2022 Regular Session

HOUSE BILL NO. 757

BY REPRESENTATIVE SCHEXNAYDER

FIRE PROTECT/FIRE MARSHAL: Provides relative to firefighter training

AN ACT

To amend and reenact R.S. 22:347(A)(2) and (3), 837(C), and 1462(E), R.S. 37:1732(A) and (C), and R.S. 40:1541(A), (B), (C)(7), and (D), 1543, 1544, 1546, 1547, 1551(C), 1563(C)(2)(b), 1666.1(A)(2), (4)(a), and (6)(a), and (B), to enact R.S. 40:1541(E) and (F) and 1562.1(E), and to repeal R.S. 36:651(K)(9), relative to fire fighter training; to provide for the transfer of the Fire and Emergency Training Institute; to provide that the responsibility and administration of firemen training programs be transferred from Louisiana State University to the office of state fire marshal, to provide that the office of state fire marshal is officially designated as the official agency for firemen training; to provide for the appointment of the superintendent of the Louisiana Fire and Emergency Training Commission; to replace references of Louisiana State University as the state agency, program administrator, administrator for funds, or training coordinator for firemen training with the office of state fire marshal; to rename the Fire and Emergency Training Institute to the Fire and Emergency Training Academy; to rename the Louisiana State University Firemen Training Program Film Library Fund to the Office of State Fire Marshal Training Program Film Library Fund; to provide for the addition of the fire and emergency training section in the office of state fire marshal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:347(A)(2) and (3), 837(C), and 1462(E) are hereby amended and reenacted to read as follows:

§347. Disposition of tax money

A. Monies collected under R.S. 22:342 through 349, after being first credited to the Bond Security and Redemption Fund in accordance with Article VII, Section 9(B) of the Constitution of Louisiana, shall be credited to a special fund hereby established in the state treasury and known as the "Two Percent Fire Insurance Fund" hereinafter the "fund". Monies in the fund shall be available in amounts appropriated annually by the legislature for the following purposes in the following order of priority:

  * * *

(2)(a) For the Fire and Emergency Training Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal for allocation to the Pine Country Education Center in the parish of Webster, the sum of seventy thousand dollars per year, which shall be transferred without imposition of administrative fee or cost, to be used to develop and operate a firefighter training center operated in accordance with the standards and requirements of the Fire and Emergency Training Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal.

(b) For the Fire and Emergency Training Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal for allocation to Delgado Community College, the sum of seventy thousand dollars per year, which shall be transferred without imposition of administrative fee or cost, to be used to develop and operate a firefighter training center operated in accordance with the standards and requirements of the Fire and Emergency Training Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal.

(3) For the Fire and Emergency Training Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal.
the sum of seventy thousand dollars per year for support of the firefighter training
program.

§837. Assessment on insurance premiums; method of collection; disbursement

C. The state treasurer shall credit the proceeds from such assessment to a
special account established in the state treasury from which disbursement shall be
made by the state treasurer of all the funds collected from such assessment to the
Louisiana State University and Agricultural and Mechanical College, Division of
Continuing Education the Louisiana State Fire Marshal Fund as provided in R.S.
22:835, to be used solely for the expenses in connection with the in-service fireman
training program and the necessary facilities in connection therewith.

§1462. Request for review of public fire protection grading

E. A fire chief shall not have authority to request the board to review a
public fire protection grading unless he or his designee has attended the Professional
Grading Assistance Program class, or has attended a class on the fire suppression
grading schedule sponsored by the Louisiana Fire Chiefs Association or the
Louisiana State Firemen’s Association, or has attended a training seminar related to
fire suppression grading that has been approved by either the Property Insurance
Association of Louisiana or the Louisiana State University office of state fire
marshal Fire and Emergency Training Institute Academy.

Section 2. R.S. 37:1732(A) and (C) are hereby amended and reenacted to read as
follows:

§1732. Immunity from liability for emergency medical assistance or first aid

A. Any fireman, policeman, or member of an ambulance or rescue squad
who holds a valid current certification by the American Red Cross, L.S.U. Fireman
Training Rescue Program the office of state fire marshal Fire and Emergency Training Academy, United States Bureau of Mines, or any equivalent training program approved by the Louisiana Department of Health who renders emergency care, first aid, or rescue while in the performance of his duties at the scene of an emergency or moves a person receiving such care, first aid, or rescue to a hospital or other place of medical care shall not be individually liable to such person for civil damages as a result of acts or omissions in rendering the emergency care, first aid, rescue, or movement of such person receiving same to a hospital or other place of medical care except for acts or omissions intentionally designed to harm or grossly negligent acts or omissions that result in harm to such person, but nothing herein shall relieve the driver of an ambulance or other emergency or rescue vehicle from liability arising from the operation or use of such vehicle.

