

1 HB335
2 136947-1
3 By Representative Merrill
4 RFD: Education Policy
5 First Read: 14-FEB-12

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8 SYNOPSIS: This bill would clarify the existence of the
9 Alabama Fire College as an independent institution
10 of postsecondary education operated under the
11 supervision and control of the Alabama
12 Firefighters' Personnel Standards and Education
13 Commission.

14 This bill would revise the membership and
15 duties of the commission and would establish a
16 Joint Legislative Oversight Committee of the
17 Alabama Firefighters' Personnel Standards and
18 Education Commission.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Sections 36-32-1, 36-32-2, 36-32-3, and
25 36-32-5, Code of Alabama 1975, and to add Section 36-32-13 to
26 the Code of Alabama 1975, relating to the Alabama Fire
27 College; to clarify the existence of the college as an

1 independent institution of postsecondary education under the
2 supervision and control of the Alabama Firefighters' Personnel
3 Standards and Education Commission; to revise the membership
4 of the commission; to provide for the duties of the
5 commission; and to establish a Joint Legislative Oversight
6 Committee of the Alabama Firefighters' Personnel Standards and
7 Education Commission.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 36-32-1, 36-32-2, 36-32-3, and
10 36-32-5 of the Code of Alabama 1975, are amended to read as
11 follows:

12 "§36-32-1.

13 "For the purpose of this chapter, the following
14 words and phrases shall have the following meanings,
15 respectively, unless the context clearly indicates the
16 contrary:

17 "~~(1) FUND. The Alabama Firefighters' Personnel~~
18 ~~Standards and Education Fund provided for in Section 36-32-9.~~
19 ALABAMA FIRE COLLEGE. The independent public institution of
20 postsecondary education established by this chapter and
21 operated under the general control and supervision of the
22 Alabama Firefighters' Personnel Standards and Education
23 Commission for the purposes of educating, training, and
24 certifying firefighters and trainees in fire prevention and
25 suppression, emergency medical services, and related fields.
26 All assets owned by the Alabama Fire College and the Alabama
27 Firefighters' Personnel Standards and Education Commission

1 upon the passage of this act shall remain the property of the
2 state and shall be titled in the name of the Alabama
3 Firefighters' Personnel Standards and Education Commission.

4 "(2) COMMISSION. The Alabama Firefighters' Personnel
5 Standards and Education Commission established by this
6 chapter.

7 "(3) COMMITTEE. The Joint Legislative Oversight
8 Committee of the Alabama Firefighters' Personnel Standards and
9 Education Commission established by this chapter.

10 "~~(3)~~ (4) FIRE-FIGHTING AGENCY. Any agency charged
11 with the responsibility of detecting, combating, and
12 preventing damage to property and lives by fires, but
13 excluding the Alabama State Forestry Commission.

14 "~~(4)~~ (5) FIRE PROTECTION PERSONNEL and FIREFIGHTER.
15 Any person permanently employed in fire administration, fire
16 prevention, fire suppression, fire education, arson
17 investigation, and emergency medical services, but excluding
18 employees of the Alabama State Forestry Commission.

19 "~~(5)~~ (6) VOLUNTEER FIREFIGHTER. Any person who is not
20 permanently employed as fire protection personnel or
21 firefighter but who otherwise engages in fire administration,
22 fire prevention, fire suppression, fire education, arson
23 investigation, and emergency medical services.

24 "~~(6)~~ (7) TRAINEE. A firefighter who has not been
25 certified by the commission as having met the minimum basic
26 training as set forth by Section 36-32-7 and by the rules and
27 regulations adopted by the commission.

1 "~~(7)~~(8) SCHOOL. Any school located within the State
2 of Alabama whether privately or publicly owned which offers a
3 course in fire protection training or related subjects and
4 which has been approved by the commission.

5 "~~(8)~~(9) STATE. The State of Alabama.

6 "§36-32-2.

