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

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

**PERSONS WHO ARE AGED**

§3541.21. Definitions

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

(1) **“Person who is aged”** means a natural person sixty-five years of age or older.

(2) **“Disabled person”** means a natural person who has physical or mental impairment which substantially limits one or more major life activities.

Section 4. R.S. 11:202, 203(A) and (C), 204(A), 206, 207(A) and (B), 208 through 210, 211(A) and (B), 213(A), 215(A), 218(A), (C), and (D), 239(C), 701(19), 708(D) (2), 778(A), (B), and (D), 783(10)(a), (1)(a), and (K), 784(2)(c) and (E), 804, 805(A) and (B), 901.36, 901.37, 952.36, 1147(A) and (C), 1151(D), 1151.1(B)(1), (C)(2), and (D)(1), 1313(A), (B)(introductory paragraph), and (C), 1318, 1323(B)(1), (C)(2), and (D)(1), 1345(5)(B), 1402(5)(B), 1431, 1432(A)(introductory paragraph), 1442, 1463(B), 1500(3), 1522(A)(1)(introductory paragraph) and (A)(3), 1526(1)(a), 1529(1)(a), 1621(A)(3), 1622, 1623(17)(d), 1636(13)(B)(2), 1732(20), 1758(A) and (F), 1763(J)(2), 1784(introductory paragraph), 1785(A)(2), 1804(introductory paragraph), 1805(1)(a)(1), 1909(19), 1934(A) and (P), 1938(J)(4)(c), 1944(A)introductory paragraph, 1946(A)(1), 1946(A)(2), 1964(1)(a)(introductory paragraph), 1974(A), 2074(A) and (B)(1)(introductory paragraph) and 2077(A)(introductory paragraph) and (B)(introductory paragraph) and (2), 2144(K), 2165.6(A) and (B)(introductory paragraph), 2178(B)(introductory paragraph), (1)(b) and (c), (C)(1)(c) (public or nonpublic schools, public or nonpublic hospitals, and charitable institutions for minors or disabled persons with a disability, for the participation and implementation by the association, in any school or institutional thrift or savings plan, and it may accept funds for shares or savings accounts at such a school or institution, either by its own collector or by any representative of the school or institution.

§2799. Limitation of liability for damages from donated food

A. **Schools**

An association may contract with the proper authorities of any public or nonpublic elementary or secondary school or institution of higher learning in this state, for the payment of old age assistance, aid to dependent children, aid to the needy blind, mothers and child health services, health services for mothers and their children, and aid to crippled children with physical disabilities, in accordance with law, and may likewise be used in the work of the state hospital, or the foundation, or the hospital, or the foundation, or any individual, farmer, manufacturer, processor, packer, wholesaler, or retailer of food in the preparation of meals or beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject on the premises not to exceed a total value of fifteen dollars per person. Each employee or volunteer worker may also be provided meals and beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject on the premises not to exceed a total value of fifteen dollars per person. Each employee or volunteer worker may also be provided meals and beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject on the premises not to exceed a total value of fifteen dollars per person. Each employee or volunteer worker may also be provided meals and beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject on the premises not to exceed a total value of fifteen dollars per person. Each employee or volunteer worker may also be provided meals and beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject on the premises not to exceed a total value of fifteen dollars per person. Each employee or volunteer worker may also be provided meals and beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject on the premises not to exceed a total value of fifteen dollars per person.
and provided that the disability was incurred while the member was an active contributing member in active service. However, if the application for disability benefits is not filed while the member is in service, it shall be presumed that the disability was not incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.

§204. School Employees' Retirement System
A. A member who becomes disabled acquires a disability, and who files for disability benefits while in service, and who upon medical examination and certification, as provided for elsewhere in this Subpart, is found to be totally disabled have a total disability for any cause, shall be entitled to disability benefits under the provisions of R.S. 11:1147(C), provided the disability was incurred while the member was an active contributing member in active service, and provided that the disability was not incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.

§205. Sheriffs' Pension and Relief Fund
A. A member who becomes disabled acquires a disability, and who files an application for disability benefits while in service, and who upon medical examination and certification, as provided for elsewhere in this Subpart, is found to be totally disabled have a total disability for any cause other than injuries sustained in the performance of his official duties, shall be entitled to disability benefits under the provisions of R.S. 11:1345.7. However, if the application for disability benefits is not filed while the member is in service, it shall be presumed that the disability was not incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.

§206. Registrars of Voters Employees' Retirement System
A member who becomes disabled acquires a disability, and who files for disability benefits while in service, and who upon medical examination and certification, as provided for elsewhere in this Subpart, is found to be totally disabled have a total disability for any cause, shall be entitled to disability benefits under the provisions of R.S. 11:2223(B). However, if the application for disability benefits is not filed while the member is in service, it shall be presumed that the disability was not incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.

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

§211. Louisiana State Police Retirement System
A. A member who becomes disabled acquires a disability, and who files for disability benefits while in service, and who upon medical examination and certification, as provided for elsewhere in this Subpart, is found to be totally disabled have a total disability solely as the result of injuries sustained in the performance of his official duties, or for any cause the member has at least five years of creditable service, and provided that the disability was incurred while the member was an active contributing member in active service, shall be entitled to disability benefits under the provisions of R.S. 11:1313(B). However, if the application for disability benefits is not filed while the member is in service, it shall be presumed that the disability was not incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.


the disability was incurred while the member was an active contributing member in active service, shall be entitled to disability benefits under the provisions of R.S. 11:1432. However, if the application for disability benefits is filed within three years of the occurrence of such disability or within one year of the completion of at least five years of creditable service and provided that the disability was incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.

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

§218. Application and examination procedures; certification of disability
A. Any eligible member of a state or statewide retirement system listed in this Subpart who becomes disabled acquires a disability may apply for disability benefits to the board of trustees of the retirement system of which he is a member. The board of trustees shall require the supervisor of the applicant to submit to the board a report which shall include a brief history of the case and the supervisor’s opinion as to the applicant’s present ability to perform the normal duties required of him.

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

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

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

§701. Definitions

(19) “Minor child” means an unmarried child under the age of twenty-one years or an unmarried student under the age of twenty-three years who is the issue of a marriage of a member of this system, the legally adopted child of a member of this system, or the child of a male member of this system if a court of competent jurisdiction has, pursuant to the provisions of the Civil Code rendered a judgment of filiation declaring the paternity of such member for the child. An unmarried child who has become mentally disabled or totally permanently disabled having a mental disability or a total and permanent physical disability prior to age twenty-one, as certified by the medical board, shall be considered a “minor child” for the purposes of the benefit provisions of this Chapter and shall remain a “minor child” provided that the medical board certifies that the child has become totally permanently disabled or totally and permanently disabled having a mental disability or a total and permanent physical disability and provided he remains unmarried.

§768. Retirement allowances

D.

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

§778. Disability retirement
A. Eligibility for disability benefits, procedures for application for disability benefits, procedures for the certification of continuing eligibility for disability benefits, the authority of the board of trustees to modify disability benefits, and procedures governing the restoration to active service of a former disabled employee who formerly had a disability are specifically described and provided for in R.S. 11:2301 through 224.

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

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

§783. Selection of option for method of payment after death of member
G.(1)(a) Notwithstanding any other provision of law to the contrary, if Option 2, 2A, 3, 3A, 4, 4A, or the Initial Lump-Sum Benefit of Subsection A of this Section was selected, and the retiree’s designated beneficiary, who is not the spouse of the retiree, is officially certified as mentally retarded having a permanent disability by the State Medical Disability Board, the originally selected option shall be considered revoked.

I. (1)(a) Notwithstanding any other provision of law to the contrary, if Option 2, 2A, 3, 3A, 4, 4A, or the Initial Lump-Sum Benefit of Subsection A of this Section was selected, and the retiree’s designated beneficiary is not the spouse of the retiree, and the child is totally and permanently disabled having a permanent disability by the State Medical Disability Board, the originally selected option shall be considered revoked.

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

§784. Payment of benefits
C.

(2) Paragraph (1) shall not apply to any portion of a member’s benefits which is payable to or for the benefit of a designated beneficiary or beneficiaries, over the life of or over the life expectancy of such beneficiary, so long as such designated beneficiary or beneficiary is not the child or children of the member. Paragraph (1) shall be applied as if the surviving spouse were the member. If the designated beneficiary is a child of the member, for purposes of satisfying the requirement of Paragraph (1), any amount paid to such child shall be treated as if paid to the member’s surviving spouse if such amount would
become payable to such surviving spouse (if alive) upon the child’s reaching age eighteen or, if later, upon the child’s completing a designated event.

For purposes of the foregoing sentence, a designation by the board of the totally physically handicapped or mentally disabled child or children shall cease to be a full-time student (or attains age twenty-three, if earlier).

E. If by operation of law or action of the board of trustees a survivor benefit is payable to a specified person or persons, the member shall be considered to have designated such person as an alternate beneficiary hereunder. If there is more than one such person, then the youngest disabled child or children shall be designated. If no alternate beneficiary shall be considered to have been so designated. The designation of a designated beneficiary hereunder shall not prevent payment to multiple beneficiaries but shall only establish the permitted period of payments.

§804. Eligibility for disability retirement

An active contributing member covered by R.S. 11:801, who becomes disabled, and who files for disability benefits while in service, and who upon medical examination and certification as provided in R.S. 11:220 through 11:224, is found to be totally disabled, is entitled to disability benefits under the provisions of R.S. 11:805, provided the member has at least five years of creditable service.

§805. Computation of disability benefits

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

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

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

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

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

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

§952.36. Disability retirement

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

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

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

§1147. Disability retirement; eligibility

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

B. The board of trustees shall award disability benefits to eligible members who have been officially certified as having a disability by the State Medical Disability Board.
first employment making him eligible for membership in one of the state systems occurred on or after January 1, 2011, who is eligible and who has been officially certified as disabled having a disability by the State Medical Disability Board. The disability benefit shall be determined as provided in R.S. 11:1345.7.

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

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

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

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

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

C. (2)(a) In addition to the amount payable in accordance with Subsection B of this Section, the surviving totally physically handicapped or mentally disabled a child with a mental disability or children shall be paid monthly, for so long as one or more children remain eligible for benefits under Subsection C of this Section, fifty percent of the benefit to which the member would have been entitled if he had retired on the date of his death using the applicable accrual rate regardless of years of service or age, or six hundred dollars per month, whichever is greater, provided the deceased member was a totally physically handicapped or mentally disabled a child with a mental disability at the time of the death of the member and is dependent upon the surviving spouse or other legal guardian.

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

D.(1) A surviving spouse without a minor or handicapped child or child with a physical disability, or mentally disabled a child with a mental disability, or children shall be paid per month, for so long as one or more children remain eligible for benefits under Subsection C of this Section, fifty percent of the benefit to which the member would have been entitled if he had retired on the date of his death using the applicable accrual rate, or six hundred dollars per month, whichever is greater, provided the surviving spouse had been married to the deceased member for at least one year prior to death, and provided the deceased member was an active member at the time of death and had ten or more years of service credit, at least two years of which were earned immediately prior to death or provided the deceased member had twenty or more years of service credit regardless of when earned or whether the deceased member was in active service at the time of death.

G. When a minor child applies for survivor benefits based upon being a natural child of a female member or former member, or the child of a male member or former member if a court of competent jurisdiction has, during the lifetime of such male member or former member, issued an order of filiation declaring the paternity of such male member for the child.

§1431. Eligibility for disability retirement

Eligibility for disability benefits, procedures for the certification of continuing eligibility for disability benefits, the authority of the board of trustees to modify disability benefits, and procedures governing the restoration to active service of a formerly disabled employee who formerly had a disability are specifically described in the State Medical Disability Act through 224.

§1432. Computation of disability retirement benefit

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

§1442. Surviving minor children

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

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

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

§1503. Definitions

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

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

§1522. Disability retirement benefits

A.(1) A member shall be eligible to receive disability retirement benefits from this fund if he is certified to be totally and permanently disabled having a total and permanent disability pursuant to R.S. 11:219 and one of the following applies:

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

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

§1530. Deferred Retirement Option Plan

K. ** As it appears in the enrolled bill

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

§1614. Service on which retirement allowances are based

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

§1634. Disability retirement

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

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

§1636. Survivors’ benefits

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

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

§1732. Definitions

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

(20) “Minor child” means a child born of the marriage or adopted child of a member who has not attained the age of eighteen, or who was disabled had a disability at the time of the member’s death and who remains in such disability status.

§1758. Disability retirement

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

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

§1763. Deferred Retirement Option Plan

J. (4) (2) If a person dies or becomes disabled acquires a disability during the period of additional service, he shall be considered as having retired on the date of death or commencement of disability.

§1784. Computation of disability benefits

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

§1785. Survivor benefits; eligibility

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

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

§1804. Computation of disability benefits

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

§1805. Survivor benefits; eligibility

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

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

§1902. Definitions

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

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

§1934. Disability retirement

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

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

§1938. Deferred Retirement Option Plan

J. (4) (2) If a person dies or becomes disabled acquires a disability during the period of additional service, he shall be considered as having retired on the date of death or commencement of disability.

§1944. Computation of disability benefits

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

§1945. Survivor benefits; eligibility

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

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

§1964. Computation of disability benefits
A. The board of trustees shall award disability benefits to eligible members who have been officially certified as disabled having a disability by the State Medical Disability Board. In no event shall such benefit exceed one hundred percent of final compensation. The disability benefit shall be determined as provided in this Section.

§1974. Computation of disability benefits
A. The board of trustees shall award disability benefits to eligible members who have been officially certified as disabled having a disability by the State Medical Disability Board.

§2074. Disability retirement
A. Eligibility for disability benefits, procedures for application for disability benefits, procedures for the certification of continuing eligibility for disability benefits, the authority of the board of trustees to modify disability benefits, and procedures governing the restoration to active service of a formerly disabled an employee who formerly had a disability are specifically described and provided for in R.S. 11:201 through R.S. 11:224.

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

§2077. Survivors' benefits
A. For a surviving spouse with or without surviving minor or handicapped children or children with disabilities.

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

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

§2144. Deferred Retirement Option Plan
A. In the event a member becomes disabled acquires a disability during the period of subsequent participation, supplemental benefits earned by virtue of subsequent participation shall be computed as though the member retired on the date disability began.

§2165.6. Disability retirement
A. Eligibility for disability benefits, procedures for application for disability benefits, procedures for the certification of continuing eligibility for disability benefits, the authority of the board of trustees to modify disability benefits, and procedures governing the restoration to active service of a formerly disabled an employee who formerly had a disability are specifically provided for in Subpart E of Part II of Chapter 4 of Subtitle I of this Title.

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

§2178. Disability benefits; retirement benefits; death benefits
B. Eligibility for disability benefits, procedures for application for disability benefits, procedures for the certification of continuing eligibility for disability benefits, the authority of the board of trustees to modify disability benefits, and procedures governing the restoration to active service of a formerly disabled an employee who formerly had a disability are specifically provided for in Subpart E of Part II of Chapter 4 of Subtitle I of this Title.

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

(1) Service related disability benefit.

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

(3) Non-service related disability benefit.

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

C.(1)

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

§2220. Benefits; contribution limit
A.(1)

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

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

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

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

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

§2221. Deferred Retirement Option Plan
K. The following shall also apply if employment is not terminated at the end of the period of participation:

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

M. For purposes of R.S. 17:681 and 1681.1, any member who is killed or who becomes permanently disabled acquires a permanent disability solely as the result of injuries sustained in the course and scope of the performance of his official duties while participating in the Deferred Retirement Option Plan or during continued employment after participation in the Deferred Retirement Option Plan has ended, shall be considered as having died in service or retired for disability purposes, provided satisfactory proof of such fatal or disabling injury is furnished to the retirement system by the member's employing municipality.

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

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

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

(2)(a) If an active contributing member or a disability retiree either of whom has at least ten years of creditable service in the system dies and leaves, in addition to a surviving spouse, one or more children under eighteen years of age, each child under age eighteen shall be paid, on a monthly basis, an annual benefit equal to ten percent of the deceased member's or retiree's average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate of two hundred dollars per month, whichever is greater. Benefits payable under the provisions of this Subparagraph may be paid in trust as provided in R.S. 11:2256.2.

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

§2256.2. Designation of benefits to be paid in trust
A. A member may designate all or a portion of any benefit paid in accordance with R.S. 11:2256 or 2259 to be paid in trust to his surviving minor child or his physically or mentally handicapped child with a physical or mental disability regardless of such child's age, if the terms of the trust so provide and if the system is provided with a certified copy of the trust document. Benefits designated portion of a benefit shall be paid to the trust for add to the trust property.

§2257. Deferred Retirement Option Plan

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

§2256. Disability retirement
A. Eligibility for disability benefits, procedures for application for disability benefits, procedures for the certification of continuing eligibility for disability benefits, the authority of the board of trustees to modify disability benefits, and procedures governing the restoration to active service of a formerly disabled an employee who formerly had a disability shall be as provided in R.S. 11:202 through 225.

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

(2)(a) If an active contributing member or a disability retiree either of whom has at least ten years of creditable service in the system dies and leaves, in addition to a surviving spouse, one or more children under eighteen years of age, each child under age eighteen shall be paid, on a monthly basis, an annual benefit equal to ten percent of the deceased member's average final compensation, or two hundred dollars per month, whichever is greater. However, benefits payable on account of each child, when added to the benefits payable to the surviving spouse, shall not exceed an aggregate of two hundred dollars per month, whichever is greater. Benefits payable under the provisions of this Subparagraph may be paid in trust as provided in R.S. 11:2256.2.

(3) Benefits shall be payable as specified in this Paragraph to the surviving totally physically handicapped or mentally handicapped child with a total physical disability or mental disability if such child was totally physically handicapped or mentally handicapped had a total physical disability or mental disability at the time of death of the member or became so acquired such disability prior to the attainment of age eighteen and is dependent upon the surviving spouse or other legal guardian for subsistence.

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

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

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

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

§2256.2. Designation of benefits to be paid in trust
A. A member may designate all or a portion of any benefit paid in accordance with R.S. 11:2256 or 2259 to be paid in trust to his surviving minor child or his physically or mentally handicapped child with a physical or mental disability regardless of such child's age, if the terms of the trust so provide and if the system is provided with a certified copy of the trust document. Such benefit or designated portion of a benefit shall be paid to the trust for add to the trust property.

§2257. Deferred Retirement Option Plan

K. (4) If he dies or becomes disabled acquires a disability during the period of additional service, he shall be considered as having retired on the date of death or commencement of disability.
retirement under the provisions of R.S. 11:2256 may apply for retirement under the provisions of this Section and shall be retired on seventy-five percent of the retirement salary to which he would be entitled under R.S. 11:2256 if he were eligible thereunder or twenty-five percent of the member's average salary, whichever is greater.

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

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

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

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

§2259. Optional allowances
A.(1) With the provision that no optional selection shall be effective in case a beneficiary dies within thirty days after retirement and that such a beneficiary shall be considered as an active member at the time of death, until the first payment on account of any benefit becomes due, any member may elect to receive his benefit in a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent at the time of his retirement allowance in a reduced allowance payable throughout life, with the provision that:
- Option 1. If he dies before he has received in member's annuity payments the present value of his member's annuity as it was at the time of his retirement, the balance shall be paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of trustees; or
- Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of trustees at the time of his retirement; or
- Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time that he became disabled acquiring the disability during the first five years of such disability. During the second five years of such disability he shall receive a sum which together with any benefits from worker's compensation, shall be equal to fifty percent of the total monthly salary of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time that he became disabled acquiring the disability during the first five years of such disability. While in the active service of said fire department by reason of a permanent and total disability, or any other disability which may arise from the commission or attempted commission of a misdemeanor or felony or use of any drug or intoxicating liquor which use contributes to the disability, he shall receive monthly from the Fund of the consolidated fire districts of Bastrop, Louisiana, and the widows or minor children of deceased members of said Department, and to permit the retirement and pensioning of members of said Fire Department after the required length of service, all as is hereinafter provided.