*          *          *

C. In order for any fireman, policeman, or member of an ambulance or rescue squad to receive the benefit of the exemption from civil liability provided for herein, he must first have taken, successfully completed, and hold a valid certificate of completion of the standard first aid course recognized or approved by the American Red Cross, the United States Bureau of Mines, the L.S.U. Fireman Training Rescue Program office of state fire marshal Fire and Emergency Training Academy, or any equivalent training program approved by the Louisiana Department of Health, and further he shall have a valid certification from the Red Cross, the United States Bureau of Mines, the L.S.U. Fireman Training Rescue Program office of state fire marshal Fire and Emergency Training Academy, or the Louisiana Department of Health that he has successfully completed any necessary training or refresher courses. Any such certification or refresher courses shall have standards at least equal to the standard first aid course recognized or approved by the American Red Cross, United States Bureau of Mines, or the L.S.U. Fireman Training Rescue Program office of state fire marshal Fire and Emergency Training Program.

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Section 3. R.S. 40:1541(A), (B), (C)(7), and (D), 1543, 1544, 1546, 1547, 1551(C), 1563(C)(2)(b), and 1666.1(A)(2), (4)(a), (6)(a), and (B) are hereby amended and reenacted and R.S. 40:1541(E) and (F) and 1562.1(E) are hereby enacted to read as follows:

PART II-A.  FIREMEN; TRAINING AND CERTIFICATION;

LOUISIANA STATE UNIVERSITY; LOUISIANA FIRE AND EMERGENCY TRAINING COMMISSION

§1541.  Louisiana State University State fire marshal; official agency for training

A.  Louisiana State University The office of state fire marshal is hereby officially designated as the agency of this state to conduct at its Baton Rouge campus training for in-service firemen on a statewide basis in which firemen from any and all duly constituted fire departments and private or commercial industrial and allied emergency services may participate, and to coordinate and conduct other firemen training programs at other training locations as provided in this Part and transfer such training to the office of state fire marshal.  This Part shall not be construed as affecting the authority of any fire department to conduct training for its own personnel.

B.  Louisiana State University The office of state fire marshal shall conduct training programs and perform its functions as provided in this Part with the advice and guidance of the Louisiana Fire and Emergency Training Commission created by this Section.

C.

* * *

(7)  The commission shall meet at least once each month quarterly.  Other meetings may be called by the chairman on his own initiative and shall be called by him at the request of three or more members of the commission within fourteen days of such request.  Each member shall be notified by the chairman in writing of the time and place of a meeting at least seven days before the meeting.

* * *
D. The commission shall provide advice, guidance, and recommendations to the university office of state fire marshal relative to the approval of matters including but not limited to the following:

(1) Hiring a qualified person to serve as executive director, including review of candidates for the position, fixing the salary, defining the duties, and recommending to Louisiana State University the final selection of a candidate. The commission shall be given not less than sixty days after the posting of a vacancy in the position to recommend a candidate to fill the vacancy.

(2) Employment of management, other directors, and clerical, technical, legal, and other assistance for the conduct of the university's functions pursuant to this Part, including the defining of duties. The commission shall be given not less than sixty days after the posting of a vacancy in any position to recommend a candidate to fill the vacancy. Approval of an organizational chart outlining the arrangement of personnel needed for the conduct of the office of state fire marshal's functions pursuant to this Part.

(3) All aspects of the conduct of fire and emergency training and training programs, including curricula and performance of the university's office of state fire marshal functions pursuant to this Part.

(4) Prioritization of training throughout the state.

(5) The annual budget for the conduct of the university's functions pursuant to this Part, including management of funds and recovery of the cost of classes. The university shall submit the proposed annual budget for the program to the commission for review prior to its final adoption.

(6) Recommendations to be made by the university office of state fire marshal to the legislature relative to the university's office of state fire marshal's functions pursuant to this Part.

(7) The acceptance of any and all appropriate donations and grants of money, equipment, supplies, materials, and services and their receipt, use, and disposal. The commission shall be apprised of all grant opportunities available to
the Louisiana State University office of state fire marshal. Fire and Emergency Training Institute Academy and all grant applications submitted on behalf of the institute academy individually or in conjunction with other institutions or programs of the university office of state fire marshal.

E. The state fire marshal, subject to the approval of the commission, shall appoint a qualified person to serve as the superintendent of the Louisiana Fire and Emergency Academy.

F. Notwithstanding any provision of law to the contrary, the commission may certify educators to conduct fire-based emergency medical services training in preparation for licensure and such training shall be accepted by the Bureau of Emergency Medical Services.

