   \*       \*       \*

1 §1309.3. Assistance in voting during early voting

2 \* \* \*

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

7 \* \* \*

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

12 \* \* \*

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

19 \* \* \*

20 §1400.21. Help Louisiana Vote Fund

21 \* \* \*

22 B.

23 \* \* \*

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

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

3 \* \* \*

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

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

7 \* \* \*

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

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

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

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

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

7 \* \* \*

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

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

13 \* \* \*

14 B.

15 \* \* \*

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

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

3 \* \* \*

4 §1000. Group, family group, blanket, and association health and accident insurance

5 \* \* \*

6 A.

7 \* \* \*

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

12 (a)

13 \* \* \*

14 (vi)

15 \* \* \*

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

23 \* \* \*

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

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

3 \* \* \*

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

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

24 \* \* \*

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

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

3 \* \* \*

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

6 \* \* \*

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

18 \* \* \*

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

21 A.

22 \* \* \*

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

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



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

3 \* \* \*

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

10 \* \* \*

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

13 \* \* \*

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

22 \* \* \*

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

25 \* \* \*

26 B. "Severe disability", as used in this Section, means any disease of, or injury  
27 to, the spinal cord resulting in permanent and total disability, amputation of any  
28 extremity that requires prosthesis, permanent visual acuity of twenty/two hundred or  
29 worse in the better eye with the best correction, or a peripheral field so contracted that

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

6 \* \* \*

7 §1242. Definitions

8 As used in this Subpart:

9 \* \* \*

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

28 \* \* \*

1 §1288. Discrimination in automobile liability insurance prohibited

2 \* \* \*

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

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

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

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

16 \* \* \*

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

20 \* \* \*

21 §322. Definitions

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

24 \* \* \*

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

29 \* \* \*

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

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

9 \* \* \*

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

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

23 \* \* \*

24 §323. Discrimination

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

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

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

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

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

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

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

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

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

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

3 \* \* \*

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

6 \* \* \*

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

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

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

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

26 §324. Defenses

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



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

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

13 \* \* \*

14 §1378. Determination of liability of fund

15 \* \* \*

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

23 \* \* \*

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

27 \* \* \*



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

4 \* \* \*

5 §1472. Definitions

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

8 \* \* \*

9 (12)

10 \* \* \*

11 F. The term "employment" shall include:

12 \* \* \*

13 IV. Notwithstanding the provisions of Subparagraphs (I) or (II) of this  
14 Paragraph or any other provision of law to the contrary, the term "employment" shall  
15 include service performed after December 31, 1970, by an individual in the employ  
16 of the Louisiana State School for the Blind, Southern University System State School  
17 for the Blind, Louisiana State School for the Deaf, ~~and~~ Southern University System  
18 State School for the Deaf, or a successor of any of these schools.

19 \* \* \*

20 §1823. Definitions

21 For the purposes of this Chapter:

22 \* \* \*

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

24 \* \* \*

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

28 \* \* \*

1 §1829. Special conditions

2 \* \* \*

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

10 \* \* \*

11 §2061. Definitions

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

14 \* \* \*

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

21 \* \* \*

22 §3004. Fees for vocational work evaluation services performed by Louisiana  
23 Workforce Commission

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

29 \* \* \*

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

2 §33. Administration of program; specific purposes

3 \* \* \*

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

7 \* \* \*

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

11 \* \* \*

12 Section 14. R.S. 28:2(14) and (20), 22.5, 22.7(A), 22.9, 22.10, 25.1(C)(1)(a)(v), 50(1)  
13 and (3), 52(B) and (G), 55(G), 64(B) through (G), 146, 148, 172(A), the heading of Part VIII  
14 of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, 200 through 205,  
15 215.5(B)(5), the heading of Chapter 5 of Title 28 of the Louisiana Revised Statutes of 1950,  
16 475, 476, 477(1) and (3)(a)(introductory paragraph) and (b), 478(A), 831(A)(introductory  
17 paragraph), (2), (3), (C)(1)(a) and (b)(i) through (iii), (E), and (F)(1), (4), and (5), 854(A)(2)  
18 and (3), 864(A)(2) and (3), 874(A)(2) and (3), 904(A)(2) and (3), and 915(A)(2) are hereby  
19 amended and reenacted and R.S. 28:64(H) and (I) are hereby enacted to read as follows:

20 §2. Definitions

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

23 \* \* \*

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

28 \* \* \*

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

\*       \*       \*

7           §22.5. Community mental health centers

8           The community mental health centers located in Lafayette, Pineville, Lake  
 9           Charles, Baton Rouge, New Orleans, Crowley, Shreveport, and Monroe for the care,  
 10          treatment, and rehabilitation at the community level of ~~the mentally ill and the~~  
 11          persons with mental illness and persons who are mentally defective as defined in R.S.  
 12          ~~28:2(3) and R.S. 28:2(4)~~ 28:2 are created and continued as units of the department  
 13          under its supervision and administration. Guidance centers heretofore established  
 14          may be converted to mental health centers by the department or two or more of them  
 15          may be merged and consolidated into a mental health center by the department.

\*       \*       \*

17          §22.7. Geriatric hospitals and units

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

\*       \*       \*

1 §22.9. Rosenblum Mental Health Center

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

7 §22.10. New Orleans Adolescent Hospital

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

- 13 (1) Are suffering from substance abuse.
- 14 (2) Are emotionally disturbed.
- 15 (3) Have a mental illness.
- 16 (4) Have a developmental disability.

17 \* \* \*

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

20 \* \* \*

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

23 \* \* \*

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

26 \* \* \*

1 §50. Declaration of policy

2 The underlying policy of this Chapter is as follows:

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

5 \* \* \*

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

8 \* \* \*

9 §52. Voluntary admissions; general provisions

10 \* \* \*

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

14 \* \* \*

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

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

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

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

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

26 \* \* \*

1 §55. Judicial hearings

2 \* \* \*

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

11 \* \* \*

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

14 \* \* \*

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

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

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

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

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

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

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

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

3           ~~E. D.~~ 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 with mental  
10 disabilities in order to ensure that their rights are protected, subject to the approval of  
11 the board of trustees.

12           ~~(2) Identify~~ (b) To identify the needs of ~~mentally disabled~~ 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~~ persons with mental disabilities,  
29 subject to the approval of the board of trustees.





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

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

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

10 \* \* \*

11 §148. Expenses of deportation

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

15 \* \* \*

16 §172. Deposit of patients' funds; disbursement

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

25 \* \* \*

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

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

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

12          §201. Transfer of administration

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

20          §202. Lease of land, buildings, equipment

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

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

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



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

1 §477. Definitions

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

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

9 \* \* \*

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

13 \* \* \*

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

19 §478. Promotion of community based homes

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

25 \* \* \*

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

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

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

4 \* \* \*

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

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

12 \* \* \*

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

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

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

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

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

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

27 \* \* \*

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

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

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

10 \* \* \*

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

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

17 \* \* \*

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

19 A. The authority shall:

20 \* \* \*

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

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



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

3 \* \* \*

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

5 A. The district shall:

6 \* \* \*

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

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

15 \* \* \*

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

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

19 \* \* \*

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

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

28 \* \* \*

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

2 A. The district shall:

3 \* \* \*

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

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

11 \* \* \*

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

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

15 \* \* \*

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

20 \* \* \*

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

23 §403. Definitions

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

26 \* \* \*

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

29 \* \* \*

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

3 \* \* \*

4 E. The office shall either directly or through authorized assignment to another  
5 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 elderly  
16 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 belt, but  
21 is not permanent, the commissioner shall issue a special temporary tag for the benefit  
22 of the applicant which indicates such condition. The fee for the temporary tag shall  
23 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 prescription,  
15 and driver education; possesses at a minimum an undergraduate degree in a  
16 rehabilitation, education, health, safety, physical, occupational, kinesio, or  
17 recreational therapy, or related profession or an equivalent of eight years experience  
18 in driver rehabilitation/education; and has a minimum of one year of experience in the  
19 area of driver evaluation and training for persons with disabilities or possesses current  
20 recognition from the Association of ~~Driver Educators for the Disabled~~ Driver  
21 Rehabilitation Specialists (ADED) as a driver rehabilitation specialist.

22 \* \* \*

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

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

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

4 \* \* \*

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

7 \* \* \*

8 C.

9 \* \* \*

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

21 \* \* \*

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

24 §1236. Powers of parish governing authorities

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

27 \* \* \*

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

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

6 \* \* \*

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

9 \* \* \*

10 C.

11 \* \* \*

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

26 \* \* \*

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

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



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

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

\* \* \*

1 §4720.62. Definitions, home loans, bonds, powers, restrictions, presumptions

2 \* \* \*

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

7 \* \* \*

8 §4720.112. Definitions, home loans, bonds, powers, restrictions, presumptions

9 \* \* \*

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

14 \* \* \*

15 §4720.138. Definitions, home loans, bonds, powers, restrictions, presumptions

16 \* \* \*

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

21 \* \* \*

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

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

26 \* \* \*

27 B. The Department of Elderly Affairs, through its offices and officers, shall  
28 be responsible for the functions of the state that are designed to meet the needs of  
29 Louisiana residents sixty years of age or older and for planning, monitoring,  
30 coordination, and delivery of services to ~~the elderly~~ persons of the state who are

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

27 \* \* \*



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

3 \* \* \*

4 (h) In accordance with R.S. 15:1501 et seq. ~~Provision~~ provision of adult  
5 protective services to ~~disabled~~ adults with disabilities. ~~in accordance with R.S.~~  
6 ~~15:1501, et seq.~~

7 \* \* \*

8 B. The secretary shall have authority to:

9 \* \* \*

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

15 \* \* \*

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

22 \* \* \*

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

26 §752. Exemptions from license

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

28 \* \* \*

29 (9)(a) Contracting with a licensed dentist by the spouse or the personal  
30 representative of the estate of a deceased dentist, or the spouse or the personal

1 representative of a ~~disabled~~ dentist with a ~~licensed dentist~~ disability, to manage the  
2 dental practice at an establishment where dental operations, oral surgery, or dental  
3 services are provided for the purpose of selling or otherwise disposing of the dental  
4 practice of a deceased licensee or a ~~disabled licensee's dental practice~~ licensee with  
5 a disability for a period not to exceed twenty-four months.

6 \* \* \*

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

9 \* \* \*

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

13 \* \* \*

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

15 \* \* \*

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

19 \* \* \*

20 §775. Unprofessional conduct defined

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

22 \* \* \*

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

29 \* \* \*

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

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

6 \* \* \*

7 (9)

8 \* \* \*

9 (b) A dentist licensed in Louisiana shall not be forbidden to contract with the  
10 spouse or personal representative of the estate of a deceased dentist or the spouse or  
11 personal representative of a ~~disabled~~ dentist with a disability to manage the dental  
12 practice at an establishment where dental operations, oral surgery, or dental services  
13 are provided for the purpose of selling, liquidating, or otherwise disposing of the  
14 dental practice of a deceased ~~or disabled~~ licensee or a licensee with a disability for a  
15 period not to exceed twenty-four months in accordance with the provisions of R.S.  
16 37:752(9). Notwithstanding any other provision of law to the contrary, nothing in this  
17 Subparagraph shall prohibit a dentist from contracting with any person or entity for  
18 management of a dental practice prior to the death or disability of such dentist subject  
19 to Subparagraph (9)(a) of this ~~Section~~ Subsection.

20 (10)

21 \* \* \*

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

1 management of a dental practice prior to the death or disability of such dentist subject  
2 to Subparagraph (10)(a) of this ~~Section~~ Subsection.

3 \* \* \*

4 §961. Definitions

5 As used in this Part:

6 \* \* \*

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

21 \* \* \*

22 §1360.64. Privileged communications

23 \* \* \*

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

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

28 \* \* \*



1 §2363. Privileged communications

2 \* \* \*

3 C. This privilege may not be claimed by or on behalf of the patient or client  
4 in the 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 §3003. Definitions

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

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

13 ~~B.(1)(2)(a)~~ "Occupational therapy" means the application of any activity in  
14 which one engages for the purposes of evaluation, interpretation, treatment planning,  
15 and treatment of problems interfering with functional performance in persons  
16 impaired by physical illness or injury, emotional disorders, congenital or  
17 developmental disabilities, or the aging process, in order to achieve optimum  
18 functioning and prevention and health maintenance. The occupational therapist may  
19 enter a case for the purposes of providing consultation and indirect services and  
20 evaluating an individual for the need of services. Prevention, wellness, and education  
21 related services shall not require a referral; however, in workers' compensation  
22 injuries preauthorization shall be required by the employer or workers' compensation  
23 insurer or provider. Implementation of direct occupational therapy to individuals for  
24 their specific medical condition or conditions shall be based on a referral or order  
25 from a physician, advanced practice registered nurse, dentist, podiatrist, or  
26 optometrist licensed to practice. Practice shall be in accordance with published  
27 standards of practice established by the American Occupational Therapy Association,  
28 Inc., and the essentials of accreditation established by the agencies recognized to  
29 accredit specific facilities and programs.

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

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

11           ~~(3)~~(3) "Occupational therapist" means a person who is certified as an  
 12 occupational therapist, registered (OTR) by the American Occupational Therapy  
 13 Association, Inc. (AOTA), and licensed to practice occupational therapy, as defined  
 14 in this Chapter, and whose license is in good standing.

15           ~~(4)~~(4) "Occupational therapy assistant" means a person who is certified as a  
 16 certified occupational therapy assistant (COTA) by the American Occupational  
 17 Therapy Association, Inc. (AOTA), and is licensed to assist in the practice of  
 18 occupational therapy under the supervision of, and in activity programs with the  
 19 consultation of, an occupational therapist licensed under this Act.

20           ~~(5)~~(5) "Person" means any individual, partnership, unincorporated association,  
 21 or corporate body, except that only an individual may be licensed under this Chapter.

22           ~~(6)~~(6) "Association" means the Louisiana Occupational Therapy Association,  
 23 Inc. (LOTA).

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

26           §2261. Preference for goods manufactured, or services performed, by sheltered  
 27 workshops; non-applicability of competitive bidding requirements;  
 28 coordinating council

29           A. Every agency, board, commission, department, or other instrumentality of  
 30 the state shall give a preference in its purchasing practices to goods manufactured and

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

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

8 \* \* \*

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

11 \* \* \*

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

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

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

22 \* \* \*

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

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

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

3 \* \* \*

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

7 Section 21. R.S. 39:302, 362(B)(3)(a)(iii) and (4)(a) and (F), 1484(B)(1)(introductory  
8 paragraph) and (h), (2)(c), and (5)(introductory paragraph) and (a), 1494.1(A)(3), 1554(D)(3),  
9 1594(I)(1), 1595.4(A) and (E)(2), (3)(introductory paragraph) and (a), (4), (5), and (7), and  
10 1952(14)(introductory paragraph) and (e) are hereby amended and reenacted to read as  
11 follows:

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

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

19 \* \* \*

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

21 \* \* \*

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

26 \* \* \*

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

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

4 \* \* \*

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

10 \* \* \*

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

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

24 \* \* \*

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

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

5 \* \* \*

6 §1484. Definitions and objectives

7 \* \* \*

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

12 \* \* \*

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

15 \* \* \*

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

20 \* \* \*

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

24 \* \* \*

25 (5) Evaluation, testing, and remedial educational services for exceptional  
26 ~~handicapped or learning disabled~~ nonpublic school students with physical or learning  
27 disabilities include services rendered by a contractor with special knowledge or  
28 services available to provide special educational and related services for exceptional  
29 ~~or handicapped~~ students or students with disabilities voluntarily enrolled in approved  
30 nonpublic schools of Louisiana who are not otherwise provided with such services

1 through either their local school program or through other services afforded to them  
2 by local school boards or other public agencies. These services include but are not  
3 limited to:

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

6 \* \* \*

7 §1494.1. Social service contracts

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

13 \* \* \*

14 (3) A quasi-public and/or nonprofit corporation, such as a parish voluntary  
15 council on aging, an area agency on aging, an ~~association of retarded citizens~~ affiliate  
16 of The Arc or equivalent organization serving persons with intellectual or  
17 developmental disabilities, an organization serving children, youth, and/or families,  
18 or an organization promoting independence from public assistance has been  
19 established in coordination with the state to provide the particular service involved  
20 in the contract.

