

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

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3  
4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 36-32-1, 36-32-2, 36-32-3, and  
24 36-32-5 of the Code of Alabama 1975, are amended to read as  
25 follows:

26 "§36-32-1.

1           "For the purpose of this chapter, the following  
2 words and phrases shall have the following meanings,  
3 respectively, unless the context clearly indicates the  
4 contrary:

5           "~~(1) FUND. The Alabama Firefighters' Personnel~~  
6 ~~Standards and Education Fund provided for in Section 36-32-9.~~  
7 ALABAMA FIRE COLLEGE. The independent public institution of  
8 postsecondary education established by this chapter and  
9 operated under the general control and supervision of the  
10 Alabama Firefighters' Personnel Standards and Education  
11 Commission for the purposes of educating, training, and  
12 certifying firefighters and trainees in fire prevention and  
13 suppression, emergency medical services, and related fields.  
14 All assets owned by the Alabama Fire College and the Alabama  
15 Firefighters' Personnel Standards and Education Commission,  
16 upon passage of the act amending this section, shall remain  
17 the property of the state and shall be titled in the name of  
18 the Alabama Firefighters' Personnel Standards and Education  
19 Commission.

20           "(2) COMMISSION. The Alabama Firefighters' Personnel  
21 Standards and Education Commission established by this  
22 chapter.

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

26           "~~(3)~~ (4) FIRE-FIGHTING AGENCY. Any agency charged  
27 with the responsibility of detecting, combating, and

1 preventing damage to property and lives by fires, but  
2 excluding the Alabama State Forestry Commission.

3 ~~"(4)(5)~~ FIRE PROTECTION PERSONNEL and FIREFIGHTER.  
4 Any person permanently employed in fire administration, fire  
5 prevention, fire suppression, fire education, arson  
6 investigation, and emergency medical services, but excluding  
7 employees of the Alabama State Forestry Commission.

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

13 ~~"(6)(7)~~ TRAINEE. A firefighter who has not been  
14 certified by the commission as having met the minimum basic  
15 training as set forth by Section 36-32-7 and by the rules and  
16 regulations adopted by the commission.

17 ~~"(7)(8)~~ SCHOOL. Any school located within the State  
18 of Alabama whether privately or publicly owned which offers a  
19 course in fire protection training or related subjects and  
20 which has been approved by the commission.

21 ~~"(8)(9)~~ STATE. The State of Alabama.

22 "§36-32-2.

23 ~~"The (a) The Alabama Firefighters' Personnel~~  
24 ~~Standards and Education Commission/Alabama State Fire~~  
25 ~~College-Shelton State Community College is hereby created and~~  
26 ~~established. The commission shall consist of seven members,~~  
27 each of whom ~~must~~ shall be a qualified elector of the state

1 who is over the age of 18 years. The Professional Firefighters  
2 Association of Alabama shall ~~designate~~ nominate one ~~member of~~  
3 ~~the commission~~ certified firefighter to serve for a term of  
4 four years; the Alabama ~~Firemen's~~ Firefighter's Association  
5 shall ~~designate~~ nominate one ~~member~~ certified firefighter to  
6 serve for a term of four years; the Alabama Association of  
7 Fire Chiefs shall nominate one certified firefighter to serve  
8 for a term of four years; the Alabama Association of Volunteer  
9 Fire Departments shall nominate one certified volunteer  
10 firefighter to serve for a term of four years; the State Fire  
11 Marshal or his or her designee shall serve as a member; the  
12 Lieutenant Governor shall nominate one member; and the  
13 Governor shall ~~designate four~~ nominate one member of the  
14 commission. The members appointed by the Lieutenant Governor  
15 and the Governor shall each serve for terms of four years;  
16 provided, that the members first appointed by the Governor  
17 shall serve for terms of one, two, three, and four years,  
18 respectively, as the Governor shall designate. Should a  
19 vacancy occur during the term of a commission member, the  
20 original nominating entity shall nominate a replacement to  
21 serve for the remainder of the term. Each nominee shall be  
22 confirmed by the Senate before the nominee becomes a member of  
23 the commission. No commissioner who is then serving on the  
24 commission or whose term has just expired shall be required to  
25 be reconfirmed for a new term, once nominated by the  
26 Professional Firefighters Association of Alabama, the Alabama  
27 Firefighters Association, the Alabama Association of Fire

1 Chiefs, the Alabama Association of Volunteer Fire Departments,  
2 the Lieutenant Governor or the Governor. Each member of the  
3 commission shall serve until his or her successor is confirmed  
4 by the Senate. If the Senate rejects the nominee, the  
5 nominating entity shall make a replacement nomination. The  
6 nominee of the Alabama Association of Fire Chiefs shall be  
7 appointed in 2013 at the expiration of the term of office of  
8 the designee of the Governor whose appointment ends in 2013.  
9 The nominee of the Alabama Association of Volunteer Fire  
10 Departments shall be appointed in 2014 at the expiration of  
11 the term of office of the designee of the Governor whose  
12 appointment ends in 2014. No commissioner may serve more than  
13 two consecutive terms. The members may adopt bylaws to govern  
14 the organization of the commission, its meetings and  
15 activities; provided, that the bylaws shall not conflict with  
16 this chapter.