§3005.1. Deferred Retirement Option Plan

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

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

§3039.1. Deferred Retirement Option Plan

* As it appears in the enrolled bill

** CODING: Words in italics type are deletions from existing law, words underscored (House Bills) and boldfaced (Senate Bills) are additions.

THE ADVOCATE
and one-third percent of the monthly salary of the active member of said fire department holding the position corresponding to that held by the beneficiary at the time he became disabled or acquired the disability, plus an additional two percent of such salary for each year of active service rendered over five years; provided, however, that the maximum benefit shall be sixty-six and two-thirds percent of the monthly salary of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time he became disabled or acquired the disability. Provided, further, that the time elapsing while said member is receiving benefits under this subsection Paragraph shall not be considered as time served in the said fire department by such member and shall not be included as "time served" in determining eligibility for retirement under this Part. Provided, further, however, that if such member who has been disabled for service in said fire department for causes not arising or developing directly from his employment in said fire department has served as a member of the fire department continuously for a period of ten years at the time of disability, he shall be eligible for retirement without serving the full twenty-five years as stipulated in Paragraph (3) of this Section.

§3145. Military service credit

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

§3166. Pensions and benefits

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

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

(2) The disability payments provided for above shall be payable to a member who is entitled to worker's compensation only after the expiration of the number of weeks for which compensation is payable under the worker's compensation law of Louisiana; provided, when a member so disabled or has a disability is receiving benefits from the Fund while in the service of the City of Bogalusa and is only receiving worker's compensation benefits actually received from other employment shall not exceed at any given time the total monthly salary of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time he became disabled or acquired the disability, computed on the basis of a sum which together with worker's compensation benefits actually received by the member, shall be equal at any given time to sixty-six and two-thirds percent of the total monthly salary of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time he became disabled or acquired the disability, plus an additional two percent of such salary for each year of active service rendered over five years; provided, however, that the maximum benefit shall be sixty-six and two-thirds percent of the monthly salary of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time he became disabled or acquired the disability, plus an additional two percent of such salary for each year of active service rendered over five years; provided, however, that the maximum benefit shall be sixty-six and two-thirds percent of the monthly salary of the active member of the said fire department holding the position corresponding to that held by the beneficiary at the time he became disabled or acquired the disability.
fireman's compensation of the active member of the fire department holding the position corresponding to that held by the beneficiary at the time he became disabled acquires such disability. The board of trustees will require a beneficiary to report any outside earnings and may reduce benefits in the quarter following that in which excess earnings are applicable in order to effectuate the provisions of this subsection.

§3281. Firemen's pension and relief fund for the city of Lafayette; creation
There is hereby created a Firemen's Pension and Relief Fund for the City of Lafayette, and a board of directors, to administer and disburse said fund, in order to provide for the pensioning of disabled members with disabilities, the widow, minor children, and mothers of deceased members and to permit the retirement and pensioning of members after the required length of service, all as is hereinafter provided.

§3288. Secretary; duties; powers
* * *
B. The board of directors shall:
* * *
(5) Cause the examination of every disabled pensioner or beneficiary with a disability at least once a year.
* * *
§3293. Pensions and benefits
Pensions and benefits payable out of the said fund shall be as follows:
(1) If a member of the fund becomes disabled acquires a disability for causes not arising or developing directly from his employment in the fire department and for which he is, therefore, unable to collect compensation under the worker's compensation laws of Louisiana, the fireman shall, upon being found so disabled to have such disability by the board of directors, be paid monthly so long as the disability continues, a sum equal to forty-five percent of the salary earned by the employees who have served up to and including ten years. Employees who have served for a period of eleven years shall receive forty-six percent. Employees who have served for a period of twelve years shall receive forty-seven percent. Employees who have served for a period of thirteen years shall receive forty-eight percent. Employees who have served for a period of fourteen years shall receive forty-nine percent. Employees who have served for fifteen years shall receive fifty percent. Employees who have served for a period of sixteen years shall receive fifty-one percent. Employees who have served for a period of seventeen years shall receive fifty-two percent. Employees who have served for a period of eighteen years shall receive fifty-three percent. Employees who have served for a period of nineteen years shall receive fifty-four percent. Employees who have served for a period of twenty years shall receive fifty-five percent.

§3317. Board of directors; duties; meetings
* * *
C. The said board of directors shall have the power and it shall be its duty to:
* * *
(5) Cause the examination of every disabled pensioner or beneficiary with a disability at least once a year.
* * *
§3322. Pensions and benefits
* * *
B. Pensions and benefits payable out of said fund shall be as follows:
(1)(a) If a member of the fire department becomes disabled acquires a disability for service therein for causes not arising or developing directly from his employment elsewhere other than the fire department, and for which he is therefore unable to collect compensation under the Worker's Compensation Laws of Louisiana, said fireman shall, upon being found so disabled by the board of directors to have such disability, be paid monthly so long as such disability shall continue.
* * *
§3341. Monroe Firemen's Pension and Relief Fund; continuation
A. The Monroe Firemen's Pension and Relief Fund created and provided for herein shall not be carried into account as an accumulation for the pensioning of retired members, members who are superannuated, or disabled and members with disabilities of the fire department and alarm system and the widows and orphans of the same.

§3346. Benefits
Payment of pensions and benefits shall conform to the following:
(3) A member of this organization who becomes totally or permanently disabled acquires a total or permanent disability from any cause, either while on or off duty, to such an extent that service cannot be performed for the fire department, shall, upon submission of due proof in accordance with the requirements of this organization and during such period of disability, receive the sum of three hundred dollars per month; provided that at any time during such period of disability the board of trustees may require such member to submit to physical examination in accordance with the provisions of this Part. Upon the death of such member drawing disability and benefits, his widow, as defined in Paragraph (1) of this Section, during the period of her widowhood, shall receive the sum of one hundred seventy-five dollars per month and, if there be a lawful child or children of the deceased who are under eighteen years of age and not married, such widow shall receive an additional thirty-five dollars per month for each such child, not to exceed a total of one hundred five dollars per month for all of such children, until the youngest child shall reach eighteen years of age.

§3363. Powers of board; assessment of members; determination of applications for benefits
A. The board of trustees shall have exclusive control and management of the fund and all money donated, paid, or assessed for the relief or pensioning of members with disabilities and the widows and minor children of deceased members who acquire a total or permanent disability and retired members of the fire department, their widows and minor children, or widowed mothers, and for the payment of death benefits. This board is created to administer the funds paid into this system and to invest these funds in accordance with the provisions of this Part.

§3377. Retirement for nonservice connected disability; method of establishing pension
A. If any member of the fire department shall become physically or mentally permanently disabled acquires a total physical or mental disability and becomes incapacitated to perform his duties, and such disability is not the direct result of a service-incurred injury or illness, then, upon application filed by the member in accordance with R.S. 11:3376, the board of trustees, by a two-thirds majority vote of its members, shall determine whether or not such member shall be retired for disability. The procedure to establish such disability and to determine the continuance thereof shall be the same as that prescribed in R.S. 11:3376. The amount of the pension to be received by any member retired in accordance with the provisions of this Section shall be based upon the following:
(1) If the disabled member with a disability has performed faithful service in the fire department for a period of ten years or less, he shall receive a pension in the amount of thirty percent of his average compensation during the last year of service immediately preceding the date of establishing his disability in accordance with the provisions of this Section.
(2) If the disabled member with a disability has performed faithful service in the fire department for a period of more than ten years, but not more than fifteen years, he shall receive a pension in the amount of forty percent of his average compensation during the last year of service immediately preceding the date of establishing his disability in accordance with the provisions of this Section.
(3) If the disabled member with a disability has performed faithful service in the fire department for a period of more than fifteen years, he shall receive a pension in the amount of fifty percent of his average compensation during the last year of service immediately preceding the date of establishing his disability in accordance with the provisions of this Section.

§3378. Survivor benefits
A.(1) * * *
(g) Any dependent child who is physically and/or mentally handicapped with a physical or mental disability shall receive benefits throughout life if medical and/or psychological information indicates such child is totally and permanently disabled has a total and permanent disability. If, however, medical and/or psychological information indicates that such disabled child with a disability can benefit from specialized training in order to be rendered self-supporting, then such child will receive benefits so long as he is actively enrolled in a specialized school or training program until such time as such child is certified as being qualified to engage in gainful employment. The payments of this three hundred dollars for each child shall cease after such child reaches the age of eighteen years or marries.

§3385.1. Deferred Retirement Option Plan
(6) If the member becomes disabled acquires a disability and terminates his employment following the period of participation in the Deferred Retirement Option Plan, a lump sum payment equal to the payments made to his individual account in the Deferred Retirement Option Plan shall be paid to the member within one year of termination of employment, and the monthly benefits that were being paid into the Deferred Retirement Option Plan during the period of participation shall begin being paid to the retiree.

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

(f) If the member is found by the board to be disabled has an intellectual disability who is not able to earn a living, this benefit shall be limited to the additional amount payable pursuant to R.S. 11:3376, the service-connected disability benefit shall be limited to the additional amount payable pursuant to R.S. 11:3381 or 3384 based on service rendered since termination of participation in the Deferred Retirement Option Plan. The lump sum payment made from the individual account balance in the Deferred Retirement Option Plan shall be paid to the member within one year of termination of employment, and the monthly payments that were being paid into the Deferred Retirement Option Plan during the period of participation shall begin to be paid to the retiree. The board’s service-connected disability determination made pursuant to this subparagraph shall apply to all benefits paid to the member based on service rendered both before and after termination of participation in the Deferred Retirement Option Plan.

§3402. Composition of the fund

From July 31, 1968, all funds, monies, proceeds and revenues hereafter provided for shall constitute and be “The Fireman’s Pension and Relief Fund for Fire Protection District No. One of the Parish of Ouachita, State of Louisiana”, for the pensioning of disabled members who are superannuated, and/or retired employees of Fire Protection District No. One of the parish of Ouachita, state of Louisiana, and their widows and/or orphans, and for the relief and aid of any employee of said Fire Protection District No. One in case of temporary disability.

§3410. Pensions and benefits

Pensions and benefits shall be as follows:

(1) The pension of sixty per cent of the monthly salary of the active member of the said Fire Department holding the position corresponding to that held by the beneficiary at the time he became disabled shall continue, a sum equal to sixty-six and two-thirds per cent of the monthly salary of the active member of said Fire Department holding the position corresponding to that held by the beneficiary at the time he became disabled acquired a disability during the period of participation shall begin to be paid to the retiree. The lump sum payment made from the individual account balance in the Deferred Retirement Option Plan shall be paid to the member within one year of termination of employment, and the monthly payments that were being paid into the Deferred Retirement Option Plan during the period of participation shall begin to be paid to the retiree. The board’s service-connected disability determination made pursuant to this subparagraph shall apply to all benefits paid to the member based on service rendered both before and after termination of participation in the Deferred Retirement Option Plan.

(5) After any employee of Fire Protection District No. One shall have been retired upon pension by reason of disability, the board of trustees shall have the right at any time to cause such disabled employee with a disability to be brought before it and again examined by the parish physician and/or other competent physicians and surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability to perform the duties of the position held at the time of his removal from active service yet continues, and whether such retired member should be physically and mentally capable and able to do and perform work of any other reasonable kind or character and be so found by said Board of Trustees, he shall be entitled to notice and to be present at the hearing of any evidence, and shall be permitted to propound any questions pertinent or relevant to such matter. All witnesses so produced shall have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath. The decision of the board of trustees shall be final and conclusive, and no appeal shall be allowed therefrom, nor shall the same be subject to review except by the board of trustees or upon proper application to the courts.

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

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

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

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

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

(b) The surviving minor children of a deceased member who dies leaving one or more children under eighteen years of age shall be paid monthly benefits of the kind or character and be so found by said Board of Trustees, he shall be entitled to notice and to be present at the hearing of any evidence, and shall be permitted to propound any questions pertinent or relevant to such matter. All witnesses so produced shall have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath. The decision of the board of trustees shall be final and conclusive, and no appeal shall be allowed therefrom, nor shall the same be subject to review except by the board of trustees or upon proper application to the courts.

(5) After any employee of Fire Protection District No. One shall have been retired upon pension by reason of disability, the board of trustees shall have the right at any time to cause such disabled employee with a disability to be brought before it and again examined by the parish physician and/or other competent physicians and surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability to perform the duties of the position held at the time of his removal from active service yet continues, and whether such retired member should be physically and mentally capable and able to do and perform work of any other reasonable kind or character and be so found by said Board of Trustees, he shall be entitled to notice and to be present at the hearing of any evidence, and shall be permitted to propound any questions pertinent or relevant to such matter. All witnesses so produced shall have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath. The decision of the board of trustees shall be final and conclusive, and no appeal shall be allowed therefrom, nor shall the same be subject to review except by the board of trustees or upon proper application to the courts.

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* As it appears in the enrolled bill CODING: Words in square brackets are additions; words in parentheses are deletions from existing law; words underscored (House Bills) and boldfaced (Senate Bills) are additions.
percent of a first class hoseman's salary computed on the basis of the respective months; provided that earnings from other employment shall be reported to the board of trustees quarter-annually pursuant to such rules and regulations as the Board of Trustees, in conjunction with the enforcement of this provision, the said Board of Trustees being hereby given the authority to adopt such rules and regulations and being further given the power and authority to reduce a member's benefits under this Paragraph in the quarter in which excess earnings are reported in order to effectuate the provisions of this Paragraph as to that quarter in which the member received income in excess of that allowed by this Paragraph.

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

$3447. Merger with firefighters' retirement system

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

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

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

$3473. Pensions and benefits

Pensions and benefits shall be as follows:

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

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

(3) If any member of the said Fire Department, becomes and is found to be totally permanently, physically or mentally disabled for service in the said Fire Department by reason of service therein, but physically and mentally capable and able to do and perform work of any other reasonable kind or character and be found by said Board of Trustees, he shall receive monthly and such member shall continue to receive such fund except as hereinafter provided, a sum equal to fifty percent of the monthly salary of the active member of the said Fire Department holding the position corresponding to that held by the beneficiary at the time he became disabled acquired the disability for such time as he becomes eligible for retirement on service basis; but maximum benefit shall be sixty-six and two thirds percent of a first class hoseman’s salary computed on the basis of the respective months; provided however, that during any such period of time when the combined disability is less than one hundred percent, the benefit to be procured by a member entitled to benefits under this Paragraph shall exceed the gross monthly salary to which such disabled member with a disability would be entitled were he presently on active duty in the position he held at the time he became disabled acquired the disability, plus two percent of such salary additional for each year of active service rendered over five years; but the maximum benefit shall be fifty percent of a first class hoseman's salary, computed on the basis of the respective months. Providing further, that time elapsing while member is receiving benefits under this Paragraph shall not be considered as time served in the said Fire Department by such member and shall not be included as “Time served” in determining eligibility for “retirement” under this Part.

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

A. The board shall retire from service in the police department any member of the department found by a majority vote of the board to have become physically or mentally, permanently or temporarily, disabled acquired a permanent or temporary physical or mental disability while in the active service rendered over ten years; but the maximum benefit shall be fifty percent of a first class hoseman's salary, computed on the basis of the respective months. Providing further, that time elapsing while member is receiving benefits under this Paragraph shall not be considered as time served in the said Fire Department by such member and shall not be included as “Time served” in determining eligibility for “retirement” under this Part.

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

B. The department physician shall report his findings to the board, which shall remove the member from the disability list if the report of the physician shows that he is no longer disabled no longer has a disability. When the report shows that the member is no longer disabled no longer has a disability and can resume his duties as a police officer, the department physician, and shall place the retired member on the pension or relief roll.

$3516. Death benefits

C.1) With respect to the police pension and relief fund for the city of Bogalusa, child or children as referred to in this Section shall include, regardless of age and sex, children who are dependent on the deceased police officer, become disabled by reason of injury or by reason of a physical or mental disability and such child shall receive benefits throughout life if medical and/or psychological information indicates such child is totally and permanently disabled has a total and permanent disability.

2) However, medical or psychological information indicates that such disabled child with a disability can benefit from specialized training in order to be rendered self supporting, then such child will receive benefits, such child shall receive benefits, such child shall benefit from such training.

3) If any member of the said Fire Department, becomes and is found to be totally, permanently, physically or mentally disabled for service in the said Fire Department by reason of service therein, but physically and mentally capable and able to do and perform work of any other reasonable kind or character and be found by said Board of Trustees, he shall receive monthly and such member shall continue to receive such fund except as hereinafter provided, a sum equal to fifty percent of the monthly salary of the active member of the said Fire Department holding the position corresponding to that held by the beneficiary at the time he became disabled acquired the disability for such time as he becomes eligible for retirement on service basis; but maximum benefit shall be sixty-six and two thirds percent of a first class hoseman’s salary computed on the basis of the respective months; provided however, that during any such period of time when the combined disability is less than one hundred percent, the benefit to be procured by a member entitled to benefits under this Paragraph shall exceed the gross monthly salary to which such disabled member with a disability would be entitled were he presently on active duty in the position he held at the time he became disabled acquired the disability, plus two percent of such salary additional for each year of active service rendered over five years; but the maximum benefit shall be fifty percent of a first class hoseman's salary, computed on the basis of the respective months. Providing further, that time elapsing while member is receiving benefits under this Paragraph shall not be considered as time served in the said Fire Department by such member and shall not be included as “Time served” in determining eligibility for “retirement” under this Part.
A. The board of trustees of the fund for Bossier City shall retire from service in the police department of Bossier City any member of the department found by a majority vote of the board to have become physically or mentally handicapped, or has a permanent or temporary physical or mental disability while in the performance of his duties, as determined by the report of the department physician, and shall place the retired member on the pension or relief roll.

§3552. City of Bogalusa; death benefits
A. With respect to the police pension and relief fund for the city of Bogalusa, “child” or “children” as referred to in this Section shall include, regardless of age, any child who is physically or mentally handicapped, has a physical and/or mental disability and such child shall receive benefits throughout life if medical and/or psychological information indicates such child is totally and permanently disabled has a total and permanent disability. If the board determines that such child has a physical and/or mental disability and such child shall receive benefits throughout life if medical and/or psychological information indicates the child is totally and permanently disabled.
B. If, however, medical or psychological information indicates that such disabled child can benefit from specialized training in order to be rendered self supporting, then such child will receive benefits so long as he is actively enrolled in a specialized school or training program until such time as such child is certified as being qualified to engage in gainful employment.

§3553. Death benefits; optional allowances; Bossier City
B. If, on or after January 1, 1985, a retired member of the Bossier City police department dies who is receiving a pension, or a member dies, or died, while in police service, while on or off official duty, and leaves, or left, a child or children under eighteen years of age, or a widow, or dependent mother, these survivors shall be paid benefits in the following amounts:
(1) Each child under eighteen years of age, shall be paid monthly benefits equal to one hundred fifty dollars per month, however, as each surviving child of eight years of age or less the child is retarded has an intellectual disability and is not able to earn his own living; further, any surviving child who graduates from high school and goes directly to a board approved or accredited school or college, shall be paid a monthly benefit equal to one hundred fifty dollars per month for the time he remains in a board approved or accredited school or college, not to exceed four years.