21 \* \* \*

22 §1554. Application of this Chapter

23 \* \* \*

24 D.

25 \* \* \*

26 (3) The office for citizens with developmental disabilities in the Department  
27 of Health and Hospitals shall be exempt from the requirements of R.S. 39:1643 in

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

4 \* \* \*

5 §1594. Competitive sealed bidding

6 \* \* \*

7 I. Exemption.

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

16 \* \* \*

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

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

23 \* \* \*

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

26 \* \* \*

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



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

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

7 \* \* \*

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

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

17 \* \* \*

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

21 \* \* \*

22 §1952. Definitions

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

25 \* \* \*

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

28 \* \* \*

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

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

\* \* \*

13 Section 22. R.S. 40:5(18), 384(11), 442(2), 501(A)(2), 1299.27(A), (B)(introductory  
 14 paragraph) and (2), and (C), 1299.52, 1299.58(A)(introductory paragraph), (1), and (3),  
 15 1299.78.5(A)(1) and (2), 1299.113(A)(4), 1299.114(9), 1299.118(3), 1299.119(A),  
 16 1300.85(C), 1300.361(B)(introductory paragraph), 1355(B), 1379.3(C)(5), 1400(A) and (C)  
 17 through (F), 1472.3(E)(2)(d), 1485.2(3), 1563(C)(6), 1573.1(A), 1574.1(A)(13)(a),  
 18 1730.39(B), 1730.66(A), 1735, 1742(A)(1), (3), and (4)(a), (B)(1), (2)(c), and (6), and (C),  
 19 1742.1, 1742.2(A)(1), (3), and (4) and (B)(1), the heading of Part V-A of Chapter 8 of Title  
 20 40 of the Louisiana Revised Statutes of 1950, 1748(A), 2009.21, 2009.25(F)(12),  
 21 2010.8(A)(2)(b)(v) and (vi), 2013(6), 2013.2, 2013.3, 2017(A)(1), (2), and (4), 2102(A)(3),  
 22 2113.5, 2116(B)(1) and (G), 2142(A), 2405.5(A) and (B)(1) and (2)(c) through (f), and 2471  
 23 are hereby amended and reenacted to read as follows:

24 §5. General powers and jurisdiction

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

\* \* \*

28 (18) To promulgate rules and regulations in accordance with the  
 29 Administrative Procedure Act to establish a fee schedule, based on ability to pay or  
 30 eligibility for third party reimbursement, for services provided by the ~~handicapped~~

1 ~~children's services~~ Children's Special Health Services program and maternal and child  
2 health programs in the office of public health.

3 \* \* \*

4 §384. Definitions

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

8 \* \* \*

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

17 \* \* \*

18 §442. Community facilities

19 A local housing authority may:

20 \* \* \*

21 (2) Provide such facilities to any public agency or to any person, agency,  
22 institution, or organization, public or private, for recreational, educational, health, or  
23 welfare purposes for the benefit and use of the local housing authority or for  
24 occupants of its dwelling accommodations, or persons of eligible income, persons  
25 who are elderly, or ~~handicapped~~ persons with disabilities, or for any combination of  
26 the foregoing, and which facilities may also serve the general public, and provision  
27 of such community facilities may be with or without charge therefor as in the local  
28 housing authority's discretion shall be deemed advisable to promote the public  
29 purposes of this Chapter.

30 \* \* \*

1 §501. Selection and preferences

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

9 \* \* \*

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

16 \* \* \*

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

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

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

4   \*       \*       \*

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

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

18   \*       \*       \*

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

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

25   \*       \*       \*

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

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

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

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

12 \* \* \*

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

17 \* \* \*

18 §1299.78.5. Provisions

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

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

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

25 \* \* \*

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

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

30 \* \* \*

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

4   \*       \*       \*

5       §1299.114. Program functions and responsibilities

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

8   \*       \*       \*

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

11    \*       \*       \*

12       §1299.118. Purpose

13           The legislature hereby finds and declares that:

14    \*       \*       \*

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

22    \*       \*       \*

23       §1299.119. Programs for individuals with cystic fibrosis who are twenty-one years  
24 of age or older

25           A. The secretary of the Department of Health and Hospitals, through the  
26 ~~handicapped children's services~~ Children's Special Health Services program in the  
27 office of public health services and environmental quality established pursuant to R.S.  
28 ~~46:261-263~~ 40:1299.111 et seq., shall make available and provide services and  
29 assistance to individuals with cystic fibrosis who are twenty-one years of age or older  
30 under the same terms, conditions, requirements, and criteria as are applied under the

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

4 \* \* \*

5 §1300.85. Services

6 \* \* \*

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

10 \* \* \*

11 §1300.361. Legislative intent

12 \* \* \*

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

21 \* \* \*

22 §1355. Powers and duties

23 \* \* \*

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



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

3 \* \* \*

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

6 \* \* \*

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

8 \* \* \*

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

11 \* \* \*

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

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

19 \* \* \*

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

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

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

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

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

27 \* \* \*

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

1 §1472.3. License; manufacturer, dealer-distributor, user, blaster, or handler of  
2 explosives

3 \* \* \*

4 E.

5 \* \* \*

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

7 \* \* \*

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

10 \* \* \*

11 §1485.2. Definitions

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

14 \* \* \*

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

18 \* \* \*

19 §1563. Powers and duties generally; use of deputies; responsibilities of local  
20 governing authorities with fire prevention bureaus; open structures and  
21 process structures; fees

22 \* \* \*

23 C.

24 \* \* \*

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

1 creating the fire protection bureau, assume the responsibility for and release the fire  
2 marshal and any other state entity from responsibility or liability for those inspections  
3 performed by the fire prevention bureau, or the consequences thereof, within the  
4 jurisdiction of the governing authority.

5 \* \* \*

6 §1573.1. Historic buildings renovation initiative

7 A. In order to encourage historic preservation and the preservation of  
8 Louisiana's architectural heritage, when applying the requirements of the adopted fire,  
9 life safety, or ~~handicapped~~ accessibility regulations and when implementing the  
10 applicable provisions of R.S. 40:1574, the state fire marshal shall have the authority  
11 to take into consideration the impact of these requirements on the historic integrity  
12 of existing facilities.

13 \* \* \*

14 §1574.1. Costs of handling plans

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

19 \* \* \*

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

22 \* \* \*

23 §1730.39. Powers of state fire marshal

24 \* \* \*

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

29 \* \* \*

1 §1730.66. State fire marshal; state health officer; authority

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

5 \* \* \*

6 §1735. Public buildings or facilities or private buildings or facilities to display signs

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

11 \* \* \*

12 §1742. Parking spaces for certain ~~disabled~~ persons with disabilities

13 A.(1) Each state agency and political subdivision having jurisdiction over a  
14 public facility and each owner or lessee of a private facility shall, in accordance with  
15 applicable zoning and building codes, provide and maintain a minimum number of  
16 specially designed and marked motor vehicle parking spaces, referred to hereafter in  
17 this Chapter as "accessible parking spaces", for the exclusive use of persons whose  
18 vehicles are identified by license plates, hang tags, or special parking cards for ~~the~~  
19 ~~mobility-impaired~~ persons with mobility impairments issued pursuant to R.S.  
20 47:463.4 or 463.4.1. The ~~mobility-impaired~~ accessible parking spaces shall adhere  
21 to the ADA Standards and shall include ~~mobility-impaired~~ accessible loading and  
22 unloading areas, access aisles, access ramps, and curb cuts. The minimum number  
23 of such parking spaces shall be as established by the ADA Standards. Public building  
24 or facility and private building or facility, as the terms are used in this Section, shall  
25 be as defined in R.S. 40:1732, and shall include public and private property which is  
26 open to the public and to which the public is invited for commercial or governmental  
27 purposes.

28 \* \* \*

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

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

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

9 \* \* \*

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

15 (2)

16 \* \* \*

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

30 \* \* \*

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

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

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

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

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

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

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

3 \* \* \*

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

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

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



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

6 \* \* \*

7 PART V-A. ACCESS TO GOVERNMENT SERVICES FOR  
8 PHYSICALLY HANDICAPPED PERSONS WITH DISABILITIES

9 §1748. Access to government services

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

17 \* \* \*

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

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

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

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

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

17 \* \* \*

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

21 \* \* \*

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

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

4 \* \* \*

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

7 \* \* \*

8 §2010.8. Residents' bill of rights

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

13 \* \* \*

14 (2)

15 \* \* \*

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

17 \* \* \*

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

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

22 \* \* \*

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

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

27 \* \* \*

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

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

4                                       \*       \*       \*

5       §2013.2. Appointment of chaplains; compensation

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

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

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

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

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

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

29                                       \*       \*       \*

1 §2017. Care of sick persons who are indigent or destitute ~~sick persons~~; maintenance

2 A. The department may, in addition to the powers conferred on it by this  
3 Chapter and in accordance with the provisions of this Chapter, exercise the following  
4 functions:

5 (1) Provide for the care and treatment, in privately owned hospitals and other  
6 institutions, of sick persons who are indigent or destitute ~~sick persons~~, including  
7 ~~mentally ill and persons with mental illness or who are~~ mentally deficient persons.

8 (2) Furnish ~~the~~ to persons who are indigent or destitute proper dental,  
9 medical, surgical and other treatment, including their transportation to the point of  
10 treatment and return.

11 \* \* \*

12 (4) Employ such physicians, interns and other employees as may, in its  
13 opinion, be necessary for the proper care and treatment of ~~the persons who are~~  
14 indigent and or destitute under this Chapter.

15 \* \* \*

16 §2102. Definitions

17 As used in this Part:

18 A. "Hospital" means any institution, place, building, or agency, public or  
19 private, whether for profit or not, with facilities for the diagnosis, treatment, or care  
20 of persons who are suffering from illness, injury, infirmity, or deformity or other  
21 physical condition for which obstetrical, medical, or surgical services would be  
22 available and appropriate and which operates or is affiliated with facilities for the  
23 overnight care, observation, or recovery of those persons. The term "hospital" does  
24 not include the following:

25 \* \* \*

26 (3) Persons, schools, institutions, or organizations engaged in the care and  
27 treatment of ~~mentally retarded~~ children with intellectual disabilities and which are  
28 required to be licensed by the provisions of ~~R.S. 28:562 through R.S. 28:566~~ the  
29 Developmental Disability Law (R.S. 28:451.1 et seq.).

30 \* \* \*

1 §2113.5. Services to ~~elderly~~ persons who are elderly and persons with disabilities

2 Any general hospital licensed under this Part, which is owned or operated, or  
3 both, by a hospital service district, or which benefits from being financed by the sale  
4 of bonds from the state or guaranteed by the state that are exempt from taxation as  
5 provided by Louisiana law, or which receives any other type of financial assistance  
6 from the state, is directed to give, when possible, priority to the treatment of ~~elderly,~~  
7 ~~physically handicapped, or mentally handicapped~~ persons who are elderly and persons  
8 with physical or mental disabilities in the delivery of nonemergency health care  
9 services.

10 \* \* \*

11 §2116. Facility need review

12 \* \* \*

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

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

21 \* \* \*

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

29 \* \* \*



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

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

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

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

14 \* \* \*

15 §2471. Statement of purpose

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

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



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

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

11 §808. Eligibility in group programs

12 \* \* \*

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

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

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

4 §51. Duties of the department

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

7 \* \* \*

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

17 \* \* \*

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

23 \* \* \*

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

27 \* \* \*

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

1 credit of the state agency that transferred a portion of its appropriation to the  
2 department for the purpose of seeking matching funds from the United States of  
3 America. The funds thus credited shall be available for use by the state agency for  
4 the purposes of:

5 ~~(1)~~ (a) ~~Employing~~ employing necessary personnel and for other expenses  
6 incurred in connection with the proper administration of the collection or acquisition  
7 of such funds by the state agency from the federal government or any agency thereof.

8 ~~(2)~~ (b) ~~For the purchase of~~ Purchasing new equipment for use by the state  
9 agency.

10 ~~(3)~~ (c) ~~For making~~ Making major repairs at any facility owned by the state  
11 agency.

12 ~~(4)~~ (d) ~~For operating~~ Operating expenses and maintenance of any facility  
13 owned by the state agency.

14 ~~(5)~~ (e) ~~For day~~ Day care services for ~~mentally retarded~~ persons with  
15 intellectual disabilities; and.

16 ~~(6)~~ (f) ~~For any~~ Any purpose authorized by law.

17 (2) Any funds remaining unexpended and unencumbered in any such special  
18 account at the end of each fiscal year shall be retained in such special account.

19 \* \* \*

20 §56. Applications and client case records; definitions; confidentiality; waiver;  
21 penalty

22 \* \* \*

23 B.

24 \* \* \*

25 (2) For the purposes of this Section, "case records" are assistance records,  
26 social service records, Supplemental Nutrition Assistance Program (food stamp)  
27 records, medical services records, probation and parole records, records pertaining to  
28 the adoption of children, records of foster care services, records and investigative  
29 reports on abuse or neglect of children or adults, and records of other child welfare  
30 services administered by the department, including ~~handicapped children's~~ services

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

5 \* \* \*

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

14 \* \* \*

15 §61. Elderly abuse; release of information

16 A.

17 \* \* \*

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

21 \* \* \*

22 CHAPTER 3. PUBLIC ASSISTANCE

23 PART I. ADULT SERVICES

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

26 §151. System of adult services

27 A. The Department of Health and Hospitals shall provide a system of adult  
28 services for ~~the persons who are~~ elderly, blind, and disabled or have disabilities  
29 pursuant to Title VI of the Social Security Act of 1935 as amended.



1       incapacitated, are actively and universally engaged in meaningful activities designed  
 2       to enable their transition from cash assistance to self-reliance. It is the further intent  
 3       that cash assistance participants demonstrate and are expected to exercise active and  
 4       diligent personal responsibility in achieving self-reliance through employment and  
 5       increased workplace literacy. All appropriate state agencies responsible for  
 6       employment, training, and educating Louisiana's citizens are expected to cooperate  
 7       in the pursuit of this goal.

