

Regular Session, 2009

HOUSE CONCURRENT RESOLUTION NO. 147

BY REPRESENTATIVE SIMON

A CONCURRENT RESOLUTION

To direct all local governing authorities and public emergency service providers to cease assessing accident response fees or any similar assessment against persons utilizing emergency services and to express intent of the legislature that such fees and assessments are contrary to state law.

WHEREAS, though the free market economy has for centuries proven to be a very productive and efficient system for delivering many of the goods and services that citizens of a country need or want, nonetheless, there are many services that are essential to a civilized society that the free market will not produce or will not produce for all citizens; and

WHEREAS, fire, police, and emergency medical transportation services are examples of services for which governments assume responsibility because, despite their importance, such services would be cost prohibitive for nearly everyone if those few who need the services had to bear the full cost of making them available; and

WHEREAS, recognizing the economic realities of emergency services, the legislature has authorized local governments, which are generally responsible for providing such services, to levy and collect appropriate taxes to finance their provision; and

WHEREAS, it is not the intention of the legislature that, in addition to the authorized revenue streams, the local government entities or emergency service providers charge additional fees to those who require the services; the point is that these services are public goods that should be made available to the public at large whenever they are needed; they are not private goods available based on ability to pay; and

WHEREAS, thus the practice of accident response fees and similar fee-for-service assessments that are being implemented in some jurisdictions around the country is not appropriate in Louisiana; and

WHEREAS, in cases of gross irresponsibility on the part of an individual who requires emergency responder assistance that could have been avoided, perhaps a penalty assessment for the response is understandable, but any general scheme of shifting the cost

of emergency services to those who use the services undermines the entire scheme established in state law for funding these critical areas of government responsibility.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby direct all local governing authorities and public emergency service providers to cease assessing accident response fees or any similar assessment against persons utilizing emergency services.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby express its intent that any such fee or assessment is contrary to state law and does hereby direct the Louisiana Municipal Association, the Police Jury Association of Louisiana, the Louisiana Sheriffs' Association, the Louisiana Association of Chiefs of Police, the Louisiana Ambulance Alliance, and the Louisiana Fire Chiefs' Association to inform their respective members that the legislature believes that this practice is prohibited.

BE IT FURTHER RESOLVED that this Resolution is not intended to preclude the following:

(1) Charging a user of emergency services for medical care, including medical transportation, that would ordinarily be the patients responsibility.

(2) Charging a user of emergency services for such services if his actions created an unusual and extraordinary expense on the part of the responder.

BE IT FURTHER RESOLVED that the Legislature of Louisiana requests that the legislative auditor report to the legislature on any governing authority or public emergency service provider that he finds is imposing any such fee or assessment.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the executive director of the Louisiana Sheriffs' Association, the executive director of the Louisiana Municipal Association, the executive director of the Police Jury Association of Louisiana, the executive director of the Louisiana Association of Chiefs of Police, the chief executive officer of the Louisiana Ambulance Alliance, and the secretary of the Louisiana Fire Chiefs' Association.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE