

2016 Regular Session

HOUSE BILL NO. 700

BY REPRESENTATIVE STOKES

FEES/LICENSES/PERMITS: Provides relative to fees assessed for certain functions performed by the office of public health

1 AN ACT

2 To amend and reenact R.S. 40:4.7, R.S. 40:31.32(B), (D), and (E), and 31.37(H) and (I) and
3 R.S. 40:31.37, and to enact R.S. 40:31.37(J) and 31.38 through 31.40, relative to fees
4 imposed by the Department of Health and Hospitals, office of public health; to
5 provide for revision and implementation of certain fees collected by the office of
6 public health; to establish plan review and reinspection fees for certain facilities and
7 establishments; to implement permit fees for dairy plants and dairy farms; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:4.7, R.S. 40:31.32(B), (D), and (E), and 31.37(H) and (I) and R.S.
11 40:31.37 are hereby amended and reenacted and R.S. 40:31.37(J) and 31.38 through 31.40
12 are hereby enacted to read as follows:

13 §4.7. New Orleans Jazz and Heritage Festival

14 ~~Food~~ Each food and beverage ~~services~~ vendor at the New Orleans Jazz and
15 Heritage Festival shall be subject to inspection and compliance with applicable
16 provisions of the state sanitary code and especially the special event food and
17 beverage preparation regulations that pertain to equipment, design, construction,
18 utensils, supplies, preparation, and services. The festival shall not be subject to
19 exemptions granted in R.S. 40:4.5. Notwithstanding any statute or rule to the

1 contrary, the department shall charge a permit fee in the amount of thirty-seven
2 dollars and fifty cents to each food and beverage vendor at the festival.

3 * * *

4 §31.32. Individual sewage fees

5 * * *

6 B. The department shall charge and collect a one-time fee of one hundred
7 fifty dollars for each individual-type sewerage system installed for residential use.
8 Such fee shall be payable by the manufacturer or, if authorized by the department,
9 manufacturer-authorized system distributor, franchise, sale, or agent thereof.

10 * * *

11 D.(1) For each sewerage installer license issued to a person who installs
12 sewage treatment systems, the department shall charge and collect an annual fee of
13 one hundred fifty dollars payable by the individual seeking licensure.

14 (2) For each sewerage maintenance license issued to a person who maintains
15 or services sewage treatment systems, the department shall charge and collect an
16 annual fee of one hundred fifty dollars payable by the individual seeking licensure.

17 (3) For each combination installer and maintenance license issued to a
18 person who installs and maintains or services sewage treatment systems, the
19 department shall charge and collect an annual fee of one hundred fifty dollars
20 payable by the individual seeking licensure.

21 E.(1) The department shall charge and collect an inspection fee of one
22 hundred fifty dollars for each sewerage treatment and interrelated systems inspection
23 or related request associated with loanmaking procedures for existing residential and
24 commercial properties. The fee shall be payable by the individual requesting such
25 inspection or related activity.

26 (2) The provisions of Paragraph (E)(1) of this Section shall not be effective
27 unless the department complies with the provisions of ~~R.S. 40:1154.~~ R.S.
28 40:1281.23.

29 * * *

§31.37. Retail food establishment fees

* * *

H. The department shall charge and collect a fee of twenty-five dollars for printing a duplicate copy of any existing permit at the request of the holder thereof.

I. State and local government-owned and operated facilities, churches, and nonprofit organizations, as defined by the United States Internal Revenue Service, are exempt from any fees authorized by this Section.

F. J. Notwithstanding any other provisions of this Section, the department shall not collect retail food establishment fees in an amount that results in the office of public health's retail food section having a surplus of more than three million dollars at the end of any fiscal year.

§31.38. Milk and dairy farm and plant fees

A. The department shall charge an annual fee in the amount of ninety dollars per permit issued to dairy farms and three hundred dollars per permit issued to dairy plants.

B. Terms used in this Section have the meaning set forth in the relevant
portions of the sanitary code.

§31.39. Office of public health reinspection fees

A. The department shall charge a fee of one hundred seventy five dollars to conduct a reinspection of any commercial facility subject to regulation and inspection by the department pursuant to R.S. 40:4 and R.S. 40:5. For existing permitted facilities, the fee shall be assessed to the owner of the reinspected facility by notice served in the same manner provided in the sanitary code for service of a notice of violation, and failure of the owner to pay the fee within twenty days of the service shall be grounds for issuance of an order revoking any permits held by the owner. For unpermitted facilities, the department shall not issue any permits to the owner until any reinspection fees are paid.