8                                   \*       \*       \*

9       §231.6. Termination of eligibility; twenty-four-month limit; refusal of employment

10                                  \*       \*       \*

11                 B. The provisions of this Section shall not apply to an individual who is  
 12       incapacitated or ~~disabled individual~~ has a disability as documented or to such an  
 13       individual in the recipient's household.

14                                  \*       \*       \*

15       §437.14. Grounds for denial or revocation of enrollment

16                 A. The department may deny or revoke enrollment in the medical assistance  
 17       programs to a health care provider if any of the following are found to be applicable  
 18       to the health care provider, his agent, a managing employee, or any person having an  
 19       ownership interest equal to five percent or greater in the health care provider:

20                                  \*       \*       \*

21                         (7) Conviction under federal or state law of a criminal offense punishable by  
 22       imprisonment of a year or more which involves moral turpitude, or acts against ~~the~~  
 23       persons who are elderly, children, or infirmed persons with infirmities.

24                                  \*       \*       \*

25       PART III. DESTITUTE ~~CRIPPLED~~ PERSONS OVER FIFTY WITH DISABILITIES

26       §541. Destitute ~~crippled~~ persons over fifty with disabilities

27                 Parish governing authorities may provide annually in their budget for residents  
 28       of their respective parishes, who are over fifty years of age, who ~~are deformed or~~  
 29       ~~crippled~~ have had a physical disability from birth, who have never been convicted of

1 any offense in the courts of this state, and who are in destitute and necessitous  
2 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 the  
8 ~~elderly and handicapped~~ citizens of Louisiana who are elderly or have disabilities.

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

21 \* \* \*

22 §1053. Commission; qualification of members; appointment; vacancies;  
23 compensation; removal of commissioners; certain powers

24 \* \* \*

25 E. In the Parish of Ouachita, the Ouachita Parish Hospital Service District  
26 within which is situated the G. B. Cooley Hospital ~~for Retarded Children~~, shall be  
27 governed by a board composed of seven members. One of the first additional  
28 commissioners so appointed shall serve for two years, and one for four years;  
29 thereafter, their terms shall be as provided in Subsection C of this Section.

30 \* \* \*

1 §1407. Rules, regulations, and standards for licenses

2 \* \* \*

3 B.(1) The regulations developed by the department, at a minimum, shall  
4 accomplish all of the following:

5 \* \* \*

6 (e) Prohibit discrimination by early childhood learning centers and specialized  
7 providers on the basis of race, color, creed, sex, national origin, ~~handicap~~ disability,  
8 ancestry, or whether the child is being breastfed. However, nothing in this  
9 Subparagraph shall be construed to affect, limit, or otherwise restrict any of the  
10 following:

11 \* \* \*

12 §1951. Statement of policy

13 It is the policy of this state to encourage and enable a ~~physically disabled~~  
14 person with a physical disability to participate fully in the social and economic life  
15 of the state and to engage in remunerative employment. In addition, it is the policy  
16 of this state that a ~~physically disabled~~ person with a physical disability shall be  
17 employed by the state, political subdivisions of the state, public schools, and all other  
18 employment supported in whole or in part by public funds on the same terms and  
19 conditions as an able-bodied person, unless it is shown that the particular disability  
20 prevents the performance of the work involved.

21 §1952. Definitions

22 As used in this Chapter:

23 (1) "Assistance dog" means a dog who has been trained or is being trained to  
24 aid a particular ~~physically disabled~~ person with a physical disability.

25 \* \* \*

26 (3) ~~"Physically disabled person"~~ "Person with a physical disability" means a  
27 person who is blind, visually ~~handicapped~~ impaired, deaf, hearing impaired, or  
28 ~~otherwise physically disabled~~ has any other physical disability.



1 §1953. Use of public facilities; equal accommodations; assistance dogs

2 A. Every ~~physically disabled~~ person with a physical disability shall have the  
3 same right as ~~an~~ a person who is able-bodied ~~person~~ to the full and free use of the  
4 streets, highways, sidewalks, walkways, public buildings, public facilities, and other  
5 public places.

6 B. Every ~~physically disabled~~ person with a physical disability shall be entitled  
7 to full and equal accommodations, advantages, facilities, and privileges in the  
8 following, subject only to the conditions and limitations established by law and  
9 applicable alike to all persons:

10 \* \* \*

11 C. Every ~~physically disabled~~ person with a physical disability may be  
12 accompanied by an assistance dog, especially trained to aid such person, in any of the  
13 places provided in Subsection B of this Section without being required to pay an extra  
14 charge for such dog. However, he shall be liable for any damage done to the  
15 premises, facilities, operators, or occupants by such dog.

16 D. Nothing in this Section shall require any person who owns, leases, or  
17 operates any public conveyance or modes of transportation, educational institutions,  
18 hotels, restaurants, theaters, lodging places, places of public accommodation,  
19 amusement, or resort, and other places to which the general public is invited, to  
20 modify his property or facility in any way or provide a higher degree of care for a  
21 ~~physically disabled~~ person with a physical disability than for a person who ~~is not~~  
22 ~~physically disabled~~ does not have a physical disability.

23 §1954. Housing accommodations; full and equal access; degree of care; assistance  
24 dogs

25 A. Every ~~disabled~~ person with a disability shall be entitled to full and equal  
26 access, as other members of the general public, to all housing accommodations  
27 offered for rent, lease, or compensation in this state, subject to the conditions and  
28 limitations established by law and applicable alike to all persons.

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

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

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

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

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

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

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

29 \* \* \*



1                                   CHAPTER 29. TRANSPORTATION AID FOR  
2                                   ~~THE ELDERLY AND HANDICAPPED~~  
3                                   PERSONS WHO ARE ELDERLY AND PERSONS WITH DISABILITIES

4                   §2200. Transportation assistance for ~~the persons who are~~ elderly and ~~handicapped~~  
5                                   persons with disabilities

6   \*       \*       \*

7                   §2201. ~~Elderly and handicapped persons~~ Persons who are elderly and persons with  
8                                   disabilities; capital acquisitions; definitions

9                                   As used in this Chapter, the terms "~~elderly and handicapped persons~~" "persons  
10                                  who are elderly", "persons with disabilities", and "capital acquisitions" shall be  
11                                  defined in accordance with the appropriate federal law and the regulations and  
12                                  definitions in effect thereunder.

13   \*       \*       \*

14                   §2203. Coordination of services  
15                                  Prior to awarding a grant to any agency, the Department of Transportation and  
16                                  Development shall require the applicant agency to assess and verify the local needs  
17                                  for the special transportation services. Each applicant agency shall also certify that  
18                                  local agencies are coordinating their service plans and that the awarding of the grant  
19                                  will not foster a duplication of services for ~~the persons who are~~ elderly and  
20                                  ~~handicapped~~ persons with disabilities.

21   \*       \*       \*

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

24                   §2251. Short title  
25                                  This Chapter may be cited as the "Civil Rights Act for ~~Handicapped~~ Persons  
26                                  with Disabilities".

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

1 §2252. Purpose

2 \* \* \*

3 B. The opportunity to obtain education, housing, and other real estate and full  
4 and equal utilization of public services and programs without discrimination on the  
5 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 or  
12 physiological disorder or condition, or prior mental disorder or condition, but does not  
13 include chronic alcoholism or any other form of active drug addiction; any cosmetic  
14 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 who  
21 meets the essential eligibility requirements for the receipt of such services.

22 (5) "Person" includes an individual, agent, association, corporation, joint  
23 stock company, labor union, legal representative, mutual company, partnership,  
24 receiver, trust, trustee in bankruptcy, unincorporated organization, the state, or any  
25 other legal or commercial entity or state, local or political governmental entity or  
26 agency; except that, the persons presently in compliance with federal statutes  
27 regarding discrimination of ~~the handicapped~~ and persons who are elderly and persons  
28 with disabilities are excluded.

29 \* \* \*



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

5   \*       \*       \*

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

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

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

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

29           (a) Deny an otherwise qualified person on the basis of ~~handicap~~ disability the  
30 opportunity to participate in or benefit from the aid, benefit, or service.

1 (b) Provide an otherwise qualified person with an aid, benefit, or service that  
2 is not as effective as, or equal to, that provided to others because of their ~~handicap~~  
3 disability.

4 (c) Provide different or separate aid benefits, or services to otherwise  
5 qualified persons because of ~~handicap~~ disability, unless such action is necessary to  
6 provide qualified ~~handicapped~~ persons with disabilities with aid, benefits, or services  
7 that are as effective as those provided to others.

8 (2) A recipient of state financial assistance shall operate a program or activity  
9 in a facility which is accessible to and usable by ~~handicapped~~ persons with disabilities  
10 and shall comply with ANSI specifications as defined in R.S. 46:2253(20) by January  
11 1, 1982.

12 §2255. Construction

13 Nothing in this Act shall be construed to prohibit or alter any program,  
14 service, facility, school, or privilege which is afforded, oriented, or restricted to a  
15 person because of his ~~handicap~~ disability, from continuing to habilitate, rehabilitate,  
16 or accommodate that person.

17 §2256. Complaints; filing procedure; compensation

18 A. When any ~~handicapped~~ person with a disability believes that any person  
19 has engaged or is engaging in discriminatory practices, as defined in this Chapter, he  
20 shall have one year from the date of the alleged discriminatory act to file a complaint  
21 in the appropriate civil district court.

22 B. ~~Handicapped individuals~~ Persons with disabilities who have been subject  
23 to unlawful discrimination as defined in this Chapter shall have the right to any and  
24 all remedies available under the law if they prevail in a suit under this Chapter  
25 including, but not limited to, compensatory damages, attorneys' fees, costs, and any  
26 other relief deemed appropriate. Any person who believes he has been discriminated  
27 against and intends to pursue court action must give the person who has allegedly  
28 discriminated written notice of this fact at least ~~30~~ thirty days before initiating court



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

3 \* \* \*

4 §2582. Powers and duties

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

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

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

13 \* \* \*

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

17 \* \* \*

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

20 \* \* \*

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

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

25 \* \* \*

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

1 the board shall submit such material along with a recommendation for appropriate  
2 disciplinary action to the Louisiana State Board of Medical Examiners.

3 (5) Monitor, evaluate, and propose and advocate changes to laws, rules, and  
4 regulations relative to ~~handicapped~~ accessible parking privileges to the extent  
5 allowable by law.

6 \* \* \*

7 §2673. Adult residential assisted living pilot project; creation

8 \* \* \*

9 C. The criteria for the pilot project shall include but are not limited to the  
10 following:

11 \* \* \*

12 (5) Have one hundred percent ~~handicapped~~ accessible physical building  
13 features.

14 \* \* \*

15 Section 25. R.S. 47:34(C)(2)(introductory paragraph) and (d)(ii), 44.1(B), 79(A)(2)  
16 and (B)(5), 287.749(C)(2)(introductory paragraph) and (d)(ii), 305.38, 305.69(B)(2) and (3),  
17 337.9(D)(17), 360(G), 463.4(A)(1), (2), (4), and (6), (B)(1), (2), (3)(a), (4)(a) and (b), (5), and  
18 (6), (C)(2), (D), (E)(1)(introductory paragraph), (F), (G)(1) through (5) and (7), (I), (J)(1)  
19 through (3), (4)(introductory paragraph), (a), (c), and (d), (K), and (L), 463.4.1(A),  
20 463.4.2(A)(1) and (B)(1) and (4), 463.4.3(A), 463.5(C), 463.21(A), 463.51(D)(2), 473.2(B)  
21 and (D), 490.4(E), 492(E), and 1061(B) are hereby amended and reenacted to read as follows:

22 §34. Corporation tax credit

23 \* \* \*

24 C. Eligible employees are defined as follows:

25 \* \* \*

26 (2) A "new economically disadvantaged employee" is a new employee who  
27 is ~~either~~ any of the following:

28 \* \* \*

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

30 \* \* \*

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

2 \* \* \*

3 §44.1. Annual retirement or disability income; exemption from taxation

4 \* \* \*

5 B. Six thousand dollars of annual disability income received by an individual  
6 shall be exempt from state income taxation. For purposes of this Subsection,  
7 "disability income" means payment for permanent total disability as provided for in  
8 R.S. 23:1221(2). However, any individual claiming an exemption for the blind, for  
9 having sustained the loss of one or more limbs, for ~~mental retardation~~ intellectual  
10 disability, or for deafness as provided for in R.S. 47:79(A)(2) shall not be eligible for  
11 this exemption.

12 \* \* \*

13 §79. Credits of individuals against net income

14 A.

15 \* \* \*

16 (2) In addition to the exemptions above provided for, an exemption of one  
17 thousand dollars is allowed for the taxpayer who is blind or who has sustained the loss  
18 of one or more limbs or who ~~is mentally retarded~~ has an intellectual disability or who  
19 is deaf. As used herein the word "blind" shall mean and refer to persons who have  
20 been determined by a qualified ophthalmologist or optometrist to have no vision or  
21 to have vision which is insufficient for use in an occupation or activity for which sight  
22 is essential. For purposes herein, the word "deaf" shall be defined as in Paragraph (5)  
23 of Subsection B of this ~~section~~ Section. Each person claiming an exemption under  
24 the provisions of this ~~paragraph~~ Paragraph shall be able to prove such claim by  
25 certificate of a qualified physician or optometrist.

26 B.

27 \* \* \*

28 (5) Credit for certain dependents. A credit of one thousand dollars is allowed  
29 for each dependent as defined in Subsection ~~(C)~~ C of this ~~section~~ Section who is blind  
30 or deaf or who has sustained the loss of one or more limbs or who ~~is mentally retarded~~



1 §305.69. Exemption; motor vehicles for use by persons with orthopedic disabilities

2 \* \* \*

3 B.

4 \* \* \*

5 (2) Modifications of a vehicle for the purpose of transporting an  
6 ~~orthopedically disabled~~ a person with an orthopedic disability shall include  
7 installation of such items as a wheelchair lift, hoist, attached ramp, wheelchair  
8 hold-down clamps, or special seat restraints other than conventional seat belts to  
9 allow for the transportation of ~~an orthopedically disabled~~ a person with an orthopedic  
10 disability in a reasonable manner.

11 (3) Modifications of a vehicle for operation by ~~an orthopedically disabled~~ a  
12 person with an orthopedic disability shall include altering such items as the  
13 conventional brake, acceleration, or steering systems to facilitate the operation of the  
14 vehicle by ~~an orthopedically disabled~~ a person with an orthopedic disability, and the  
15 installation of such items as a wheelchair lift, hoist, or attached ramp to allow ~~an~~  
16 ~~orthopedically disabled~~ a person with an orthopedic disability to enter the motor  
17 vehicle.

18 \* \* \*

19 §337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other  
20 exemptions applicable

21 \* \* \*

22 D.

23 \* \* \*

24 (17) R.S. 47:305.38, "key words": sheltered workshops for ~~the mentally~~  
25 ~~retarded~~ persons with intellectual disabilities.

