

1 SB134
2 137390-4
3 By Senator Allen
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 07-FEB-12
6 PFD: 02/01/2012

1 SB134

2
3
4 ENROLLED, An Act,

5 To amend Sections 36-32-1, 36-32-2, 36-32-3, and
6 36-32-5, Code of Alabama 1975, and to add Section 36-32-13 to
7 the Code of Alabama 1975, relating to the Alabama Fire
8 College; to clarify the existence of the college as an
9 independent institution of postsecondary education under the
10 supervision and control of the Alabama Firefighters' Personnel
11 Standards and Education Commission; to revise the membership
12 of the commission; to provide for the duties of the
13 commission; and to establish a Joint Legislative Oversight
14 Committee of the Alabama Firefighters' Personnel Standards and
15 Education Commission.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 36-32-1, 36-32-2, 36-32-3, and
18 36-32-5 of the Code of Alabama 1975, are amended to read as
19 follows:

20 "§36-32-1.

21 "For the purpose of this chapter, the following
22 words and phrases shall have the following meanings,
23 respectively, unless the context clearly indicates the
24 contrary:

1 "(1) ALABAMA FIRE COLLEGE. The independent public
2 institution of postsecondary education established by this
3 chapter and operated under the general control and supervision
4 of the Alabama Firefighters' Personnel Standards and Education
5 Commission for the purposes of educating, training, and
6 certifying firefighters and trainees in fire prevention and
7 suppression, emergency medical services, and related fields.
8 All assets owned by the Alabama Fire College and the Alabama
9 Firefighters' Personnel Standards and Education Commission,
10 upon passage of the act amending this section, shall remain
11 the property of the state and shall be titled in the name of
12 the Alabama Firefighters' Personnel Standards and Education
13 Commission.

14 "(2) COMMISSION. The Alabama Firefighters' Personnel
15 Standards and Education Commission established by this
16 chapter.

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

20 "(4) FIRE-FIGHTING AGENCY. Any agency charged with
21 the responsibility of detecting, combating, and preventing
22 damage to property and lives by fires, but excluding the
23 Alabama State Forestry Commission.

24 "(5) FIRE PROTECTION PERSONNEL and FIREFIGHTER. Any
25 person permanently employed in fire administration, fire

1 prevention, fire suppression, fire education, arson
2 investigation, and emergency medical services, but excluding
3 employees of the Alabama State Forestry Commission.

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

9 "(7) TRAINEE. A firefighter who has not been
10 certified by the commission as having met the minimum basic
11 training as set forth by Section 36-32-7 and by the rules and
12 regulations adopted by the commission.

13 "(8) SCHOOL. Any school located within the State of
14 Alabama whether privately or publicly owned which offers a
15 course in fire protection training or related subjects and
16 which has been approved by the commission.

17 "(9) STATE. The State of Alabama.

18 "§36-32-2.

19 "(a) The Alabama Firefighters' Personnel Standards
20 and Education Commission shall consist of seven members, each
21 of whom shall be a qualified elector of the state who is over
22 the age of 18 years. The Professional Firefighters Association
23 of Alabama shall nominate one certified firefighter to serve
24 for a term of four years; the Alabama Firefighter's
25 Association shall nominate one certified firefighter to serve

1 for a term of four years; the Alabama Association of Fire
2 Chiefs shall nominate one certified firefighter to serve for a
3 term of four years; the Alabama Association of Volunteer Fire
4 Departments shall nominate one certified volunteer firefighter
5 to serve for a term of four years; the State Fire Marshal or
6 his or her designee shall serve as a member; the Lieutenant
7 Governor shall nominate one member; and the Governor shall
8 nominate one member of the commission. The members appointed
9 by the Lieutenant Governor and the Governor shall each serve
10 for terms of four years. Should a vacancy occur during the
11 term of a commission member, the original nominating entity
12 shall nominate a replacement to serve for the remainder of the
13 term. Each nominee shall be confirmed by the Senate before the
14 nominee becomes a member of the commission. No commissioner
15 who is then serving on the commission or whose term has just
16 expired shall be required to be reconfirmed for a new term,
17 once nominated by the Professional Firefighters Association of
18 Alabama, the Alabama Firefighters Association, the Alabama
19 Association of Fire Chiefs, the Alabama Association of
20 Volunteer Fire Departments, the Lieutenant Governor or the
21 Governor. Each member of the commission shall serve until his
22 or her successor is confirmed by the Senate. If the Senate
23 rejects the nominee, the nominating entity shall make a
24 replacement nomination. The nominee of the Alabama Association
25 of Fire Chiefs shall be appointed in 2013 at the expiration of

1 the term of office of the designee of the Governor whose
 2 appointment ends in 2013. The nominee of the Alabama
 3 Association of Volunteer Fire Departments shall be appointed
 4 in 2014 at the expiration of the term of office of the
 5 designee of the Governor whose appointment ends in 2014. No
 6 commissioner may serve more than two consecutive terms. The
 7 members may adopt bylaws to govern the organization of the
 8 commission, its meetings and activities; provided, that the
 9 bylaws shall not conflict with this chapter.

10 (b) the membership of the commission shall be
 11 inclusive and reflect the racial, gender, geographic,
 12 urban/rural, and economic diversity of the state.

13 "§36-32-3.

14 "(a) The commission shall elect a chairman and a
 15 vice-chairman from among its members at the first regular
 16 quarterly meeting of the calendar year.

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

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

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

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

1 "(4) Institute, regulate, alter, or modify the
2 government of the Alabama Fire College as the commission may
3 deem advisable.

