

Regular Session, 2013

HOUSE BILL NO. 382

BY REPRESENTATIVE BERTHELOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FIRE PROTECT/FIRE MARSHAL: Creates a Volunteer Firefighter's Tuition Reimbursement program

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AN ACT

To enact R.S. 36:409(C)(6) and Part II-C of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1558.1 through 1558.7, relative to volunteer firefighters; to create the Volunteer Firefighter's Tuition Reimbursement Fund; to provide for the creation of the Volunteer Firefighter's Tuition Reimbursement Board within the Department of Public Safety and Corrections and to provide for the board's membership; to provide for definitions; to provide for eligibility of applicants; to provide for rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:409(C)(6) is hereby enacted to read as follows:

§409. Transfer of agencies to Department of Public Safety and Corrections

* * *

C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Public Safety and Corrections, as provided in R.S. 36:802:

* * *

(6) The Volunteer Firefighter's Tuition Reimbursement Board (R.S. 40:1558.1 et seq.)

* * *

1 Section 2. Part II-C of Chapter 7 of Title 40 of the Louisiana Revised Statutes of
2 1950, comprised of R.S. 40:1558.1 through 1558.7, is hereby enacted to read as follows:

3 PART II-C. VOLUNTEER FIREFIGHTER'S TUITION REIMBURSEMENT FUND

4 §1558.1. Purpose

5 A. The legislature finds and declares that volunteer fire departments make
6 up the vast majority of fire departments in the state, and the number of volunteers is
7 declining. Participation in volunteer departments is vital to public safety, therefore,
8 it is crucial to the future of emergency services in this state to encourage
9 participation in volunteer fire departments.

10 B. It is the purpose of this Part to provide for the creation of the Volunteer
11 Firefighter's Tuition Reimbursement Fund, wherein the state may financially
12 reimburse eligible students who volunteer with volunteer fire departments.

13 §1558.2. Definitions

14 As used in this Part, the following words shall have the following meanings:

15 (1) "Board" means the Volunteer Firefighter's Tuition Reimbursement
16 Board.

17 (2) "Combination fire department" means a department whose personnel is
18 composed of both volunteer and professional firefighters.

19 (3) "Recipient" means a person who has met the eligibility requirements and
20 is awarded tuition reimbursement from the Volunteer Firefighter's Tuition
21 Reimbursement Fund.

22 §1558.3. Volunteer Firefighter's Tuition Reimbursement Fund

23 A. There is hereby established a special fund in the state treasury to be
24 known as the Volunteer Firefighter's Tuition Reimbursement Fund, hereinafter
25 referred to as the "fund", which shall consist of monies appropriated annually by the
26 legislature for the purpose set forth in this Part to the extent that state general funds
27 are available, federal funds, public or private donations, gifts, or grants from
28 individuals, corporations, nonprofit organizations, or other business entities which
29 may be made to the fund, and any other monies which may be provided by law.

1 B.(1) Notwithstanding any other provision of law to the contrary, after
2 compliance with the requirements of Article VII, Section 9(B) of the Constitution of
3 Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient
4 amount is allocated from the Bond Security and Redemption Fund to pay all of the
5 obligations secured by the full faith and credit of the state which become due and
6 payable within any fiscal year, the treasurer shall pay into the Volunteer Firefighter's
7 Tuition Reimbursement Fund an amount equal to the amount provided for in
8 Subsection A of this Section.

9 (2) Monies appropriated from the fund shall be used solely as provided by
10 Subsection C of this Section and only in the amounts appropriated by the legislature.
11 All unexpended and unencumbered monies in the fund at the end of the fiscal year
12 shall remain in the fund. The monies in the fund shall be invested by the state
13 treasurer in the same manner as monies in the state general fund, and interest earned
14 on the investment of these monies shall be credited to the fund following compliance
15 with the requirements of Article VII, Section 9(B) relative to the Bond Security and
16 Redemption Fund.

17 C. Subject to annual appropriation by the legislature, the monies in the
18 Volunteer Firefighter's Tuition Reimbursement Fund shall be used solely for
19 providing tuition reimbursement to eligible volunteer firefighters attending a state
20 funded public college, university, or vocational or technical school.

21 §1558.4. Volunteer Firefighter's Tuition Reimbursement Board; creation;
22 membership

23 A. There is hereby created the Volunteer Firefighter's Tuition Reimbursement
24 Board within the Department of Public Safety and Corrections, office of the state fire
25 marshal.

26 B. The Volunteer Firefighter's Tuition Reimbursement Board shall be
27 composed of seven members as follows:

28 (1) The state fire marshal or his designee.

29 (2) The president of the Senate or his designee.

1 (3) The speaker of the House of Representatives or his designee.

2 (4) One member appointed by the governor.

3 (5) One member appointed by the Louisiana State Firefighter's Association.

4 (6) Two members appointed by the Louisiana Fire Chief's Association, one
5 of whom shall be the chief of a predominantly volunteer fire department.