§3601. Policemen’s pension and relief fund for the city of Lafayette; creation
A. There is hereby created a Policemen’s Pension and Relief Fund for the city of Lafayette, and a board of directors, to administer and disburse the fund, in order to provide for the pensioning of disabled members of the police department with disabilities, the widows, minor children and mothers and fathers of deceased members of the department, and to permit the retirement and pensioning of members of the police department after the required length of service, all as provided in this Subpart.

§3605. Board of directors; powers and duties
A. The board of directors shall have the power, and it shall be its duty to:
(5) Cause the examination of every disabled pensioner or beneficiary with a disability at least once a year.

§3609. Pensions and benefits
A. If a member of the police department becomes disabled for service in the police department for a period of ten years or less, he shall receive a sum not to exceed fifty percent of his salary at the time of the permanent disability, however, such disability payment shall not be less than five hundred dollars per month. This sum shall never be reduced from the amount so determined.

§3644. Disability payments
Notwithstanding any other law to the contrary, if any officer, member, or employee of the police department, at any time, while in the active discharge of duty, or otherwise, becomes permanently disabled acquires a permanent disability so as to render his or her retirement from service necessary, he or she shall be retired by a two-thirds vote of the members of the board and shall receive a pension in the amount of thirty percent of his average salary during the last year of service immediately preceding the date of establishing his disability in accordance with the provisions of this Section.
A. If a member becomes disabled for service in the police department for a period of more than ten years, but not more than fifteen years, he shall receive a pension in the amount of forty-five percent of his average salary during the last year of service immediately preceding the date of establishing his disability in accordance with the provisions of this Section.
B. If a member becomes disabled for service in the police department for a period of fifteen years or more, he shall receive a pension in the amount of fifty percent of his average salary during the last year of service immediately preceding the date of establishing his disability in accordance with the provisions of this Section.
F(1) Should any member become disabled acquire a disability from injury incurred in the scope of employment and while in service he shall be paid a disability benefit to be determined by the board based on the extent of his disability but not to exceed fifty percent of his salary at the time he becomes disabled.
F(2) Should the board cause a member’s disability to be determined, the member shall be required to return to active duty and his disability payments shall cease.

§3685.1. Limitations on payment of benefits
B. (2) However, the provisions of Paragraph (1) of this Subsection shall not apply:
(a) To any portion of a member’s benefit which is payable to or for the benefit of a designated beneficiary, over the life of or over the life expectancy of the member’s designated beneficiary; (b) To any portion of the member’s benefit that becomes effective one year after the date of the member’s death, or in the case of the member’s surviving spouse, the date the member would have attained the age of seventy years and six months. If the designated beneficiary is a child of the member, for purposes of satisfying the requirement of Paragraph (1) of this Subsection, any amount paid to such child shall be treated as if paid to the member’s surviving spouse if such amount would become payable to such surviving spouse, if alive, upon the child’s reaching age eighteen or, if later, upon the child’s completing a designated event. For purposes of this Subsection, any amount paid to such child shall be treated as if paid to the member’s surviving spouse if such amount would become payable to such surviving spouse, if alive, upon the child’s reaching age eighteen or, if later, upon the child’s completing a designated event. For purposes of this
disability acquires a disability or survivor benefits become payable after
the effective date of the merger, the System shall pay such benefits; and the
Fund shall pay the difference in disability or survivor benefits at the time
such benefit would have been payable, if the benefits would have been greater
under the Fund. Any contract entered into pursuant to the authority granted
by this Subsection may designate the entity that will be responsible for
administering benefits and resolving disputes that arise under the contract.

§3761. Bus driver’s pension and relief fund of the city of Monroe; creation
From July 30, 1952, the assets, funds, monies and properties presently
constituting the Bus Drivers’ Pension Fund of the City of Monroe, Louisiana,
shall, together with all funds, provided and revenues hereinafter provided
for, constitute and be “The Bus Drivers’ Pension and Relief Fund of the
City of Monroe”; and such fund is hereby dedicated to the pensioning of
disabled members with disabilities, members who are superannuated, and
paying the benefits of the members of said Bus Drivers’ Department of the City of Monroe, and
their widows and orphans and for the relief and aid of members of said Bus Drivers’ Department in the case of disability as hereinafter provided
provided in this Part.

§3771. Pensions and benefits
Payment of pensions and benefits shall conform to the following conditions:

(2)(a) A member who has become permanently disabled acquired a
disability from any cause, either while on or off duty, save and
except any disability which may arise out of a result from the commission
of any crime or the attempted commission of a misdemeanor or a felony or use of any
prescribed drugs nor intoxicating liquor to such extent as to become under the influence
of such drug or intoxicating liquor while absent from the Department during such period of
disability for the balance of his lifetime in accordance with the following scale:

§3777. Payments during disability
No disabled member with a disability shall be paid pension benefits hereunder during such period of disability while receiving regular wages
or salary from the City of Monroe.

§3778. Member participation; service not interrupted by physical infirmity;
military service; supplement to federal pension
A. A member’s service period shall not be considered as having been
interrupted during such period in which such member may not be employed by
the Department because of illness, injury, or other physical infirmity
or disability; nor shall it be considered as interrupted during such period
that a member may be in actual military service of his Country or state in
the Federal Government, the Bus Drivers’ Pension and Relief Fund shall pay
him an amount sufficient to equal the sum of one hundred forty dollars per month, or if he
is killed and his widow or dependent children receive a pension from the
Federal Government, the Bus Drivers’ Pension and Relief Fund shall pay
them an amount sufficient to equal the sum of eighty dollars per month.

§3780. Transfer to other department
If a member in the case of disability as hereinafter provided in this Part shall
be transferred by a City Official to service for the City of Monroe other than in the department, if such transfer shall exceed six months in duration, it shall operate as a complete termination of
such member’s membership and forfeiture of all rights, unless said member
is partially disabled has a partial disability; but if such transfer does not
exceed six months service, it shall not operate to terminate his membership herein, if such member returns to the department and works at
least one full day in each calendar month during the period.

§3791. The Electrical Workers’ Pension and Relief Fund of the City of Monroe; creation
A Pension and Retirement Fund is herein created and shall hereinafter
be known and constituted as “The Electrical Workers’ Pension and Relief
Fund of the City of Monroe, Louisiana,” and such fund is hereby dedicated to the pensioning of
disabled members with disabilities, members who are superannuated, and retired members of the Electric Line Department, Electric Service Department, Street Lighting Department, Electric Inspection Department, the Commercial Manager, and the Electricians employed by the City of Monroe, Louisiana, and their widows
and orphans and for the relief and aid of members of said Electric Departments in the case of disability as hereinafter provided.

§3802. Pensions and benefits
Payment of pensions and benefits shall conform to the following conditions:

(3) A member who has become permanently disabled acquired a
permanent disability as a result of an injury sustained or as a result of

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injuries received in the performance of the employee’s official duties to the extent that such employee is mentally or physically incapacitated for the further performance of duty and to the extent that such incapacity is likely to be permanent, such employee shall, upon submission of due process in accordance with the requirements of the organization and during the period of such disability, receive a sum per month, which when combined with Social Security benefits received by him if any, equal two-thirds of the employee’s monthly salary averaged over a period of the best five years prior to the date of disability less any workman’s compensation or Social Security benefits received, during the balance of his lifetime, provided that any time during said period of disability the Board of Trustees hereof may require the employee to submit to a physical examination in accordance with the requirements of the organization.

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

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

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

§3805. Military service credit

A member’s service period shall not be considered as having been interrupted during such period that such member may not be employed by the various Electrical Departments because of illness, injury, or other physical infirmity or disability; nor shall it be considered as interrupted during such period that a member may be in actual military service of his country or state in time of war, military or naval training, or in other similar service that may call the member from private life to military service, and the dues of such member while absent from the various Electrical Departments during such military service shall be waived. Provided, also, that if a member of the various Electrical Departments is called into the Armed Forces of the United States, and as a result of his service he becomes totally disabled acquires a total disability and receives a pension from the Federal Government, the pension fund herein will pay him per month, an amount which when added to the Government payment, is sufficient to equal two-thirds of his monthly salary averaging over a period of the best five years prior to date of disability less any additional amount which he is permitted to receive by the provisions of the government pension act, averaged over a period of the best five years, or if he is killed and his widow or dependent children under eighteen years of age receive a pension from the Federal Government, the Pension and Relief Fund shall pay his widow if living or dependent children, if no widow, until they reach age eighteen, an amount not to exceed forty percent of his salary averaged over the best five years of employment in the various Electrical Departments, provided that the widow’s pension shall cease if she remarries.

§3808. Transfer to another department

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

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

§1278. Illness, disability, or absence

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

§3881. General exemptions from seizure

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

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

Section 6. R.S. 14:322(D/3), 35.2(A)(introducitory paragraph), (B), and (C), 39(D/3), 45(A/3), 67.16(A/1), (C/1)(b), (2/b), (3/c), and (4/d), 67.21(A) through (D/3), 79.1(A/2), 89.1(A/4), the heading of Subpart B/3 of Part V of Chapter 1 of Title 14 of the Louisiana Revised Statutes of 1950, 93.3(A) through (D) and (C/1)(d), 106(D/2)(introducitory paragraph) and (D), 106(D/2)(introducitory paragraph) and (D), 106(D/2)(introducitory paragraph) and (D), 106(D/2)(introducitory paragraph) and (D) are hereby amended and reenacted to read as follows:

§32. Negligent homicide

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

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

§35.2. Simple battery of the infirm persons with infirmities

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

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

§54. Simple kidnapping

A. Simple kidnapping is:

(3) The intentional taking, enticing or decoying away, without the consent of the proper authority, of any person who has been lawfully committed to the care of the State or to the care and treatment of persons with mental illness, persons with intellectual disabilities, or other similar institution.

§67.16. Identity theft

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

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

C(1)

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

(2)

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

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

1. When the victim is sixty years of age or older or a disabled person with a disability when the crime involves, money, goods, services, or any thing else of value is obtained which amounts to a value less than three hundred dollars or more, but less than five hundred dollars, shall be imprisoned, with or without hard labor, for not less than six months and not more than one year or may be fined not more than five thousand dollars, or both.

2. When the value of the theft equals five hundred dollars or more, but less than one thousand five hundred dollars, or an adult with a disability, the offender shall be imprisoned, with or without hard labor, for not less than two years and shall be fined not less than two thousand dollars, or both.

3. When the value of the theft equals one thousand five hundred dollars or more may be imprisoned, with or without hard labor, for not more than ten years.

4. When the aggregate of the values of each act shall determine the grade of the offense.

5. When through either, as a result of an intentional or mentally disordered offense or any unsoundness of mind, either temporary or permanent, the victim is incapable of giving consent and the offender knew or should have known of such incapacity; or

**§93.5. Sexual battery of the infirm**

A. Sexual battery of the infirm persons with infirmities is the intentional or criminally negligent mistreatment or neglect of any person, including a caregiver, whereby unjustifiable pain, malnourishment, or suffering is caused to the infirm person with a disability, a disabled adult with a disability, or a person who is aged, including but not limited to a person who is a resident of a nursing home, mental retardation facility, nursing home, or other institution or agency responsible for the care of any person who is aged or disabled person with a disability.

B. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

C. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

D. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

E. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

F. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

G. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

H. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

I. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

J. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

K. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

L. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

M. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

N. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

O. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

P. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

Q. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

R. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

S. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

T. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

U. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

V. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

W. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

X. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

Y. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.

Z. “Caregiver” is defined as any person or persons who temporarily or permanently is responsible for the care of the infirm person with a disability.
D. * * *

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

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

§107.1. Ritualistic acts

* * *

C. * * *

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

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

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

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

§202.1. Home improvement fraud; penalties

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

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

Section 7. R.S. 15:536(A), 537(A), 541(2)(m), 571.3(B)(3)(r), 571.34(A), 581, 630(A) and (B), 830.1(A), 1039, 1402(A), 1503(6) and (7), and 1510(C) are hereby amended and reenacted to read as follows:

§536. Definitions

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

§537. Sentencing of sexual offenders, serial sexual offenders

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

§541. Definitions

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

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

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

§571.3. Diminution of sentence for good behavior

* * *

B. * * *

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

* * *

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

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

§581. Authorized audits and investigations

With the written authorization of the deputy secretary, any employee or agent of the bureau, for purpose of audit or investigation of violations of any law, ordinance, or regulation of the bureau, shall be granted access by any public or private criminal justice agency collecting, processing, storing, or maintaining any documents, or automated, microfilmed, or manual records containing, or which may reasonably be expected to be used to substantiate and verify, any information or statistics the bureau is empowered to require from such public or private criminal justice agency. Upon written authorization of the deputy secretary, any employee or agent of the bureau may enter any institution to which persons have been committed, who have been convicted of crime, or declared to be criminally insane or to be feeble-minded delinquents with intellectual disabilities, to take or cause to be taken fingerprints or photographs or to make investigations relative to any person confined therein, for the purpose of obtaining information which will lead to the identification of criminals.

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

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

B. On the recommendation of appropriate medical personnel and with the consent of the Department of Health and Hospitals or other appropriate agency, the Department of Corrections may transfer an inmate for observation and diagnosis to the Department of Health and Hospitals or other appropriate department or institution for a period not to exceed the length of his sentence. If the inmate is found to be subject to civil commitment for psychosis or other mental illness or retardation in accordance with the laws of this state or the laws of the state in which the inmate resides or is a ward of the Department of Corrections, the Department of Corrections shall initiate legal proceedings for such commitment. If the inmate is not represented by counsel at such legal proceedings, the court shall appoint an attorney to represent him. Reasonable attorney fees shall be fixed by the judge and shall be paid by the state. While the inmate is in such other institution his sentence shall continue to run.

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

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

§1039. Return of inmates to committing court for transfer

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

§1402. Legislative findings and declaration

A. The legislature hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age, or handicap, to be secure and protected from fear, intimidation, and physical harm caused by the activities of violent groups and individuals. It is the purpose of this Chapter to provide for the recognition and enforcement of the protected rights of freedom of expression and association. The legislature hereby recognizes the right of every citizen to harbor and constitutionally express beliefs on any lawful subject whatsoever, to associate lawfully with others who share similar beliefs, to petition

As it appears in the enrolled bill
lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

$1503. Definitions
For the purposes of this Chapter, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

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

(7) “Exploitation” means the illegal or improper use or management of an aged person’s or disabled adult’s power of attorney or guardianship of a person who is aged or an adult with a disability for one’s own profit or advantage.

§1510. Implementation

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

Section 8. R.S. 17:67(G), 124, 158(H)(2)(f), 240(A)(1) and (B)(2), 407.2, 421.4, and 5474(A)(1) and (2), and 3217.2(D) are hereby amended and reenacted to read as follows:

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

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

§124. Appropriations, authority to make

The Orleans Parish School Board may make annual appropriations out of any of its funds to the teachers’ retirement fund of the public schools of the parish; these appropriations shall not be less than Thirty Thousand Dollars ($30,000.00) each year. The board may make additional appropriations to the Orleans Parish School Board or unclassified noninstructional employee of the state schools for the deaf, blind, spastic, and cerebral palsied. Louisianan School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, or schools in the Special School District No. 1, except in an area specifically designated as a special funding area.

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

III.

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

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

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

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

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

B. (2) No person shall smoke or carry a lighted cigar, cigarette, pipe, or any other form of smoking object or device on the grounds of any public or private school, and the school board shall have the authority to adopt rules and regulations with respect to the grounds of any public or private school. The legislature shall appropriate sufficient funds for the implementation of this Section.

§407.2. Louisiana Early Childhood Opportunity Program

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

§421.4. Salary increases, noninstructional school personnel

A. The salary increase funded by Act No. 12 of the 1991 Regular Session of the Legislature for noninstructional school employees, including teacher aides and paraprofessionals, school bus drivers, food service workers, including school lunch employees provided a pay increase pursuant to Acts 1991:422, Act No. 713 of the 1972 Regular Session of the Legislature, school lunch employees provided a pay increase pursuant to Acts 1991:422, and support staff, custodial, and maintenance personnel, and any other employee of a city or parish school board or unclassified noninstructional employee of the state schools for the deaf, blind, spastic, and cerebral palsied Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, and the Special School District No. 1 who are not required to hold a teacher’s certificate as a condition of employment, shall continue to be paid to such employees from year to year. The legislature annually shall appropriate sufficient funds for this purpose and shall make such funds available to the employing school board.

B. Any increase in the expenditures of a city or parish school board or of the State Board of Elementary and Secondary Education resulting from a state-mandated increase in the salaries of noninstructional school personnel shall be fully funded by the state. Such funds shall be made available to the respective school boards. For purposes of this Subsection, noninstructional school personnel shall mean teacher aides and paraprofessionals, school bus drivers, food service workers, school nurses, clerical, custodial, and maintenance personnel, and any other employee of a parish or city school board or unclassified noninstructional employee of the state schools for the deaf, blind, spastic, and cerebral palsied Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, and the Special School District No. 1 who is not required to hold a teacher’s certificate as a condition of employment.

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

B. For purposes of this Section, the term “school employee” shall mean, without limitation, a teacher aide, paraprofessional, school bus driver, food service worker, clerical, custodial, and maintenance personnel, and any other employee of a city or parish school board, of a state school for the deaf, blind, spastic, and cerebral palsied, the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, the Louisiana Special Education Center, or of the Special School District No. 1, who is not required to hold a teacher’s certificate as a condition of employment.

§1947. Funding

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

(1) Each local education agency shall provide special education and related services to students with exceptionalities who are located within its geographical boundaries, including children who are placed in a private residential facility or an intermediate care facility for the developmentally disabled persons with developmental disabilities for any reason by any individual, public or private. However, the legislature shall appropriate sufficient funds for the implementation of this Section only for such students who are residents within the geographical boundaries of the agency. Each local education agency shall provide child find and evaluation to nonresident students who attend a parentally placed private educational facility, program, or nonpublic, elementary or secondary school.

(2) If a local education agency provides special education and related services to a student with an exceptionality who is located within the geographical boundaries of such agency but is not a resident thereof, including children who are placed in a private residential facility or an

* * *
intermediate care facility for the developmentally disabled persons with developmental disabilities for any reason by any individual or agency, the cost of any special education and related services shall be reimbursed by the local education agency within the boundaries of which the student resides, except as provided in Paragraph (3) of this Subsection.  

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

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

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

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

C. 

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

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

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

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

$564. Assistance in voting on election day

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

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

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

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

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

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

I. Disabled voters

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

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

$1309.3. Assistance in voting during early voting

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

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

$1400.21. Help Louisiana Vote Fund

B. 

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

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

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

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

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

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

B. Any person, firm, or corporation, or agent, representative, or employee of any person, firm, or corporation who deprives any blind person, visually handicapped impaired person, deaf person, hearing impaired person, or physically disabled person with any other physical disability, which person is accompanied by a guide dog in training or otherwise, of the rights conferred by Subsection A of this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed five hundred dollars, or be imprisoned in the parish jail for a period not to exceed ninety days, or both, within the discretion of the judge; and for every such offense such person shall forfeit and pay a sum not to exceed five hundred dollars to any person aggrieved thereby, to be recovered in any public conveyance.

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

Group life insurance defined; eligibility; payment of premium

B. 

