

Regular Session, 2012

HOUSE BILL NO. 541

BY REPRESENTATIVE ST. GERMAIN

FIRE PROTECT/FIRE MARSHAL: Provides for fire marshal review of plans and specifications for health care facilities and residential living options

1 AN ACT

2 To amend and reenact R.S. 40:2017.11 and to enact R.S. 40:1563(L), relative to the review
3 of plans or specifications; to authorize the fire marshal to review plans for health
4 care facilities and residential living options and collect charges; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:2017.11 is hereby amended and reenacted and R.S. 40:1563(L)
8 is hereby enacted to read as follows:

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

12 * * *

13 L. The fire marshal shall have authority to conduct plan reviews for plans or
14 specifications for facilities licensed or certified by the Department of Health and
15 Hospitals which are submitted for review to the fire marshal pursuant to rules
16 promulgated by the department, in consultation with the office of the state fire
17 marshal, both as to private persons and the state.

18 * * *

19 §2017.11. Fees for review of plans

20 There shall be a charge of five dollars per page for all plans or specifications
21 for hospitals, ambulatory surgical centers, nursing homes, and group or community
22 homes or other residential living options which are submitted for review to the

1 Department of ~~Health and Hospitals~~ Public Safety and Corrections, office of state
 2 fire marshal, or its designee pursuant to rules promulgated ~~by the department~~ in
 3 accordance with the Administrative Procedure Act. There shall be a minimum
 4 charge of twenty-five dollars and a maximum charge of three hundred dollars, plus
 5 a postage and handling fee of ten dollars. Such costs shall be paid prior to review by
 6 the owner of the project for which the review is requested.

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

St. Germain

HB No. 541

Abstract: Authorizes the fire marshal to conduct reviews for certain plans or specifications for facilities licensed or certified by the Dept. of Health and Hospitals and to collect the charges for that review.

Present law (R.S. 40:2017.11) provides for a charge of \$5 per page for all plans or specifications for hospitals, ambulatory surgical centers, nursing homes, and group or community homes or other residential living options which are submitted for review to the Dept. of Health and Hospitals or its designee pursuant to rules promulgated by the department. Further, provides for a minimum charge of \$25 and a maximum charge of \$300, plus a postage and handling fee of \$10. Requires that these costs be paid prior to review by the owner of the project for which the review is requested.

Proposed law retains present law except authorizes the fire marshal, instead of DHH, to conduct the review of the plans and specifications for the same present law charges and allows for rules to be promulgated in accordance with the Administrative Procedure Act.

Proposed law (R.S. 40:1563(L)) authorizes the fire marshal to conduct plan reviews for plans or specifications for facilities licensed or certified by the Dept. of Health and Hospitals which are submitted for review to the fire marshal pursuant to rules promulgated by the department, in consultation with the fire marshal, both as to private persons and the state.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2017.11; Adds R.S. 40:1563(L))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Authorized the fire marshal to conduct plan reviews for plans or specifications for facilities licensed by DHH.
2. Deleted authority for fire marshal to charge certain fees for plan review of DHH facilities and instead allows the fire marshal to collect the fees charged under present law by DHH.
3. Specified promulgation of rules regarding charges should be in accordance with the APA.
4. Allowed consultation from the fire marshal regarding rules promulgated by DHH for the submission of plans for review.