7 "The Alabama Firefighters' Personnel Standards and
8 Education Commission/~~Alabama State Fire College-Shelton State~~
9 ~~Community College is hereby created and established. The~~
10 ~~commission~~ shall consist of seven members, each of whom ~~must~~
11 shall be a qualified elector of the state who is over the age
12 of 18 years. The Professional Firefighters Association of
13 Alabama shall ~~designate~~ nominate one ~~member of the commission~~
14 certified firefighter to serve for a term of four years; the
15 Alabama ~~Firemen's~~ Firefighter's Association shall ~~designate~~
16 nominate one ~~member~~ certified firefighter to serve for a term
17 of four years; the Alabama Association of Fire Chiefs shall
18 nominate one certified firefighter to serve for a term of four
19 years; the Alabama Association of Volunteer Fire Departments
20 shall nominate one certified volunteer firefighter to serve
21 for a term of four years; the State Fire Marshal or his or her
22 designee shall serve as a member; and the Governor shall
23 ~~designate four~~ nominate two members of the commission. The
24 members appointed by the Governor shall each serve for terms
25 of four years; provided, that the members first appointed by
26 the Governor shall serve for terms of ~~one, two, three and four~~
27 ~~years, respectively, as the Governor shall designate. Should a~~

1 vacancy occur during the term of a commission member, the
2 original nominating entity shall nominate a replacement to
3 serve for the remainder of the term. Each nominee shall be
4 confirmed by the Senate before the nominee becomes a member of
5 the commission. No commissioner who is then serving on the
6 commission or whose term has just expired shall be required to
7 be reconfirmed for a new term, once nominated by the
8 Professional Firefighters Association of Alabama, the Alabama
9 Firefighters Association, the Alabama Association of Fire
10 Chiefs, the Alabama Association of Volunteer Fire Departments,
11 or the Governor. Each member of the commission shall serve
12 until his or her successor is confirmed by the Senate. If the
13 Senate rejects the nominee, the nominating entity shall make a
14 replacement nomination. The nominee of the Alabama Association
15 of Fire Chiefs shall be appointed in 2013 at the expiration of
16 the term of office of the designee of the Governor whose
17 appointment ends in 2013. The nominee of the Alabama
18 Association of Volunteer Fire Departments shall be appointed
19 in 2014 at the expiration of the term of office of the
20 designee of the Governor whose appointment ends in 2014. The
21 members may adopt bylaws to govern the organization of the
22 commission, its meetings and activities; provided, that the
23 bylaws shall not conflict with this chapter.

24 "§36-32-3.

25 "(a) The commission shall elect a chairman and a
26 vice-chairman from among its members at ~~its~~ the first regular
27 quarterly meeting of the calendar year and thereafter at its

1 ~~first meeting following the appointment of a new member. The~~
2 ~~commission may employ an executive director who shall serve at~~
3 ~~the discretion of the commission. The commission may employ~~
4 ~~assistants to assist the executive director as required to~~
5 ~~coordinate training and to conduct investigations pursuant to~~
6 ~~Section 36-32-5 and any technical assistance programs. The~~
7 ~~assistants shall serve at the discretion of the commission.~~
8 ~~The commission shall set the salaries of the executive~~
9 ~~director and assistants subject to the salary schedules~~
10 ~~adopted by the Alabama State Board of Education for the~~
11 ~~Alabama state community, junior, and technical colleges. The~~
12 ~~commission may employ such clerical assistants as functions~~
13 ~~and duties may require. Final approval of hiring or dismissal~~
14 ~~of employees shall rest with the President of Shelton State~~
15 ~~Community College.~~

16 "(b) The commission may do all of the following:

17 "(1) Organize the Alabama Fire College by appointing
18 an executive director, assistant directors, and such officers
19 as the interest of the Alabama Fire College may require.

20 "(2) Remove the executive director or any assistant
21 or other officer.

22 "(3) Fix, increase, or reduce the compensation of
23 the executive director or any assistant or other officer.

