

LEGISLATIVE FISCAL OFFICE

Fiscal Note



Fiscal Note On: **SB 265** SLS 18RS 474

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: March 23, 2018 2:52 PM	Author: MORRELL
Dept./Agy.: Dept. of Public Safety/Office of State Fire Marshal	Analyst: Ryan Guidry
Subject: Required Elevator Access at Multistory Courthouses	

COURTS EG INCREASE GF EX See Note Page 1 of 1
 Provides for minimum standards for elevator access to multistory courthouses for the disabled community. (8/1/18)

Proposed law provides that any courthouse shall be made accessible pursuant to ADA Standards subject only to the limitations or exceptions provided for in present law. Proposed law further provides that any multistory courthouse shall have at least one-half of all of its elevators in proper working service at all times and shall be made accessible in accordance with the ADA Standards and rules promulgated by the fire marshal pursuant to the APA.

Proposed law provides that any multistory courthouse shall be authorized to take each elevator out of service for repairs and maintenance no more than two weeks per calendar year. Proposed law provides that failure to comply with proposed law shall be considered a "defacto admission of fault" under the ADA Standards. Proposed law provides that any person who violates or fails to comply with the provisions of proposed law shall be subject to a fine of \$5,000 per day which shall be paid by the owner of the building.

EXPENDITURES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Annual Total						

REVENUES	2018-19	2019-20	2020-21	2021-22	2022-23	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

EXPENDITURE EXPLANATION

Proposed law will increase expenditures for the state and local governments.

Proposed law requires that every multistory courthouse shall have one-half of all of its elevators in proper working service at all times, and each elevator may be taken out of service for repairs and maintenance no more than 14 days each calendar year. Furthermore, a \$5,000 per day fine is applicable for any violation of the proposed law in addition to any penalties that exist in current law. The proposed legislation would result in a penalty of \$5,000 per day for any multistory courthouse whose elevators are out of service more than 14 days in any calendar year. This penalty would be paid by the owner of the building.

The Office of the State Fire Marshal (OSFM) does not perform regular inspections of courthouse elevators and instead would rely on the reporting of violations. When a violation is reported, OSFM would perform an investigation and would assess penalties for violations accordingly. These penalties would apply to all multistory courthouses owned by state, local municipalities, and any other natural or juridical person. The OSFM has no authority for enforcement in regards to federal courthouses.

Additionally, proposed law adds all courthouses to the list of those buildings that must be made accessible pursuant to ADA Standards and subject to limitations provided for in present law. The OSFM reports that current ADA standards apply only to new construction and alterations to existing structure, and therefore this portion of proposed law would not have any expenditure impact on existing courthouses.

REVENUE EXPLANATION

Proposed law will increase SGR for the Office of the State Fire Marshal by \$5,000 per day for each violation at any multistory courthouse owned by the state, local municipalities, or any other respective owner.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
Evan Brasseaux
Staff Director