26 \* \* \*

27 §360. Exemptions

28 \* \* \*

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

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

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

4 \* \* \*

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

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

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

23 \* \* \*

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

27 \* \* \*

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

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

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

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

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

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

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

3 \* \* \*

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

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

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

11 \* \* \*

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

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

21 C.

22 \* \* \*

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

28 D. The secretary shall not issue special license plates, hang tags, or mobility  
29 ~~impaired~~ impairment identification cards except as designated in this Section or in  
30 R.S. 47:490.4. Any ~~mobility-impaired~~ person with a mobility impairment whose





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

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

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

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

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

3 \* \* \*

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

8 I. Every ~~mobility-impaired~~ person with a mobility impairment operating or  
9 otherwise being transported by a vehicle displaying the international symbol of ~~the~~  
10 ~~handicapped~~ accessibility or the word "handicapped" on a valid special license plate,  
11 disabled veteran license plate, or hang tag shall be entitled to invoke all ~~handicapped~~  
12 accessible parking privileges provided in this Section, without regard to the location  
13 of the issuing authority, or the residence or domicile of the person invoking the  
14 ~~handicapped~~ accessible parking privileges. "Issuing authority" as defined in this  
15 Section shall mean the office of motor vehicles of the Department of Public Safety  
16 and Corrections or comparable government issuing authorities outside the state of  
17 Louisiana.

18 J.(1) Upon initial application or first application after August 15, 1995, for  
19 renewal of a hang tag, each ~~mobility-impaired~~ person with a mobility impairment who  
20 intends to obtain or to renew his hang tag, shall have in his possession or shall obtain  
21 or renew a ~~mobility-impaired~~ mobility impairment driver's license or ~~mobility-~~  
22 ~~impaired~~ mobility impairment identification card issued by the secretary. The  
23 secretary may include the designation "~~Mobility-impaired~~" "Mobility impairment" or  
24 an abbreviation thereof, on the drivers' licenses and identification cards which are  
25 currently issued by the secretary.

26 (2) The secretary shall renew a ~~mobility-impaired~~ mobility impairment  
27 identification card for a person whose impairment is permanent every four years.

28 (3) The secretary shall renew a ~~mobility-impaired~~ mobility impairment  
29 identification card each year for a person whose impairment is temporary.



1 proportionate refund based on the remaining term of any other license plate is hereby  
2 authorized in favor of such eligible institutions.

3 L. The provisions of the law relating to the issuance, revocation, and use of  
4 special license plates, hang tags, mobility ~~impaired~~ impairment drivers' licenses, and  
5 mobility ~~impaired~~ impairment identification cards shall be administered by the  
6 secretary of the Department of Public Safety and Corrections and his authorized  
7 employee. All references to "the secretary" with respect to those laws shall be  
8 deemed to be references to the secretary of the Department of Public Safety and  
9 Corrections, or to his authorized employees.

10 \* \* \*

11 §463.4.1. Special parking cards for ~~temporarily mobility impaired~~ persons with  
12 temporary mobility impairments

13 A. A special parking card bearing the international symbol of accessibility  
14 may be issued to any person who ~~is temporarily mobility impaired~~ has a temporary  
15 mobility impairment as defined in R.S. 47:463.4(E) upon application to the secretary  
16 and accompanied by a currently dated written physician's statement certifying that the  
17 person ~~is mobility impaired~~ has a mobility impairment.

18 \* \* \*

19 §463.4.2. ~~Mobility impaired persons~~ Persons with mobility impairments; motor fuel  
20 service price

21 A.(1) "~~Mobility impaired driver~~" "Driver with a mobility impairment" shall  
22 mean a ~~mobility impaired~~ person with a mobility impairment as defined in R.S.  
23 47:463.4(E) who utilizes a parking card or a vehicle bearing a special plate to obtain  
24 ~~handicapped~~ accessible parking privileges as defined by R.S. 47:463.4; or ~~R.S.~~  
25 ~~47:463.4.1.~~

26 \* \* \*

27 B. A motor fuel dealer shall have an employee dispense motor fuel into a  
28 motor vehicle from a full-service pump at the same price as the motor fuel dealer  
29 charges the general public for the same grade of motor fuel dispensed from a  
30 self-service pump, if all of the following apply:

1 (1) The motor vehicle displays special registration plates or parking cards  
2 which identify the vehicle as one used by a ~~mobility-impaired~~ driver with a mobility  
3 impairment.

4 \* \* \*

5 (4) After January 1, 1995, the ~~mobility-impaired~~ person with a mobility  
6 impairment produces either a pictured identification card as determined by R.S.  
7 47:463.4(J) or a temporary parking card as determined by R.S. 47:463.4.1.

8 \* \* \*

9 §463.4.3. Manufacture, sale, possession, or use of counterfeit ~~mobility-impaired~~  
10 accessible parking placards; penalties

11 A. It shall be unlawful to manufacture, sell, possess, or use a counterfeit  
12 ~~mobility-impaired~~ accessible parking placard which is a facsimile of the  
13 ~~mobility-impaired~~ accessible parking placards issued by the Department of Public  
14 Safety and Corrections, office of motor vehicles, pursuant to the provisions of R.S.  
15 47:463.4. Additionally, a person shall be in violation of the provisions of this Section  
16 and ~~handicapped~~ accessible parking regulations if he knowingly parks a vehicle  
17 displaying a counterfeit ~~mobility-impaired~~ accessible parking placard in a parking  
18 space or area reserved for persons with disabilities.

19 \* \* \*

20 §463.5. Private bus; recreational vehicles

21 \* \* \*

22 C. The provisions of this Section shall not apply to ~~mobility-impaired~~ persons  
23 with mobility impairments registering specially equipped vans or buses with devices  
24 which are necessary for raising and lowering wheelchairs.

25 \* \* \*

26 §463.21. Special handicapped license plates for farm vehicles

27 A. On the application of any ~~mobility-impaired~~ person with a mobility  
28 impairment as defined in R.S. 47:463.4(E), and upon a showing of good cause, the  
29 secretary shall issue special license plates for farm vehicles designating the vehicle  
30 declared by the applicant to be used by him. The license plates shall bear the

1 international symbol of accessibility; the word "handicapped", reading from left to  
2 right; and shall be followed by such numbers and letters as the secretary finds  
3 expedient. Each initial application shall be accompanied by a currently dated  
4 physician's statement certifying that the applicant ~~is a mobility impaired person~~ has  
5 a mobility impairment. The department shall not charge any fee, other than the  
6 regular fee for annual registration for the issuance of the license plate.

7 \* \* \*

8 §463.51. Special prestige license plates; Lions International

9 \* \* \*

10 D.

11 \* \* \*

12 (2) An amount of monies equal to the total amount of donations shall be  
13 equally divided and disbursed annually by the office for citizens with developmental  
14 disabilities to the Louisiana Lions Eye Foundation in New Orleans and the ~~Crippled~~  
15 ~~Children's Camp~~ Louisiana Lions Camp in Leesville. The monies shall be used solely  
16 for the expenses incurred in providing services to ~~the developmentally disabled~~  
17 children of this state with developmental disabilities and in providing treatment to ~~the~~  
18 persons who are sight-impaired whose eligibility for such treatment shall be  
19 determined by the Louisiana Lions Eye Foundation. The services of the Louisiana  
20 Lions Eye Foundation and the ~~Crippled Children's Camp~~ Louisiana Lions Camp are  
21 hereby deemed a public purpose and shall qualify as cooperative endeavors under the  
22 provisions of Article VII, Section 14(C) of the Constitution of Louisiana.

23 \* \* \*

24 §473.2. Special handicapped license plates for dealers and owners of commercial  
25 vehicles

26 \* \* \*

27 B. The secretary shall establish and promulgate rules and regulations for the  
28 issuance of handicapped license plates. Any vehicle bearing special handicapped

1 license plates shall only be operated by or for the benefit of a ~~handicapped~~ person with  
2 a mobility impairment as defined in R.S. 47:463.4(E).

3 \* \* \*

4 D. Any such dealer plates so issued may, during the registration period for  
5 which issued, be transferred from one vehicle to another for the use and benefit of a  
6 ~~handicapped~~ person with a mobility impairment.

7 \* \* \*

8 §490.4. Military honor license plates for certain disabled veterans

9 \* \* \*

10 E. The secretary may issue a military honor license plate, as provided for in  
11 this Section, for each vehicle registered in the applicant's name, and the holder of such  
12 license plate shall be accorded the same privileges as holders of license plates for  
13 ~~mobility impaired~~ persons with mobility impairments. The secretary shall also issue  
14 a hang tag as provided in R.S. 47:463.4(B)(1), which bears the international symbol  
15 of accessibility, to any disabled veteran who has or is issued such a plate and who  
16 requests the hang tag. No fee shall be charged for the hang tag, and it shall be exempt  
17 from renewal requirements applicable to hang tags issued pursuant to R.S. 47:463.4.  
18 However, lost, destroyed, or mutilated hang tags shall be replaced according to the  
19 provisions of R.S. 47:463.4(C), including payment of the reissuance fee. A person  
20 using the hang tag in a vehicle with a disabled veteran license plate is not required to  
21 obtain or possess a ~~mobility impaired~~ impairment driver's license or identification  
22 card.

23 \* \* \*

24 §492. Amateur radio station plates for owners and operators

25 \* \* \*

26 E. On the application of any person who is an amateur radio station owner or  
27 operator and who is also either a ~~mobility impaired~~ person with a mobility impairment  
28 as defined in R.S. 47:463.4(E) or a disabled veteran as defined in R.S. 47:490.4, the  
29 secretary shall issue to such applicant a special license plate in accordance with  
30 Subsection A of this Section which shall contain the appropriate symbol indicating



1 that the applicant is also a ~~mobility impaired~~ person with a mobility impairment or a  
2 disabled veteran.

3 \* \* \*

4 §1061. Telecommunication tax for the deaf

5 \* \* \*

6 B. The monies in the Telecommunications for the Deaf Fund shall be used  
7 solely to establish, administer, and promote a statewide program to provide  
8 accessibility services and assistive technology for persons who are deaf, deaf/blind,  
9 hard of hearing, speech impaired, or others ~~who are similarly handicapped with~~  
10 similar disabilities or impairments, in the amounts appropriated each year by the  
11 legislature to the Louisiana Commission for the Deaf. Any surplus monies remaining  
12 to the credit of the fund on June thirtieth of each year and any funds earned through  
13 the investment of the monies in the fund shall remain to the credit of the fund.

14 \* \* \*

15 Section 26. R.S. 48:23(B) and 261(A)(1) are hereby amended and reenacted to read  
16 as follows:

17 §23. Engineering and other help

18 \* \* \*

19 B. Notwithstanding any provision of law, or any provision of the department,  
20 or any provision of Civil Service to the contrary, the department, at its discretion, may  
21 hire ~~disabled~~ persons with disabilities in the position of Bridge Tender I.

22 \* \* \*

23 §261. Maintenance work by department employees; exceptions

24 A.(1) Except as otherwise provided in this Section, all maintenance  
25 operations shall be performed by the employees of the department. However, the  
26 department may, by contract or other means, arrange for the maintenance of any  
27 section or sections of highways or any of the facilities of the Department of  
28 Transportation and Development when, in the sole discretion of the secretary, there  
29 are not adequate employees to perform the maintenance work required by either  
30 federal or state law or sound engineering practices. The secretary shall give due

1 consideration to budgetary constraints and employment restrictions prior to entering  
2 into any contract to perform maintenance work. All such contracts to ~~private~~  
3 ~~concerns or individuals or private concerns~~, except ~~handicapped~~ individuals with  
4 disabilities or ~~handicapped~~ organizations serving individuals with disabilities, shall  
5 be in accordance with the public bid provisions of this Title.

6 \* \* \*

7 Section 27. R.S. 49:121(E), the heading of Subpart D of Part VII of Chapter 1 of Title  
8 49 of the Louisiana Revised Statutes of 1950, 148, and 148.1(G)(1), (H), and (I) are hereby  
9 amended and reenacted to read as follows:

10 §121. Name of board, department, or subdivisions; marking on boat or vehicle;  
11 Louisiana public license plates; exemptions

12 \* \* \*

13 E. Those vehicles used in crime prevention and detection and similar  
14 investigative work, which if identified as required by this Section could not be used  
15 effectively for such purposes, are exempt from the provisions of this Part, and, in  
16 addition, the vehicles used by the governor, lieutenant governor, statewide elected  
17 officials, ~~state schools for the deaf, blind, spastic, and cerebral palsied~~ the Louisiana  
18 School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana  
19 Special Education Center, the Special School District Number One, and any  
20 community and group homes and residential facilities administered by the  
21 Department of Children and Family Services or the Department of Health and  
22 Hospitals are exempt from the provisions of this Part.

23 \* \* \*

24 SUBPART D. PUBLIC BUILDINGS--USEABILITY BY  
25 ~~PHYSICALLY HANDICAPPED~~ PERSONS WITH PHYSICAL DISABILITIES

26 §148. Construction and design of state owned buildings; ~~handicapped~~ persons with  
27 disabilities

28 The standards and specifications set forth in this Section shall apply to all state  
29 owned buildings, educational institutions, and office buildings which are constructed,  
30 renovated or remodeled in whole or in part by the use of state funds, or the funds of

1 any board, commission, agency, or department of the state; provided, however, that  
 2 the provisions of this ~~Sub-Part~~ Subpart shall not apply to buildings constructed by  
 3 parish or city school boards. All such buildings and facilities constructed, renovated,  
 4 or remodeled in this state after July 27, 1966, shall conform to each of the standards  
 5 and specifications prescribed herein for the purpose of making such buildings and  
 6 facilities accessible to and usable by ~~the physically handicapped~~ persons with physical  
 7 disabilities, or standards and specifications reasonably similar thereto.

8 §148.1. Specifications for grounds, buildings and facilities

9 \* \* \*

10 G.(1) An appropriate number of toilet rooms shall be accessible to, and usable  
 11 by, ~~the physically handicapped~~ persons with physical disabilities and shall have space  
 12 to allow traffic of individuals in wheelchairs.

13 \* \* \*

14 H. An appropriate number of water fountains or other water-dispensing means  
 15 shall be mounted thirty inches above the floor and in a way which will make them  
 16 usable by ~~the physically handicapped~~ persons with physical disabilities. Water  
 17 fountains or coolers shall be hand-operated or hand-and-foot operated.

18 I. Where elevators are to be provided they shall be accessible to, and usable  
 19 by, ~~the physically disabled~~ persons with physical disabilities at all levels normally  
 20 used by the general public. Elevators shall be designed to allow for traffic by  
 21 wheelchairs.

22 \* \* \*

23 Section 28. R.S. 51:1402(4), 1407(C) and (D)(1) through (3) and (4)(introductory  
 24 paragraph), (b), (c), and (f), 2232(11)(a)(ii), 2303(3), 2312(A)(3), 2602(A),  
 25 2603(9)(a)(introductory paragraph), 2606(A)(3) through (5), (6)(a)(introductory paragraph),  
 26 (b)(introductory paragraph), (c)(i), (iii)(aa) and (bb), (d), and (B), 2607(A) and (C), and 2608  
 27 are hereby amended and reenacted to read as follows:

1 §1402. Definitions

2 As used in this Chapter, the following words and phrases shall have the  
3 meanings hereinafter ascribed to them:

4 \* \* \*

5 (4) "~~Disabled person~~" "Person with a disability" means a person with a  
6 mental, physical, or developmental disability that substantially impairs that person's  
7 ability to provide adequately for his own care or protection.