B. As used in this Section, "reinspection" means a subsequent inspection
conducted to ascertain remedial compliance related to any previous routine,

1 complaint-based, or preopening inspection that identified at least five sanitary code
2 violations, or at least one sanitary code violation constituting a "critical item" as
3 defined therein, which were not corrected during tge previous inspection. Any
4 reinspection that identifies at least five sanitary code violations, or at least one
5 sanitary code violation constituting a "critical item" as defined therein, which are not
6 corrected during the reinspection shall serve as the basis for an additional
7 reinspection fee.

8 §31.40. Office of public health plan review fees

9 A.(1) The department shall charge and collect a fee for the review of any
10 plans required to be submitted in connection with any permit application for, or
11 required to be submitted in connection with, any modifications, renovations, or
12 changes in ownership, location, or occupancy classification to all of the following
13 facilities or establishments:

14 (a) Food processing plants.

15 (b) Ice plants.

16 (c) Drug manufacturers, processors, repackagers, distributors, wholesalers,
17 or warehouseers.

18 (d) Dairy facilities.

19 (e) Seafood plants, cleaners, shuckers, pickers, peelers, packers.

20 (f) Food establishments.

21 (2) For facilities less than one thousand square feet in size, the fee shall be
22 one hundred dollars.

23 (3) For facilities having a size greater than or equal to one thousand square
24 feet but less than five thousand square feet, the fee shall be two hundred dollars.

25 (4) For facilities having a size greater than or equal to five thousand square
26 feet, the fee shall be three hundred dollars.

27 (5) The department shall charge an additional one hundred dollar fee for
28 plans review of any facility or establishment required to hold more than one permit
29 from the department.

1 B.(1) The department shall charge and collect a fee for the review of any
 2 plans required to be submitted in connection with any permit application for a public
 3 water system, or required to be submitted in connection with any proposed
 4 modifications to an existing previously permitted public water system, in accordance
 5 with the following schedule:

<u>ACTIVITY/ITEM</u>	<u>FEE (each)</u>
<u>Water well construction/development</u>	<u>\$300</u>
<u>Surface water intake construction/development</u>	<u>\$300</u>
<u>Chemical addition (not specified)</u>	<u>\$200</u>
<u>Disinfection system - gaseous (e.g, cl2, clo2, o3)</u>	<u>\$300</u>
<u>Disinfection system - hypochlorinator</u>	<u>\$150</u>
<u>Primary filter on surface water or ground water</u> <u>under direct influence of surface water system</u> <u>(except membrane unit)</u>	<u>\$500</u>
<u>Filter on ground water system or secondary filter</u> <u>for any system (except membrane unit)</u>	<u>\$300</u>
<u>Membrane filtration unit for surface water or ground water</u> <u>under the direct influence of surface water system</u>	<u>\$1,000</u>
<u>Membrane filtration unit for ground water system</u>	<u>\$500</u>
<u>Clarification unit - rapid mix</u>	<u>\$200</u>
<u>Clarification unit - flocculation</u>	<u>\$300</u>
<u>Clarification unit - sedimentation</u>	<u>\$300</u>
<u>Clarification unit - solids contact clarifier</u>	<u>\$500</u>
<u>Other clarification unit not specified</u>	<u>\$500</u>
<u>Pump station</u>	<u>\$250</u>
<u>Storage tank</u>	<u>\$225</u>
<u>Tank recoating</u>	<u>\$75</u>
<u>Sludge treatment and handling</u>	<u>\$150</u>
<u>Water lines 5000 feet or less</u>	<u>\$150</u>

1	<u>Water lines over 5000 feet</u>	<u>\$200</u>
2	<u>Resubmission</u>	<u>\$50</u>
3	<u>Variance request (per item/issue requested)</u>	<u>\$500</u>
4	<u>Engineering report or addendum</u>	<u>\$50</u>
5	<u>Ground water rule 4-log treatment of viruses</u>	
6	<u>for each treatment plant</u>	<u>\$500</u>

7 (2) The department shall charge the applicable fee for each of the above
8 listed activities or items included in any plans submission.

9 C.(1) The department shall charge and collect a fee for the review of any
10 plans required to be submitted in connection with any permit application for a
11 community sewage system, or required to be submitted in connection with any
12 proposed modifications to an existing previously permitted community sewage
13 system, in accordance with the following schedule:

14	<u>ACTIVITY/ITEM</u>	<u>FEE (each)</u>
15	<u>Wastewater plants; average daily flow (gpd):</u>	
16	<u>0 - 3000</u>	<u>\$250</u>
17	<u>3001 - 20,000</u>	<u>\$500</u>
18	<u>20,001 - 75,000</u>	<u>\$750</u>
19	<u>75,001 - 150,000</u>	<u>\$1,000</u>
20	<u>150,001 - 250,000</u>	<u>\$1,500</u>
21	<u>250,001 - 500,000</u>	<u>\$2,000</u>
22	<u>500,001 - 1,000,000</u>	<u>\$2,500</u>
23	<u>1,000,000 and over</u>	<u>\$3,000</u>
24	<u>Collection systems:</u>	
25	<u>Gravity collection lines - \$25 per 250 feet (or portion thereof) of sewage collection</u>	
26	<u>line, not to exceed \$1500</u>	
27	<u>Force main lines - \$10.00 per 250 feet (or portion thereof) of sewage force main line,</u>	
28	<u>not to exceed \$1500</u>	