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

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

A. * * *

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

(a) * * *

(vi) * * *

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

(IV) To an unmarried dependent child or grandchild who is incapable of self-sustaining employment by reason of mental retardation, intellectual or physical handicap, who became so incapable prior to attainment of age twenty-one, and any other person dependent upon the policyholder, written under a master policy in the head of such family. The policy shall contain a provision that the policy, and the application of the head of the family if attached to the policy, shall constitute the entire contract between the parties.

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

(IV) To an unmarried dependent child or grandchild who is incapable of self-sustaining employment by reason of mental retardation, intellectual or physical handicap, who became so incapable prior to attainment of age twenty-one, and any other person dependent upon the policyholder, written under a master policy in the head of such family. The policy shall constitute the entire contract between the parties.

§1003. Coverage of children for group and individual health and accident insurance: exception

A. * * *

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

(d) To an unmarried dependent child or grandchild who is incapable of self-sustaining employment by reason of mental retardation, intellectual or physical handicap, who became so incapable prior to attainment of age twenty-one, and any other person dependent upon the policyholder, written under a master policy in the head of such family. The policy shall constitute the entire contract between the parties.

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

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

§1097. Discrimination in rates or failure to provide coverage because of severe disability or sickness contrary prohibit

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

§1242. Definitions

As used in this Subpart:

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

§1288. Discrimination in automobile liability insurance prohibited

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

§1226.  Rehabilitation of injured employees

A.  The goal of rehabilitation services is to return a disabled worker with a disability to work, with a minimum of retraining, as soon as possible after an injury occurs.  The first appropriate option among the following must be chosen for the worker:

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

C.  (1)  Rehabilitation services required for disabilities may be initiated by:

§1371.  Definitions

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

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

(6)  “Psychologist” shall mean an individual licensed to practice psychology by the Louisiana State Board of Medical Examiners or, in the event that the individual is practicing medicine in a jurisdiction other than Louisiana, licensed by the appropriate member board of the Association of State and Provincial Psychology Boards to practice psychology, who has completed a residency in clinical psychology and has training in the evaluation, diagnosis, and treatment of mental retardation intellectual disabilities.

§1378.  Determination of liability of fund

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

THE ADVOCATE • As it appears in the enrolled bill
(34) Mental retardation: Intellectual disability. (a) Provided the diagnosis of mental retardation, an intellectual disability shall be made on the basis of the following: 

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

§1472. Definitions  
As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:  

(12)  
F. The term “employment” shall include:  

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

§1823. Definitions  
For the purposes of this Chapter:  

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

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

§1829. Special conditions  
G. Youths participating in programs, projects, and activities under this Chapter shall include youths who are experiencing severe handicaps in obtaining employment, including individuals who lack credentials such as a high school diploma, require substantial basic and remedial skill development, are of limited English proficiency, are women and minorities, are veterans of military service, are offenders, are handicapped persons with disabilities, have dependents, or have otherwise demonstrated special need, as determined by the executive director.  

§2061. Definitions  
As used in this Chapter, the following terms shall have the meaning herein ascribed to them:  

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

§3004. Fees for vocational work evaluation services performed by Louisiana Workforce Commission  
A. (1) The executive director of the Louisiana Workforce Commission shall promulgate rules and regulations for the assessment of fees for payment of costs of vocational work evaluation services performed by the Louisiana Workforce Commission regarding any handicapped individual with a disability who has insurance coverage for this purpose. 

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

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

4. Section 14. R.S. 28:2(14) and (30), 22:7(A), 22:9, 22:10, 25:1(1)(a)(v), 50(1) and (3), 52(B) and (G), 55(G), 64(B) through (G), 146, 148, 172(A), the heading of Part VIII of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, 200 through 205, 215.5(B)(5), the heading of Chapter 5 of Title 28 of the Louisiana Revised Statutes of 1950, 475, 476, 477(I) and (3)(a)(introduction), and (b), 478(A), 891(A)(Introduction paragraph) and (b), 478(A), (b), 891(A)(Introduction paragraph) and (b), (2), (3), (C)(1)(a) and (b)(i) through (iii), (E), and (F)(1), (4), and (5), 854(A)(2) and (3), 864(A)(2) and (3), 874(A)(2) and (3), 904(A)(2) and (3), and 815(A)(2) are hereby amended and repealed and R.S. 28:64(H) and (I) are hereby enacted to read as follows:  

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

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

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

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

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

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

§2210. New Orleans Adolescent Hospital  
The Department of Health and Hospitals is hereby authorized to provide inpatient and outpatient services to substance abuse patients, emotionally disturbed patients, mentally ill patients, or developmentally disabled patients at the New Orleans Adolescent Hospital under to patients who are younger than nineteen years of age, and who meet any of the following criteria:  

(1) Are suffering from substance abuse. 

(2) Are emotionally disturbed. 

(3) Have a mental illness. 

(4) Have a developmental disability.

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

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

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

§50. Declaration of policy  
The underlying policy of this Chapter is as follows:  

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

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

§52. Voluntary admissions; general provisions  
B. Admitting physicians are encouraged to admit mentally ill persons with mental illness or persons suffering from substance abuse to treatment facilities on voluntary admission status whenever medically feasible.
§64. Mental Health Advocacy Service; creation; board of trustees; organization; powers; duties

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

(1) Appoint the director of the service.

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

(3) Review and approve the budget for the operation of the service and submit such report to the legislature, the governor, and the chief justice of the supreme court.

(4) Approve and authorize contractual arrangements sought by the director.

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

E. The director shall have the following duties:

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

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

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

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

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

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

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

E. Any attorney representing a person who is mentally ill with mental illness or who is mentally retarded or a respondent as defined herein shall have ready access to view the discharge or conversion record of such records. All records maintained in the courts under the provisions of this Title shall be sealed and available only to the respondent or his attorney, unless the court, after hearing held with notice to the respondent, determines such records should be disclosed to a petitioner for cause shown.

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

§148. Expenses of deportation

Expenses for deporting a nonresident patient shall be paid by the department or by the court.

§172. Deposit of patients' funds; disbursement

A. If financially able, the patient or his legally responsible relative shall pay the costs of the patient's funeral or his discharge and removal, including travel expenses to his home; otherwise the institution shall pay these costs. If discharge is ordered by the department and the institution has the sum necessary to pay the patient's travel expenses to his home, the department shall reimburse the institution out of appropriations for the indigent mentally ill and have a mental illness.

B. An indigent client shall be provided legal counsel and representation without charge.

§161. Prevention of fraud

Fraud or any device to evade the provisions of this Title shall be made only on order of the court.

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

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

It is hereby declared to be a function of the Department of Health and Hospitals to promote the establishment and administration of a community-based system of care, including but not limited to community mental health centers, behavioral health centers and mental retardation development disabilities centers.

§293. Legal clinics

The department may contract with local voluntary associations, nonprofit corporations, and school boards, municipalities, or other public agencies that have demonstrated a desire to establish, maintain, and operate facilities for the mentally ill or retarded persons with mental illness, developmental disabilities, or both conditions as contemplated by the provisions of R.S. 40:2013.

§301. Transfer of administration

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

§304. Contracts

The department may contract with local voluntary associations, nonprofit corporations, police juries, school boards, municipalities, or other public agencies that have demonstrated a desire to establish, maintain, and operate facilities for the mentally ill or retarded persons with mental illness, developmental disabilities, or both conditions.

* As it appears in the enrolled bill

* CODING: Words in type are additions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
provided. The allocation of funds as herein authorized shall not have the effect of making the employees or officials of a community mental health or mental retardation developmental disabilities center state employees or state officials. Such persons shall be employees or officials of the local governing authority or private corporation or association and the state shall not be held responsible by any court for the negligent act of any such persons. The department may stipulate in any such contract that it reserves the right to consult with local authorities relative to program, management, personnel, and facilities of a community mental health or mental retardation developmental disabilities center.

§205. Allocation of funds
The department shall have final authority in determining the percentage not to exceed seventy-five percent of state and federal funds or other that may be allotted to any community mental health center as contemplated by R.S. 28:204 but the allocation may be cancelled at any time the department finds the mental retardation developmental disabilities center is violating any of the standards of operation and maintenance adopted under the provisions of R.S. 28:203.

§215.5. Coroner’s Strategic Initiative for a Health Information and Intervention Program; advisory board
B. The membership of the advisory board shall be the following:

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

CHAPTER 5. GROUP HOME FOR HANDICAPPED PERSONS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES ACT
§475. Short title
This Chapter shall be known and may be cited as the Group Home for Handicapped Persons with Mental Illness or Developmental Disabilities Act.

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

§477. Definitions
As used in this Chapter, unless otherwise clearly indicated, these words and phrases have the following meanings:
(1) “Community home” means a facility certified, licensed, or monitored by the Department of Health and Hospitals to provide resident services and care to six or fewer physically handicapped persons with mental health, mental retardation intellectual disabilities, and substance abuse disorders who may be allotted to any community mental health center as contemplated by R.S. 28:204 but the allocation may be cancelled at any time the department finds the mental retardation developmental disabilities center is violating any of the standards of operation and maintenance adopted under the provisions of R.S. 28:203.

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

C. The authority shall be governed by a twelve-member board consisting of residents of Jefferson Parish as follows:
(a) Three members appointed by the governor, one each with experience in the fields of mental health, mental retardation intellectual disabilities, and substance abuse.
(b) Three members appointed by the Jefferson Parish Council to consist of the following:
(i) Three members, one each with experience in the fields of mental health, mental retardation intellectual disabilities, and substance abuse.
(ii) Three members representing parents, consumers, or advocacy groups, one each in the fields of mental health, mental retardation intellectual disabilities, and substance abuse.
(iii) Three members representing professionals in the fields of mental health, mental retardation intellectual disabilities, and substance abuse.

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

F. In addition to its primary duties as provided above, the authority shall have the following powers, duties, and functions:
(1) To have possession and operating control, but not title to, all real and personal property owned by the state and dedicated to the provision of mental health, mental retardation intellectual disabilities, and substance abuse services in Jefferson Parish.

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

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

§854. Authority; functions, powers, and duties
A. The authority shall:

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

§874. Authority; functions, powers, and duties
B. The authority, in accordance with R.S. 28:911 et seq. and the framework created pursuant thereto, shall:

(2) Be responsible for the programs and functions relating to the care, diagnosis, training, treatment, case management, and education of alcohol or drug abusers persons suffering from substance abuse and the prevention of addictive disorders.

§904. District; functions, powers, and duties
A. The authority shall:

(2) Be responsible for the programs and functions relating to the care, diagnosis, training, treatment, case management, and education of alcohol or drug abusers persons suffering from substance abuse and the prevention of addictive disorders.
A. The district shall:
(2) Be responsible for community-based programs and functions relating to the care, diagnosis, training, treatment, case management, and education of the developmentally disabled and the autistic persons with developmental disabilities and persons with autism.
(6) Perform community-based functions relating to the care, diagnosis, training, treatment, and education of alcohol or drug abuse persons suffering from substance abuse and the prevention of alcohol and drug abuse.

§915. Districts; functions, powers, and duties
A. Pursuant to a contract with the department, all human services districts shall:
(2) Be responsible for community-based programs and functions relating to the care, diagnosis, training, treatment, case management, and education of the developmentally disabled and the autistic persons with developmental disabilities and persons with autism.

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

§403. Definitions
As used in this Part, the following terms shall have the definitions ascribed in this Section unless the context clearly requires otherwise:
(8) “Essential functions” means the fundamental job duties of the employment position the disabled person with a disability held or desires.

§726. Governor’s Office of Homeland Security and Emergency Preparedness; authority and responsibilities
E. The office shall either directly or through authorized assignment to another state agency or department:
(17) By May 31, 2006, promulgate standards and regulations in accordance with the Administrative Procedure Act for local governments when a mandatory evacuation has been ordered for the evacuation of people located in high-risk areas utilizing all available modes of transportation, including but not limited to school and municipal buses, government-owned vehicles, vehicles provided by volunteer agencies, trains, and ships in advance of the approach of the storm to public shelters located outside of the risk area with priority consideration being given to the special needs of the following classes of people:
(a) The people with specific special needs such as the persons who are elderly and the persons who are infirm.
(b) Persons with special needs who must evacuate with their service animals as defined in the Americans with Disabilities Act, are evacuated, transported, and sheltered with those service animals and inform all facilities that provide shelter to persons with disabilities who are accompanied by their service animals of their legal obligation to provide shelter to both the disabled person with a disability and the service animal.
(c) Persons with special needs who must evacuate with their service animals who are elderly, or who have special needs, and all other residents whenever such evacuations can be accomplished without endangering human life.

§729. Parish homeland security and emergency preparedness agency authorities and responsibilities
E. The parish office of homeland security and emergency preparedness shall:
(13) In consultation with experts in the fields of animal sheltering, veterinary medicine, public health and safety, other professional and technical personnel deemed appropriate, and the state office of homeland security and emergency preparedness, formulate emergency operation plans for the humane evacuation, transport, and temporary sheltering of disabled persons and household pets in times of emergency or disaster that:
(i) Require that persons with disabilities who utilize service animals, as defined in the Americans with Disabilities Act, are evacuated, transported, and sheltered with those service animals and inform all facilities that provide shelter to persons with disabilities who are accompanied by their service animals of their legal obligation to provide shelter to both the disabled person with a disability and the service animal.

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

§401. Definitions
The following words and phrases when used in this Chapter shall have the meaning herein assigned unless the context clearly indicates otherwise:
(9) “Driver rehabilitation specialist” means an individual who provides comprehensive services in clinical evaluation of physical functioning, visual/perceptual/cognitive screening, as it pertains to the driving test, and wheelchair/seating assessment, driving assessment, vehicle modification prescription, and driver education; possesses at a minimum an undergraduate degree in a rehabilitation, education, health, safety, physical, occupational, kinesio, or recreational therapy, or related profession or an equivalent of eight years experience in driver rehabilitation/education; and has a minimum of one year of experience in the area of driver evaluation and training for persons with disabilities or possesses current recognition from the Association of Driver Educators for the Disabled (ADED) as a driver rehabilitation specialist.

§403.2. Application of persons with physical disability or mental disability
Every physically or mentally handicapped person with a physical or mental disability applying for a license under the provisions of this Chapter for the first time shall attach to his application a detailed medical report, or a report from an optometrist if it is a visual defect, from a duly licensed physician indicating the severity of his disability and the limitations imposed thereby which might impair the applicant’s ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The department may waive the furnishing of said report by any person applying for a license under the provisions of this Chapter, except for a person subject to the provisions of R.S. 32:404.

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

Section 17. R.S. 33:1238(42), 1947(C)(2), 2411, 4720.62(C), 4720.121(C), and 4720.138(C) are hereby amended and reenacted to read as follows:

As it appears in the enrolled bill
§1236. Powers of parish governing authorities
The police juries and other parish governing authorities shall have the following powers:

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

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

C.

(2) “Child” or “children,” as used in this Section, means any unmarried child under the age of eighteen years, or an unmarried student under the age of twenty-three years, who is the issue of a marriage of a law enforcement officer or firefighter; the legally adopted child of a law enforcement officer or firefighter; the natural child of a female law enforcement officer or firefighter; the child of a law enforcement officer or firefighter if a court of competent jurisdiction has made an order of filiation declaring the paternity of such law enforcement officer or firefighter for the child; or the child of a male law enforcement officer or firefighter who has been acknowledged in accordance with law by the male law enforcement officer or firefighter. In addition, the term “child” or “children” shall include a child of any age who meets the definition of “sibling” as defined by R.S. 15:1501 et seq., including the age requirement, who is physically and/or mentally handicapped has a physical or mental disability, if medical and/or psychological information indicates such child is totally and permanently disabled and who is solely dependent upon the law enforcement officer or firefighter for support.

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

A.

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

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

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

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

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

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

Section 18. R.S. 36:151(B), 251(B), and 254(A)(10)(c) and (b), (B)(9), and (E)(1)

(1) Persons who

(1) Services for any of the following persons:
(a) Persons with mental illness.
(b) Persons with intellectual disabilities.
(c) Persons with developmental disabilities.
(d) Persons with addictive disorders.

(2) Public health services.

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

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

B. The Department of Health and Hospitals, through its offices and officers, shall be responsible for the functions of the state that are designed to meet the needs of Louisiana residents sixty years of age and older and for planning, monitoring, coordination, and delivery of services to the elderly persons who are elderly and for consolidation of such functions and services within the department with local administration by the parish voluntary councils on aging; administration of the Older Americans Act and related programs; administration of all federal funds appropriated, allocated, or otherwise made available to the state for services to the elderly, except funds for financial assistance administered by the state or by local boards or agencies and as specified by the Louisiana Revised Statutes of 1950; exercising functions relative to nutrition programs for the elderly and handicapped citizens of Louisiana who are elderly and have disabilities, homemaker services, home repair and maintenance services, employment and training services, recreational and transportation services, counseling, information and referral services, protective services as provided in R.S. 15:1501 et seq., and health-related outreach, but excluding the transportation program for the elderly and the handicapped, unless such functions are specifically assigned to other state agencies.

(3) Services for any of the following persons:
(a) Persons with mental illness.
(b) Persons with intellectual disabilities.
(c) Persons with developmental disabilities.
(d) Persons with addictive disorders.

(2) Public health services.

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

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

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

(10) Perform the functions of the state relating to

(c) Licensing of institutions for the mentally retarded persons with intellectual disabilities.
B. The secretary shall have authority to:

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

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

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

§752. Exemptions from license

The licensing provisions of this Chapter shall not apply to:

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

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

(1) “Disabled” has the same meaning as “disabled person” as provided in R.S. 9:3541.216.

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

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

§775. Unprofessional conduct defined

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

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

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

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

(9) A dentist licensed in Louisiana shall not be forbidden to contract with the spouse or personal representative of the estate of a deceased dentist or the spouse or personal representative of a disabled dentist with a disability to manage the dental practice at an establishment where dental operations, oral surgery, or dental services are provided for the purpose of selling, liquidating, or otherwise disposing of the dental practice of a deceased or a licensee with a disability for a period not to exceed twenty-four months in accordance with the provisions of R.S. 37:752(9).

Notwithstanding any other provisions of law to the contrary, nothing in this Subparagraph shall prohibit a dentist from contracting with any person or entity for management of a dental practice prior to the death or disability of such dentist subject to Subparagraph (10)(a) of this Section Subsection.

§961. Definitions

As used in this Part:

(2) “Occupational therapy” means the application of any activity in which one engages for the purposes of evaluation, interpretation, treatment planning, and treatment of problems interfering with functional performance in persons impaired by physical illness or injury, emotional disorders, congenital or developmental disabilities, or the aging process, in order to achieve optimum functioning and prevention and health maintenance. The occupational therapist may enter a case for the purposes of providing consultation and indirect services and evaluating an individual for the need of services. Prevention, wellness, and education related services shall not require a referral; however, in workers’ compensation preauthorization shall be required by the employer or workers’ compensation insurer or provider. Implementation of direct occupational therapy to individuals for their specific medical condition or conditions shall be based on a referral or order from a physician, licensed practical nurse, dentist, podiatrist, or optometrist licensed to practice. Practice shall be in accordance with published standards of practice established by the American Occupational Therapy Association, Inc., and the essential of accreditation established by the agencies recognized to accredit specific facilities and programs.

