

2020 Regular Session

HOUSE BILL NO. 425

BY REPRESENTATIVE SCHEXNAYDER

BOARDS/COMMISSIONS: Revises membership and provides relative to powers and duties of the Louisiana Fire and Emergency Training Commission

1 AN ACT

2 To amend and reenact R.S. 40:1541, relative to firemen training; to provide for the firemen
3 training program at Louisiana State University; to provide relative to participation
4 in the program; to increase the membership of the Louisiana Fire and Emergency
5 Training Commission; to revise the commission's powers and duties; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1541 is hereby amended and reenacted to read as follows:

9 §1541. Louisiana State University; official agency for training

10 A. Louisiana State University is hereby officially designated as the agency
11 of this state to conduct at its Baton Rouge campus training for in-service firemen on
12 a statewide basis in which firemen from any and all duly constituted fire departments
13 and private or commercial industrial and allied emergency services may participate,
14 and to coordinate and conduct other firemen training programs at other training
15 locations as provided in this Part. This Part shall not be construed as affecting the
16 authority of any fire department to conduct training for its own personnel.

17 B. Louisiana State University shall conduct training programs and perform
18 its functions as provided in this Part with the advice and guidance of the Louisiana
19 Fire and Emergency Training Commission created by this Section.

1 C.(1) The Louisiana Fire and Emergency Training Commission, referred to
2 in this Part as the "commission", is hereby created.

3 (2) The commission shall be composed of ~~nine~~ eleven members as follows:

4 (a) One member shall be the state fire marshal or his designee.

5 (b) One member shall be the Louisiana State University-Baton Rouge
6 chancellor or his designee.

7 (c) Two members shall be selected by the Louisiana State Firemen's
8 Association.

9 (d) Two members shall be selected by the Louisiana ~~State Fire Chiefs~~ Fire
10 Chiefs Association.

11 (e) Two members shall be selected by the Professional Firefighters'
12 Association of Louisiana.

13 (f) One member shall be a Louisiana citizen with knowledge and experience
14 in the field of fire and emergency services appointed by the governor.

15 (g) One member shall be a person who is currently in active service with a
16 Louisiana fire department and has been active for at least ten years, appointed by the
17 governor upon recommendation of the commission.

18 (h) One member shall be a person with knowledge and experience and active
19 in the field of industrial fire and emergency services, appointed by the governor upon
20 recommendation of the commission.

21 (3) Members shall serve at the pleasure of the appointing authority. A
22 vacancy shall be filled in the manner of the original appointment.

23 (4) Members shall serve without compensation or reimbursement for
24 expenses.

25 (5) The commission annually, at the first meeting of the calendar year, shall
26 elect from its members a chairman and vice chairman. The chairman and vice
27 chairman shall serve as such for a period of one year from the date of election.

1 (6) Commission members shall be considered state officers for purposes of
2 R.S. 9:2798.1 and Chapter 16-A of Subtitle III of Title 39 of the Louisiana Revised
3 Statutes of 1950.

4 (7) The commission shall meet at least once each month. Other meetings
5 may be called by the chairman on his own initiative and shall be called by him at the
6 request of three or more members of the commission within fourteen days of such
7 request. Each member shall be notified by the chairman in writing of the time and
8 place of a meeting at least seven days before the meeting.

9 (8) The commission shall adopt rules for the conduct of commission
10 functions. Any decision of the commission may be made only by the favorable vote
11 of at least two-thirds of those members in attendance at the meeting provided that a
12 quorum is established prior to the vote. A majority of members of the commission
13 shall constitute a quorum.

14 ~~D.(1) The Louisiana Fire and Emergency Training Commission shall advise~~
15 ~~and provide guidance to Louisiana State University relative to the conduct of training~~
16 ~~programs and performance of the university's functions pursuant to this Part.~~

17 ~~(2) The commission shall provide advice and guidance, and~~
18 ~~recommendations to the university relative to the approval of matters including but~~
19 ~~not limited to the following:~~

20 ~~(a)(1) Hiring a qualified person to serve as executive director, including~~
21 ~~review of candidates for the position, and fixing the salary of and defining the~~
22 ~~duties of the executive director and recommending to Louisiana State University the~~
23 ~~final selection of a candidate. The commission shall be given not less than sixty days~~
24 ~~after the posting of a vacancy in the position to recommend a candidate to fill the~~
25 ~~vacancy.~~

26 ~~(b)(2) Employment of management, other directors, and clerical, technical,~~
27 ~~legal, and other assistance for the conduct of the university's functions pursuant to~~
28 ~~this Part, including the defining of duties. The commission shall be given not less~~

1 than sixty days after the posting of a vacancy in any position to recommend a
2 candidate to fill the vacancy.