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

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

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

11 "(c) The commission may delegate to the executive
12 director such powers and functions in the administration of
13 the affairs of the fire college as the commission may deem
14 proper, including the hiring, firing, dismissal, nonrenewal,
15 discipline, promotion, and supervision of any employee of the
16 Alabama Fire College and of the commission. The commission may
17 direct the executive director to coordinate the certification
18 of any person regulated by the commission, to conduct
19 investigations and fulfill other duties as provided in Section
20 36-32-5, and to provide any technical assistance programs. The
21 commission shall set the salaries of the faculty,
22 administrative personnel, and support staff subject to the
23 salary schedule adopted by the commission. The salary schedule
24 adopted by the commission shall be identical to the salary
25 schedule adopted by the State Board of Education for employees

1 of state community and technical colleges. The State Board of
2 Education may not be held liable for the failure of the
3 commission to adopt such salary schedule. Employees of the
4 commission shall participate in the Teachers' Retirement
5 System of Alabama, subject to all rules, regulations, and
6 conditions thereof and shall be considered employees as
7 defined in subdivision (1) of Section 16-25A-1. In the event
8 an employee of the commission is receiving a monthly benefit
9 from the Teachers' Retirement System by virtue of his or her
10 retirement from employment with the commission, he or she
11 shall be considered a retired employee as defined in
12 subdivision (2) of Section 16-25A-1, allowing participation in
13 the Public Education Employees' Health Insurance Plan, as
14 established in Chapter 25A of Title 16.

15 "(d) Members of the commission shall receive fifty
16 dollars (\$50) per diem for attending meetings of the
17 commission, plus travel expenses as provided for by state
18 travel law, provided funds are available.

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

1 secured by the commission through a competitive bid process.
2 In addition to an independent audit, the commission shall also
3 report annually to the State Examiner all expenditures and
4 revenues. The commission shall be audited by the Department of
5 Examiners of Public Accounts in accordance with Section
6 41-5-14. The findings of both audits shall be reported to and
7 reviewed by the Joint Legislative Oversight Committee of the
8 Alabama Firefighters' Personnel Standards and Education
9 Commission.

10 "(f) Nothing in this chapter shall be construed to
11 alter, amend, modify, repeal, or affect in any way the
12 provisions in Chapter 18, Title 22 of the Code of Alabama 1975
13 or to prohibit or limit in any way the authority of the
14 Alabama Department of Public Health to establish standards for
15 the training, qualification, scope of privilege,
16 certification, licensing of emergency medical services
17 personnel and for the operation, design, equipment and
18 licensing of ambulances, and ambulance service operators. The
19 Commission may authorize the Alabama Fire College to provide
20 education and training to firefighters and trainees in
21 emergency medical services, but only in a manner that complies
22 with Chapter 18, Title 22 of the Code of Alabama 1975 and the
23 rules of the State Board of Health.

24 "(g) The commission may not move its facilities
25 unless authorized by an act of the Alabama Legislature.

1 "§36-32-5.

2 "The commission shall have the following functions
3 and duties together with all powers necessary or convenient
4 for the performance thereof:

5 "(1) To study, obtain data, statistics, and
6 information and make reports concerning the recruitment,
7 selection, and training of fire-protection personnel in the
8 state; to make recommendations for improvement in methods of
9 recruitment, selection, and training of such personnel;

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

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

16 "(4) To consult and coordinate through memorandum of
17 agreement or understanding when applicable with any
18 fire-fighting agency, university, college, community college,
19 the federal government or any branch thereof, or other
20 educational institution concerning the provision of or
21 development anywhere of, or both, firefighter training schools
22 and programs of courses of instruction, including, but not
23 limited to, education and training in the areas of fire
24 science, fire technology, fire administration, and all allied
25 and supporting fields, including travel out of the State of

1 Alabama, for business, administrative, and instruction
2 purposes which shall be authorized only by the commission and
3 shall be allowed under the same conditions as for state
4 officers and employees pursuant to Section 36-7-21;

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

8 "(6) To gather statistics and data and make reports
9 concerning the training of fire-protection personnel and their
10 accomplishments;

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

14 "(8) To certify fire-protection personnel in respect
15 to their competence to perform fire service duties at various
16 defined levels of responsibility as prescribed by such
17 commission;

18 "(9) To direct research in the field of fire
19 fighting and prevention and to accept gifts and grants for
20 such purposes;

21 "(10) To consult with national fire service
22 organizations or agencies concerning the training and
23 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 promote 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:

1 §36-32-13.

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

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

21 (c) Each member of the oversight committee shall be
22 entitled to his or her regular legislative compensation, his
23 or her per diem, and travel expenses for each day he or she
24 attends a meeting of the oversight committee which shall be
25 paid out of any funds appropriated to the use of the

1 Legislature, upon warrants drawn on the state Comptroller upon
2 requisitions signed by the chair of the oversight committee.
3 Notwithstanding the foregoing, no member shall receive
4 additional legislative compensation or per diem when the
5 Legislature is in session or if a member is being paid any
6 other payments on the same dates for attendance of other state
7 business.

8 (d) Other than the executive director or any
9 assistant or other officer, all persons employed by the
10 Alabama Fire College on the effective date of this act shall
11 be automatically transferred to the State Merit System as
12 exempt employees with no adverse effect as to salary or
13 benefits. All transferred employees shall be entitled to all
14 due process protections as classified Merit System employees
15 regarding termination, including, but not limited to, and
16 appeal to the Alabama State Personnel Board.

17 (e) The membership of the commission shall be
18 inclusive and shall reflect the racial, gender, geographic,
19 urban/rural, and economic diversity of the state.

20 Section 3. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB134

Senate 21-FEB-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 05-APR-12

Senate concurred in House amendment 10-APR-12

By: Senator Allen