(3) “Occupational therapy” shall not include the administration of therapy to individuals for their specific medical condition or conditions established by the American Occupational Therapy Association, Inc. (AOTA), and licensed to practice occupational therapy, as defined in this Chapter, and whose license is in good standing.
“Occupational therapy assistant” means a person who is certified as a certified occupational therapy assistant (COTA) by the American Occupational Therapy Association, Inc. (AOTA), and is licensed to assist in the practice of occupational therapy under the supervision of, and in activity programs with the consultation of, an occupational therapist licensed under this Act.

“Person” means any individual, partnership, unincorporated association, or corporate body, except that only an individual may be licensed under this Chapter.

“Association” means the Louisiana Occupational Therapy Association, Inc. (LOTA).

Section 20. R.S. 38:2261(A), (B), (E)(2), (3)(introductory paragraph) and (a), (4), (5), and (7) are hereby amended and reenacted to read as follows: 2261. Preference for goods manufactured, or services performed, by sheltered workshops; non-applicability of competitive bidding requirements; coordination of services.

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

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

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

“Goods manufactured and services performed by severely handicapped individuals with severe disabilities” means goods and services for which not less than seventy-five percent (75%) of the non-labor required for manufacture or performance is provided by severely handicapped individuals with severe disabilities.

“Qualified nonprofit agency for the severely handicapped individuals with severe disabilities” means an agency that:

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

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

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

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

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

§302. Adaptation for disabled persons with disabilities.

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

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

B. Every rule and regulation prescribed for fleet vehicles shall be consistent with the purpose and promote the achievement of the objectives of the council on aging.

C. These rules and regulations shall include but not be limited to the following:

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

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

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

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

F. The commissioner of administration shall not promulgate rules or regulations which require state schools for the deaf, blind, spastic, and emotionally impaired the Louisiana School for the Deaf, the Louisiana School for the Blind, the Louisiana Special Education Center, the Special School District Number One, and any community and group home and residential facilities administered by the Department of Children and Family Services or the Department of Health and Hospitals to have an admission, examination, stenographic, and personal record placed conspicuously on an automobile, truck, or other vehicle with the name of the board, commission, department, agency, or subdivision of the state to which the automobile, truck, or other vehicle belongs, if the vehicle is used to transport students or clients.

§1484. Definitions and objectives.

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

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

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

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

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

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

§1494.1. Social service contracts.

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

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

§1554. Application of this Chapter

D. (3) The office for citizens with developmental disabilities in the Department of Health and Hospitals shall be exempt from the requirements of R.S. 39:1643 in order to lease residential living options for mentally retarded or developmentally disabled individuals persons with intellectual disabilities. The definition of "persons with intellectual disabilities" means goods and services for which not less than seventy-five percent of the man-hours of direct labor required for manufacture or performance is provided by severely handicapped individuals with severe disabilities.

§1594. Competitive sealed bidding

I. Exemption.

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

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

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

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

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

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

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

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

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

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

§1952. Definitions

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

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

(c) Handicapped—having Person with a disability: a person who has a physical, mental, or substance abuse disability which constitutes a substantial obstacle to their employment and is of such a nature as to prevent an individual from engaging in normal competitive employment.

(1) "Person with a disability" means an agency that:

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

2. "Severely handicapped individuals with severe disabilities" means an agency that:

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

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

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

(d) "State-supported sheltered workshop" means a sheltered workshop funded in whole or in part by the state and staffed by personnel from a qualified nonprofit agency for the severely handicapped individuals with severe disabilities.
§1299.52. Part not applicable to care and treatment of mentally ill persons with mental illness: exception
Except as provided in R.S. 40:1299.58, the provisions of this Part shall not apply to the care and treatment of mentally ill persons with mental illness, which subject shall continue to be governed by existing law independently of the terms and provisions of this Part.

§1299.58. Consent to surgical or medical treatment for developmentally disabled persons with developmental disabilities and residents of state-operated nursing homes
A. Upon the written recommendation of the treating physician, the following persons may consent to any surgical or medical treatment on behalf of an adult patient who is a resident of a state-operated residential facility, community, or group home, or the developmentally disabled person with a developmental disability who is a recipient of service from a state-operated supported living program or home- and community-based service provider, or who is a resident of a state-operated residential facility, community, or group home for the developmentally disabled persons with developmental disabilities, state-supervised extended family living program, or a nonstate-operated residential facility, community, or group home for the developmentally disabled persons with developmental disabilities, or who is a resident of a state-operated nursing home:
(1) For a resident of a state-operated residential facility, community, or group home for the developmentally disabled persons with developmental disabilities, the administrator of the residential facility, community, or group home.
(2) For a resident of a nonstate-operated residential facility, community, or group home for the developmentally disabled persons with developmental disabilities, the chief executive officer of the provider organization which administers or operates the facility or home.

§1299.78.5. Provisions
A. The Department of Health and Hospitals shall promulgate regulations governing the following:
(1) Procedures for application, application forms, and eligibility criteria for the disabled persons with disabilities to obtain coverage.
(2) A sliding scale for the buy-in amounts to be paid by the working disabled persons with disabilities to maintain Medicaid coverage, while working.

§1299.113. Program for combating spinal cord disabilities: establishment
A. The office of public health shall establish a plan for services to children with special health care needs and shall promulgate any such rules and regulations as may be necessary to place the plan into effect. Any such plan may provide for:
(4) Cooperation with medical, health, nursing, social work, and welfare groups and organizations which provide services to physically handicapped children with physical disabilities.

§1299.114. Program functions and responsibilities
The secretary of the department shall develop and administer the program for combating multiple handicapping conditions, which shall:
(9) Identify and cooperate with existing agencies, organizations, and individuals offering services to the persons with spinal cord disabilities.

§1299.118. Programs for individuals with cystic fibrosis who are twenty-one years of age or older
A. The secretary of the Department of Health and Hospitals, through the handicapped children's services Children's Special Health Services program in the office of public health services and environmental quality established pursuant to R.S. 46:261-263 40:1299.111 et seq., shall make available and provide services and assistance to individuals with cystic fibrosis who are twenty-one years of age or older under the same terms, conditions, requirements, and criteria as are applied under the program to persons with cystic fibrosis under twenty-one years of age, to the extent that funds are appropriated by the legislature for the purpose of providing such services.

§1300.85. Services
C. The medical center may conduct research and compile statistics relative to the provision of kidney care services and the need for the services by disabled or handicapped persons with disabilities.

§1300.361. Legislative intent
B. It is in the best interest of the citizens of the state that the Legislature of Louisiana ensures that the Louisiana Medicaid program, as it relates to the severely mentally ill recipients with severe mental illness, is operated in the most efficient and sustainable method possible. The transition of the services of the office of behavioral health within the Department of Health and Hospitals to a managed care system in which a single statewide management organization operates as a single point of entry to behavioral health services requires adequate reporting from the Department of Health and Hospitals in order to ensure that the resulting outcomes are being achieved.

§1355. Powers and duties
B. Pursuant to the provisions of R.S. 46:2582(4), the board shall review material and evidence submitted to it by the handicapped accessible parking privileges investigation committee within the governor's office of disability affairs. If, in the board's determination, the review of such material does indicate a possible inappropriate certification by a physician of an individual's eligibility for handicapped accessible parking privileges, the board shall submit such material along with a recommendation for appropriate disciplinary action to the Louisiana State Board of Medical Examiners.

§1379.3. Statewide permits for concealed handguns; application procedures; definitions
C. To qualify for a concealed handgun permit, a Louisiana resident shall:
(5) Not suffer from a mental or physical infirmity due to disease, illness, or retardation intellectual disability which prevents the safe handling of a handgun.

§1400. Handicapped accessible parking enforcement
A. There is hereby established within the office of state police of the Department of Public Safety and Corrections a handicapped accessible parking privileges investigation committee. The purpose of the program shall be training and utilizing volunteers in the enforcement of handicapped accessible parking restrictions, particularly those established pursuant to R.S. 40:1742. The office shall operate the program in the manner and subject to the limitations and provisions of this Section.

C. The program shall incorporate a training program, to be offered at each troop headquarters, incorporating matters relevant to volunteers recognizing and collecting evidence on violations of handicapped accessible parking restrictions. Such training shall include training in how to identify and cooperate with existing agencies, organizations, and individuals offering services to individuals with spinal cord disabilities.

§1299.119. Programs for individuals with cystic fibrosis who are twenty-one years of age or older
A. The secretary of the Department of Health and Hospitals, through the handicapped children's services Children's Special Health Services program in the office of public health services and environmental quality established pursuant to R.S. 46:261-263 40:1299.111 et seq., shall make available and provide services and assistance to individuals with cystic fibrosis who are twenty-one years of age or older under the same terms, conditions, requirements, and criteria as are applied under the program to persons with cystic fibrosis under twenty-one years of age, to the extent that funds are appropriated by the legislature for the purpose of providing such services.
E. Upon identification of the owner of the vehicle, the state police shall send by registered mail, return receipt requested, to said the owner a citation for the parking violation. The citation shall include information on the submission of fines and how the individual may contest the citation. Each troop of the state police may train and utilize volunteers in any aspect of the program which it deems appropriate and for which volunteers offer their services, including clerical responsibilities associated with the processing of information related to provisions of handicapped accessible parking regulations and in the dissemination of citations.

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

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

E.

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

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

§1485.2. Definitions

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

“Parent or guardian” means each parent, custodian, or guardian responsible for the control, safety, training, or education of a rider who is a minor, disabled has a disability, or is incompetent rider.

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

C.

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

§1573.1. Historic buildings renovation initiative

A. In order to encourage historic preservation and the preservation of Louisiana’s architectural heritage, when applying the requirements of the adopted fire protection, life safety, and handicapped accessibility regulations and when implementing the applicable provisions of R.S. 40:1574, the state fire marshal shall have the authority to take into consideration the impact of these requirements on the historic integrity of existing facilities.

§1574.1. Costs of handling plans

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

(13) Appeal requests

<table>
<thead>
<tr>
<th>Handicapped accessibility</th>
<th>Accessibility</th>
<th>Fee</th>
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<td>$25.00</td>
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§1730.39. Powers of state fire marshal

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

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

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

§1735. Public buildings or facilities or private buildings or facilities to which as a principal

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

§1742. Parking spaces for certain disabled persons with disabilities

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

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

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

(2)

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

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

C. Subsection B of this Section shall not be construed to affect or preempt any ordinance of any local governmental subdivision or to prohibit any local governmental subdivision of the state from adopting ordinances regulating mobility impaired accessible parking which ordinances may provide for penalties and enforcement as deemed appropriate by the local governmental authority. The governing authorities of local governmental subdivisions may adopt such ordinances pursuant to R.S. 32:41 or 42, R.S. 33:1236(28), or any applicable provisions of a home rule charter, or any other applicable provision of law. Except as provided in R.S. 46:2303(A)(2), the provisions of local ordinances shall control in all aspects of enforcement of such ordinances.

§1742.1. Additional fine for enforcement of mobility impaired accessible parking regulations

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

§1742.5. Local variances in mobility impaired accessible parking restrictions

A(1) The legislature finds that providing sufficient mobility impaired accessible parking spaces for use by both employees and visitors to public or private buildings or facilities operated in this state is essential to protecting the civil rights of the disabled persons with disabilities. To this end, the state, through the fire marshal, has insisted on compliance with the ADA Standards, and the legislature has set substantial fines for mobility impaired accessible parking violations.

(3) The legislature finds that as a matter of policy, there is a clear conceptual distinction between reserving mobility impaired accessible parking spaces for use by individuals who are physically handicapped with physical disabilities and reserving such spaces for individuals who are physically handicapped with physical disabilities and have a visible disability, and the legislature has set substantial fines for mobility impaired accessible parking violations at that facility is unnecessary.

(4) Pursuant to such findings, the legislature hereby establishes the possibility of disabilities in enforcement based on use or nonuse of facilities at certain educational institutions. It is the intent of the legislature that the provisions of this Section are to be narrowly construed. If because of a variance granted pursuant to this Section, a mobility impaired person with a mobility impairment is denied access to a parking space at a facility at which he has a legitimate reason for visiting, he may initiate an action under the Americans with Disabilities Act to enforce the rights of such an individual.

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

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

§1748. Access to government services

A. Each state agency and political subdivision having jurisdiction over buildings where government services are provided to the public shall provide for equal access to such services by persons who are physically handicapped with physical disabilities. A consumer of such government service shall have the right to perform lifting or the physically handicapped individual or to have such assistance performed by a person who is providing assistance to him in securing such services, shall be entitled to priority treatment when such services involve waiting periods.

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

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

B. The Department of Health and Hospitals shall establish rules and regulations requiring the implementation of the mandatory preadmission and annual resident review requirements for nursing care (other than ICF-DD) provided under Title XIX of the Social Security Act. Such rules and regulations shall require that the department must make a determination of eligibility with regard to the first level of screening within two working days after a request is received from the governing authority or the department and the second level of screening is required to ascertain the mental condition of the applicant, the second level of screening shall be conducted and completed within eight working days after the completion of the first level of screening, and the applicant shall be notified by the agency’s determination on the date the screening is completed. If the department fails to comply with the time limits provided for in this Subsection, the applicant shall be deemed eligible under Title XIX for placement in a nursing facility without further delay.

C. The Department of Health and Hospitals, office of behavioral health; of mental retardation, and of prevention and recovery from alcohol and other drug abuse, in consultation with the State Mental Health Authority and State Mental Retardation Authority, state developmental disability authority as provided for in the Social Security Act.

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

F. There is hereby created in the Department of Health and Hospitals the Nursing Home Emergency Preparedness Review Committee, by act referred to in this Section as the “committee.” The committee, which shall convene at least annually, shall be charged with reviewing the findings of the emergency preparedness plan submitted to the department under this Section, identifying any threats, identifying measures for emergency preparedness plans to promote the health, safety, and welfare of nursing home residents. The committee shall be comprised of the following members:

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

§2010.8. Residents’ bill of rights

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

(2)

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

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

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

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

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

(6) To administer any and all federal grants in aid funds awarded to the state of Louisiana and any state funds that may be appropriated or made available by the legislature for the establishment and conduct of an approved mental health and mental retardation developmental disabilities program in the state of Louisiana as contemplated by the provisions of the foregoing federal laws or the provisions of any state law relating to the subjects of this Section.

§2013.2. Appointment of chaplains; compensation

A. The Department of Health and Hospitals may provide for the services of a Catholic priest and a minister of the predominating non-Catholic predominating religious denomination of patients in each of the hospitals for the mentally ill under its administration for persons with mental illness.

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

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

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

§2013.3. Superintendent to furnish report on patient’s condition

A. The superintendent of any hospital for the mentally ill, persons with mental illness administered by the Department of Health and Hospitals are required upon written request of the coroner of the parish from which the patient was committed to furnish a report to the coroner of the patient’s condition, showing diagnosis, laboratory findings, treatment prescribed and prognosis; and upon written request of the attorney of the patient or a near relative shall make the patient’s medical record available for inspection by such attorney or relative at such time as may be fixed by the superintendent.

§2017. Care of sick persons who are indigent or destitute sick persons; maintenance
A. The department may, in addition to the powers conferred on it by this Chapter and in accordance with the provisions of this Chapter, exercise the following functions:

1. Provide for the care and treatment, in privately owned hospitals and other institutions, of sick persons who are indigent or destitute sick persons, including mentally ill persons and persons with mental illness or who are mentally deficient persons.

2. Enact rules and regulations for admission to the persons who are indigent or destitute proper dental, medical, surgical and other treatment, including their transportation to the point of treatment and return.

3. Employ such physicians, interns and other employees as may, in its opinion, be necessary for the proper care and treatment of the persons who are indigent and destitute under this Chapter.

§2102. Definitions

As used in this Part:

A. “Hospital” means any institution, place, building, or agency, public or private, whether for profit or not, with facilities for the diagnosis, treatment, or care of persons who are suffering from illness, injury, infirmity, or deformity or other physical condition for which obstetrical, medical, or surgical services would be available and appropriate and which operates or is affiliated with facilities for the overnight care, observation, or recovery of those persons. The term “hospital” does not include the following:

(1) Persons, schools, institutions, or organizations engaged in the care and treatment of mentally retarded children with intellectual disabilities and which are required to be licensed by the provisions of R.S. 28:606 through R.S. 28:660 the Developmental Disability Law (R.S. 20:451.1 et seq.)

§2113.5. Services to elderly persons who are elderly and persons with disabilities

Any general hospital licensed under this Part, which is owned or operated, or which is provided by a governmental entity which benefits from being financed by the sale of bonds from the state or guaranteed by the state that are exempt from taxation as provided by Louisiana law, or which receives any other type of financial assistance from the state, is directed to give, when referred to the treatment of elderly, physically handicapped, or mentally handicapped persons who are elderly and persons with physical or mental disabilities in the delivery of nonemergency health care services.

§2116. Facility need review

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

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

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

§2142. Geriatric hospitals and units

A. The department may establish and administer geriatric hospitals or units and receive and care for persons who are elderly and or infirm persons who have been discharged by a hospital for the mentally ill persons with mental illness and for other persons who are elderly and or infirm persons who are in need of nursing and medical care. Such hospitals or units may be established in connection with or designated as part of Title I of Subchapter I of Chapter 7 of the Louisiana Revised Statutes of 1950, 151, 156(A) and (C), 230.1(A), 231.6(B), 437.14(A)(7), the heading of Part III of Chapter 4 of Title 46 of the Louisiana Revised Statutes of 1950, 541, 932(9) and (10), 1053(E), 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), 1, and (3), 1953(A), (B) (introduction), (C), and (D), 1954, 1955, 1956(A), 1957, 1959, the heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of 1950, the heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the Louisiana Revised Statutes of 1950, the heading of 2514, 2515, 2516, the heading of 2521, 2522, 2523(B), 2525(A)(1), 2525(A)(2), 2525(B),(1), (2), (3), 2525(A)(4), and (5), 2525(B)(4), (2525(A)(4), (2), (4), and (6), 2525(introductory paragraph), 2525(introductory paragraph), 2525(introductory paragraph), and (5), and 2673(C)(5) are hereby amended and reenacted to read as follows:

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

A. As it appears in the enrolled bill

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

Section 24. R.S. 46:31(B) and (13), 53(B), 56(B)(2) and (1F)(1), 61(A)(3), the heading of Part III of Chapter 4 of Title 46 of the Louisiana Revised Statutes of 1950, 151, 156(A)(C), and (C), 230.1(A), 231.6(B), 437.14(A)(7), the heading of Part III of Chapter 4 of Title 46 of the Louisiana Revised Statutes of 1950, 541, 932(9) and (10), 1053(E), 1407(B)(1)(e)(introductory paragraph), 1951, 1952(introductory paragraph), 1, and (3), 1953(A), (B) (introduction), (C), and (D), 1954, 1955, 1956(A), 1957, 1959, the heading of Chapter 29 of Title 46 of the Louisiana Revised Statutes of 1950, the heading of 2200, 2201, 2203, the heading of Chapter 30 of Title 46 of the Louisiana Revised Statutes of 1950, the heading of 2514, 2515, 2516, the heading of 2521, 2522, 2523(B), 2525(A)(1), 2525(A)(2), 2525(B),(1), (2), (3), 2525(A)(4), and (5), 2525(B)(4), (2525(A)(4), (2), (4), and (6), 2525(introductory paragraph), 2525(introductory paragraph), and (5), and 2673(C)(5) are hereby amended and reenacted to read as follows:

§51. Duties of the department

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

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

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

B.(1) The funds collected or collectible during each fiscal year by the department under the authority of this Section from a state agency and the United States of America shall be deposited in a special account in the state treasury to the credit of the state agency that transferred a portion of its appropriation to the department for the purpose of seeking matching funds from the United States of America. The funds thus credited shall be available for use by the state agency for the purposes of:

(a) Employing necessary personnel and for other expenses incurred in connection with the proper administration of the collection or acquisition of such funds by the state agency from the federal government or any agency thereof.