24 "(4) Institute, regulate, alter, or modify the
25 government of the Alabama Fire College as the commission may
26 deem advisable.

1 "(5) Prescribe courses of instruction related to the
2 mission of the Alabama Fire College.

3 "(6) Establish the cost of any prescribed course of
4 study related to the mission of the Alabama Fire College.

5 "(7) Confer certifications as are usually conferred
6 by similar institutions related to the mission of the Alabama
7 Fire College.

8 "(c) The commission may delegate to the executive
9 director such powers and functions in the administration of
10 the affairs of the fire college as the commission may deem
11 proper, including the hiring, firing, dismissal, nonrenewal,
12 discipline, promotion, and supervision of any employee of the
13 Alabama Fire College and of the commission subject to the
14 provisions of the Students First Act of 2011, Act 2011-270.
15 The commission may direct the executive director to coordinate
16 the certification of any person regulated by the commission,
17 to conduct investigations and fulfill other duties as provided
18 in Section 36-32-5, and to provide any technical assistance
19 programs. The commission shall set the salaries of the
20 faculty, administrative personnel, and support staff subject
21 to the salary schedule adopted by the commission. The salary
22 schedule adopted by the commission shall be identical to the
23 salary schedule adopted by the State Board of Education for
24 employees of state community and technical colleges. The State
25 Board of Education may not be held liable for the failure of
26 the commission to adopt such salary schedule. Employees of the
27 commission shall participate in the Teachers' Retirement

1 System of Alabama, subject to all rules, regulations, and
2 conditions thereof and shall be considered employees as
3 defined in subdivision (1) of Section 16-25A-1. In the event
4 an employee of the commission is receiving a monthly benefit
5 from the Teachers' Retirement System by virtue of his or her
6 retirement from employment with the commission, he or she
7 shall be considered a retired employee as defined in
8 subdivision (2) of Section 16-25A-1, allowing participation in
9 the Public Education Employees' Health Insurance Plan, as
10 established in Chapter 25A of Title 16.

11 "(d) Members of the commission shall receive \$50.00
12 fifty dollars (\$50) per diem for attending meetings of the
13 commission, plus travel expenses as provided for by state
14 travel law, provided funds are available.

15 "(e) The commission, the Department of Postsecondary
16 Education, and any institution of postsecondary education may
17 contract with the commission for the provision of services to
18 students or for the fulfillment of the educational mission of
19 the Alabama Fire College. The commission shall report annually
20 to independent auditors employed by the commission all
21 expenditures and revenues and the findings of the audit shall
22 be reported to the commission and the committee.

23 "(f) Nothing in this chapter shall be construed to
24 alter, amend, modify, repeal, or effect in any way the
25 provisions in Chapter 18, Title 22 or to prohibit or limit in
26 any way the authority of the Department of Public Health to
27 establish standards for the training, qualification, scope of

1 privilege, certification, and licensing of emergency medical
2 services personnel and for the operation, design, equipment,
3 and licensing of ambulances and ambulance service operators.
4 The commission may authorize the Alabama Fire College to
5 provide education and training to firefighters and trainees in
6 emergency medical services, but only in a manner that complies
7 with Chapter 18, Title 22, and the rules of the State Board of
8 Health.

9 "§36-32-5.

10 "The commission shall have the following functions
11 and duties together with all powers necessary or convenient
12 for the performance thereof:

13 "(1) To study, obtain data, statistics, and
14 information and make reports concerning the recruitment,
15 selection, and training of fire-protection personnel in the
16 state; to make recommendations for improvement in methods of
17 recruitment, selection, and training of such personnel;

18 "(2) To recommend minimum curriculum requirements
19 for schools operated for the specific purpose of training
20 firefighter recruits or fire-protection personnel;

21 "(3) To consider, hold public hearings on, adopt,
22 and promulgate such standards relating to trainees as
23 fire-protection personnel as set forth by the commission;

