

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), 31.33(A)(1), and  
3 31.37(H) and (I) and to enact R.S. 40:31.37(J) and 31.38 through 31.40, relative to  
4 fees 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 increase the safe drinking water administration fee; to establish plan  
7 review and reinspection fees for certain facilities and establishments; to implement  
8 permit fees for dairy plants and dairy farms; and to 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), 31.33(A)(1), and 31.37(H)  
11 and (I) are hereby amended and reenacted and R.S. 40:31.37(J) and 31.38 through 31.40 are  
12 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 \* \* \*

§31.33. Safe drinking water administration fee; exemptions

A.(1) In order to comply with the provisions of R.S. 40:5.6 and the federal Safe Drinking Water Act, the department shall charge an annual fee of ~~three~~ six dollars and ~~twenty~~ forty cents per metered connection or account for community systems. The fee shall be collected from each consumer by the community system provider and remitted to the department, minus ~~thirty-two~~ sixty-four cents per metered connection or account to be retained by the community system provider for administrative costs for the collection of such fee.

\* \* \*

§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.

± 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.

1        §31.39. Office of public health reinspection fees

2                A. The department shall charge a fee of one hundred fifty dollars to conduct  
3        a reinspection following the conference of any commercial facility subject to  
4        regulation and inspection by the department pursuant to R.S. 40:4 and R.S. 40:5. For  
5        existing permitted facilities, the fee shall be assessed to the owner of the reinspected  
6        facility by notice served in the same manner provided in the sanitary code for service  
7        of a notice of violation. Failure of the owner to pay the fee within thirty days shall  
8        result in the initiation of the compliance order procedure. For unpermitted facilities,  
9        the department shall not issue any permits to the owner until any reinspection fees  
10       are paid.

11               B. As used in this Section, "reinspection" means the reinspection following  
12        the conference conducted to ascertain remedial compliance related to any previous  
13        routine, complaint-based, or preopening inspection that identified at least five  
14        sanitary code violations, or at least one sanitary code violation constituting a "critical  
15        item" as defined therein, which were not corrected during the previous inspection.  
16        Any reinspection that identifies at least five sanitary code violations, or at least one  
17        sanitary code violation constituting a "critical item" as defined therein, which are not  
18        corrected during the reinspection shall serve as the basis for an additional  
19        reinspection fee.

20        §31.40. Office of public health plan review fees

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

26               (a) Food processing plants.

27               (b) Ice plants.

28               (c) Drug manufacturers, processors, repackagers, distributors, wholesalers,  
29        or warehouseurs.

1           (d) Dairy facilities.

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

3           (f) Food establishments.

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

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

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

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

13          B.(1) The department shall charge and collect a fee for the review of any  
 14          plans required to be submitted in connection with any permit application for a public  
 15          water system, or required to be submitted in connection with any proposed  
 16          modifications to an existing previously permitted public water system, the customers  
 17          of which are not subject to the safe drinking water administration fee pursuant to  
 18          R.S. 40:31.33(A), in accordance 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>

1	<u>Membrane filtration unit for surface water or ground water</u>	
2	<u>under the direct influence of surface water system</u>	<u>\$1,000</u>
3	<u>Membrane filtration unit for ground water system</u>	<u>\$500</u>
4	<u>Clarification unit - rapid mix</u>	<u>\$200</u>
5	<u>Clarification unit - flocculation</u>	<u>\$300</u>
6	<u>Clarification unit - sedimentation</u>	<u>\$300</u>
7	<u>Clarification unit - solids contact clarifier</u>	<u>\$500</u>
8	<u>Other clarification unit not specified</u>	<u>\$500</u>
9	<u>Pump station</u>	<u>\$250</u>
10	<u>Storage tank</u>	<u>\$225</u>
11	<u>Tank recoating</u>	<u>\$75</u>
12	<u>Sludge treatment and handling</u>	<u>\$150</u>
13	<u>Water lines 5000 feet or less</u>	<u>\$150</u>
14	<u>Water lines over 5000 feet</u>	<u>\$200</u>
15	<u>Resubmission</u>	<u>\$50</u>
16	<u>Variance request (per item/issue requested)</u>	<u>\$500</u>
17	<u>Engineering report or addendum</u>	<u>\$50</u>
18	<u>Ground water rule 4-log treatment of viruses</u>	
19	<u>for each treatment plant</u>	<u>\$500</u>
20	<u>(2) The department shall charge the applicable fee for each of the above</u>	
21	<u>listed activities or items included in any plans submission only to public water</u>	
22	<u>systems the customers of which are not subject to the safe drinking water</u>	
23	<u>administration fee pursuant to R.S. 40:31.33(A).</u>	
24	<u>C.(1) The department shall charge and collect a fee for the review of any</u>	
25	<u>plans required to be submitted in connection with any permit application for a</u>	
26	<u>community sewage system, or required to be submitted in connection with any</u>	
27	<u>proposed modifications to an existing previously permitted community sewage</u>	
28	<u>system, in accordance with the following schedule:</u>	