(b) For the purchase of new equipment for use by the state agency.

(c) For making major repairs at any facility owned by the state agency.

(d) For operating expenses and maintenance of any facility owned by the state agency.

(e) For day care services for mentally retarded persons with intellectual disabilities and, for operating expenses and maintenance of any facility owned by the state agency.

(f) For any purpose authorized by law.

(2) Any funds remaining unexpended and unencumbered in any such special account at the end of each fiscal year shall be retained in such special account.

§56. Applications and client case records; definitions; confidentiality; waiver; penalty

B.

(2) For the purposes of this Section, “case records” are assistance records, social service records, food stamp records of the Supplemental Nutrition Assistance Program or any predecessor; medical services records, probation and parole records, records pertaining to the adoption of children, records of foster care services, records and investigative reports on abuse or neglect of children or adults, and records of other child welfare services administered by the department, including handicapped children’s services for children with disabilities, nutrition, immunization, and other medical and public health services records pertaining to children or adults and where such records are in the custody of parish health units, and regional and central offices of the office of public health of the Department of Health and Hospitals.

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

§61. Elderly abuse; release of information

A.

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

CHAPTER 3. PUBLIC ASSISTANCE

PART I. ADULT SERVICES

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

§151. System of adult services

A. The Department of Health and Hospitals shall provide a system of adult services for the persons who are elderly, blind, and disabled or have disabilities pursuant to Title VI of the Social Security Act of 1935 as amended.

B. The provisions of this Section shall become effective when the necessary funds are made available to the department.

§156. Supplementary assistance to persons who are aged, blind, or have disabilities and disabled persons

A. Any person who is aged, blind, or has a disability and disabled person, within the meaning of Subchapter XVI of Chapter Seven of the Social Security Act, as amended, was a recipient of old age assistance, disability assistance, or aid to the needy blind, and is a recipient of supplemental security income under Subchapter XVI of Chapter Seven of the Social Security Act, as amended, shall be entitled to receive a monthly supplementary payment in the amount described in Subsection B below. Such payment shall not be made in any month in which such individual dies or the first month such individual ceases to be eligible for supplemental security income under Subchapter XVI of Chapter Seven of the Social Security Act, as amended.

C. Any person who is aged, blind, or disabled person has a disability and was receiving old age assistance, disability assistance under the state plan in effect on December 31, 1973, who ceased to be eligible for such assistance on January 1, 1974, solely because of the enactment of Public Law 92-603, Public Law 93-66, or by other federal legislation pertaining to such public laws, shall be entitled to receive financial assistance under the conditions and in an amount no less than that set forth in the state plan in effect December 31, 1973.

§230.1. Legislative intent

A. It is the intent of the legislature that families in Louisiana be strong and economically self-reliant so as to minimize their dependence on government benefits. To accomplish this goal, it is the intent of this Part that the Department of Children and Family Services ensures that all cash assistance recipients, with the exception of the disabled persons with disabilities or who are incapacitated, are actively and universally engaged in meaningful activities designed to enable their transition from cash assistance to self-reliance. It is the further intent that cash assistance participants demonstrate and are expected to exercise active and diligent personal responsibility in achieving self-reliance through employment and increased workplace literacy. All appropriate state agencies responsible for employment, training, and educating Louisiana’s citizens are expected to cooperate in the pursuit of this goal.

§231.6. Termination of eligibility; twenty-four-month limit; refusal of employment

B. The provisions of this Section shall not apply to an individual who is incapacitated or disabled individual has a disability as documented or to such an individual in the recipient’s household.

§437.14. Grounds for denial or revocation of enrollment

A. The department may deny or revoke enrollment in the medical assistance programs to a health care provider if any of the following are found to be applicable to the health care provider, his agent, a managing employee, or any person having an ownership interest equal to five percent or greater in the health care provider;

(7) Conviction under federal or state law of a criminal offense punishable by imprisonment of a year or more which involves moral turpitude, or acts against the persons who are elderly, children, or handicapped persons with infirmities.

PART III. DESTITUTE CRIPPLED PERSONS OVER FIFTY WITH DISABILITIES

§541. Destitute crippled persons over fifty with disabilities

Parish governing authorities may provide annually in their budget for employment, training, and educating Louisiana’s citizens are expected to cooperate in the pursuit of this goal.

§932. Powers and duties

The office shall have the following powers and duties:

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

(10) To perform the functions of the state which are designed to meet the social and community needs of Louisiana residents sixty years of age or older and not limited to the provision of such comprehensive social programs as homemakers services, home repair and maintenance services, employment and training services, recreational and transportation services, counseling, information and referral services, protective services under R.S. 15:1501 et seq., and health-related outreach; but excluding the
transportation program for the elderly and the handicapped program persons who are elderly or have disabilities administered by the Department of Transportation and Development under Section 46:9-1(f) of the Federal Urban Mass Transportation Act of 1964 and other such programs and services assigned to departments of state government as provided in Title 36 of the Louisiana Revised Statutes of 1950.

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

E. In the Parish of Ouachita, the Ouachita Parish Hospital Service District within which is situated the G. B. Cooley Hospital for Colored Children shall be governed by a board composed of seven members. One of the first additional commissioners so appointed shall serve for two years, and one for four years; thereafter, their terms shall be as provided in Subsection C of this Section.

§1407. Rules, regulations, and standards for licenses

B.(1) The regulations developed by the department, at a minimum, shall accomplish all of the following:

(e) Prohibit discrimination by early childhood learning centers and specialized providers on the basis of race, color, creed, sex, national origin, handicap disability, ancestry, or whether the child is being breastfed. However, nothing in this Subparagraph shall be construed to affect, limit, or otherwise restrict any of the following:

§1951. Statement of policy

It is the policy of this state to encourage and enable a physically disabled person with a physical disability to participate fully in the social and economic life of the state and to engage in remunerative employment. In addition, it is the policy of this state that a physically disabled person with a physical disability shall be employed by the state, political subdivisions of the state, public schools, and all other employment supported in whole or in part by public funds on the same terms and conditions as an able-bodied person, unless it is shown that the particular disability prevents the performance of the work involved.

§1952. Definitions

As used in this Chapter:

(1) “Assistance dog” means a dog who has been trained or is being trained to aid a particular physically disabled person with a physical disability.

(3) “Physically disabled person.” “Person with a physical disability” means a person who is blind, visually handicapped impaired, deaf, hearing impaired, or otherwise physically disabled has any other physical disability.

§1953. Use of public facilities; equal accommodations, assistance dogs

A. Every physically disabled person with a physical disability shall have the same right as an able-bodied person to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

B. Every physically disabled person with a physical disability shall be entitled to full and equal accommodations, advantages, facilities, and privileges in the following, subject only to the conditions and limitations established by law and applicable alike to all persons:

C. Every physically disabled person with a physical disability may be accompanied by an assistance dog, especially trained to aid such person, in any of the places provided in Subsection B of this Section without being required to pay an extra charge for such dog. However, he shall be liable for any damage done to the premises, facilities, operators, or occupants by such dog.

D. Nothing in this Section shall require any person who owns, leases, or operates any public conveyance or modes of transportation, educational institutions, hotels, restaurants, theaters, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, to modify his property or facility in any way or provide a higher degree of care for a physically disabled person with a physical disability. If the person who is not physically disabled does not have a physical disability.

§1954. Housing accommodations; full and equal access; degree of care; assistance dogs

A. Every disabled person with a disability shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

B. Nothing in this Section shall require any person renting, leasing, or providing for compensation real property to modify his property in any way or to provide a higher degree of care for a physically disabled person with a physical disability than for a person who is not physically disabled does not have a physical disability.

C. Each physically disabled person with a physical disability who has an assistance dog, especially trained to aid such person or who obtains such a dog, shall be entitled to full and equal access to all housing accommodations as defined in R.S. 46:19352/2, and he shall not be required to pay extra compensation for such dog but shall be liable for any damage done to the premises or any person on the premises by such dog.

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

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

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

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

§1957. Preparations for operators of motor vehicles approaching physically disabled pedestrians with physical disabilities

A. Operators of motor vehicles approaching a physically disabled pedestrian with a physical disability who is carrying a cane predominantly white in color, or with or without a red tip, or a physically disabled pedestrian with a walking aid using an assistance dog shall take all necessary precautions to avoid injury to such pedestrian.

B. Any such operator who fails to take all necessary precautions to avoid injury to a physically disabled pedestrian with a physical disability shall be liable in damages for any injury caused to the pedestrian and any injury caused to the pedestrian's assistance dog.

C. No operator of a motor vehicle shall drive into or upon any crosswalk while a physically disabled pedestrian with a physical disability is on the crosswalk or crossing or attempting to cross the crosswalk. Failure by the pedestrian to signal his intention to cross the crosswalk shall not deprive him of the right of way right-of-way given to him by other applicable law or regulation.

§1959. Scope of Chapter

Nothing in this Chapter shall be construed to amend, repeal, conflict with, or supersede any federal or state law, rule, or regulation or local ordinance mandating full and equal access in the use of public facilities or places, common carriers, public conveyances, or other modes of transportation, or housing accommodations for a physically disabled person with a physical disability.

CHAPTER 29. TRANSPORTATION AID FOR THE ELDERLY AND HANDICAPPED

PERSONS WHO ARE ELDERLY AND PERSONS WITH DISABILITIES

§2200. Transportation assistance for the persons who are elderly and handicapped persons with disabilities

§2201. Elderly and handicapped persons Persons who are elderly and persons with disabilities; capital acquisitions; definitions

As used in this Chapter, the terms “elderly and handicapped persons” or “persons who are elderly”, “persons with disabilities”, and “capital acquisitions” shall be defined in accordance with the appropriate federal law and the regulations and definitions in effect thereunder.

§2203. Coordination of services

Prior to awarding a grant to any agency, the Department of Transportation and Development shall require the applicant agency to assess and verify the local needs for the special transportation services. Each applicant agency shall coordinate with local agencies coordinating their service plans and that the awarding of the grant will not foster a duplication of services for the persons who are elderly and handicapped persons with disabilities.

CHAPTER 30. CIVIL RIGHTS FOR HANDICAPPED PERSONS WITH DISABILITIES

§2251. Short title

This Chapter may be cited as the “Civil Rights Act for Handicapped Persons with Disabilities”.

§2252. Purpose

B. The opportunity to obtain education, housing, and other real estate and full and equal utilization of public services and programs without discrimination on the basis of a handicap disability is a civil right.

§2253. Definitions

For the purposes of this Chapter the following definitions shall apply:

(1) “Handicapped person” means any person who has an impairment which substantially limits one or more life activities

THE ADVOCATE

As it appears in the enrolled bill

CODING: Words in struck through type are deletions from existing law, words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.

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or (a) has a record of such an impairment or (b) is regarded as having such an impairment.

(2) “Impairment” means retardation an intellectual disability; any physical or physiological disorder or condition, or prior mental disorder or condition, but does not include chronic alcoholism or any other form of active drug addiction; any cosmetic disfigurement; or an anatomical loss of body systems.

(4) “Otherwise qualified handicapped person with a disability” means:
(a) With respect to educational services, a handicapped person with a disability who meets the academic and technical standards requisite to admission or continued participation in educational and extracurricular activities and programs.
(b) With respect to other services, a handicapped person with a disability who meets the essential eligibility requirements for the receipt of such services.

(5) “Person” includes an individual, agent, association, corporation, joint stock company, labor union, legal representative, mutual company, partnership, receiver, trustee in bankruptcy, unincorporated organization, the state, or any other legal or commercial entity or state, local or political governmental entity or agency; except that, the persons presently in compliance with federal statutes regarding discrimination of the handicapped and persons who are elderly and persons with disabilities are excluded.

§ 2254. Nondiscrimination policy in educational facilities, real estate transactions, and state-funded programs
A. No otherwise qualified person shall, on the basis of a handicap, be subjected to discrimination by any educational facility, in any real estate transaction, or by the state or any of its political subdivisions.

F. In accordance with R.S. 46:2253(A) Subsection A of this Section an educational institution shall not:
(1) Discriminate in any manner in the full utilization of the institution, or the services provided and rendered thereby to an otherwise qualified individual because of a handicap that is unrelated to the individual's ability to utilize and benefit from the institution or its services, or because of the use of adaptive devices or aids.
(2) Exclude, expel, limit, or otherwise discriminate against an otherwise qualified individual seeking admission as a student or an individual enrolled as a student at the institution on the basis of a handicap that is unrelated to the individual's ability to utilize and benefit from the institution or its services, or because of the use of adaptive devices or aids.

G. An owner or any other person engaging in a real estate transaction, such as a real estate broker or salesperson, shall not, in accordance with R.S. 46:2253(A) Subsection A of this Section on the basis of a handicap that is unrelated to an otherwise qualified individual's ability to acquire, rent, or maintain property:

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

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

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

§ 2256. Complaints; filing procedure; compensation
A. When any handicapped person with a disability believes that any person has engaged or is engaging in discriminatory practices, as defined in this Chapter, he shall have one year from the date of the alleged discriminatory act to file a complaint in the appropriate civil district court.

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

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

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

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

§ 2584. Handicapped Accessible parking privileges investigation committee
The office of disability affairs is hereby authorized to establish a committee comprised of membership as it deems appropriate for the purpose of consideration of matters relative to handicapped accessible parking privileges. Such committee may:

(4) Submit evidence or materials to the Louisiana Medical Advisory Board within the Department of Public Safety and Corrections if such evidence or materials indicate possible inappropriate or illegal certification of a person as mobility impaired having a mobility impairment. If, in the board's discretion, the review of such material does indicate possible inappropriate or illegal certification by a physician, the board shall submit such material along with a recommendation for appropriate disciplinary action to the Louisiana State Board of Medical Examiners.

(5) Monitor, evaluate, and propose and advocate changes to laws, rules, and regulations relative to handicapped accessible parking privileges to the extent allowable by law.

§ 2673. Adult residential assisted living pilot project; creation
C. The criteria for the pilot project shall include but are not limited to the following:

(5) Have one hundred percent handicapped accessible physical building features.
Section 25. R.S. 47:34(C)(2)(introductory paragraph) and (d)(ii), 44.1(B), 79(A)(2) and (B)(5), 287.749(C)(2)(introductory paragraph) and (d)(ii), 305.38, 305.69(B)(2) and (3), 337.60D(17), 365.1(A)(1), (2), (4), and (6), (B)(1), (2), (3), (4) and (5), (D)(B)(1), (2), (3), (4) and (5), (a), (b) and (c), (G)(1) through (5) and (7), (I), (J)(1) through (3), (4), and (5), (a), (c), and (d), (K), (L), 463.4.1(A), 463.4.2(A)(1) and (B)(1) and (4), 463.4.3(A), 463.5(C), 463.21(A), 463.31(D)(2), 473.2(B) and (D), 490.4(E), 492(E), and 1061(B) are hereby amended and reenacted to read as follows:

§34. Corporation tax credit

C. Eligible employees are defined as follows:

(2) A “new economically disadvantaged employee” is a new employee who is either any of the following:

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

(ii) a handicapped individual person with a disability:

$44.1. Annual retirement or disability income; exemption from taxation

B. Six thousand dollars of annual disability income received by an individual shall be exempt from state income taxation. For purposes of this Subsection, “disability income” means payment for permanent total disability as provided for in R.S. 25:1221(2). However, any individual claiming an exemption for the blind, for having sustained the loss of one or more limbs, for mental retardation, intellectual disability, or for deafness as provided for in R.S. 47:79(A) shall not be eligible for this exemption.

§79. Credits of individuals against net income

A. (2) In addition to the exemptions above provided for, an exemption of one thousand dollars is allowed for those taxpayers who is blind or who has sustained the loss of one or more limbs or who is mentally retarded has an intellectual disability or who is deaf. As used herein the word “blind” shall mean and refer to persons who have been determined by a qualified ophthalmologist or optometrist to have no vision or to have vision which is insufficient for use in an occupation or activity for which sight is essential. For purposes herein, the word “deaf” shall be defined as in Paragraph (4) of Subsection B Paragraph (B)(5) of this section. Each person claiming an exemption under the provisions of this paragraph Paragraph shall be able to prove such claim by certificate of a qualified physician or optometrist.

B. (5) Credit for certain dependents. A credit of one thousand dollars is allowed for each dependent as defined in Subsection (C) of this section who is blind or deaf or who has sustained the loss of one or more limbs or who is mentally retarded has an intellectual disability. As herein used the word “blind” shall be defined as in Paragraph (4) of Subsection (C) (A)(2) of this section. For purposes herein, the word “deaf” shall mean and refer to persons whose hearing is so impaired that it is insufficient for use in an occupation or activity for which hearing is essential. The taxpayer claiming credit as herein provided shall be able to prove such claim by certificate of a qualified physician or optometrist issued for each such dependent for which a credit is claimed.

$287.749. Jobs credit

C. Eligible employees are defined as follows:

(2) A “new economically disadvantaged employee” means a new employee who is either any of the following:

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

(ii) a handicapped individual person with a disability:

$305.38. Exclusions and exemptions; sheltered workshop for mentally retarded persons with intellectual disabilities

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

§305.69. Exemption; motor vehicles for use by persons with orthopedic disabilities

B.
which includes the medical examiner’s state license number certifying that the applicant is a mobility-impaired person whose has a mobility impairment that is permanent. (3) No person to whom a hang tag is issued shall do either of the following:

(a) Display or permit the display of the hang tag on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity which does not include providing transportation for a mobility-impaired person with a mobility impairment.

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

For the purpose of this Section, “good cause” shall mean the existence of any of the following circumstances:

(a) The mobility-impaired person with a mobility impairment submitting an application for a hang tag has been convicted of a crime which included the element of false representation of himself as having the qualifications to obtain such special license plates, hang tag, or mobility impaired identification card authorized in this Section.

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

(5) When a person to whom a hang tag has been issued changes his place of residence to another state, country, or province, he shall surrender the hang tag to the secretary. Upon the death of a mobility-impaired person to whom a hang tag has been issued, it shall be the responsibility of the next of kin of that person to surrender the tag to the secretary. (6) If the commissioner of motor vehicles, in his discretion, finds that appropriate circumstances exist, an additional hang tag may be issued on behalf of a mobility-impaired person with a mobility impairment if his parents are divorced and residing in separate households and if he is dependent on both parents.

C. * * *

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

D. The secretary shall not issue special license plates, hang tags, or mobility impaired identification cards except as designated in this Section or in R.S. 47:490.4. Any mobility-impaired person with a mobility impairment whose license is permanent may obtain a hang tag or mobility impaired identification card at no additional fee other than the issuance cost of three dollars. Notwithstanding any other provision of law to the contrary, except as provided in Subsection C of this Section, the secretary shall not charge any fee in excess of ten dollars for the issuance of special license plates for mobility-impaired persons with mobility impairments.

E. The term “mobility-impaired person” “person with a mobility impairment” shall include any person who is impaired because of any of the following conditions:

F. When a motor vehicle bearing plates or displaying a hang tag issued to a mobility-impaired person with a mobility impairment, as prescribed in this Section, is being operated for the transport of the mobility-impaired person with a mobility impairment, the motor vehicle may be parked for a period of two hours, three hours in the city of New Orleans, in excess of the time during the period permitted by local authorities, except as otherwise provided by ordinances or police regulations prohibing parking on a highway for the purpose of creating a fire lane or where the ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon, or evening hours, or to clearly be a traffic hazard.