29

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

1	<u>Equalization basins; holding capacity (gal):</u>	
2	<u>0 - 10,000</u>	<u>\$75</u>
3	<u>10,001 - 50,000</u>	<u>\$150</u>
4	<u>50,001 - 100,000</u>	<u>\$250</u>
5	<u>100,001 - 500,000</u>	<u>\$350</u>
6	<u>500,001 and over</u>	<u>\$500</u>
7	<u>Pumping stations; design capacity (gpd)</u>	
8	<u>0 - 3000</u>	<u>\$50</u>
9	<u>3001 - 20,000</u>	<u>\$150</u>
10	<u>20,001 - 75,000</u>	<u>\$200</u>
11	<u>75,001 - 150,000</u>	<u>\$250</u>
12	<u>150,001 - 250,000</u>	<u>\$300</u>
13	<u>250,001 - 500,000</u>	<u>\$400</u>
14	<u>500,001 and over</u>	<u>\$500</u>
15	<u>Wastewater plant or collection system; capacity modifications:</u>	
16	<u>Less than 20% increase in average daily flow- 20% of the full review fee based on the</u>	
17	<u>category and size of the resulting facility</u>	
18	<u>20% - 50% increase in average daily flow- 50% of the full review fee based on the category</u>	
19	<u>and size of the resulting facility</u>	
20	<u>More than 50% increase in average daily flow- 100% of the full review fee based on the</u>	
21	<u>category and size of the resulting facility</u>	
22	<u>Additional review fees:</u>	
23	<u>Resubmission</u>	<u>\$50</u>
24	<u>Variance request (per requested item/issue)</u>	<u>\$500</u>
25	<u>Engineering report or addendum</u>	<u>\$50</u>
26	<u>(2) The department shall charge the applicable fee for each of the above</u>	
27	<u>listed activities or items included in any plans submission.</u>	
28	<u>D.(1) The department shall charge and collect a fee for the review of any</u>	
29	<u>plans required to be submitted in connection with any permit application for a public</u>	

1 swimming pool, or in connection with any proposed modifications to an existing
2 previously permitted public swimming pool, in accordance with the following
3 schedule:

<u>ACTIVITY</u>	<u>FEE (each)</u>
<u>Public swimming pools (except minimum required landing areas for</u>	
<u>water slides, water courses, or water flumes)</u>	<u>\$400.00 plus \$0.25/</u>
	<u>sq. ft. of surface area</u>
<u>Water slides, water courses, or water flumes</u>	<u>\$1,000 per flume</u>
<u>Alterations to an existing pool, new filters,</u>	
<u>or new spa shell</u>	<u>\$500</u>
<u>Disinfection system change</u>	<u>\$100</u>
<u>Resubmission</u>	<u>\$50</u>
<u>Variance request</u>	<u>\$500</u>

14 (2) The department shall charge the applicable fee for each of the above
15 listed activities or items included in any plans submission. As used in this
16 Subsection, the term "public swimming pool" includes Class A competition pools,
17 Class B public pools, Class C semi-public pools, and Class D other pools.

18 E. The fees authorized by Subsections B through E of this Section shall be
19 charged in addition to any fees charged pursuant to R.S. 40:2017.11.

20 F. As used in this Section, the terms "permit", "permitted", and
21 "unpermitted" include those instances where applicable statutes or rules require
22 departmental approval, but do not expressly require or provide for the issuance of a
23 "permit." Except where clearly inapplicable, any technical or nominate terms
24 otherwise undefined in this Section shall have the meaning assigned to them in the
25 sanitary code.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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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 700 Original

2016 Regular Session

Stokes

Abstract: Increases certain fees collected by the Dept. of Health and Hospitals, office of public health and establishes new fees.

Present law establishes licensing, permitting, inspection, and plan review fees to be collected by the Dept. of Health and Hospitals, office of public health

Proposed law increases or establishes fees for all of the following:

- (1) Food and beverage vendors at the New Orleans Jazz and Heritage Festival.
- (2) Individual sewerage systems.
- (3) Retail food establishments.
- (4) Milk and dairy farms and plants.
- (5) Reinspections of commercial facilities.
- (6) Plan review.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:4.7, R.S. 40:31.32(B), (D), and (E), and 31.37(H) and (I) and R.S. 40:31.37; Adds R.S. 40:31.37(J) and 31.38-31.40)