8 \* \* \*

9 §1407. Restraining prohibited acts

10 \* \* \*

11 C. In addition to any other civil penalty provided for in this Section, if a  
12 person is found by the court to have engaged in any method, act, or practice in  
13 Louisiana declared to be unlawful under this Chapter, and the violation was  
14 committed against an elder person or a ~~disabled~~ person with a disability, as defined  
15 in this Section, the court may impose an additional civil penalty not to exceed five  
16 thousand dollars for each violation.

17 D. In determining whether to impose an enhanced civil penalty under this  
18 Section and the amount thereof, the court shall consider any of the following:

19 (1) Whether the defendant's conduct was in disregard of the rights of the elder  
20 ~~or disabled~~ person or person with a disability.

21 (2) Whether the defendant knew or should have known that the defendant's  
22 conduct was directed to an elder ~~or disabled~~ person or person with a disability.

23 (3) Whether the elder ~~or disabled~~ person or person with a disability was more  
24 vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired  
25 understanding, restricted mobility, or disability than other persons and whether the  
26 elder ~~or disabled~~ person or person with a disability actually suffered physical,  
27 emotional, or economic damage resulting from the defendant's conduct.

28 (4) Whether the defendant's conduct caused an elder ~~or disabled~~ person or  
29 person with a disability to suffer any of the following:

30 \* \* \*

1 (b) Loss or encumbrance upon a primary residence of the elder ~~or disabled~~  
2 person or person with a disability.

3 (c) Loss of or encumbrance upon the ~~elder or disabled person's~~ principal  
4 employment or principal source of income of the elder person or person with a  
5 disability.

6 \* \* \*

7 (f) Loss of assets essential to the health and welfare of the elder ~~or disabled~~  
8 person or person with a disability.

9 \* \* \*

10 §2232. Definitions

11 As used in this Chapter:

12 \* \* \*

13 (11)(a) "Disability" means a physical or mental impairment that substantially  
14 limits one or more of the major life activities of the individual, a record of such  
15 impairment, or being regarded as having such an impairment. For purposes of all  
16 laws which incorporate by reference, apply to, or rely for meaning upon the term  
17 disability as defined herein, the terms used in this definition have the following  
18 meanings:

19 \* \* \*

20 (ii) "Mental impairment" means any mental or psychological disorder, such  
21 as ~~mental retardation~~ intellectual disability, organic brain syndrome, emotional or  
22 mental illness, and specific learning disabilities.

23 \* \* \*

24 §2303. Definitions

25 The following words or terms as used in this Chapter shall have the following  
26 meanings unless a different meaning appears from the context:

27 \* \* \*

28 (3) ~~"Disabled person's business enterprise"~~ "Business enterprise of a person  
29 with a disability" means a small business concern which is at least fifty-one percent

1 owned and controlled by a ~~disabled~~ person with a disability as defined by the federal  
2 Americans With Disabilities Act of 1990.

3 \* \* \*

4 §2312. Powers and authority; duties

5 A. The corporation shall serve as the single review board for all financial  
6 assistance, loans, incentives or inducements, customized workforce training,  
7 investment programs, and any related appropriations, grants, or joint ventures  
8 administered by the Department of Economic Development, excluding those financial  
9 incentive programs administered by the State Board of Commerce and Industry. The  
10 corporation shall formulate and implement the policies for the delivery of services to  
11 obtain the following effects:

12 \* \* \*

13 (3) The leverage of funds from Louisiana financial institutions by issuing  
14 guarantees for economically disadvantaged and other Louisiana based  
15 micro-businesses, small businesses, medium sized businesses, and ~~disabled persons~~  
16 business enterprises of persons with disabilities.

17 \* \* \*

18 §2602. Policy

19 A. The legislature finds and declares that persons in this state who seek a  
20 place to live should be able to find such housing whenever it is available. Further, in  
21 many localities there may be housing shortages. All persons should therefore be able  
22 to compete for available housing on an open, fair, and equitable basis, regardless of  
23 race, color, religion, sex, ~~handicap~~ disability, familial status, or national origin.

24 \* \* \*

25 §2603. Definitions

26 As used in this Chapter:

27 \* \* \*

28 (9)(a) ~~"Handicap"~~ "Disability" means, with respect to a person:

29 \* \* \*

1 §2606. Discrimination in sale or rental of housing and other prohibited practices

2 A. As made applicable by R.S. 51:2604, and except as exempted by  
3 Subsection B thereof and R.S. 51:2605, it is unlawful:

4 \* \* \*

5 (3) To make, print, or publish, or cause to be made, printed, or published any  
6 notice, statement, or advertisement, with respect to the sale or rental of a dwelling that  
7 indicates any preference, limitation, or discrimination based on race, color, religion,  
8 sex, ~~handicap~~ disability, familial status, or national origin, or an intention to make any  
9 such preference, limitation, or discrimination.

10 (4) To represent to any person because of race, color, religion, sex, ~~handicap~~  
11 disability, familial status, or national origin that any dwelling is not available for  
12 inspection, sale, or rental when such dwelling is in fact so available.

13 (5) For profit, to induce or attempt to induce any person to sell or rent any  
14 dwelling by representations regarding the entry or prospective entry into the  
15 neighborhood of a person or persons of a particular race, color, religion, sex, ~~handicap~~  
16 disability, familial status, or national origin.

17 (6)(a) To discriminate in the sale or rental, or to otherwise make unavailable  
18 or deny, a dwelling to any buyer or renter because of a ~~handicap~~ disability of:

19 \* \* \*

20 (b) To discriminate against any person in the terms, conditions, or privileges  
21 of sale or rental of a dwelling, or in the provision of services or facilities in  
22 connection with such dwelling, because of a ~~handicap~~ disability of:

23 \* \* \*

24 (c) For purposes of this Paragraph, discrimination includes:

25 (i) A refusal to permit, at the expense of the ~~handicapped~~ person with a  
26 disability, reasonable modifications of existing premises occupied or to be occupied  
27 by such person if such modifications may be necessary to afford such person full  
28 enjoyment of the premises except that, in the case of a rental, the landlord may, where  
29 it is reasonable to do so, condition permission for a modification on the renter

1 agreeing to restore the interior of the premises to the condition that existed before the  
2 modification, reasonable wear and tear excepted;

3 \* \* \*

4 (iii) In connection with the design and construction of covered multifamily  
5 dwellings for first occupancy after March 13, 1991, a failure to design and construct  
6 those dwellings in such a manner that:

7 (aa) The public use and common use portions of such dwellings are readily  
8 accessible to and usable by ~~handicapped~~ persons with disabilities;

9 (bb) All ~~the~~ doors designed to allow passage into and within all premises  
10 within such dwellings are sufficiently wide to allow passage by ~~handicapped persons~~  
11 in persons who use wheelchairs; and

12 \* \* \*

13 (d) Compliance with the appropriate requirements of the American National  
14 Standard for buildings and facilities providing accessibility and usability for  
15 ~~physically handicapped people~~ persons with disabilities (commonly cited as "ANSI  
16 A117.1") suffices to satisfy the requirements of R.S. 51:2606(A)(6)(c)(iii)(cc).

17 \* \* \*

18 B. Nothing in this Section shall be construed to invalidate or limit any law of  
19 this state or a political subdivision of this state that requires dwellings to be designed  
20 and constructed in a manner that affords ~~handicapped~~ persons with disabilities greater  
21 access than is required by this Section.

22 \* \* \*

23 §2607. Discrimination in residential real estate related transactions

24 A. It is unlawful for any person or other entity whose business includes  
25 engaging in residential real estate related transactions to discriminate against any  
26 person in making available such a transaction, or in the terms or conditions of such  
27 a transaction, because of race, color, religion, sex, ~~handicap~~ disability, familial status,  
28 or national origin.

29 \* \* \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.



1 C. Nothing in this Chapter prohibits a person engaged in the business of  
2 furnishing appraisals of real property to take into consideration factors other than  
3 race, color, religion, national origin, sex, ~~handicap disability~~, or familial status.

4 §2608. Discrimination in provision of brokerage services

5 It is unlawful to deny any person access to or membership or participation in  
6 any multiple-listing service, real estate brokers' organization or other service,  
7 organization, or facility relating to the business of selling or renting dwellings, or to  
8 discriminate against him in the terms or conditions of such access, membership, or  
9 participation, on account of race, color, religion, sex, ~~handicap disability~~, familial  
10 status, or national origin.

11 Section 29. R.S. 56:104.1(A), 109(A), 302.1(F)(1) and (3) through (5), 302.3(B)(2)(b)  
12 and (4)(b), 1699(A), (B), (C)(1) and (2), and (D), and 1762(C)(6) and (7) are hereby amended  
13 and reenacted to read as follows:

14 §104.1. ~~Physically-challenged hunter~~ Hunting permits for persons with physical  
15 disabilities

16 A. The Louisiana Wildlife and Fisheries Commission is hereby authorized to  
17 adopt rules and regulations for the creation and issuance of hunting permits for  
18 individuals ~~who are temporarily or permanently disabled~~ with temporary or  
19 permanent disabilities. A temporary disability is one of such severity that it shall last  
20 for a duration of at least one year. The rules and regulations shall provide for the  
21 duration and costs of the permits and provide for disability classifications of  
22 "~~wheelchair bound~~", "~~mobility impaired~~" "wheelchair user", "mobility impairment"  
23 as defined in R.S. 47:463.4(E), and "amputee of an upper extremity". Such permits  
24 may be issued only to those persons certified by a physician licensed to practice  
25 medicine by the Louisiana State Board of Medical Examiners. If the physician  
26 certifies that the disability is temporary, the person holding the permit shall be  
27 required to ~~re-certify~~ recertify to the department each year that such certification is  
28 still valid. The commission rules and regulations shall provide for special ~~handicap~~

1 hunts for persons with disabilities, special deer seasons, and access to wildlife  
2 management areas.

3 \* \* \*

4 §109. Wildlife management areas; wildlife refuges; public hunting grounds and  
5 recreation areas; notice; signs; ~~disabled~~ hunters with disabilities

6 A. The commission may establish, maintain, and manage any state wildlife  
7 management area, wildlife refuge, public hunting ground, or outdoor recreation area,  
8 as it deems proper for wildlife management purposes. With the approval of the  
9 governor, it may lease, buy, or accept donation of, and set apart, any other lands  
10 suitable and desirable for such purposes and thereon establish, maintain, and operate  
11 such areas. The public shall be notified of the fact of the establishment of such areas  
12 by publication of a proclamation by the governor, describing the exact location and  
13 description of the lands set apart and the objects and purposes of the dedication, for  
14 thirty days in the official journal of the state and the official journal of the parish  
15 where the lands are located. The commission shall cause suitable signs to be placed  
16 at reasonable distances along the boundaries of the lands and at roads and other  
17 entrances for the information of the public. No person shall willfully or maliciously  
18 remove, destroy, or deface any sign or notice placed or posted. The commission shall  
19 authorize persons over the age of sixty to use trails in the wildlife management areas  
20 which are set aside for use exclusively by ~~disabled~~ persons with disabilities.

21 \* \* \*

22 §302.1. Annual license; temporary license; fees; saltwater fee; exemptions

23 \* \* \*

24 F.(1) Notwithstanding any other provision of this Subpart to the contrary, any  
25 resident of this state who ~~is mentally retarded or developmentally disabled~~ has an  
26 intellectual or developmental disability and who is engaged in recreational fishing as  
27 part of approved therapy and habilitation service, and who is fishing under the  
28 immediate supervision of personnel approved or employed by a hospital, residence,  
29 community home, school, or other facility licensed by the Department of Health and  
30 Hospitals in the care or rehabilitation of ~~mentally retarded or developmentally~~

1 ~~disabled~~ persons with intellectual or developmental disabilities shall be exempt from  
2 the licensing requirements and fees applicable to recreational fishing license fees.

3 \* \* \*

4 (3) The permits shall authorize ~~mentally retarded or developmentally disabled~~  
5 persons with intellectual or developmental disabilities to engage in recreational  
6 fishing as part of approved therapy and habilitation services while under the  
7 immediate supervision of personnel approved or employed by the facility.

8 (4) The ~~mentally retarded or developmentally disabled~~ person with an  
9 intellectual or developmental disability engaged in recreational fishing as provided  
10 in this Subsection and the supervisory personnel shall carry an authorization tag or  
11 other type of identification approved by the department.

12 (5) For purposes of this Subsection, the terms "~~mentally retarded~~"  
13 "intellectual disability" and "~~developmentally disabled~~" "developmental disability"  
14 shall have the meanings ascribed to them in ~~R.S. 28:381~~ the Developmental Disability  
15 Law (R.S. 28:451.1 et seq.).

16 \* \* \*

17 §302.3. Recreational gear license

18 \* \* \*

19 B. Residents sixteen years of age or older shall pay a gear fee as follows:

20 \* \* \*

21 (2) Hoop nets:

22 \* \* \*

23 (b) ~~Mobility impaired persons~~ Persons with mobility impairments, as defined  
24 in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years may  
25 use one hoop net not greater than eighteen feet by eight feet, for the purpose of  
26 catching catfish for home consumption only. There shall be no gear fee or license  
27 charge, and all such persons must be in possession of valid identification.

28 \* \* \*

29 (4) Slat traps:

30 \* \* \*



1 regulations shall be structured so as to give priority of facility use to groups of  
2 ~~handicapped~~ persons with disabilities but shall not necessarily preclude use by  
3 ~~nonhandicapped individuals or groups~~ persons who do not have disabilities.

4 \* \* \*

5 §1762. Powers and duties

6 \* \* \*

7 C. In order to carry out its duties and functions the commission may:

8 \* \* \*

9 (6) ~~insure~~ Ensure that in the use and enjoyment of every portion of Audubon  
10 Park and Zoo and all of the facilities therein there will not be any discrimination  
11 against any person because of ~~handicap~~ disability, age, race, color, religion, sex, or  
12 national origin.

13 (7) Affirmative action shall be taken to ~~insure~~ ensure that all employees of the  
14 commission and of any entity with whom the commission contracts for services shall  
15 be treated during employment without regard to their race, age, ~~handicap~~ disability,  
16 color, religion, sex, or national origin.

17 Section 30. The heading of Section 12 of Chapter 1 of Title VIII of Book I of the  
18 Louisiana Civil Code and Civil Code Articles 354, 356, 358 through 360, and 3107 are  
19 hereby amended and reenacted to read as follows:

20 SECTION 12--OF CONTINUING OR PERMANENT TUTORSHIP OF  
21 ~~MENTALLY RETARDED~~ PERSONS WITH INTELLECTUAL DISABILITIES

22 Art. 354. Procedure for placing under tutorship.

23 ~~Mentally retarded or deficient children~~ Children with intellectual disabilities  
24 or mental deficiencies may be placed under continuing or permanent tutorship without  
25 formal or complete interdiction in accordance with the following rules and the  
26 procedures stated in the Louisiana Code of Civil Procedure.

27 \* \* \*

1 Art. 356. Title of proceedings; procedural rules; parents as tutor and undertutor.

2 The title of the proceedings shall be Continuing Tutorship of (Name of  
3 Person), A ~~Mentally Retarded~~ Person with an Intellectual Disability.