*   *   *

§1543. Certification

A. Certification for successful completion of prescribed courses shall be issued by the Office of Academic Affairs, Louisiana State University, Baton Rouge office of state fire marshal.

B. The Office of Academic Affairs, Louisiana State University office of state fire marshal, shall develop a program to issue a reciprocity certification to a person who has been timely certified by an accreditation by the International Fire Service Accreditation Congress, at the appropriate accredited certification level.

§1544. Administration of federal funds

The Office of Academic Affairs, Louisiana State University, Baton Rouge, office of state fire marshal is designated as administrator for all federal fire training and education funds; however, this Section shall not prohibit local governmental subdivisions or Delgado Vocational Technical Junior College from applying for, receiving, and administering federal funds for fire training and education.

§1546. Coordination of state, private, and federal efforts

Each state institution, state agency, or private agency, providing training for the fire service shall coordinate such efforts with the firemen training program...
through the Office of Academic Affairs at Louisiana State University office of state fire marshal to prevent duplication of efforts, duplication of cost, and to ensure standardization. Louisiana State University The office of state fire marshal is hereby designated as the state agency for the coordination of training for the fire service provided by any federal government agency.

§1547. Louisiana State University Firemen Training Program Office of state fire marshal Fire and Emergency Training Academy Film Library Fund; creation

A. The Louisiana State University Firemen Training Program office of state fire marshal Fire and Emergency Training Academy located at Baton Rouge is hereby authorized to create the Louisiana State University Firemen Training Program an office of state fire marshal Fire and Emergency Training Academy Film Library Fund for the establishment of a film library.

B. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated to pay all obligations secured by the full faith and credit of the state which become due and payable within a fiscal year, the treasurer in each fiscal year, shall pay into a special fund, which is hereby created in the state treasury and designated as the Louisiana State University Firemen Training Program office of state fire marshal Fire and Emergency Training Program Film Library Fund, the sum of Fifty Thousand Dollars to be appropriated by the legislature. The sum herein appropriated shall be in addition to any other appropriations made to the Louisiana State University Firemen Training Program office of state fire marshal Fire and Emergency Training Academy.

C. The Film Library herein created shall provide training films, public education fire service films, and fire prevention films to be used by the volunteer fire departments, paid fire departments, and industrial fire brigades of the state of Louisiana. The library shall be operated by and under the jurisdiction of the Firemen Training Program of Louisiana State University Fire and Emergency Training Program of the office of state fire marshal located at Baton Rouge.

CODING: Words in **struck through** type are deletions from existing law; words **underscored** are additions.
§1551. Creation; authority of parish governing authorities; purpose

C. In providing training for the fire service, the district shall coordinate such efforts with the Louisiana State University office of state fire marshal Fire and Emergency Training Institute, through the office of Academic Affairs Academy, to prevent duplication of efforts and duplication of cost, and to insure standardization in accordance with R.S. 40:1541 et seq. In addition, all aspects of the training, including but not limited to personnel, participants, programs, and courses, shall be certified by and through the Fire and Emergency Training Institute at Louisiana State University Academy of the office of state fire marshal.

§1562.1. Organization of fire marshal's office

The fire marshal's office shall be organized into the following sections:

E. Fire and emergency training

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

C. (2) The local governing authority may properly establish a fire prevention bureau by special ordinance and accompanying resolution as provided in this Section and a fire prevention bureau thus established may apply for certification by the fire marshal to perform inspections on behalf of the fire marshal solely through adoption of the special ordinance which conforms to the following requirements which are applicable to existing fire prevention bureaus:
(b) The fire prevention bureau shall be staffed with qualified individuals whose credentials have been reviewed by the fire marshal and who have successfully completed, according to criteria established by the fire marshal, special training in fire inspection and fire codes in a course approved by the fire marshal at the Louisiana State University office of state fire marshal Fire and Emergency Training Institute Academy or a course deemed equivalent or superseding by the fire marshal.

*          *          *

§1666.1. Extra compensation

A.

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(2) The term "employee" as used herein expressly excludes any person hired primarily to perform secretarial and clerical duties, switchboard operators, secretaries, record clerks, maintenance personnel, and mechanics; it shall expressly exclude employees hired after March 31, 1986, who have not completed and passed a certified fireman's training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a firemen's training program as approved by the Louisiana State University Firemen Training Program office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq.; and it shall also expressly exclude part-time employees and volunteers of such municipal, parish, tribe, or fire protection district fire departments.