3 ~~(c)~~(3) All aspects of the conduct of fire and emergency training and training
4 programs, including curricula and performance of the university's functions pursuant
5 to this Part.

6 ~~(d)~~(4) Prioritization of training throughout the state.

7 ~~(e)~~(5) The annual budget for the conduct of the university's functions
8 pursuant to this Part, including management of funds and recovery of the cost of
9 classes. The university shall submit the proposed annual budget for the program to
10 the commission for review prior to its final adoption.

11 ~~(f)~~(6) Recommendations to be made by the university to the legislature
12 relative to the university's functions pursuant to this Part.

13 (7) The acceptance of any and all appropriate donations and grants of money,
14 equipment, supplies, materials, and services and their receipt, use, and disposal. The
15 commission shall be apprised of all grant opportunities available to the Louisiana
16 State University Fire and Emergency Training Institute and all grant applications
17 submitted on behalf of the institute individually or in conjunction with other
18 institutions or programs of the university.

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)]

HB 425 Reengrossed

2020 Regular Session

Schexnayder

Abstract: Revises membership, powers, and duties of the La. Fire and Emergency Training Commission.

Present law designates Louisiana State University (LSU) as the state agency to conduct training for firemen on a statewide basis in which firemen from any and all duly constituted fire departments may participate. Proposed law also authorizes the participation of firemen from private or commercial industrial and allied emergency services and otherwise retains present law.

Present law creates the La. Fire and Emergency Training Commission and provides for the following nine commission members: state fire marshal or his designee; LSU-Baton Rouge chancellor or his designee; two members selected by La. State Firemen's Assoc.; two members selected by La. Fire Chiefs Assoc.; two members selected by Professional

Firefighters' Assoc. of La.; and one member who is a La. citizen with knowledge and experience in the field of fire and emergency services appointed by the governor.

Proposed law increases membership from 9 to 11 by adding the following two members to be appointed by the governor upon the commission's recommendation:

- (1) One member who is currently in active service with a La. fire department and has been active for at least 10 years.
- (2) One member who has knowledge and experience and is active in the field of industrial fire and emergency services.

Present law requires the commission to provide advice and guidance to LSU relative to specific matters. Proposed law also requires the commission to provide recommendations and makes changes to the specific matters as follows:

- (1) Present law provides for hiring an executive director, including review of candidates for the position, fixing the salary, and defining the duties. Proposed law provides for the commission to make a recommendation relative to the final selection of a candidate and adds that the commission shall be given at least 60 days after the posting of a vacancy in this position to recommend a candidate to fill the vacancy.
- (2) Present law provides for employment of clerical, technical, legal, and other assistance for the conduct of LSU's functions pursuant to present law. Proposed law adds the employment of management and other directors and the defining of duties; also adds that the commission shall be given at least 60 days after the posting of any vacancy in these positions to recommend a candidate to fill the vacancy.
- (3) Present law provides for all aspects of the conduct of fire and emergency training, including curricula. Proposed law adds training programs and performance of LSU's functions.
- (4) Present law provides for prioritization of training throughout the state. Proposed law retains present law.
- (5) Present law provides for the annual budget for the conduct of LSU's functions, including management of funds and recovery of the cost of classes. Proposed law adds that LSU shall submit the proposed annual budget for the program to the commission for review prior to final adoption.
- (6) Present law provides for recommendations to be made by LSU to the legislature relative to LSU's functions. Proposed law retains present law.
- (7) Proposed law adds the acceptance of any and all appropriate donations and grants of money, equipment, supplies, materials, and services and their receipt, use, and disposal; also provides that the commission shall be apprised of all grant opportunities available to the Fire and Emergency Training Institute (FETI) and all grant applications submitted on behalf of FETI individually or in conjunction with other LSU institutions or programs.

(Amends R.S. 40:1541)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Remove proposed law provision prohibiting a vote by the chancellor (or his designee) unless needed for a tiebreaker.
2. Remove proposed law provision granting the commission final authority on the approval of certain matters.
3. Add a requirement that LSU submit the proposed annual budget for the firemen training program to the commission.
4. Add a requirement that the commission be given an opportunity to recommend a candidate to fill an employment vacancy.
5. Add a requirement that the commission be apprised relative to grant opportunities available to FETI.
6. Remove proposed law provision transferring operation and jurisdiction of the firemen training film library from LSU to the commission.

The House Floor Amendments to the engrossed bill:

1. Make a technical change to an association's name from La. State Fire Chief's Assoc. to La. Fire Chiefs Assoc.