4 \* \* \*

5 Art. 358. Authority, privileges, and duties of tutor and undertutor; termination of  
6 tutorship.

7 The granting of the decree shall confer upon the tutor and undertutor the same  
8 authority, privileges, and responsibilities as in other tutorships, including the same  
9 authority to give consent for any medical treatment or procedure, to give consent for  
10 any educational plan or procedure, and to obtain medical, educational, or other  
11 records, but the responsibility of the tutor for the offenses or quasi-offenses of the  
12 ~~retarded~~ person with an intellectual disability shall be the same as that of a curator for  
13 those of the interdicted person and the tutorship shall not terminate until the decree  
14 is set aside by the court of the domicile, or the court of last domicile if the domicile  
15 of the ~~mentally-retarded~~ person with an intellectual disability is removed from the  
16 State of Louisiana.

17 Art. 359. Restriction on legal capacity.

18 The decree if granted shall restrict the legal capacity of the ~~mentally-retarded~~  
19 person with an intellectual disability to that of a permanent minor, except that after  
20 the age of eighteen the ~~retarded~~ person, unless formally interdicted, shall have the  
21 legal capacity of a minor who has been granted the emancipation conferring the  
22 power of administration as set forth in Chapter 2, Section 2 of this book and title.

23 Art. 360. Parents' rights of administration.

24 In addition to the rights of tutorship, the parents shall retain, during the  
25 marriage and for the minority of the ~~retarded~~ child with an intellectual disability, all  
26 rights of administration granted to parents of ~~normal~~ typical children during their  
27 minority.

28 \* \* \*

1 Art. 3107. Capacity of arbitrators.

2 A. All persons may be arbitrators, except such as are under some incapacity  
3 or infirmity, which renders them unfit for that function.

4 B. Therefore, minors under the age of eighteen years, persons interdicted,  
5 those who are deaf and ~~dumb~~ unable to speak, can not be arbitrators.

6 Section 31. Code of Criminal Procedure Articles 334.4(A)(7), 573.1, 648(B)(3)(q)  
7 through (s), 658(A), 814(A)(58), and 905.5.1(A) through (G), (H)(1), (2)(introductory  
8 paragraph), and (n) are hereby amended and reenacted to read as follows:

9 Art. 334.4. Arrest for certain crimes; release on own recognizance prohibited

10 A. Notwithstanding any other provision of law to the contrary, any defendant  
11 who has been arrested for any of the following crimes shall not be released by the  
12 court on the defendant's own recognizance or on the signature of any other person:

13 \* \* \*

14 (7) R.S. 14:93.3 (cruelty to ~~the infirmed~~ persons with infirmities), if the  
15 person has a prior conviction for the same offense.

16 \* \* \*

17 Art. 573.1. Running of time limitations; exception; exploitation of the infirmed

18 The time limitations established by Article 572 shall not commence to run as  
19 to the crime of exploitation of ~~the infirmed~~ persons with infirmities (R.S. 14:93.4)  
20 until the crime is discovered by a competent victim, or in the case of an incompetent  
21 victim, by a competent third person.

22 \* \* \*

23 Art. 648. Procedure after determination of mental capacity or incapacity

24 \* \* \*

25 B.

26 \* \* \*

27 (3) If, after the hearing, the court determines that the incompetent defendant  
28 is unlikely in the foreseeable future to be capable of standing trial, the court shall  
29 order the defendant released or remanded to the custody of the Department of Health  
30 and Hospitals which, within ten days exclusive of weekends and holidays, may

1 institute civil commitment proceedings pursuant to Title 28 of the Louisiana Revised  
 2 Statutes of 1950, or release the defendant. The defendant shall remain in custody  
 3 pending such civil commitment proceedings. If the defendant is committed to a  
 4 treatment facility pursuant to Title 28 of the Louisiana Revised Statutes of 1950, the  
 5 director of the institution designated for the patient's treatment shall, in writing, notify  
 6 the court and the district attorney when the patient is to be discharged or conditionally  
 7 discharged, as long as the charges are pending. If not dismissed without prejudice at  
 8 an earlier trial, charges against an unrestorable incompetent defendant shall be  
 9 dismissed on the date upon which his sentence would have expired had he been  
 10 convicted and received the maximum sentence for the crime charged, or on the date  
 11 five years from the date of his arrest for such charges, whichever is sooner, except for  
 12 the following charges:

13 \* \* \*

- 14 (q) R.S. 14:93.3 (cruelty to ~~the infirmed~~ persons with infirmities).
- 15 (r) R.S. 14:93.4 (exploitation of ~~the infirmed~~ persons with infirmities).
- 16 (s) R.S. 14:93.5 (sexual battery of ~~the infirm~~ persons with infirmities).

17 \* \* \*

18 Art. 658. Probation; conditional release; reporting

19 A. When the committed person is released on probation, which shall also be  
 20 known as conditional release, the clerk of court shall deliver to him a certificate  
 21 setting forth the period and the conditions of his probation. It shall be a condition of  
 22 every such probation that the person released shall be recommitted if he becomes  
 23 dangerous to others or to himself for reasons of mental illness, substance abuse, or  
 24 ~~mental retardation~~ intellectual disability. The probationer shall be required to agree  
 25 in writing to the conditions of his probation.

26 \* \* \*

27 Art. 814. Responsive verdicts; in particular

28 A. The only responsive verdicts which may be rendered when the indictment  
 29 charges the following offenses are:

30 \* \* \*



- 1           58. Cruelty to ~~the Infirm~~ Persons with Infirmities:
- 2           Guilty.
- 3           Guilty of attempted cruelty to ~~the infirm~~ persons with infirmities.
- 4           Guilty of simple battery.
- 5           Guilty of assault.
- 6           Guilty of negligent injuring.
- 7           Not guilty.

\*       \*       \*

9           Art. 905.5.1. ~~Mental retardation~~ Intellectual disability

10           A. Notwithstanding any other provisions of law to the contrary, no person  
11 ~~who is mentally retarded~~ with an intellectual disability shall be subjected to a sentence  
12 of death.

13           B. Any capital defendant who claims to ~~be mentally retarded~~ have an  
14 intellectual disability shall file written notice thereof within the time period for filing  
15 of pretrial motions as provided by Code of Criminal Procedure Article 521.

16           C.(1) Any defendant in a capital case making a claim of ~~mental retardation~~  
17 intellectual disability shall prove the allegation by a preponderance of the evidence.  
18 The jury shall try the issue of ~~mental retardation~~ intellectual disability of a capital  
19 defendant during the capital sentencing hearing unless the state and the defendant  
20 agree that the issue is to be tried by the judge. If the state and the defendant agree, the  
21 issue of ~~mental retardation~~ intellectual disability of a capital defendant may be tried  
22 prior to trial by the judge alone.

23           (2) Any pretrial determination by the judge that a defendant ~~is not mentally~~  
24 ~~retarded~~ does not have an intellectual disability shall not preclude the defendant from  
25 raising the issue at the penalty phase, nor shall it preclude any instruction to the jury  
26 pursuant to this Section.

27           D. Once the issue of ~~mental retardation~~ intellectual disability is raised by the  
28 defendant, and upon written motion of the district attorney, the defendant shall  
29 provide the state, within time limits set by the court, any and all medical, correctional,  
30 educational, and military records, raw data, tests, test scores, notes, behavioral

1 observations, reports, evaluations, and any other information of any kind reviewed by  
2 any defense expert in forming the basis of his opinion that the defendant ~~is mentally~~  
3 ~~retarded~~ has an intellectual disability.

4 E. By filing a notice relative to a claim of ~~mental retardation~~ intellectual  
5 disability under this Article, the defendant waives all claims of confidentiality and  
6 privilege to, and is deemed to have consented to the release of, any and all medical,  
7 correctional, educational, and military records, raw data, tests, test scores, notes,  
8 behavioral observations, reports, evaluations, expert opinions, and any other such  
9 information of any kind or other records relevant or necessary to an examination or  
10 determination under this Article.

11 F. When a defendant makes a claim of ~~mental retardation~~ intellectual  
12 disability under this Article, the state shall have the right to an independent  
13 psychological and psychiatric examination of the defendant. A psychologist or  
14 medical psychologist conducting such examination must be licensed by the Louisiana  
15 State Board of Examiners of Psychologists or the Louisiana State Board of Medical  
16 Examiners, whichever is applicable. If the state exercises this right, and upon written  
17 motion of the defendant, the state shall provide the defendant, within time limits set  
18 by the court, any and all medical, correctional, educational, and military records, and  
19 all raw data, tests, test scores, notes, behavioral observations, reports, evaluations, and  
20 any other information of any kind reviewed by any state expert in forming the basis  
21 of his opinion that the defendant ~~is not mentally retarded~~ does not have an intellectual  
22 disability. If the state fails to comply with any such order, the court may impose  
23 sanctions as provided by Code of Criminal Procedure Article 729.5.

24 G. If the defendant making a claim of ~~mental retardation~~ intellectual disability  
25 fails to comply with any order issued pursuant to Paragraph D of this Article, or  
26 refuses to submit to or fully cooperate in any examination by experts for the state  
27 pursuant to either Paragraph D or F of this Article, upon motion by the district  
28 attorney, the court shall neither conduct a pretrial hearing concerning the issue of  
29 ~~mental retardation~~ intellectual disability nor instruct the jury of the prohibition of  
30 executing ~~mentally retarded~~ defendants with intellectual disabilities.



1 (k) When the communication is relevant to proceedings concerning issues of  
2 child abuse, elder abuse, or the abuse of ~~disabled or incompetent~~ persons with  
3 disabilities or persons who are incompetent.

4 \* \* \*

5 C.

6 \* \* \*

7 (2) Exceptions. There is no privilege under this Article in a criminal case as  
8 to a communication:

9 \* \* \*

10 (f) When the communication is relevant to an investigation of or prosecution  
11 for child abuse, elder abuse, or the abuse of ~~disabled or incompetent~~ persons with  
12 disabilities or persons who are incompetent.

13 \* \* \*

14 Section 33. Children's Code Articles 559(B)(introductory paragraph) and  
15 (C)(introductory paragraph), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 837(B)(3)  
16 and (G), 837.1(A)(3), 894(introductory paragraph) and (3), 895(A), 910(E), 916, 1003(9),  
17 1125(B), 1402(1) and (3), 1404(15) through (17) and (24), 1405(C), 1416(D) and (E),  
18 1417(A), 1420(A), 1451(A), 1465(A) and (B), 1467(B)(1), 1468(A), and 1469(A) are hereby  
19 amended and reenacted and Children's Code Article 1003(introductory paragraph) is hereby  
20 enacted to read as follows:

21 Art. 559. Organization; board of trustees; director

22 \* \* \*

23 B. The duties of the board of trustees enumerated in ~~R.S. 28:64(B)~~ R.S.  
24 28:64(C) shall be applicable to this program, including all of the following specific  
25 duties:

26 \* \* \*

27 C. The duties of the director enumerated in ~~R.S. 28:64(C)~~ R.S. 28:64(E) shall  
28 be applicable to the program, including all of the following specific duties:

29 \* \* \*

1 Art. 681. Dispositional alternatives

2 A. In a case in which a child has been adjudicated to be in need of care, the  
3 child's health and safety shall be the paramount concern, and the court may do any of  
4 the following:

5 \* \* \*

6 (3) Commit a child found to ~~be mentally ill~~ have a mental illness to a public  
7 or private institution for ~~the mentally ill~~ persons with mental illness.

8 \* \* \*

9 Art. 683. Disposition; generally

10 \* \* \*

11 E. A child shall not be committed to a public or private mental institution or  
12 institution for ~~the mentally ill~~ persons with mental illness unless the court finds, based  
13 on psychological or psychiatric evaluation, that the child has a mental disorder, other  
14 than ~~mental retardation~~ an intellectual disability, which has a substantial adverse  
15 effect on his ability to function and requires care and treatment in an institution.  
16 When the child is in the custody of the state of Louisiana, this finding shall not be  
17 made without the representation of the child by an attorney appointed from the Mental  
18 Health Advocacy Service, unless such attorneys are unavailable as determined by the  
19 director or the child retains private counsel who shall represent only the interest of the  
20 child. The Mental Health Advocacy Service's attorney so appointed shall continue  
21 to represent the child in any proceeding relating to admission, change of status, or  
22 discharge from the mental hospital or psychiatric unit. Upon modification of the  
23 disposition to a placement other than a mental hospital or psychiatric unit, the Mental  
24 Health Advocacy Service's attorney shall be relieved of representation of the child.

25 F. A child shall not be committed to a public or private institution for ~~the~~  
26 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based  
27 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an  
28 intellectual disability and such condition has a substantial adverse effect on his ability  
29 to function and requires care and treatment in an institution.

30 \* \* \*

1 Art. 781. Disposition; generally

2 \* \* \*

3 D. A child shall not be committed to a public or private mental institution or  
4 institution for ~~the mentally ill~~ persons with mental illness unless the court finds, based  
5 on psychological or psychiatric evaluation, that the child has a mental disorder, other  
6 than ~~mental retardation~~ an intellectual disability, which has a substantial adverse  
7 effect on his ability to function and requires care and treatment in an institution.  
8 When the child is in the custody of the state of Louisiana, this finding shall not be  
9 made without the representation of the child by an attorney appointed from the Mental  
10 Health Advocacy Service, unless such attorneys are unavailable as determined by the  
11 director or the child retains private counsel who shall represent only the interest of the  
12 child. The Mental Health Advocacy Service's attorney so appointed shall continue  
13 to represent the child in any proceeding relating to admission, change of status, or  
14 discharge from the mental hospital or psychiatric unit. Upon modification of the  
15 disposition to a placement other than a mental hospital or psychiatric unit, the Mental  
16 Health Advocacy Service's attorney shall be relieved of representation of the child.

17 E. A child shall not be committed to a public or private institution for ~~the~~  
18 ~~mentally retarded~~ persons with intellectual disabilities unless the court finds, based  
19 on psychological or psychiatric evaluation, that the child ~~is mentally retarded~~ has an  
20 intellectual disability and such condition has a substantial adverse effect on his ability  
21 to function and requires care and treatment in an institution.

22 \* \* \*

23 Art. 809. Right to counsel

24 \* \* \*

25 C. No child shall be admitted in accordance with this Title to a public or  
26 private mental institution or institution for ~~the mentally ill~~ persons with mental illness  
27 nor shall proceedings in accordance with Chapter 7 of this Title or Article 869 go  
28 forward unless he has been represented by retained private counsel who represents  
29 only the child's interest or by an attorney from the Mental Health Advocacy Service,  
30 unless its executive director has determined that its attorneys are unavailable. Any

1 attorney from the Mental Health Advocacy Service so appointed shall continue to  
2 represent the child in any proceeding relating to admission, change of status, or  
3 discharge from the mental hospital or psychiatric unit. Upon modification of the  
4 disposition to placement other than a mental hospital or psychiatric unit, the Mental  
5 Health Advocacy Service's attorney shall be relieved of representation of the child  
6 upon request of the Mental Health Advocacy Service or the child.

