

ACT No. 231

2022 Regular Session

HOUSE BILL NO. 757

BY REPRESENTATIVE SCHEXNAYDER

1 AN ACT

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

19 Be it enacted by the Legislature of Louisiana:

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

22 §347. Disposition of tax money

23 A. Monies collected under R.S. 22:342 through 349, after being first credited
24 to the Bond Security and Redemption Fund in accordance with Article VII, Section
25 9(B) of the Constitution of Louisiana, shall be credited to a special fund hereby

1 established in the state treasury and known as the "Two Percent Fire Insurance Fund"
2 hereinafter the "fund". Monies in the fund shall be available in amounts appropriated
3 annually by the legislature for the following purposes in the following order of
4 priority:

5 * * *

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

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

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

26 * * *

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

28 * * *

29 C. The state treasurer shall credit the proceeds from such assessment to a
30 ~~special account established in the state treasury from which disbursement shall be~~

1 made by the state treasurer of all the funds collected from such assessment to the
2 Louisiana State University and Agricultural and Mechanical College, Division of
3 Continuing Education the Louisiana State Fire Marshal Fund as provided in R.S.
4 22:835, to be used solely for the expenses in connection with the in-service fireman
5 training program and the necessary facilities in connection therewith.

6 * * *

7 §1462. Request for review of public fire protection grading

8 * * *

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

17 * * *

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

20 §1732. Immunity from liability for emergency medical assistance or first aid

21 A. Any fireman, policeman, or member of an ambulance or rescue squad
22 who holds a valid current certification by the American Red Cross, ~~L.S.U. Fireman~~
23 ~~Training Rescue Program~~ the office of state fire marshal Fire and Emergency
24 Training Academy, United States Bureau of Mines, or any equivalent training
25 program approved by the Louisiana Department of Health who renders emergency
26 care, first aid, or rescue while in the performance of his duties at the scene of an
27 emergency or moves a person receiving such care, first aid, or rescue to a hospital
28 or other place of medical care shall not be individually liable to such person for civil
29 damages as a result of acts or omissions in rendering the emergency care, first aid,
30 rescue, or movement of such person receiving same to a hospital or other place of

1 medical care except for acts or omissions intentionally designed to harm or grossly
2 negligent acts or omissions that result in harm to such person, but nothing herein
3 shall relieve the driver of an ambulance or other emergency or rescue vehicle from
4 liability arising from the operation or use of such vehicle.

5 * * *

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

21 * * *

22 Section 3. R.S. 40:1541(A), (B), (C)(7), and (D), 1543, 1544, 1546, 1547, 1551(C),
23 1563(C)(2)(b), and 1666.1(A)(2), (4)(a), (6)(a), and (B) are hereby amended and reenacted
24 and R.S. 40:1541(E) and (F) and 1562.1(E) are hereby enacted to read as follows:

25 PART II-A. ~~FIREMEN~~ FIREFIGHTER; TRAINING AND CERTIFICATION;

26 ~~LOUISIANA STATE UNIVERSITY~~; LOUISIANA FIRE AND

27 EMERGENCY TRAINING COMMISSION

28 §1541. ~~Louisiana State University~~ State fire marshal; official agency for training

29 A. ~~Louisiana State University~~ The office of state fire marshal is hereby
30 officially designated as the agency of this state to conduct ~~at its Baton Rouge campus~~

1 training for in-service ~~firemen~~ firefighters on a statewide basis in which ~~firemen~~
 2 firefighters from any and all duly constituted fire departments and private or
 3 commercial industrial and allied emergency services may participate, and to
 4 coordinate and conduct other ~~firemen~~ firefighter training programs at other training
 5 locations as provided in this Part and transfer such training to the office of state fire
 6 marshal. This Part shall not be construed as affecting the authority of any fire
 7 department to conduct training for its own personnel.

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

12 C.

13 * * *

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

19 * * *

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

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

28 (2) ~~Employment of management, other directors, and clerical, technical,~~
 29 ~~legal, and other assistance for the conduct of the university's functions pursuant to~~
 30 ~~this Part, including the defining of duties. The commission shall be given not less~~

1 ~~than sixty days after the posting of a vacancy in any position to recommend a~~
2 ~~candidate to fill the vacancy.~~ Approval of an organizational chart outlining the
3 arrangement of personnel needed for the conduct of the office of state fire marshal's
4 functions pursuant to this Part.

5 ~~(3)~~ (2) All aspects of the conduct of fire and emergency training and training
6 programs, including curricula and performance of the ~~university's~~ office of state fire
7 marshal functions pursuant to this Part.

8 ~~(4)~~ (3) Prioritization of training throughout the state.

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

13 ~~(6)~~ (4) Recommendations to be made by the ~~university~~ office of state fire
14 marshal to the legislature relative to the ~~university's~~ office of state fire marshal's
15 functions pursuant to this Part.

16 ~~(7)~~ (5) The acceptance of any and all appropriate donations and grants of
17 money, equipment, supplies, materials, and services and their receipt, use, and
18 disposal. The commission shall be apprised of all grant opportunities available to
19 the ~~Louisiana State University~~ office of state fire marshal Fire and Emergency
20 Training ~~Institute~~ Academy and all grant applications submitted on behalf of the
21 ~~institute~~ academy individually or in conjunction with other institutions or programs
22 of the ~~university~~ office of state fire marshal.

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

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

30 * * *

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

1 §1543. Certification

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

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

9 §1544. Administration of federal funds

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

15 §1546. Coordination of state, private, and federal efforts

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

23 §1547. ~~Louisiana State University Firemen Training Program~~ Office of state fire
 24 marshal Fire and Emergency Training Academy Film Library Fund; creation

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

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

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

17 §1551. Creation; authority of parish governing authorities; purpose

18 * * *

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

27 * * *

28 §1562.1. Organization of fire marshal's office

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

30 * * *

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

1 E. Fire and emergency training

2 §1563. Powers and duties generally; use of deputies; responsibilities of local
3 governing authorities with fire prevention bureaus; open structures and
4 process structures; fees

5 * * *

6 C.

7 * * *

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

14 * * *

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

21 * * *

22 §1666.1. Extra compensation

23 A.

24 * * *

25 (2) The term "employee" as used herein expressly excludes any person hired
26 primarily to perform secretarial and clerical duties, switchboard operators,
27 secretaries, record clerks, maintenance personnel, and mechanics; it shall expressly
28 exclude employees hired after March 31, 1986, who have not completed and passed
29 a certified fireman's training program equal to National Fire Protection Association
30 Standard 1001 Firefighter I Certification or a ~~firemen's~~ firefighter's training program

1 as approved by the ~~Louisiana State University Firemen Training Program~~ office of
 2 state fire marshal Fire and Emergency Training Academy in accordance with R.S.
 3 40:1541 et seq.; and it shall also expressly exclude part-time employees and
 4 volunteers of such municipal, parish, tribe, or fire protection district fire departments.

5 * * *

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

19 * * *

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

1 in accordance with R.S. 40:1541 et seq., or other state or federally approved
2 maritime firefighter training program.

3 * * *

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

17 * * *

18 Section 4. R.S. 36:651(K)(9) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____