

2022 Regular Session

HOUSE BILL NO. 757

BY REPRESENTATIVE SCHEXNAYDER

FIRE PROTECT/FIRE MARSHAL: Provides relative to firefighter training

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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), (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 firefighter training; to provide for the transfer of the Fire and Emergency Training Institute; to provide that the responsibility and administration of firefighter 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 firefighter 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 firefighter 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:

1 Section 1. R.S. 22:347(A)(2) and (3), 837(C), and 1462(E) are hereby amended and
2 reenacted to read as follows:

3 §347. Disposition of tax money

4 A. Monies collected under R.S. 22:342 through 349, after being first credited
5 to the Bond Security and Redemption Fund in accordance with Article VII, Section
6 9(B) of the Constitution of Louisiana, shall be credited to a special fund hereby
7 established in the state treasury and known as the "Two Percent Fire Insurance Fund"
8 hereinafter the "fund". Monies in the fund shall be available in amounts appropriated
9 annually by the legislature for the following purposes in the following order of
10 priority:

11 * * *

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

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

28 (3) For the Fire and Emergency Training ~~Institute at Louisiana State~~
29 ~~University at Baton Rouge~~ Academy administered by the office of state fire marshal,

1 the sum of seventy thousand dollars per year for support of the firefighter training
2 program.

3 * * *

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

5 * * *

6 C. The state treasurer shall credit the proceeds from such assessment to a
7 ~~special account established in the state treasury from which disbursement shall be~~
8 ~~made by the state treasurer of all the funds collected from such assessment to the~~
9 ~~Louisiana State University and Agricultural and Mechanical College, Division of~~
10 ~~Continuing Education~~ the Louisiana State Fire Marshal Fund as provided in R.S.
11 22:835, to be used solely for the expenses in connection with the in-service fireman
12 training program and the necessary facilities in connection therewith.

13 * * *

14 §1462. Request for review of public fire protection grading

15 * * *

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

24 * * *

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

27 §1732. Immunity from liability for emergency medical assistance or first aid

28 A. Any fireman, policeman, or member of an ambulance or rescue squad
29 who holds a valid current certification by the American Red Cross, ~~L.S.U. Fireman~~

1 ~~Training Rescue Program~~ the office of state fire marshal Fire and Emergency
2 Training Academy, United States Bureau of Mines, or any equivalent training
3 program approved by the Louisiana Department of Health who renders emergency
4 care, first aid, or rescue while in the performance of his duties at the scene of an
5 emergency or moves a person receiving such care, first aid, or rescue to a hospital
6 or other place of medical care shall not be individually liable to such person for civil
7 damages as a result of acts or omissions in rendering the emergency care, first aid,
8 rescue, or movement of such person receiving same to a hospital or other place of
9 medical care except for acts or omissions intentionally designed to harm or grossly
10 negligent acts or omissions that result in harm to such person, but nothing herein
11 shall relieve the driver of an ambulance or other emergency or rescue vehicle from
12 liability arising from the operation or use of such vehicle.

* * *

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

* * *

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

4 PART II-A. ~~FIREMEN~~ FIREFIGHTER; TRAINING AND CERTIFICATION;
5 ~~LOUISIANA STATE UNIVERSITY~~; LOUISIANA FIRE AND
6 EMERGENCY TRAINING COMMISSION

7 §1541. ~~Louisiana State University~~ State fire marshal; official agency for training

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

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

21 C.

22 * * *

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

28 * * *

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

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

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

16 (3) ~~(2)~~ All aspects of the conduct of fire and emergency training and training
17 programs, including curricula and performance of the ~~university's~~ office of state fire
18 marshal functions pursuant to this Part.

19 (4) ~~(3)~~ Prioritization of training throughout the state.

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

24 (6) ~~(4)~~ Recommendations to be made by the ~~university~~ office of state fire
25 marshal to the legislature relative to the ~~university's~~ office of state fire marshal's
26 functions pursuant to this Part.

27 (7) ~~(5)~~ The acceptance of any and all appropriate donations and grants of
28 money, equipment, supplies, materials, and services and their receipt, use, and
29 disposal. The commission shall be apprised of all grant opportunities available to

1 the ~~Louisiana State University~~ office of state fire marshal Fire and Emergency
2 Training ~~Institute~~ Academy and all grant applications submitted on behalf of the
3 ~~institute~~ academy individually or in conjunction with other institutions or programs
4 of the ~~university~~ office of state fire marshal.