6 C. Each board member shall serve without compensation.

7 D. The board shall adopt rules and regulations providing for the governance
8 of the board, including but not limited to the following:

9 (1) Procedures for the election of board officers and terms of office.

10 (2) Methods and grounds for removal of board members, which shall include
11 but not be limited to conviction of a felony and failure to meet attendance rules.

12 (3) Procedures for filling vacancies created by removal, resignation, or death
13 of any member prior to the end of the member's term, which shall follow those used
14 for the initial appointment of members to the board.

15 E. Four members shall constitute a quorum and shall be required to conduct
16 the business of the board. A majority vote of the members constituting a quorum
17 shall be necessary for any action taken by the board.

18 §1558.5. Powers and duties of the board

19 A. The board shall:

20 (1) Create an application and develop application procedures.

21 (2) Determine which applications meet the eligibility requirements provided
22 for in R.S. 40:1558.6 and any rules or regulations promulgated by the board.

23 (3) Disburse to recipients an amount equal to the tuition charged by the state
24 funded college, university, or vocational or technical school selected by the recipient.

25 (4) Require the fire chiefs of recipients to file voluntary status affidavits
26 with the board for each semester for each recipient.

27 (5) Require recipients to file education progress reports with the board after
28 each semester.

1 B. The board shall determine recipients based on eligible applicants in the
 2 order in which the applications were received by the board.

3 §1558.6. Eligibility of applicants

4 A. Eligible applicants shall have met, at a minimum, the following
 5 requirements:

6 (1) Resided in the state for at least one year prior to application.

7 (2) Completed a two-year associate degree program or completed two years
 8 of a four-year degree program at a public college or university or completed one year
 9 at a public vocational or technical school.

10 (3) Volunteered for a minimum of two years with a volunteer or combination
 11 fire department prior to application and, at the time of application, is serving as a
 12 volunteer firefighter.

13 B. A recipient shall be disqualified from receiving tuition reimbursement
 14 from the fund if the board determines either of the following:

15 (1) That the recipient has failed to maintain good standing with the attending
 16 college, university, or vocational or technical school.

17 (2) That the recipient has discontinued service as a volunteer firefighter.

18 §1558.7. Rules and regulations

19 The board shall adopt such rules and regulations as are necessary to
 20 implement the provisions of this Part in accordance with the Administrative
 21 Procedure Act.

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)]

Berthelot

HB No. 382

Abstract: Creates a volunteer firefighter's tuition reimbursement program to provide tuition reimbursement to volunteer firefighters for attendance at a public college, university, or vocational or technical school.

Proposed law creates a volunteer firefighter's tuition reimbursement program to provide tuition reimbursement to eligible volunteer firefighters attending a public college, university, or vocational or technical school.

Proposed law creates the Volunteer Firefighter's Tuition Reimbursement Fund in the state treasury for the deposit of state general fund monies if available and appropriated by the legislature and any federal funds, donations, or other monies that may be provided. Requires that state general fund monies be used first to pay all obligations owed from the Bond Security and Redemption Fund and remaining monies be paid into the fund and used solely for providing tuition reimbursement as provided in proposed law. Requires the state treasurer to invest the monies in the fund in the same manner as monies in the state general fund.

Proposed law creates the Volunteer Firefighter's Tuition Reimbursement Board within the Dept. of Public Safety and Corrections, office of the state fire marshal. Provides that the board shall be composed of seven members who will serve without compensation as follows:

- (1) The state fire marshal or his designee.
- (2) The president of the Senate or his designee.
- (3) The speaker of the House or his designee.
- (4) One member appointed by the governor.
- (5) One member appointed by the La. State Firefighter's Assoc.
- (6) Two members appointed by the La. Fire Chief's Assoc., one of whom shall be the chief of a predominantly volunteer fire department.

Proposed law requires the board to adopt rules and regulations for the governance of the board. Further requires the board to create an application and develop application procedures, determine applicant eligibility, disburse tuition reimbursements, require status reports on voluntary firefighter status, and require education progress reports.

Proposed law requires eligible applicants to, at a minimum, reside in the state for at least one year prior to application, complete a two-year associate degree program or two years of a four-year degree program or one year of a vocational or technical school, and volunteer for at least two years with a fire department and at the time of application serve as a volunteer firefighter. Disqualifies a recipient from receiving the tuition reimbursement if the board determines that the recipient has failed to maintain good standing with the attending school or has discontinued service as a volunteer firefighter.

Proposed law requires the board to adopt, in accordance with the APA, rules and regulations necessary to implement the program.

(Adds R.S. 36:409(C)(6) and R.S. 40:1558.1-1558.7)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Specifies that the board is placed within the Dept. of Public Safety and Corrections under the provisions of the Executive Reorganization Act and retains all of the powers, duties, functions, and responsibilities as provided in proposed law.
2. Authorizes rather than requires the state to reimburse eligible volunteer firefighters from the fund established by proposed law.
3. Removes provisions that authorize the reimbursement of board members for expenses.