

Regular Session, 2013
HOUSE BILL NO. 382

ACT No. 310

BY REPRESENTATIVE BERTHELOT AND SENATOR THOMPSON

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

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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.)

* * *

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

PART II-C. VOLUNTEER FIREFIGHTERS' TUITION REIMBURSEMENT FUND§1558.1. Purpose

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

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

§1558.2. Definitions

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

(1) "Board" means the Volunteer Firefighters' Tuition Reimbursement Board.

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

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

§1558.3. Volunteer Firefighters' Tuition Reimbursement Fund

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

B.(1) Notwithstanding any other provision of law to the contrary, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient

1 amount is allocated from the Bond Security and Redemption Fund to pay all of the
 2 obligations secured by the full faith and credit of the state that become due and
 3 payable within any fiscal year, the treasurer shall pay into the Volunteer Firefighters'
 4 Tuition Reimbursement Fund an amount equal to the amount provided for in
 5 Subsection A of this Section.

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

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

18 D. Notwithstanding any provision of law to the contrary, no monies from the
 19 state general fund (direct) shall be deposited or appropriated to the fund unless and
 20 until two-thirds of the elected members of each house of the legislature consent to
 21 such deposit or appropriation.

22 §1558.4. Volunteer Firefighters' Tuition Reimbursement Board; creation;
 23 membership

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

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

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

30 (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 Firemen's Association.

4 (6) Two members appointed by the Louisiana Fire Chiefs 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.

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

1 §1558.6. Eligibility of applicants

2 A. Eligible applicants shall have met, at a minimum, the following
3 requirements:

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

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

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

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

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

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

16 §1558.7. Rules and regulations

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____