24 "(4) To consult and coordinate through memorandum of
25 agreement or understanding when applicable with any
26 fire-fighting agency, university, college, community college,
27 the federal government or any branch thereof ~~the Alabama State~~

1 ~~Fire College~~, or other educational institution concerning the
2 provision of or development anywhere of, or both, firefighter
3 training schools and programs of courses of instruction,
4 including, but not limited to, education and training in the
5 areas of fire science, fire technology, fire administration,
6 and all allied and supporting fields, including travel out of
7 the State of Alabama, which shall be authorized only by the
8 commission;

9 "(5) To encourage the establishment of fire-fighting
10 training schools and courses on fire fighting in the
11 educational institutions in the state;

12 "(6) To gather statistics and data and make reports
13 concerning the training of fire-protection personnel and their
14 accomplishments;

15 "(7) To certify fire-fighting training and education
16 programs as having attained the minimum required standards
17 prescribed by such commission;

18 "(8) To certify fire-protection personnel in respect
19 to their competence to perform fire service duties at various
20 defined levels of responsibility as prescribed by such
21 commission;

22 "(9) To direct research in the field of fire
23 fighting and prevention and to accept gifts and grants for
24 such purposes;

25 "(10) To consult with national fire service
26 organizations or agencies concerning the training and
27 certification of fire-protection personnel in the state;

1 "(11) To establish and utilize testing procedures
2 and levels of grading which are consistently uniform with the
3 standard prescribed by such commission;

4 "(12) To make investigation to determine whether the
5 requirements of this chapter and the rules, regulations and
6 standards of the commission issued pursuant to this chapter
7 are being observed and followed;

8 "(13) To recommend to the Attorney General, the
9 district attorneys and other appropriate officials measures
10 for the enforcement of the requirements of this chapter and
11 the rules, regulations and standards issued by the commission
12 pursuant to this chapter;

13 "(14) To enter into cooperative agreements with
14 state and local fire-fighting agencies for the effective
15 coordination of fire-fighting training in the state;

16 "(15) To obtain the services and advice of experts
17 in the field of fire-fighting for the purpose of aiding the
18 commission in its studies, consideration, reports and
19 recommendations, and the adoption of standards, rules and
20 regulations; and

21 "(16) To encourage the participation of local
22 fire-fighting agencies in the programs established by the
23 commission."

24 Section 2. Section 36-32-13 is added to the Code of
25 Alabama 1975, to read as follows:

26 §36-32-13.

1 (a) There is created the Joint Legislative Oversight
2 Committee of the Alabama Firefighters' Personnel Standards and
3 Education Commission. The committee shall be composed of three
4 members of each house. The senator and the representative from
5 the districts where the Alabama Fire College is located shall
6 be members of the committee. The remaining members shall be
7 appointed by the presiding officer of each house. The chair
8 and vice chair of the oversight committee shall be elected at
9 the first meeting by the members of the oversight committee.
10 The oversight committee shall meet as it deems necessary and
11 shall study and oversee all facets of the Alabama
12 Firefighters' Personnel Standards and Education Commission.
13 The committee shall review each report provided by the
14 commission and may make recommendations as it deems
15 appropriate.

16 (b) Upon the request of the chair, the Secretary of
17 the Senate and the Clerk of the House of Representatives shall
18 provide the clerical assistance necessary for the work of the
19 oversight committee.

20 (c) Each member of the oversight committee shall be
21 entitled to his or her regular legislative compensation, his
22 or her per diem, and travel expenses for each day he or she
23 attends a meeting of the oversight committee which shall be
24 paid out of any funds appropriated to the use of the
25 Legislature, upon warrants drawn on the state Comptroller upon
26 requisitions signed by the chair of the oversight committee.
27 Notwithstanding the foregoing, no member shall receive

1 additional legislative compensation or per diem when the
2 Legislature is in session or if a member is being paid any
3 other payments on the same dates for attendance of other state
4 business.

5 Section 3. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.