

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 Firefighters' 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 Firefighters' Tuition Reimbursement Fund; to provide for the creation of the Volunteer Firefighters' 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 Firefighters' 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 FIREFIGHTERS' 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 Firefighters' 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 Firefighters' 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 Firefighters' Tuition  
21 Reimbursement Fund.

22 §1558.3. Volunteer Firefighters' Tuition Reimbursement Fund

23 A. There is hereby established a special fund in the state treasury to be  
24 known as the Volunteer Firefighters' 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 Firefighters'  
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 Firefighters' 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          D. Notwithstanding any provision of law to the contrary, no monies from the  
22          state general fund (direct) shall be deposited or appropriated to the fund unless and  
23          until two-thirds of the elected members of each house of the legislature consent to  
24          such deposit or appropriation.

25          §1558.4. Volunteer Firefighters' Tuition Reimbursement Board; creation;  
26          membership

27          A. There is hereby created the Volunteer Firefighters' Tuition Reimbursement  
28          Board within the Department of Public Safety and Corrections, office of the state fire  
29          marshal.

1           B. The Volunteer Firefighters' Tuition Reimbursement Board shall be  
2           composed of seven members as follows:

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

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

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

6                   (4) One member appointed by the governor.

7                   (5) One member appointed by the Louisiana State Firemen's Association.

8                   (6) Two members appointed by the Louisiana Fire Chiefs Association, one  
9           of whom shall be the chief of a predominantly volunteer fire department.

10           C. Each board member shall serve without compensation.

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

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

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

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

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

22           §1558.5. Powers and duties of the board

23                   A. The board shall:

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

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

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

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

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

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

7           §1558.6. Eligibility of applicants

8           A. Eligible applicants shall have met, at a minimum, the following  
9           requirements:

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

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

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

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

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

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

22           §1558.7. Rules and regulations

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

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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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Berthelot

HB No. 382

**Abstract:** Creates a Volunteer Firefighters' 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 Firefighters' 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 Firefighters' 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. Further provides that no monies from the state general fund (direct) can be deposited or appropriated into the fund unless and until two-thirds of the elected members of each house of the legislature consent to such deposit or appropriation.

Proposed law creates the Volunteer Firefighters' 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 Firemen's Association
- (6) Two members appointed by the La. Fire Chiefs Association, 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.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill.

1. Provides that no monies from the state general fund (direct) can be deposited or appropriated into the fund unless and until two-thirds of the elected members of each house of the legislature consent to such deposit or appropriation.