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

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

(3) Any mobility impaired person with a mobility impairment who allows his hang tag or specialty licensed vehicle to be used, when said tag or vehicle is used to illegally access handicapped accessible parking privileges by an individual who is not a mobility-impaired person, the hang tag or special license plates shall bear his handicapped accessible parking privileges suspended for six months and shall be fined not less than fifty dollars nor more than two hundred fifty dollars, or shall be imprisoned for not more than thirty days for the first offense, or both. On the second and subsequent offenses, said suspension shall be for one year, and the individual shall be fined not less than two hundred fifty dollars nor more than five hundred dollars nor more than thirty days, or both. Any medical examiner who willfully and falsely certifies that a person is mobility impaired has a mobility impairment in order to allow that person to obtain the special license plate, hang tag, or mobility impaired identification card authorized in this Section, or the suspension of said privileges, or shall be imprisoned not more than thirty days, or both.

(4) Any medical examiner with a mobility impairment does not have a mobility impairment in order to allow that person to obtain the special license plate, hang tag, or mobility impaired identification card authorized in this Section, or the suspension of said privileges, or shall be imprisoned not more than ninety days, or both.

(5) Not later than January 1, 1995, any mobility impaired person with a mobility impairment who has been convicted of a crime which included the element of false representation of himself as having the qualifications to obtain such special license plates, hang tag, or mobility impaired identification card as designated by Subsection J of this Section, in his possession when using handicapped accessible parking privileges. Any person who has a hang tag and who utilizes a handicapped accessible parking area after January 1, 1995, without such identification may be fined not less than fifty dollars nor more than five hundred dollars shall be imprisoned for not more than thirty days, or both.

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

I. Every mobility-impaired person with a mobility impairment operating or otherwise being transported by a vehicle displaying the international symbol of the handicapped accessibility or the word “handicapped” on a valid special license plate, disabled veteran license plate, or hang tag shall be entitled to invoke all handicapped accessible parking privileges provided in this Section, or in R.S. 47:490.4, regardless of the location of the issuing authority, or the residence or domicile of the person invoking the handicapped accessible parking privileges. “Issuing authority” as defined in this Section shall mean the office of motor vehicles of the Department of Public Safety and Corrections or comparable government issuing authorities outside the state of Louisiana.

J.(1) Upon initial application or first application after August 15, 1995, for renewal of a hang tag, each mobility impaired person with a mobility impairment who intends to obtain or to renew his hang tag, shall have in his possession or shall obtain or renew a mobility impaired mobility impairment identification card or a picture identification card as determined by Subsection J of this Section in his possession when using handicapped accessible parking privileges. Any person who has a hang tag and who utilizes a handicapped accessible parking area after January 1, 1995, without such identification may be fined not less than fifty dollars nor more than five hundred dollars or shall be imprisoned for not more than thirty days, or both.

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

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

(4) The mobility impaired mobility impairment identification card each year for a person whose impairment is temporary.

(5) Not later than January 1, 1995, any mobility impaired person with a mobility impairment who has been convicted of a crime which included the element of false representation of himself as having the qualifications to obtain such special license plates, hang tag, or mobility impaired identification card authorized in this Section, or the suspension of said privileges, or shall be imprisoned not more than thirty days, or both.

(6) Any medical examiner with a mobility impairment does not have a mobility impairment in order to allow that person to obtain the special license plate, hang tag, or mobility impaired identification card authorized in this Section, or the suspension of said privileges, or shall be imprisoned not more than ninety days, or both.

K. Upon the application of any institution providing transportation for a mobility-impaired person who has a hang tag and who utilizes a handicapped accessible parking privileges provided in this Section, the secretary shall issue special license plates designating the vehicle or vehicles declared available by such numbers or letters as the secretary finds expedient. Each initial license plate shall bear the international symbol of accessibility and shall be followed by such numbers or letters as the secretary finds expedient. Each initial license plate shall be accompanied by a currently dated statement verifying that the applying institution will use said vehicles exclusively to provide transportation for mobility-impaired persons with mobility impairments.
be administered by the secretary of the Department of Public Safety and Corrections and his authorized employee. All references to “the secretary” with respect to those laws shall be deemed to be references to the secretary of the Department of Public Safety and Corrections, or to his authorized employees.

§463.4.1. Special parking cards for temporarily mobility impaired persons with temporary mobility impairments
A. A special parking card bearing the international symbol of accessibility may be issued to any person who temporarily mobility impaired has a temporary mobility impairment as defined in R.S. 47:463.4(E) upon application to the secretary and accompanied by a current dated physician’s statement certifying that the person is temporarily mobility impaired.

§463.4.2. Mobility impaired persons
Persons with mobility impairments;
A. "Mobility impaired driver" means a mobility impaired person with a handicapped license plate as defined in R.S. 47:463.4(E) who utilizes a handicapped accessible parking privileges as defined by R.S. 47:463.4 or R.S. 47:463.4.1.

B. A motor fuel dealer shall have an employee dispense motor fuel into a motor vehicle from a full-service pump at the same price as the motor fuel dealer charges the general public for the same grade of motor fuel dispensed from a self-service pump, if all of the following apply:
(1) The motor vehicle displays special registration plates or parking cards which identify the vehicle as one used by a mobility impaired person with a handicapped license plate in accordance with A of this Section which shall contain the appropriate symbol indicating that the applicant is also a mobility impaired person with a handicapped license plate.

(4) After January 1, 1995, the mobility impaired person with a handicapped license plate is not required to obtain or possess a mobility impaired person’s license identification card.

§463.4.3. Manufacture, sale, possession, or use of counterfeit mobility impaired accessible parking placards; penalties
A. It shall be unlawful to manufacture, sell, possess, or use a counterfeit mobility impaired accessible parking placard which is a facsimile of the mobility impaired accessible parking placards issued by the Department of Public Safety and Corrections, office of motor vehicles, pursuant to the provisions of R.S. 47:463.4. Additionally, a person shall be in violation of the provisions of this Section and shall be penalized by such numbers and letters as the secretary finds expedient. Each initial application shall be accompanied by a currently dated physician’s statement certifying that the person is mobility impaired.

§463.5. Private bus; recreational vehicles
C. The provisions of this Section shall not apply to mobility impaired persons with mobility impairments registering specially equipped vans or buses with devices which are necessary for raising and lowering wheelchair.

§463.21. Special handicapped license plates for farm vehicles
A. On the application of any non-mobility impaired person with a mobility impaired license plate as defined in R.S. 47:463.4(E) and upon a showing of good cause, the secretary shall issue special license plates for farm vehicles designating the vehicle declared by the applicant to be used by him. The license plates shall bear the international symbol of accessibility; the word "handicapped" shall be followed by such numbers and letters as the secretary finds expedient. Each initial application shall be accompanied by a currently dated physician’s statement certifying that the applicant is a mobility impaired person.

§463.51. Special prestige license plates; Lions International
D. Special handicapped license plates for dealers and owners of commercial vehicles

§490.4. Military honor license plates for certain disabled veterans
E. The secretary may issue a military honor license plate, as provided for in this Section, for each vehicle registered in the applicant’s name, and the holder of such license plate shall be accorded the same privileges as holders of license plates for mobility impaired persons with mobility impairments. The secretary shall also issue a hang tag as provided in R.S. 47:463.4.1, which bears the international symbol of accessibility, to any disabled veteran who has or is issued such a plate and who requests the hang tag. No fee shall be charged for the hang tag, and it shall be exempt from renewal requirements applicable to hang tags issued pursuant to R.S. 47:463.4. However, lost, destroyed, or mutilated hang tags shall be replaced according to the provisions of R.S. 47:463.4, including payment of the reissuance fee. A person using the hang tag in a vehicle with a disabled veteran license plate is not required to obtain or possess a mobility impaired person’s license identification card.

§492. Amateur radio station plates for owners and operators
E. On the application of any person who is an amateur radio station owner or operator and who is also either a mobility impaired person with a mobility impaired license plate as defined in R.S. 47:463.4(E) or a disabled veteran as defined in R.S. 47:463.4, the secretary shall issue such a person a special prestige license plate in the appropriate symbol indicating that the applicant is also a mobility impaired person with a mobility impaired license plate.

§1061. Telecommunication tax for the deaf
B. The monies in the Telecommunications for the Deaf Fund shall be used solely to establish, administer, and promote a statewide program to provide accessibility services and assistive technology for persons who are deaf/blind, hard of hearing, speech impaired, or others who are similarly handicapped with similar disabilities or impairments, in the amounts appropriated each year by the legislature to the Louisiana Commission for the Deaf. Any surplus monies remaining to the credit of the fund on June thirtieth of each year and any funds earned through the investment of the monies in the fund shall remain to the credit of the fund.

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

§23. Engineering and other help
B. Notwithstanding any provision of law, or any provision of the department, or any provision of Civil Service to the contrary, the department, at its discretion, may hire disabled persons with disabilities in the position of Bridge Tender.

§261. Maintenance work by department employees; exceptions
A. Except as otherwise provided in this Section, all maintenance operations shall be performed by the employees of the department. However, the department may, by contract or other means, arrange for the maintenance of any section or sections of highways or any of the facilities of the Department of Transportation and Development when, in the sole discretion of the secretary, there are not adequate employees to perform the maintenance work required by either federal or state law or sound engineering practices. The secretary shall give due consideration to hitting a balance between employment restrictions and the maintenance work required by either federal or state law or sound engineering practices. All such contracts to private concerns or individuals or private concerns, except handicapped individuals with disabilities or handicapped organizations serving individuals with disabilities, shall be in accordance with the public bid provisions of this Title.

Section 27. R.S. 49:121(E), the heading of Subpart D of Part VII of Title 1 of Title 49 of the Louisiana Revised Statutes of 1950, 146, and 146.1(G)(1), (H), and (I) are hereby amended and reenacted to read as follows:

§121. Name of board, department, or subdivisions; marking on boat or vehicle; Louisiana public license plates; exemptions
E. Those vehicles used in crime prevention and detection and similar investigative work, which if identified as required by this Section could not be used effectively for such purposes, are exempt from the provisions of this Part, and in addition, the vehicles used by the governor, lieutenant governor, statewide elected officials, state schools for the deaf, blind, spastic, and
 SUBPART D. PUBLIC BUILDINGS--USEABILITY BY PHYSICALLY HANDICAPPED PERSONS WITH PHYSICAL DISABILITIES

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

The standards and specifications set forth in this Section shall apply to all state owned buildings, educational institutions, and office buildings which are constructed, renovated or remodeled in whole or in part by the use of state funds, or the funds of any board, commission, agency, or department of the state; provided, however, that the provisions of this Sub Part shall not apply to buildings constructed by parish or city school boards. All such buildings and facilities constructed, renovated, or remodeled in this state after July 27, 1966, shall conform to each of the standards and specifications prescribed herein for the purpose of making such buildings and facilities accessible to and usable by the physically handicapped persons with physical disabilities, or standards and specifications reasonably similar thereto.

§148.1. Specifications for grounds, buildings and facilities

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

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

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

Section 28. R.S. 51:1402(A), 1407(C) and (D)(1)through (3) and (4)(introductory paragraph), (b), (c), and (f), 2303(3), 2312(A)(2), 2603(A), 2603(A), 2609(A) (introductory paragraph), (b), (c), (iii)(aa) and (bb), (d), and (B), 2607(A) and (C), and 2608 are hereby amended and reenacted to read as follows:

§1402. Definitions

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

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

§1407. Restraining prohibited acts

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

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

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

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

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

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

(b) Loss or encumbrance upon a primary residence of the elder or disabled person or person with a disability.

(c) Loss of or encumbrance upon the elder or disabled person's principal employment or principal source of income of the elder person or person with a disability.

(f) Loss of assets essential to the health and welfare of the elder or disabled person or person with a disability.

§2232. Definitions

As used in this Chapter:

(i) "Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such impairment, or being regarded as having such an impairment. For purposes of all laws which incorporate by reference, apply to, or rely for meaning upon the term disability as defined herein, the terms used in this definition have the following meanings:

(ii) "Mental impairment" means any mental or psychological disorder, such as mental retardation, intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

§2303. Definitions

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

(3) "Disabled person's business enterprise." "Business enterprise of a person with a disability" means a small business concern which is at least fifty-one percent owned and controlled by a disabled person with a disability as defined by the federal Americans With Disabilities Act of 1990.

§2312. Powers and authority; duties

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

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

§2602. Policy

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

§2603. Definitions

As used in this Chapter:

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

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

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

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

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

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

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

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

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

(i) A refusal to permit, at the expense of the handicapped person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person, if such modifications are necessary to afford...
such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(iii) In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
   (aa) The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons with disabilities.
   (bb) All State fee designations to all access. If the laws within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in persons who use wheelchairs; and,

(d) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped persons with disabilities (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of R.S. 51:2606(A)(6)(c)(ii)(cc).

* * *

B. Nothing in this Section shall be construed to invalidate or limit any law of this state or a political subdivision of this state that requires dwellings to be designed and constructed in a manner that affords handicapped persons with disabilities greater access than is required by this Section.

* * *

§2607. Discrimination in residential real estate related transactions

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

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

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

F.(1) Notwithstanding any other provision of this Subpart to the contrary, any resident of this state who is mentally retarded or developmentally disabled is an intellectual or developmental disability and who is engaged in recreational fishing as part of approved therapy and habilitation service, and who is fishing under the immediate supervision of personnel approved or employed by a hospital, residence, community home, school, or other facility licensed by the Department of Health and Hospitals in the care or rehabilitation of mentally retarded or developmentally disabled persons with intellectual or developmental disabilities shall be exempt from the following requirements and fees applicable to recreational fishing license fees:

* * *

(3) The permits shall authorize mentally retarded or developmentally disabled persons with intellectual or developmental disabilities engaged in recreational fishing as part of approved therapy and habilitation services while under the immediate supervision of personnel approved or employed by the facility.

(4) The mentally retarded or developmentally disabled person with an intellectual or developmental disability engaged in recreational fishing as provided in this Subsection and the supervisory personnel shall carry an authorization tag or other type of identification approved by the department.

(5) For purposes of this Subsection, the terms “mentally retarded” “intellectual disability” and “developmentally disabled” “developmental disability” shall have the meanings ascribed to them in R.S. 29:439.1, the Developmental Disability Law (R.S. 28:451. et seq.)

§302.3. Recreational gear license

B. Residents sixteen years of age or older shall pay a gear fee as follows:

* * *

(2) Hoop nets:

(b) Mobility impaired persons. Persons with mobility impairments, as defined in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years may use one hoop net not greater than eighteen feet by eight feet, for the purpose of catching catfish for home consumption only. There shall be no gear fee or license charge, and all such persons must be in possession of valid identification.

* * *

(4) Slats:

(b) Mobility impaired persons. Persons with mobility impairments, as defined in R.S. 47:463.4(E), who are bona fide residents and over the age of sixty years, may use one legal size silt trap for the purpose of catching catfish for home consumption only. There shall be no gear fee or license charge and all persons must be in possession of valid identification.

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

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

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

C. The office for citizens with developmental disabilities of the Department of Health and Hospitals, in coordination with the Louisiana Developmental Disabilities Council, shall be responsible for all programmatic functions of such park facility, including but not limited to the following:

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

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

D. The office of state parks, and the office of mental retardation for citizens with developmental disabilities, in coordination with the Louisiana Developmental Disabilities Council, shall establish rules and regulations for the implementation of this Section. Such rules and regulations shall be structured so as to give priority of facility use to groups of handicapped persons with disabilities but shall not necessarily preclude use by nonhandicapped individuals or groups persons who do not have disabilities.

§1762. Powers and duties

C. In order to carry out its duties and functions the commission may:

(6) Ensure that in the use and enjoyment of every portion of Audubon Park and Zoo and all of the facilities therein there will not be any

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* As it appears in the enrolled bill
discrimination against any person because of handicap, disability, age, race, color, religion, sex, or national origin.

7. Affirmative action shall be taken to ensure that all employees of the commission and any entity with whom the commission contracts for services shall be treated during employment without regard to their race, age, handicap, disability, color, religion, sex, or national origin.

Section 30. The heading of Section 12 of Chapter 1 of Title VIII of Book I of the Louisiana Revised Civil Code and Civil Code Articles 354, 356, 358 through 360, and 3107 are hereby amended and reenacted to read as follows:

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

Art. 354. Procedure for placing under tutorship. Mentally retarded or deficient children Persons, including certain children, with intellectual disabilities or mental deficiencies may be placed under continuing or permanent tutorship without formal or complete interdiction, in accordance with the following rules and the procedures stated in the Louisiana Code of Civil Procedure:

Art. 356. Title of proceedings; procedural rules; parents as tutor and undertutor. The title of the proceedings shall be Continuing Tutorship of (Name of Person), A Mentally Retarded Person with an Intellectual Disability.

Art. 358. Authority, privileges, and duties of tutor and undertutor; termination of tutorship. The granting of the decree shall confer upon the tutor and undertutor the same authority, privileges, and responsibilities as in other tutorships, including the same authority to give consent for any medical treatment or procedure, to give consent for any educational plan or procedure, and to obtain medical, educational, or other records, but the responsibility of the tutor for the offenses or quasi-offenses of the retarded person with an intellectual disability shall be the same as that of a curator for those of the interdicted person and the tutorship shall not terminate until the decree is set aside by the court of domicile, or the court of last domicile if the domicile of the mentally retarded person with an intellectual disability is removed from the State of Louisiana.

Art. 359. Restriction on legal capacity. The decree if granted shall restrict the legal capacity of the mentally retarded person with an intellectual disability to that of a permanent minor, except that after the age of eighteen the retarded person, unless formally interdicted, shall have the legal capacity of a minor who has been granted the emancipation conferring the power of administration as set forth in Chapter 2, Section 2 of this book and title.

Art. 360. Parents’ rights of administration. In addition to the rights of tutorship, the parents shall retain, during the minority of the retarded person and the legal capacity of a minor, the right to be informed upon the writing of any such report or record. The parents shall have the same authority to give consent for any medical treatment or procedure, to give consent for any educational plan or procedure, and to obtain medical, educational, or other records as the tutor, but shall be restricted to the same extent as the tutor in furnishing the same to any and all persons, including the retarded person. The parents may, at any time, by written notice, request that the tutorage be terminated.

Art. 3107. Capacity of arbitrators.

A. All persons may be arbitrators, except as are under some incapacity of infirmity, which renders them unfit for that function.

B. Therefore, minors under the age of eighteen years, persons interdicted, those who are deaf and dumb and other persons who are unable to speak, can not be arbitrators.

Art. 573.1. Running of time limitations; exception; exploitation of the retarded persons with infirmities. The time limitations established by Article 572 shall not commence to run as to the crime of exploitation of the retarded persons with infirmities (R.S. 14:93.4) until the crime is discovered by a competent victim, or in the case of an incompetent victim, by a competent third person.

Art. 648. Procedure after determination of mental capacity or incapacity

B. * * *

Art. 658. Probation; conditional release; reporting

A. When the committed person is released on probation, which shall also be known as conditional release, the clerk of court shall deliver to him a certificate setting forth the period and the conditions of his probation. It shall be a condition of every such probation that the person released shall be reconditioned if he becomes dangerous to others or to himself for reasons of mental illness, substance abuse, or mental retardation intellectual disability. The probationer shall be required to agree in writing to the conditions of his probation.