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(4)(a) Every fire protection officer who is employed on a full-time basis by a port authority headquartered in the city of New Orleans shall be paid by the state extra compensation in the amount of five hundred dollars per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing such fire protection officers. To be eligible for the extra compensation, each such fire protection officer shall have completed one year of service, and any such fire protection officer hired after March 31, 1986, shall also have completed and passed a certified fireman's training program equal to...
National Fire Protection Association Standard 1001 Firefighter I Certification or a
firemen's training program as approved by the Louisiana State University Firemen
Training Program office of state fire marshal Fire and Emergency Training Academy
in accordance with R.S. 40:1541 et seq., or other state or federally approved
maritime firefighter training program.

* * *

(6)(a) Every fire protection officer who is employed on a full-time basis by
the Plaquemines Port Harbor and Terminal District shall be paid by the state extra
compensation in the amount of five hundred dollars per month in addition to the
compensation now paid to him by his employer out of self-generated revenue
attributable to the agency employing the fire protection officers. To be eligible for
the extra compensation, each fire protection officer shall have completed one year
of service, and any fire protection officer hired after March 31, 1986, shall also have
completed and passed a certified fireman's training program equal to National Fire
Protection Association Standard 1001 Firefighter I Certification or a firemen's
training program as approved by the Louisiana State University Firemen Training
Program office of state fire marshal Fire and Emergency Training Academy in
accordance with R.S. 40:1541 et seq., or other state or federally approved maritime
firefighter training program.

* * *

B. In computing the period of service required by Subsection A of this
Section, prior service of employees who have returned or who hereafter return to
such service shall be included; provided that service in any municipal, parish, tribe,
or fire protection district fire department, whether with the same fire department or
not, shall be used in computing such prior service. Notwithstanding the provisions
of Subsection A to the contrary, any employee who received state supplemental pay
prior to March 31, 1986, and returns to such service shall be entitled to receive state
supplemental pay whether or not such employee completes training for and obtains
National Fire Protection Association Standard 1001 Firefighter I certification or
completes training and receives certification from a fireman's training program as approved by the Louisiana State University Firemen Training Program office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq.

Section 2. R.S. 36:651(K)(9) is hereby repealed in its entirety.

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)]

HB 757 Original 2022 Regular Session Schexnayder

Abstract: Transfers the Fire and Emergency Training Institute from Louisiana State University to the office of state fire marshal, renames the institute the Fire and Emergency Training Academy, and changes relevant references of Louisiana State University as the agency for firemen training to the office of state fire marshal.

Present law creates the designates Louisiana State University officially as the state agency responsible for conducting training for in-service firemen.

Proposed law transfers the responsibility for conducting training for in-service firemen from Louisiana State University to the office of state fire marshal.

Proposed law changes references of Louisiana State University throughout present law related to the administration or responsibility of firemen training or funding for firemen training and changes such references to the office of state fire marshal to reflect the transfer of firemen training responsibilities as provided for in proposed law.

Present law provides for the Louisiana State University Fire and Emergency Training Institute, and proposed law renames the training program the Office of State Fire Marshal Fire and Emergency Training Academy.

Present law creates the Louisiana Fire and Emergency Training Commission, entrusts the commission with the responsibility of providing certain advice and guidance to Louisiana State University relative to decisions regarding firemen training programs, and provides for the composition, responsibilities, and employment recommendation authority of the commission.

Proposed law retains present law but provides that the commission provide such advice and guidance to the office of state fire marshal, removes the authority of the commission to provide employment recommendations, and adds that the commission has the authority to approve an organizational chart providing for the arrangement of the personnel necessary for the office of the state fire marshal to conduct its functions as required by present and proposed law.

Present law requires the commission to meet at least monthly.

Proposed law requires the commission to meet at least quarterly.
Proposed law requires the fire marshal to appoint a superintendent over such personnel.

Present law creates a fund called the Louisiana State University Firemen Training Program Film Library Fund for the establishment of a film library to provide training films, public education fire service films, and fire prevention films to fire departments and fire brigades of this state.

Proposed law retains present law, but changes the name of the fund to the Fire and Emergency Training Academy Film Library Fund.

Present law provides for the organization of the office of state fire marshal into certain sections.

Proposed law retains present law and adds the fire and emergency training section.

Present law provides that the Louisiana Fire and Emergency Training Commission be placed within the Department of Education.

Proposed law repeals present law.

(Amends R.S. 22:347(A)(2) and (3), 837(C), and 1462(E), R.S. 37:1732(A) and (C), and R.S. 40:1541(A), (B), (C)(7), and (D), 1543, 1544, 1546, 1547, 1551(C), 1563(C)(2)(b), and 1666.1(A)(2), (4)(a), (6)(a), and (B); Adds R.S. 40:1541(E) and (F) and 1562.1(E); Repeals R.S. 36:651(K)(9))