7 \* \* \*

8 Art. 837. Procedure after determination of mental capacity

9 \* \* \*

10 B. If the court determines by a preponderance of the evidence that the child  
11 lacks the mental capacity to proceed and the alleged delinquent act is a felony, the  
12 proceedings shall be suspended and the court may:

13 \* \* \*

14 (3) Commit the child to the Department of Health and Hospitals, a private  
15 mental institution, or an institution for ~~the mentally ill~~ persons with mental illness in  
16 accordance with Department of Health and Hospitals policy. The court may also  
17 order restoration services for the child and appoint a restoration service provider.  
18 However, a child shall not be committed unless the court finds, after a contradictory  
19 hearing with ten days notice to the district attorney and counsel for the child, that the  
20 child, as a result of mental illness, is dangerous to himself or others or is gravely  
21 disabled. If the court further finds that the child will not have the mental capacity to  
22 proceed in the foreseeable future, the court shall order civil commitment as provided  
23 in Title XIV. However, no child shall be discharged or conditionally discharged  
24 except upon court order after a motion and contradictory hearing.

25 \* \* \*

26 G. Under no circumstances shall a child who is found to lack the mental  
27 capacity to proceed in accordance with this Chapter be held in a secure placement  
28 facility longer than permitted elsewhere by this Code for a ~~mentally ill or~~  
29 ~~developmentally disabled~~ child with a mental illness or developmental disability.

30 \* \* \*

1 Art. 837.1. Standards for restoration service providers

2 A. A restoration service provider shall meet the following qualifications:

3 \* \* \*

4 (3) Shall be a psychiatrist, licensed psychologist, medical psychologist,  
5 licensed clinical social worker, qualified ~~mental retardation~~ intellectual disability  
6 professional, or licensed professional counselor all of whom have been engaged in the  
7 practice of clinical psychology or counseling for not less than three consecutive years  
8 immediately preceding the appointment and who have expertise in child development  
9 specific to severe chronic disability of children attributable to intellectual impairment,  
10 if the court determines the child lacks the mental capacity to proceed because of  
11 mental illness or developmental disorder.

12 \* \* \*

13 Art. 894. Disposition after finding of insanity

14 In cases in which a child has not been adjudicated a delinquent and has been  
15 found to be insane at the time of the offense, the court may ~~either~~ take any of the  
16 following actions:

17 \* \* \*

18 (3) Commit the child to the Department of Health and Hospitals, office of  
19 behavioral health or a private mental institution or an institution for ~~the mentally ill~~  
20 persons with mental illness pursuant to Article 895 of this Chapter.

21 Art. 895. Commitment to mental institution

22 A. In cases in which a child has been adjudicated a delinquent, the court may  
23 commit him to a public or private mental institution or institution for ~~the mentally ill~~  
24 persons with mental illness if the court finds, based on psychological or psychiatric  
25 evaluation, that the child has a mental disorder, other than ~~mental retardation~~ an  
26 intellectual disability, which has a substantial adverse effect on his ability to function  
27 and requires care and treatment in an institution.

28 \* \* \*

29 Art. 910. Modification procedure; generally applicable

30 \* \* \*



1 E. A judgment of disposition shall not be modified to release a child from the  
2 custody of a public or private mental institution or an institution for ~~the mentally ill~~  
3 persons with mental illness without three days prior notice to the district attorney and  
4 the institution.

5 \* \* \*

6 Art. 916. Modification of a mental health commitment

7 A. In cases where a child has been committed to the Department of Health  
8 and Hospitals, office of behavioral health, or private mental institution, or an  
9 institution for ~~the mentally ill~~ persons with mental illness, the court may also modify  
10 the judgment on motion of the department or superintendent of a private mental  
11 institution.

12 B. In cases in which a child has been adjudicated a delinquent, a judgment of  
13 disposition shall not be modified to release a child from the custody of the  
14 Department of Health and Hospitals, office of behavioral health, or private mental  
15 institution or an institution for ~~the mentally ill~~ persons with mental illness without  
16 three days prior notice to the district attorney and the department or other institution.

17 C. Notwithstanding any provisions of law to the contrary, in cases in which  
18 a child has not been adjudicated a delinquent and has been found to be insane at the  
19 time of the offense, a child shall not be released from the custody of the Department  
20 of Health and Hospitals, office of behavioral health, or private mental institution, or  
21 an institution for ~~the mentally ill~~ persons with mental illness except upon order of the  
22 court after motion and contradictory hearing.

23 \* \* \*

24 Art. 1003. Definitions

25 As used in this Title:

26 \* \* \*

27 (9) "Mental illness" means a psychiatric disorder which has substantial  
28 adverse effects on the parent's ability to function and which requires care and  
29 treatment as determined by a psychiatrist or psychologist. It does not include a person

1 ~~suffering solely from mental retardation, epilepsy, alcoholism, or drug abuse. who~~  
2 has, solely, one of the following conditions:

3 (a) An intellectual disability.

4 (b) Epilepsy.

5 (c) Alcoholism.

6 (d) Drug abuse.

7 \* \* \*

8 Art. 1125. Statement of family history; contents; form

9 \* \* \*

10 B. The Statement of Family History form shall be substantially as follows:

11 STATEMENT OF FAMILY HISTORY

	Child's Biological MOTHER	Child's Biological FATHER
12 Age		
13 Height		
14 Weight		
15 Hair color		
16 Eye color		
17 Complexion		
18 Body build		
19 Education-last		
20 grade completed/		
21 degree received		
22 Right/left handed		
23 Occupation		
24 Talents		
25 Religion		
26 Race		
27 Ethnicity/		
28 Nationality		
29 Native		
30 American/Tribal		
31 Affiliation, if		
32 applicable		
33 Other		
34		

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.)	

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	

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		Miscarriages, stillbirths, neonatal deaths	
		SIDS	
		Rh Factor	
		HIV ( biological mother only)	
		Venereal disease during pregnancy (biological mother only)	
		Other: specify	
		Other: specify	
		Other: specify	
Prenatal History			
Yes	No		If yes, <ul style="list-style-type: none"> <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	

28 Are the parents of the child biologically related to each other? Yes\_\_\_\_\_ No\_\_\_\_\_

29 If yes what is the biological relationship? \_\_\_\_\_

30 Has the minor child had the following immunizations?

31 YES NO

YES NO

- 1 ( ) ( ) Birth-2 mo. Hepatitis (Hep) B ( ) ( ) 12-15 mo. Hib, MMR # 1
- 2 ( ) ( ) 1 – 4 mo. Hep B ( ) ( ) 12-18 mo. Var (chickenpox)
- 3 ( ) ( ) 2 mo. DTaP, IPV, Hib, ( ) ( ) 15-18 mo. DTaP
- 4 ( ) ( ) 4 mo. DTaP, IPV, Hib, ( ) ( ) 4-6 yrs. MMR # 2, DTaP,
- 5 OPV
- 6 ( ) ( ) 6 mo. DTaP, Hib, ( ) ( ) 11-12 yrs. MMR # 2, Var,
- 7 Hep B
- 8 ( ) ( ) 6-18 mo. Hep B, IPV ( ) ( ) 11-16 yrs. Td (tetanus,
- 9 diphtheria)

10 Has the minor child had the following illnesses?

11 YES NO YES NO

- 12 ( ) ( ) Pertussis (P) (Whooping Cough) ( ) ( ) Rheumatic Fever
- 13 ( ) ( ) Rubella (R) (Measles) ( ) ( ) Tonsillitis
- 14 ( ) ( ) Mumps (M) ( ) ( ) Convulsions
- 15 ( ) ( ) Chicken Pox (Var) ( ) ( ) Asthma
- 16 ( ) ( ) Rotavirus (Rv) ( ) ( ) Polio (IPV)
- 17 ( ) ( ) Scarlet Fever ( ) ( ) Allergies, specify
- 18 ( ) ( ) Diphtheria (D) \_\_\_\_\_
- 19 ( ) ( ) Surgery, operations, specify \_\_\_\_\_
- 20 ( ) ( ) Glandular Disturbances, specify \_\_\_\_\_

21 Does the minor child have or has he had any other serious illnesses or medical conditions?

22 \_\_\_\_\_

23 \_\_\_\_\_

24 \_\_\_\_\_

25 \* \* \*

1 Art. 1402. Declaration of policy

2 The underlying policy of this Title is as follows:

3 (1) That ~~mentally ill~~ minors with mental illness and minors suffering from  
4 substance abuse, and their caretakers on their behalf, be encouraged to seek voluntary  
5 treatment.

6 \* \* \*

7 (3) That continuity of care for ~~the mentally ill~~ persons with mental illness and  
8 minors suffering from substance abuse be provided.

9 \* \* \*

10 Art. 1404. Definitions

11 As used in this Title:

12 \* \* \*

13 (15) "Mental Health Advocacy Service" means a service established by the state  
14 of Louisiana for the purpose of providing legal counsel and representation for ~~mentally~~  
15 ~~disabled~~ persons with mental disabilities and for children and to ensure that their legal  
16 rights are protected.

17 (16) "~~Mentally ill person~~" "Person with mental illness" means any person with  
18 a psychiatric disorder which has substantial adverse effects on his ability to function  
19 and who requires care and treatment. It does not include a person ~~suffering solely from~~  
20 ~~mental retardation; with, solely, an intellectual disability, or who suffers solely from~~  
21 epilepsy, alcoholism, or drug abuse.

22 (17) "Patient" means any person detained and taken care of as a ~~mentally ill~~  
23 person with mental illness or person suffering from substance abuse.

24 \* \* \*

25 (24) "Treatment facility" means any public or private hospital, retreat,  
26 institution, mental health center, or facility licensed by the state of Louisiana in which  
27 any ~~mentally ill~~ minor with mental illness or minor suffering from substance abuse is  
28 received or detained as a patient except a facility under the control or supervision of the

1 Department of Public Safety and Corrections unless otherwise provided in Title VIII  
2 of this Code.

3 Art. 1405. Mental Health Advocacy Service (MHAS); representation; fees

4 \* \* \*

5 C. Nothing in this Title shall be construed to prohibit a ~~mentally ill~~ person with  
6 mental illness or respondent from being represented by privately retained counsel. If  
7 a MHAS attorney has been appointed by the court and the ~~mentally ill~~ minor with  
8 mental illness or respondent secures his own counsel, the court shall discharge the  
9 MHAS attorney.

10 \* \* \*

11 Art. 1416. Facility records; confidentiality; disclosure; destruction

12 \* \* \*

13 D. Any attorney representing a ~~mentally ill~~ minor with mental illness or a  
14 respondent as defined herein shall have ready access to view and copy all mental health  
15 and developmental disability records pertaining to his client unless the client objects.  
16 The attorney shall return all copies of his client's medical record to the treatment facility  
17 upon completion of their use. If the patient or respondent later retains a private attorney  
18 to represent him, the MHAS shall destroy all copies of records pertaining to his case.

19 E. Any respondent or ~~mentally disabled~~ minor with a mental disability shall have  
20 the right to demand that the records in the possession of his attorney regarding his  
21 mental condition be destroyed or returned to the treatment facility and he shall have the  
22 right to assurance by the director that such records have been so destroyed by the  
23 MHAS attorney.

24 Art. 1417. Court records

25 A. Each court shall keep a record of the cases relating to ~~mentally ill~~ minors with  
26 mental illness coming before it under this Title and the disposition of them. It shall also  
27 keep on file the original petition and certificates of physicians required by this Chapter,  
28 or a microfilm duplicate of such records.

29 \* \* \*



1 Art. 1420. Admission by emergency certificate; extension

2 A. A ~~mentally ill~~ minor with mental illness or a minor suffering from substance  
3 abuse may be admitted and detained at a treatment facility for observation, diagnosis,  
4 and treatment for a period not to exceed fifteen days under an emergency certificate.

5 \* \* \*

6 Art. 1451. Conversion to voluntary status

7 A. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with  
8 mental illness or minor suffering from substance abuse from applying for conversion  
9 of involuntary or emergency admission status to voluntary admission status.

10 \* \* \*

11 Art. 1465. Voluntary admissions favored

12 A. Admitting physicians are encouraged to admit ~~mentally ill~~ minors with  
13 mental illness or minors suffering from substance abuse to treatment facilities on  
14 voluntary admission status whenever medically feasible.

15 B. No director of a treatment facility shall prohibit any ~~mentally ill~~ minor with  
16 mental illness or minor suffering from substance abuse from applying for conversion  
17 of involuntary or emergency admission status to voluntary admission status. Any minor  
18 patient on an involuntary admission status shall have the right to apply for a writ of  
19 habeas corpus in order to have his admission status changed to voluntary status.

20 \* \* \*

21 Art. 1467. Capacity required

22 \* \* \*

23 B. Knowing and voluntary consent shall be determined by the ability of the  
24 minor to understand:

25 (1) That the treatment facility to which the minor patient is requesting admission  
26 is one for ~~mentally ill~~ persons with mental illness or persons suffering from substance  
27 abuse.

28 \* \* \*

1 Art. 1468. Informal voluntary admission

2 A. In the discretion of the director, any ~~mentally ill~~ minor with mental illness or  
3 minor suffering from substance abuse, who is sixteen years of age or older and who  
4 desires admission to a treatment facility for diagnosis or treatment of a psychiatric  
5 disorder or substance abuse, may be admitted upon the minor patient's request without  
6 a formal application.

7 \* \* \*

8 Art. 1469. Formal voluntary admission

9 A. Any ~~mentally ill~~ minor with mental illness or minor suffering from substance  
10 abuse who is sixteen years old or older and who desires admission to a treatment facility  
11 for diagnosis ~~and/or~~ or treatment of a psychiatric disorder or substance abuse and who  
12 is deemed suitable for formal voluntary admission by the admitting physician may be  
13 so admitted upon his written request.

14 \* \* \*

15 Section 34. R.S. 17:348(C), Part IX of Chapter 1 of Title 28 of the Louisiana Revised  
16 Statutes of 1950, comprised of R.S. 28:211 and 213, R.S. 40:2113.1, Chapter 9 of Title 46 of  
17 the Louisiana Revised Statutes of 1950, comprised of R.S. 46:981 and 982, Chapter 27 of Title  
18 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2111 through 2114,  
19 Chapter 33 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2391  
20 through 2397, and Chapter 53 of Title 46 of the Louisiana Revised Statutes of 1950, comprised  
21 of R.S. 46:2681, are hereby repealed in their entirety.

22 Section 35.(A) The legislature hereby finds that language used to refer to persons with  
23 disabilities and other persons with exceptionalities shapes and reflects attitudes toward and  
24 perceptions of such persons by society.

25 (B) It is hereby declared that the intent of the legislature is to delete from the lawbodies  
26 of this state terms that convey negative or derogatory perceptions of persons with disabilities  
27 and other persons with exceptionalities. Accordingly, the intent of the legislature is to provide  
28 in this Act for establishment of new terminology in law that is more appropriate than the

1 terminology replaced herein, and which conveys no explicit or implicit dehumanization of  
2 persons with disabilities or other persons with exceptionalities.

3 (C) It is not the intent of the legislature that changes in terms referring to persons with  
4 disabilities and other persons with exceptionalities, as effected by this Act, alter or affect in  
5 any way the substance, interpretation, or application of any existing law or administrative rule.

6 (D) Nothing in this Act shall be construed to expand or diminish any right of or benefit  
7 for any person provided by any existing law or administrative rule.

8 Section 36.(A) For the purposes of the provisions of law amended by this Act,  
9 references to "intellectual disability" shall mean any condition formerly referred to as "mental  
10 retardation".