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

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

12 * * *

13 §1543. Certification

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

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

21 §1544. Administration of federal funds

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

27 §1546. Coordination of state, private, and federal efforts

28 Each state institution, state agency, or private agency, providing training for
29 the fire service shall coordinate such efforts with the ~~firemen~~ firefighter training

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

1 program through the ~~Office of Academic Affairs at Louisiana State University~~ office
 2 of state fire marshal to prevent duplication of efforts, duplication of cost, and to
 3 ensure standardization. ~~Louisiana State University~~ The office of state fire marshal
 4 is hereby designated as the state agency for the coordination of training for the fire
 5 service provided by any federal government agency.

6 §1547. ~~Louisiana State University Firemen Training Program~~ Office of state fire
 7 marshal Fire and Emergency Training Academy Film Library Fund; creation

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

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

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

1 §1551. Creation; authority of parish governing authorities; purpose

2 * * *

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

11 * * *

12 §1562.1. Organization of fire marshal's office

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

14 * * *

15 E. Fire and emergency training

16 §1563. Powers and duties generally; use of deputies; responsibilities of local
17 governing authorities with fire prevention bureaus; open structures and
18 process structures; fees

19 * * *

20 C.

21 * * *

22 (2) The local governing authority may properly establish a fire prevention
23 bureau by special ordinance and accompanying resolution as provided in this Section
24 and a fire prevention bureau thus established may apply for certification by the fire
25 marshal to perform inspections on behalf of the fire marshal solely through adoption
26 of the special ordinance which conforms to the following requirements which are
27 applicable to existing fire prevention bureaus:

28 * * *

1 (b) The fire prevention bureau shall be staffed with qualified individuals
 2 whose credentials have been reviewed by the fire marshal and who have successfully
 3 completed, according to criteria established by the fire marshal, special training in
 4 fire inspection and fire codes in a course approved by the fire marshal at the
 5 ~~Louisiana State University~~ office of state fire marshal Fire and Emergency Training
 6 ~~Institute~~ Academy or a course deemed equivalent or superseding by the fire marshal.

7 * * *

8 §1666.1. Extra compensation

9 A.

10 * * *

11 (2) The term "employee" as used herein expressly excludes any person hired
 12 primarily to perform secretarial and clerical duties, switchboard operators,
 13 secretaries, record clerks, maintenance personnel, and mechanics; it shall expressly
 14 exclude employees hired after March 31, 1986, who have not completed and passed
 15 a certified fireman's training program equal to National Fire Protection Association
 16 Standard 1001 Firefighter I Certification or a ~~firemen's~~ firefighter's training program
 17 as approved by the ~~Louisiana State University Firemen Training Program~~ office of
 18 state fire marshal Fire and Emergency Training Academy in accordance with R.S.
 19 40:1541 et seq.; and it shall also expressly exclude part-time employees and
 20 volunteers of such municipal, parish, tribe, or fire protection district fire departments.

21 * * *

22 (4)(a) Every fire protection officer who is employed on a full-time basis by
 23 a port authority headquartered in the city of New Orleans shall be paid by the state
 24 extra compensation in the amount of five hundred dollars per month in addition to
 25 the compensation now paid to him by his employer out of self-generated revenue
 26 attributable to the agency employing such fire protection officers. To be eligible for
 27 the extra compensation, each such fire protection officer shall have completed one
 28 year of service, and any such fire protection officer hired after March 31, 1986, shall
 29 also have completed and passed a certified fireman's training program equal to

1 National Fire Protection Association Standard 1001 Firefighter I Certification or a
2 ~~firemen's~~ firefighter's training program as approved by the ~~Louisiana State~~
3 ~~University Firemen Training Program~~ office of state fire marshal Fire and
4 Emergency Training Academy in accordance with R.S. 40:1541 et seq., or other state
5 or federally approved maritime firefighter training program.

6 * * *

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

20 * * *

21 B. In computing the period of service required by Subsection A of this
22 Section, prior service of employees who have returned or who hereafter return to
23 such service shall be included; provided that service in any municipal, parish, tribe,
24 or fire protection district fire department, whether with the same fire department or
25 not, shall be used in computing such prior service. Notwithstanding the provisions
26 of Subsection A to the contrary, any employee who received state supplemental pay
27 prior to March 31, 1986, and returns to such service shall be entitled to receive state
28 supplemental pay whether or not such employee completes training for and obtains
29 National Fire Protection Association Standard 1001 Firefighter I ~~certification~~

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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.