Art. 831. Responsive verdicts; in particular

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

58. Cruelty to the Infirm Persons with Infirmities

Guilty.

Guilty of attempted cruelty to the infirm persons with infirmities.

Guilty of simple battery.

Guilty of assault.

Guilty of negligent injury.

Not guilty.

Art. 905.5.1. Mental retardation Intellectual disability

A. Notwithstanding any other provisions of law to the contrary, no person who is mentally retarded with an intellectual disability shall be subjected to the felony of cruelty to the infirm.

B. Any capital defendant who claims to be mentally retarded have an intellectual disability shall file written notice thereof within the time period for filing of pretrial motions as provided by Code of Criminal Procedure Article 521.

C. Any defendant in a capital case making a claim of mental retardation intellectual disability shall prove the allegation by a preponderance of the evidence. The jury shall try the issue of mental retardation intellectual disability of a capital defendant during the penalty sentencing hearing unless the state and the defendant agree that the issue is to be tried by the judge. If the state and the defendant agree, the issue of mental retardation intellectual disability of a capital defendant may be tried prior to trial by the judge alone.

D. Any capital determination by the judge that a defendant is mentally retarded does not have an intellectual disability shall not preclude the defendant from raising the issue at the penalty phase, nor shall it preclude any instruction to the jury pursuant to this Section.

E. By filing a notice relative to a claim of mental retardation intellectual disability under this Article, the defendant waives all claims of confidentiality and privilege to, and is deemed to have consented to the release of, any and all medical, correctional, educational, and military records, raw data, tests, test scores, notes, behavioral observations, reports, evaluations, and any other information of any kind reviewed by any defense expert in forming the basis of his opinion that the defendant is mentally retarded has an intellectual disability.

F. When a defendant makes a claim of mental retardation intellectual disability under this Article, the state shall have the right to an independent psychological and psychiatric examination of the defendant. A psychologist or medical psychologist conducting such examination must be licensed by the Louisiana State Board of Examiners of Psychologists or the Louisiana State Board of Medical Examiners, whichever is applicable. If the state elects to conduct any examination, and upon written motion of the defendant, the state shall provide the defendant, within time limits set by the court, any and all medical, correctional, educational, and military records, and all raw data, tests, test scores, notes, behavioral observations, reports, evaluations, expert opinions, and any other information of any kind or other records relevant or necessary to an examination or determination under this Article.

THE ADVOCATE  * As it appears in the enrolled bill
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the basis of his opinion that the defendant is not mentally retarded does not have an intellectual disability. If the state fails to comply with any such order, the court may impose sanctions as provided by Code of Criminal Procedure Article 729.5.

G. If the defendant making a claim of mental retardation intellectual disability fails to comply with any order issued pursuant to Paragraph D of this Article, or refuses to submit to or fully cooperate in any examination by experts for the state pursuant to either Paragraph D or F of this Article, upon motion by the district attorney, the court shall neither conduct a pretrial hearing concerning the issue of mental retardation intellectual disability nor instruct the jury of the prohibition of executing mentally retarded defendants with intellectual disabilities.

H. (1) “Mental retardation” means a disability characterized by significant limitations in both intellectual functioning and adaptive behavior as expressed in conceptual, social, and practical adaptive skills. The onset occurs before the age of eighteen years. “Intellectual disability”, formerly referred to as “mental retardation”, is a disability characterized by all of the following deficits, the onset of which must occur during the developmental period:

(a) Deficits in intellectual functions such as reasoning, problem-solving, planning, abstract thinking, judgment, academic learning, and learning from experience, confirmed by both clinical assessment and individualized, standardized intelligence testing.

(b) Deficits in adaptive functioning that result in failure to meet developmental and societal standards for personal independence and social responsibility and that, without ongoing support, limit functioning in one or more activities of daily life including, without limitation, communication, social participation, and independent living, across multiple environments such as home, school, work, and community.

(2) A diagnosis of one or more of the following conditions does not necessarily constitute mental retardation an intellectual disability:

(n) Other handicapping disabling conditions.

Section 32. Code of Evidence Article 510(B)(2)(e) and (C)(2)(f) are hereby amended and reenacted to read as follows:

Art. 510. Health care provider-patient privilege

B. * * *

(2) Exceptions. There is no privilege under this Article in a noncriminal proceeding as to a communication:

(k) When the communication is relevant to proceedings concerning issues of child abuse, elder abuse, or the abuse of disabled or incompetent persons with disabilities or persons who are incompetent.

C. * * *

(2) Exceptions. There is no privilege under this Article in a criminal case as to a communication:

(f) When the communication is relevant to an investigation or procurement for child abuse, elder abuse, or the abuse of disabled or incompetent persons with disabilities or persons who are incompetent.

Section 33. Children's Code Articles 559(B)(introductory paragraph) and (C)(introductory paragraph), 681(A)(3), 683(E) and (F), 781(D) and (E), 809(C), 809(P)(3) and (G), 837(A)(3), 894(introductory paragraph and (3), 895(A), 910(C), 910(D)(1), 910(D)(3), 1003(3), 1125(B)(1), 1402(1), 1404(1)(A), 1404(1)(B), 1404(1)(C), 1416(D), 1418(A), 1420(A), 1451(A), 1465(A) and (B), 1467(B)(1), 1467(B)(2), 1468(A), and 1469(A) are hereby amended and reenacted and Children's Code Article 1003(introductory paragraph) is hereby enacted to read as follows:

Art. 559. Organization; board of trustees; director

B. The duties of the board of trustees enumerated in R.S. 28:64(B) and R.S. 28:64(C) shall be applicable to this program, including all of the following specific duties:

C. The duties of the director enumerated in R.S. 28:64(D) and R.S. 28:64(E) shall be applicable to the program, including all of the following specific duties:

Art. 681. Dispositional alternatives

A. In a case in which a child has been adjudicated to be in need of care, the child's health and safety shall be the paramount concern, and the court may do any of the following:

(3) Commit a child found to be mentally ill have a mental illness to a public or private institution for the mentally ill persons with mental illness.

Art. 663. Disposition; generally

E. A child shall not be committed to a public or private mental institution or institution for the mentally ill persons with mental illness unless the court finds, based on psychological or psychiatric evaluation, that the child has a mental disorder, other than mental retardation an intellectual disability, which has a substantial adverse effect on his ability to function and requires care and treatment in an institution. When the child is in the custody of the state of Louisiana, this finding shall not be made without the prior written consent of the child, except that the consent is not required if the child is represented by an attorney appointed by the Mental Health Advocacy Service, unless such attorneys are unavailable as determined by the director or the child retains private counsel who shall represent only the interest of the child. The Mental Health Advocacy Service's attorney so appointed shall continue to represent the child in any proceeding relating to admission, change of status, or discharge from the mental hospital or psychiatric unit. Upon modification of the disposition to a placement other than a mental hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be relieved of representation of the child.

F. A child shall not be committed to a public or private institution for the mentally retarded persons with intellectual disabilities unless the court finds, based on psychological or psychiatric evaluation, that the child is mentally retarded has an intellectual disability and such condition has a substantial adverse effect on his ability to function and requires care and treatment in an institution.

Art. 781. Disposition; generally

D. A child shall not be committed to a public or private mental institution or institution for the mentally ill persons with mental illness unless the court finds, based on psychological or psychiatric evaluation, that the child has a mental disorder, other than mental retardation an intellectual disability, which has a substantial adverse effect on his ability to function and requires care and treatment in an institution. When the child is in the custody of the state of Louisiana, this finding shall not be made without the prior written consent of the child, except that the consent is not required if the child is represented by an attorney appointed by the Mental Health Advocacy Service, unless such attorneys are unavailable as determined by the director or the child retains private counsel who shall represent only the interest of the child. The Mental Health Advocacy Service's attorney so appointed shall continue to represent the child in any proceeding relating to admission, change of status, or discharge from the mental hospital or psychiatric unit. Upon modification of the disposition to a placement other than a mental hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be relieved of representation of the child.

Art. 809. Right to counsel

C. No child shall be admitted in accordance with this Title to a public or private mental institution or institution for the mentally ill persons with mental illness nor shall proceedings in accordance with Chapter 7 of this Title or Article 809 go forward unless he has been represented by retained private counsel who represents only the child's interest or by an attorney appointed by the Mental Health Advocacy Service, unless its executive director has determined that its attorneys are unavailable. Any attorney from the Mental Health Advocacy Service so appointed shall continue to represent the child in any proceeding relating to admission, change of status, or discharge from the mental hospital or psychiatric unit. Upon modification of the disposition to a placement other than a mental hospital or psychiatric unit, the Mental Health Advocacy Service's attorney shall be relieved of representation of the child upon request of the Mental Health Advocacy Service or the child.

Art. 837. Procedure after determination of mental capacity

B. If the court determines by a preponderance of the evidence that the child lacks the mental capacity to proceed and the alleged delinquent act is a felony, the proceedings shall be suspended and the court may:

(3) Commit the child to the Department of Health and Hospitals, a private mental institution, or an institution for the mentally ill persons with mental illness in accordance with Department of Health and Hospitals policy. The court may also order restoration services for the child and appoint a restoration service provider. However, a child shall not be committed unless the court finds, after a contradictory hearing with ten days notice to the district attorney and counsel for the child, that the child as a result of mental illness, is dangerous to himself or others or is gravely disabled. If the court further finds that the child will not have the mental capacity to proceed in the foreseeable future, the court shall order civil commitment as provided in Title XIV. However, no child shall be discharged or conditionally discharged except upon court order after a motion and contradictory hearing.

G. Under no circumstances shall a child who is found to lack the mental capacity to proceed in accordance with Chapter 7 of this Title be held in a secure placement facility longer than permitted elsewhere by this Code for a mentally ill or developmentally disabled child with a mental illness or developmental disability.
Art. 837.1. Standards for restoration service providers
A. A restoration service provider shall meet the following qualifications:

(3) Shall be a psychiatrist, licensed psychologist, medical psychologist, licensed clinical social worker, qualified mental retardation intellectual disability professional, or licensed professional counselor all of whom have been engaged in the practice of clinical psychology or counseling for not less than three consecutive years immediately preceding the appointment and who have expertise in child development specific to severe chronic disability of children attributable to intellectual impairment, if the court determines the child lacks the mental capacity to proceed because of mental illness or developmental disorder. * * *

Art. 894. Disposition after finding of insanity
In cases in which a child has not been adjudicated a delinquent and has been found to be insane at the time of the offense, the court may either take any of the following actions:

(3) Commit the child to the Department of Health and Hospitals, office of behavioral health or a private mental institution or an institution for the mentally ill persons with mental illness pursuant to Article 895 of this Chapter.

Art. 895. Commitment to mental institution
A. In cases where a child has been committed to the Department of Health and Hospitals, office of behavioral health, or private mental institution, or an institution for the mentally ill persons with mental illness if the court finds, based on psychological or psychiatric evaluation, that the child has a mental disorder, other than mental retardation an intellectual disability, which has a substantial adverse effect on his ability to function and requires care and treatment in an institution.

B. The Statement of Family History form shall be substantially as follows:

<table>
<thead>
<tr>
<th>Eye Color</th>
<th>Complexion</th>
<th>Body Build</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education-last grade completed/ degree received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right/left handed</td>
</tr>
<tr>
<td>Occupation</td>
</tr>
<tr>
<td>Talents</td>
</tr>
<tr>
<td>Religion</td>
</tr>
<tr>
<td>Race</td>
</tr>
<tr>
<td>Ethnicity/Nationality</td>
</tr>
<tr>
<td>Native American/ Tribal Affiliation, if applicable</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Disease/conditions</th>
<th>If yes,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Art. 1003. Definitions
As used in this Title:

(9) “Mental illness” means a psychiatric disorder which has substantial adverse effects on the parent’s ability to function and which requires care and treatment as determined by a psychiatrist or psychologist. It does not include a person suffering solely from mental retardation, epilepsy, alcoholism, or drug abuse, who has solely, one of the following conditions:

(a) An intellectual disability.
(b) Epilepsy.
(c) Alcoholism.
(d) Drug abuse.

Art. 1125. Statement of family history; contents; form
B. The Statement of Family History form shall be substantially as follows:

<table>
<thead>
<tr>
<th>STATEMENT OF FAMILY HISTORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child's Biological MOTHER</td>
</tr>
<tr>
<td>Age</td>
</tr>
<tr>
<td>Height</td>
</tr>
<tr>
<td>Weight</td>
</tr>
<tr>
<td>Hair Color</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disease/conditions</th>
<th>If yes,</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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* As it appears in the enrolled bill

CODING: Words in *italics* type are deletions from existing law; words *underscored* (House Bills) and *boldfaced* (Senate Bills) are additions. (House Bills) and *underscored* and *boldfaced* (Senate Bills) are additions.
Has the minor child had the following immunizations?

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Immunizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-4 mo.</td>
<td>Hep B, DTaP, IPV, Hib</td>
</tr>
<tr>
<td>4 mo.</td>
<td>DTaP, IPV, Hib</td>
</tr>
<tr>
<td>6 mo.</td>
<td>DTaP, Hib</td>
</tr>
<tr>
<td>6-18 mo.</td>
<td>Hep B, IPV</td>
</tr>
<tr>
<td>12-15 mo.</td>
<td>Hib, MMR #1</td>
</tr>
<tr>
<td>12-18 mo.</td>
<td>Var (chickenpox)</td>
</tr>
<tr>
<td>15-18 mo.</td>
<td>DTaP</td>
</tr>
<tr>
<td>4-6 yrs.</td>
<td>MMR #2, DTaP, OPV</td>
</tr>
<tr>
<td>11-12 yrs.</td>
<td>MMR #2, Var, Hep B</td>
</tr>
<tr>
<td>11-16 yrs.</td>
<td>Td (tetanus, diphtheria)</td>
</tr>
</tbody>
</table>

Does the minor child have or has he had any other serious illnesses or medical conditions?

<table>
<thead>
<tr>
<th>Illnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pertussis (P)</td>
</tr>
<tr>
<td>Rheumatic Fever</td>
</tr>
<tr>
<td>Rubella (B) (Measles)</td>
</tr>
<tr>
<td>Tonsillitis</td>
</tr>
<tr>
<td>Mumps (M)</td>
</tr>
<tr>
<td>Convulsions</td>
</tr>
<tr>
<td>Chicken Pox (Var)</td>
</tr>
<tr>
<td>Asthma</td>
</tr>
<tr>
<td>Rotavirus (RV)</td>
</tr>
<tr>
<td>Polio (IPV)</td>
</tr>
<tr>
<td>Scarlet Fever</td>
</tr>
<tr>
<td>Allergies, specify</td>
</tr>
<tr>
<td>Diphtheria (D)</td>
</tr>
<tr>
<td>Surgery, operations, specify</td>
</tr>
<tr>
<td>Glandular Disturbances, specify</td>
</tr>
</tbody>
</table>

Are the parents of the child biologically related to each other? Yes ______ No ______

If yes, please specify:
- State type:
- State amount:
- State during what months of pregnancy:

Prescription medication

Over the counter medication

Alcohol

Tobacco

Other Drugs

Has the minor child had the following illnesses?

<table>
<thead>
<tr>
<th>Illnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth defects (cleft palate, missing digit, club foot, etc.)</td>
</tr>
<tr>
<td>Curvature of spine</td>
</tr>
<tr>
<td>Headaches/migraines</td>
</tr>
<tr>
<td>Alcoholism</td>
</tr>
<tr>
<td>Substance abuse</td>
</tr>
<tr>
<td>Eating disorders/obesity</td>
</tr>
<tr>
<td>Mental illness (schizophrenia, bipolar, depressive, etc.)</td>
</tr>
</tbody>
</table>

Mental retardation

Intellectual disability - non-injury (PKU, Down's Syndrome, etc.)

Learning disabilities (ADD, ADHD, etc.)

Multiple births

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, please specify:
- State type:
- State amount:
- State during what months of pregnancy:

C. Nothing in this Title shall be construed to prohibit a mentally ill person with mental illness from being represented by privately retained counsel. If a MHAS attorney has been appointed by the court and the mentally ill minor with mental illness or respondent secures his own counsel, the court shall discharge the MHAS attorney.

D. Any attorney representing a mentally ill minor with mental illness or a respondent as defined herein shall have ready access to view and copy all mental health and developmental disability records pertaining to the client unless the client objects. The attorney shall return all copies of the client’s medical record to the treatment facility upon completion of their use. If the patient or respondent later retains a private attorney to represent him, the MHAS shall destroy all copies of records pertaining to his case.

E. Any respondent or mentally disabled minor with a mental disability shall have the right to demand that the records in the possession of his attorney regarding his mental condition be destroyed or returned to the treatment facility and he shall have the right to assurance by the director that such records have been so destroyed by the MHAS attorney.

Art. 1416. Facility records; confidentiality; disclosure; destruction

* * *

Art. 1420. Admission by emergency certificate; extension

A. A mentally ill minor with mental illness or a minor suffering from substance abuse may be admitted and detained at a treatment facility for observation, diagnosis, and treatment for a period not to exceed fifteen days under an emergency certificate.

* * *

Art. 1451. Conversion to voluntary status

A. No director of a treatment facility shall prohibit any mentally ill minor with mental illness or minor suffering from substance abuse from applying for observation, diagnosis, and treatment for a period not to exceed fifteen days under an emergency certificate.

* * *
Art. 1465. Voluntary admissions favored

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

B. No director of a treatment facility shall prohibit any mentally ill minor with mental illness or minor suffering from substance abuse from applying for conversion of involuntary or emergency admission status to voluntary admission status. Any minor patient on an involuntary admission status shall have the right to apply for a writ of habeas corpus in order to have his admission status changed to voluntary status.

Art. 1467. Capacity required

A. In the discretion of the director, any mentally ill minor with mental illness or minor suffering from substance abuse, who is sixteen years of age or older and who desires admission to a treatment facility for diagnosis or treatment of a psychiatric disorder or substance abuse, may be admitted upon the minor patient’s request without a formal application.

B. Knowing and voluntary consent shall be determined by the ability of the minor to understand:

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

Art. 1468. Informal voluntary admission

A. Any mentally ill minor with mental illness or minor suffering from substance abuse who is sixteen years old or older and who desires admission to a treatment facility for diagnosis and treatment of a psychiatric disorder or substance abuse, may be admitted by the admitting physician by the admission physician by the admitting physician may be so admitted upon his written request.

Section 34. R.S. 17:348(C), Part IX of Chapter 1 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:211 and 213, R.S. 40:2113.1, Chapter 9 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:981 and 982, Chapter 27 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2111 through 2114, Chapter 33 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2391 through 2397, and Chapter 53 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2681, are hereby repealed in their entirety.

Section 35.(A) The legislature hereby finds that language used to refer to persons with disabilities and other persons with exceptionalities describes in Section 36(A) of this Act.

(C) The legislative services offices of the House of Representatives and the Senate are hereby authorized and requested to publish guidance in legislative drafting manuals and in other professional resources as those offices may deem appropriate concerning use of the preferred terminology described in Section 36(A) of this Act.

Section 36.(A) The legislative services offices of the House of Representatives and the Senate are hereby authorized and requested to publish guidance in legislative drafting manuals and in other professional resources as those offices may deem appropriate concerning use of the preferred terminology described in Section 36(A) of this Act.

Section 33. This Act shall become effective upon approval by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 23, 2014.

A true copy:

Tom Schedler
Secretary of State