<u>1</u>	<u>ACTIVITY/ITEM</u>	<u>FEE (each)</u>
<u>2</u>	<u>Wastewater plants; average daily flow (gpd):</u>	
<u>3</u>	<u>0 - 3000</u>	<u>\$250</u>
<u>4</u>	<u>3001 - 20,000</u>	<u>\$500</u>
<u>5</u>	<u>20,001 - 75,000</u>	<u>\$750</u>
<u>6</u>	<u>75,001 - 150,000</u>	<u>\$1,000</u>
<u>7</u>	<u>150,001 - 250,000</u>	<u>\$1,500</u>
<u>8</u>	<u>250,001 - 500,000</u>	<u>\$2,000</u>
<u>9</u>	<u>500,001 - 1,000,000</u>	<u>\$2,500</u>
<u>10</u>	<u>1,000,000 and over</u>	<u>\$3,000</u>
<u>11</u>	<u>Collection systems:</u>	
<u>12</u>	<u>Gravity collection lines - \$25 per 250 feet (or portion thereof) of sewage collection</u>	
<u>13</u>	<u>line, not to exceed \$1500</u>	
<u>14</u>	<u>Force main lines - \$10.00 per 250 feet (or portion thereof) of sewage force main line,</u>	
<u>15</u>	<u>not to exceed \$1500</u>	
<u>16</u>	<u>Equalization basins; holding capacity (gal):</u>	
<u>17</u>	<u>0 - 10,000</u>	<u>\$75</u>
<u>18</u>	<u>10,001 - 50,000</u>	<u>\$150</u>
<u>19</u>	<u>50,001 - 100,000</u>	<u>\$250</u>
<u>20</u>	<u>100,001 - 500,000</u>	<u>\$350</u>
<u>21</u>	<u>500,001 and over</u>	<u>\$500</u>
<u>22</u>	<u>Pumping stations; design capacity (gpd)</u>	
<u>23</u>	<u>0 - 3000</u>	<u>\$50</u>
<u>24</u>	<u>3001 - 20,000</u>	<u>\$150</u>
<u>25</u>	<u>20,001 - 75,000</u>	<u>\$200</u>
<u>26</u>	<u>75,001 - 150,000</u>	<u>\$250</u>
<u>27</u>	<u>150,001 - 250,000</u>	<u>\$300</u>
<u>28</u>	<u>250,001 - 500,000</u>	<u>\$400</u>
<u>29</u>	<u>500,001 and over</u>	<u>\$500</u>

Wastewater plant or collection system; capacity modifications:

Less than 20% increase in average daily flow- 20% of the full review fee based on the category and size of the resulting facility

20% - 50% increase in average daily flow- 50% of the full review fee based on the category and size of the resulting facility

More than 50% increase in average daily flow- 100% of the full review fee based on the category and size of the resulting facility

Additional review fees:

Resubmission \$50

Variance request (per requested item/issue) \$500

Engineering report or addendum \$50

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

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

<u>ACTIVITY</u>	<u>FEE (each)</u>
<u>Public swimming pools (except minimum required landing areas for water slides, water courses, or water flumes)</u>	<u>\$400.00 plus \$0.25/ 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, or new spa shell</u>	<u>\$500</u>
<u>Disinfection system change</u>	<u>\$100</u>
<u>Resubmission</u>	<u>\$50</u>



Variance request

\$500

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

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

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

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become 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)]

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HB 700 Engrossed

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.

Present law requires the Dept. of Health and Hospitals (DHH) to perform all inspections, tests, or procedures on public water supplies authorized by the administrator of the Environmental Protection Agency under the federal Safe Drinking Water Act at no cost to any municipality, parish governing authority, or any public or privately owned water system except as provided in present law.

Present law authorizes DHH to charge an annual fee of \$3.20 per metered connection or account for community systems to be collected from each consumer by the community system provider and remitted to the department, minus 32¢ per metered connection or account to be retained by the community system provider for administrative costs for the collection of the fee.

Proposed law increases the fee to \$6.40 and authorizes each community system provider to retain 64¢.

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

(Amends R.S. 40:4.7, 31.32(B), (D), and (E), 31.33(A)(1), and 31.37(H) and (I); Adds R.S. 40:31.37(J) and 31.38-31.40)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes.
2. Reduce the commercial facility sanitary code reinspection fee from \$175 to \$150.
3. Increase the safe drinking water administration fee from \$3.20 to \$6.40.