11 (B) For the purposes of the provisions of law amended by this Act, references to a  
12 "person with an intellectual disability" shall mean a person formerly referred to as "mentally  
13 retarded".

14 (C) For the purposes of the provisions of law amended by this Act, the term  
15 "disability", as used to describe a condition or characteristic of a person, shall have the  
16 meaning of the former term "handicap" as used in the same manner.

17 (D) For the purposes of the provisions of law amended by this Act, references to a  
18 "person with a physical disability" and a "person with a disability" shall mean a person  
19 formerly referred to as "physically handicapped", a "handicapped person", "the handicapped",  
20 a "crippled person", a "disabled person", or "the disabled".

21 (E) For the purposes of the provisions of law amended by this Act, references to a  
22 "person who is infirm" and a "person with an infirmity" shall have the meaning of the former  
23 terms "the infirm" and "the infirmed".

24 (F) For the purposes of the provisions of law amended by this Act, references to a  
25 person who "acquires a disability" shall have the meaning of the former references to a person  
26 who "becomes disabled".

27 (G) For the purposes of the provisions of law amended by this Act, references to  
28 "certified as having a disability" shall have the meaning of the former references to "certified  
29 as disabled".

1 (H) For the purposes of the provisions of law amended by this Act, the terms  
2 "accessible" and "accessibility" have the meanings, respectively, of the former terms  
3 "handicapped accessible" and "handicapped accessibility".

4 (I) For the purposes of the provisions of law amended by this Act, references to a  
5 "person with a mobility impairment" shall mean a person formerly referred to as "mobility-  
6 impaired".

7 (J) For the purposes of the provisions of law amended by this Act, references to a  
8 "person with mental illness" shall mean a person formerly referred to as either "the mentally  
9 ill" or "mentally ill person".

10 (K) For the purposes of the provisions of law amended by this Act, the linguistic  
11 paradigm known as "person first language", which emphasizes a person's humanity over any  
12 condition or characteristic the person may have, is employed wherever possible to refer to  
13 persons with disabilities and other persons with exceptionalities. The legislature hereby  
14 recognizes and affirms the importance of person first language as a respectful and preferred  
15 way of referring to persons with disabilities and other persons with exceptionalities.

16 Section 37. Each agency, board, commission, department, office, and other  
17 instrumentality of the state to which the legislature has delegated authority to promulgate rules  
18 and regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., is  
19 hereby authorized and requested to employ the preferred terminology described in Section 36  
20 of this Act in referring to persons with disabilities and other persons with exceptionalities in  
21 duly promulgated administrative rules, policy publications, and materials published in paper  
22 format or electronically, whether for internal use or public use, including but not limited to  
23 informational brochures, resource guides, reference materials, manuals, and the content of any  
24 Internet website or other electronic media. The provisions of this Section shall apply  
25 prospectively.

26 Section 38. The Louisiana State Law Institute is hereby authorized and requested to  
27 redesignate, in accordance with the provisions of the Act which originated as House Bill No.  
28 \_\_\_\_ of this 2014 Regular Session of the Legislature, the numbers of all Sections of statute

1 amended by this Act and recodified by the provisions of the Act which originated as House  
2 Bill No. \_\_\_\_ of this 2014 Regular Session of the Legislature.

3 Section 39. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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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.

#### **Description of Terminology Changes**

Proposed law provides for the following changes to terminology in present law:

- (1) For purposes of proposed law, references to "intellectual disability" mean any condition formerly referred to as "mental retardation".
- (2) For purposes of proposed law, references to a "person with an intellectual disability" mean a person formerly referred to as "mentally retarded".
- (3) For purposes of proposed law, the term "disability", as used to describe a condition or characteristic of a person, has the meaning of the former term "handicap" as used in the same manner.
- (4) For purposes of proposed law, references to a "person with a physical disability" and a "person with a disability", as appropriate to the context, mean a person formerly referred to as "physically handicapped", a "handicapped person", "the handicapped", a "crippled person", a "disabled person", or "the disabled".
- (5) For purposes of proposed law, references to a "person who is infirm" and a "person with an infirmity" have the meaning of the former terms "the infirm" or "the infirmed".
- (6) For purposes of proposed law, references to a person who "acquires a disability" have the meaning of the former references to a person who "becomes disabled".
- (7) For purposes of proposed law, references to "certified as having a disability" have the meaning of the former references to "certified as disabled".

- (8) For purposes of proposed law, the terms "accessible" and "accessibility" have the meanings, respectively, of the former terms "handicapped accessible" and "handicapped accessibility".
- (9) For purposes of proposed law, references to a "person with a mobility impairment" mean a person formerly referred to as "mobility impaired".
- (10) For purposes of proposed law, references to a "person with mental illness" mean a person formerly referred to as either "the mentally ill" or a "mentally ill person".

Proposed law provides that for purposes of proposed law, the linguistic paradigm known as "person first language", which emphasizes a person's humanity over any condition or characteristic the person may have, is employed wherever possible to refer to persons with disabilities and other persons with exceptionalities. Provides a declaration affirming the importance of person first language as a respectful and preferred way of referring to persons with disabilities and other persons with exceptionalities.

### **Location of Terminology Changes**

Proposed law changes the terms "mentally retarded" and "mental retardation" to "intellectually disabled" and "intellectual disability", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 4:715, R.S. 11:783, 2220, 2256, 3438, and 3553, R.S. 14:35.2, 93.3, and 126.3, R.S. 15:830 and 830.1, R.S. 22:941, 1000, 1003, 1097, and 1242, R.S. 23:322, 1371.1, and 1378, R.S. 28:2, 831, 854, 864, and 874, R.S. 33:1236, R.S. 36:251 and 254, R.S. 39:1484, 1494.1, and 1554, R.S. 40:1299.27, 1379.3, 1472.3, 2009.21, 2102, and 2116, R.S. 46:51, 53, and 2253, R.S. 47:44.1, 79, 305.38, and 337.9, R.S. 51:2232, R.S. 56:302.1, C.C. Arts. 354, 356, and 358-360, C.Cr.P. Arts. 658 and 905.5.1, and Ch.C. Arts. 683, 781, 837.1, 895, 1003, 1125, and 1404.

Proposed law changes the term "handicap", where used to describe a condition or characteristic of a person, to "disability" in the following Sections of present law:

R.S. 11:1151, 1151.1, 1318, 1323, and 2077, R.S. 15:1402, R.S. 17:158, R.S. 22:941, 1000, 1001, 1003, 1012, 1242, and 1288, R.S. 32:295.1, R.S. 33:2411, 4720.62, 4720.112, and 4720.138, R.S. 46:1407, 2252, 2254, and 2255, R.S. 51:2602, 2603, and 2606 - 2608, and R.S. 56:1762.

Proposed law changes the terms "the handicapped", "the physically handicapped", "handicapped person", "crippled person", "disabled person", and "the disabled" to "person with a physical disability" and "person with a disability", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 6:747, R.S. 9:1613, 2799, 2799.3, and 3541.21, R.S. 11:293, 778, 784, 805, 901.37, 952.36, 1147, 1151, 1151.1, 1313, 1318, 1323, 1345.8, 1402, 1431, 1442, 1503, 1523, 1634, 1636, 1732, 1758, 1902, 1934, 2074, 2077, 2165.6, 2178, 2180, 2214, 2220, 2223, 2241.7, 2241.8, 2242.7, 2242.8, 2256, 2256.2, 2258, 2259, 3101, 3107, 3113, 3132, 3145, 3166, 3178, 3192, 3222, 3281, 3288, 3293, 3317, 3322, 3341, 3363, 3377, 3378, 3385.1, 3402, 3410, 3431, 3438, 3442, 3461, 3473, 3515, 3552, 3601, 3605, 3609, 3645, 3647, 3685.1, 3686, 3761, 3773, 3780, 3791, 3804, and 3808, R.S. 14:32, 35.2, 39, 67.16, 67.21, 79.1, 93.3, 93.4, 107.1, and 202.1, R.S. 15:1503 and 1510, R.S. 17:407.2 and 1947, R.S. 18:106.1, 1303, and 1400.21, R.S. 21:51 and 52, R.S. 22:1001 and 1012, R.S. 23:322-324, 1017.1, 1226, 1823, 1829, 2061, and 3004, R.S. 25:33, R.S. 28:2, 22.10, 64, 475 - 477, 831, 854, 864, 874, 904, and 915, R.S. 29:403, 726, and 729, R.S. 32:295.1, 403.2, and 863.1, R.S. 33:1236, 1947, and 2411, R.S. 36:151 and 254,

R.S. 37:752, 775, 776, 1360.64, 2363, and 3003, R.S. 38:2261, R.S. 39:302, 362, 1484, 1554, 1594, 1595.4, and 1952, R.S. 40:384, 442, 501, 1299.58, 1299.78.5, 1299.113, 1299.114, 1300.85, 1485.2, 1735, 1742, 1742.2, 1748, 2010.8, 2113.5, 2116, 2405.5, and 2471, R.S. 42:808, R.S. 46:51, 56, 151, 156, 230.1, 231.6, 541, 932, 1951-1957, 1959, 2200, 2201, 2203, 2251, 2253, 2256, and 2582, R.S. 47:34, 287.749, 305.69, 360, 463.51, 473.2, and 1061, R.S. 48:23 and 261, R.S. 49:148 and 148.1, R.S. 51:1402, 1407, 2303, 2312, and 2606, R.S. 56:104.1, 109, 302.1, and 1699, C.E. Art. 510, and Ch.C. Arts. 1404 and 1416.

Proposed law changes the terms "the infirm" and "the infirmed" to "person who is infirm" and "person with an infirmity", as appropriate to the context, in the following Sections and Articles of present law:

R.S. 14:35.2, 93.3-93.5, and 106, R.S. 15:334.4, 536, 537, 541, 571.3, and 571.34, R.S. 17:124, R.S. 28:22.7, R.S. 29:726, R.S. 37:961, R.S. 40:2142, R.S. 46:61 and 437.14, and C.Cr.P. Arts. 573.1, 648, and 814.

Proposed law changes references to a person who "becomes disabled" to a person who "acquires a disability" in the following Sections of present law:

R.S. 11:202-204, 206-211, 213, 215, 218, 701, 768, 901.36, 1530, 1614, 1763, 1785, 1805, 1938, 1945, 2144, 2178, 2220, 2221, 2241.8, 2242.8, 2257, 2258, 3005.1, 3039.1, 3143, 3200, 3232, 3346, 3377, 3385.1, 3438, 3442, 3447, 3473, 3514, 3548, 3644, 3647, 3686, 3724, 3731, 3771, 3778, 3802, and 3805, and R.S. 42:808.

Proposed law changes the term "certified as disabled" to "certified as having a disability" in the following Sections of present law:

R.S. 11:218, 701, 778, 783, 804, 805, 952.36, 1147, 1313, 1432, 1483, 1522, 1634, 1784, 1804, 1944, 1964, 1974, 2074, 2165.6, 2178, 2258, and 3041.

Proposed law changes the terms "handicapped accessible" and "handicapped accessibility" to "accessible" and "accessibility", respectively, in the following Sections of present law:

R.S. 17:67, R.S. 40:1355, 1400, 1563, 1573.1, 1574.1, 1730.39, and 1730.66, R.S. 46:2584 and 2673, and R.S. 47:463.4.

Proposed law changes the term "mobility-impaired person" to "person with a mobility impairment" in the following Sections of present law:

R.S. 40:1742 and 1742.2, R.S. 46:2584, R.S. 47:463.4, 463.4.1, 463.4.2, 463.5, 463.21, 490.4, and 492, and R.S. 56:302.3.

Proposed law changes the terms "the mentally ill" and "mentally ill person" to "person with mental illness" in the following Sections and Articles of present law:

R.S. 15:830 and 830.1, R.S. 28:2, 22.5, 22.7, 22.9, 22.10, 25.1, 50, 52, 55, 64, 146, 148, 172, 200, and 201, R.S. 36:251, R.S. 40:1299.52, 1300.361, 2009.21, 2010.8, 2013.2, 2013.3, 2017, 2142, 2405.5, and Ch.C. Arts. 681, 683, 781, 809, 837, 894, 895, 910, 916, 1402, 1404, 1405, 1416, 1417, 1420, 1451, 1465, and 1467-1469.



**Provisions to be Repealed**

Proposed law deletes the following provisions of present law:

- (1) Provisions relative to services for students originally enrolled prior to May 1, 1985, in the La. Special Education Center when it was called the La. School for Spastic Children which no longer apply to any student (R.S. 17:348(C)).
- (2) Provisions referring to an abolished task force and pilot program concerning supervision and monitoring of persons with mental illness in outpatient treatment programs (R.S. 28:211 and 213).
- (3) Provisions referring to the abolished Mental Health Research and Training Account (R.S. 40:2113.1).
- (4) Provisions relative to treatment and care of "inmates" of special schools, homes, and other therapeutic institutions which no longer exist (R.S. 46:981 and 982).
- (5) Provisions establishing a bureau for handicapped persons within DCFS (R.S. 46:2111 through 2114).
- (6) Provisions referring to the abolished Community Residential Development Fund and Community Residential Program which formerly supported group homes, supervised living facilities, and out-of-home respite care for persons with mental or physical disabilities (R.S. 46:2391 through 2397).
- (7) Provisions referring to an abolished program of community-based services for persons with disabilities, persons who are elderly, and persons with mental illness (R.S. 46:2681).

**Effective Date**

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 4:163.1(D)(2)(d) and 715(B)(2), R.S. 6:747(A), R.S. 9:1613, 2799(A)(2) and (B)(1), 2799.3, the heading of Part V-A of Chapter 2 of Title 9 of the La. Revised Statutes of 1950, and 3541.21(1) and (3), R.S. 11:202, 203(A) and (C), 204(A), 206, 207(A) and (B), 208-210, 211(A) and (B), 213(A), 215(A), 218(A), (C), and (D)(3), 293(C), 701(19), 768(D)(2), 778(A), (B), and (D), 783(G)(1)(a), (I)(1)(a), and (K)(1), 784(C)(2) and (E), 804, 805(A) and (B), 901.36, 901.37, 952.36, 1147(A) and (C)(1), 1151(D), 1151.1(B)(1), (C)(2), and (D)(1), 1313(A), (B)(intro. para.), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1), 1345.8(B), 1402(5), 1431, 1432(A)(intro. para.), 1442, 1483(B), 1503(6), 1522(A)(1)(intro. para.) and (B)(intro. para.), 1523(G), 1530(K)(3), 1614(D), 1634(A) and (B)(intro. para.), 1636(B)(5), 1732(20), 1758(A) and (F), 1763(J)(2), 1784(intro. para.), 1785(A)(2), 1804(intro. para.), 1805(A)(1)(a), 1902(19), 1934(A) and (F), 1938(J)(4)(c), 1944(A)(intro. para.), 1945(A)(2), 1964(A)(intro. para.), 1974(A), 2074(A) and (B)(1)(intro. para.), 2077(A)(intro. para.) and (B)(intro. para.) and (2), 2144(K), 2165.6(A) and (B)(intro. para.), 2178(B)(intro. para.), (1)(b), and (3)(c) and (C)(1)(c)(iv)(aa), 2180(C)(2), 2214(A)(2)(e), 2220(A)(1)(g)(v) and (B)(2)(a)(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. 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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.