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

20 "§36-32-3.

21 "(a) The commission shall elect a chairman and a  
22 vice-chairman from among its members at ~~its~~ the first regular  
23 quarterly meeting of the calendar year ~~and thereafter at its~~  
24 ~~first meeting following the appointment of a new member.~~ The  
25 ~~commission may employ an executive director who shall serve at~~  
26 ~~the discretion of the commission.~~ The commission may employ  
27 ~~assistants to assist the executive director as required to~~

1 ~~coordinate training and to conduct investigations pursuant to~~  
2 ~~Section 36-32-5 and any technical assistance programs. The~~  
3 ~~assistants shall serve at the discretion of the commission.~~  
4 ~~The commission shall set the salaries of the executive~~  
5 ~~director and assistants subject to the salary schedules~~  
6 ~~adopted by the Alabama State Board of Education for the~~  
7 ~~Alabama state community, junior, and technical colleges. The~~  
8 ~~commission may employ such clerical assistants as functions~~  
9 ~~and duties may require. Final approval of hiring or dismissal~~  
10 ~~of employees shall rest with the President of Shelton State~~  
11 ~~Community College.~~

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

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

16 "(2) Remove the executive director or any assistant  
17 or other officer.

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

20 "(4) Institute, regulate, alter, or modify the  
21 government of the Alabama Fire College as the commission may  
22 deem advisable.

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

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

1           "(7) Confer certifications as are usually conferred  
2 by similar institutions related to the mission of the Alabama  
3 Fire College.

4           "(c) The commission may delegate to the executive  
5 director such powers and functions in the administration of  
6 the affairs of the fire college as the commission may deem  
7 proper, including the hiring, firing, dismissal, nonrenewal,  
8 discipline, promotion, and supervision of any employee of the  
9 Alabama Fire College and of the commission. The commission may  
10 direct the executive director to coordinate the certification  
11 of any person regulated by the commission, to conduct  
12 investigations and fulfill other duties as provided in Section  
13 36-32-5, and to provide any technical assistance programs. The  
14 commission shall set the salaries of the faculty,  
15 administrative personnel, and support staff subject to the  
16 salary schedule adopted by the commission. The salary schedule  
17 adopted by the commission shall be identical to the salary  
18 schedule adopted by the State Board of Education for employees  
19 of state community and technical colleges. The State Board of  
20 Education may not be held liable for the failure of the  
21 commission to adopt such salary schedule. Employees of the  
22 commission shall participate in the Teachers' Retirement  
23 System of Alabama, subject to all rules, regulations, and  
24 conditions thereof and shall be considered employees as  
25 defined in subdivision (1) of Section 16-25A-1. In the event  
26 an employee of the commission is receiving a monthly benefit  
27 from the Teachers' Retirement System by virtue of his or her



1 retirement from employment with the commission, he or she  
2 shall be considered a retired employee as defined in  
3 subdivision (2) of Section 16-25A-1, allowing participation in  
4 the Public Education Employees' Health Insurance Plan, as  
5 established in Chapter 25A of Title 16.

6 "(d) Members of the commission shall receive \$50.00  
7 fifty dollars (\$50) per diem for attending meetings of the  
8 commission, plus travel expenses as provided for by state  
9 travel law, provided funds are available.

10 "(e) The commission, the Department of Postsecondary  
11 Education, and any institution of postsecondary education may  
12 contract with the commission for the provision of services to  
13 students or for the fulfillment of the educational mission of  
14 the Alabama Fire College. The commission shall report annually  
15 to the State Examiner all expenditures and revenues and the  
16 findings of the State Examiner shall be reported to the  
17 commission and the committee. The commission shall be audited  
18 by the Department of Examiners of Public Accounts in  
19 accordance with Section 41-5-14.

20 "(f) Nothing in this chapter shall be construed to  
21 alter, amend, modify, repeal, or affect in any way the  
22 provisions in Chapter 18, Title 22 of the Code of Alabama 1975  
23 or to prohibit or limit in any way the authority of the  
24 Alabama Department of Public Health to establish standards for  
25 the training, qualification, scope of privilege,  
26 certification, licensing of emergency medical services  
27 personnel and for the operation, design, equipment and

1 licensing of ambulances, and ambulance service operators. The  
2 Commission may authorize the Alabama Fire College to provide  
3 education and training to firefighters and trainees in  
4 emergency medical services, but only in a manner that complies  
5 with Chapter 18, Title 22 of the Code of Alabama 1975 and the  
6 rules of the State Board of Health.

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

9 "§36-32-5.

10 "The commission shall have the following functions  
11 and duties together with all powers necessary or convenient  
12 for the performance thereof:

13 "(1) To study, obtain data, statistics, and  
14 information and make reports concerning the recruitment,  
15 selection, and training of fire-protection personnel in the  
16 state; to make recommendations for improvement in methods of  
17 recruitment, selection, and training of such personnel;

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

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

24 "(4) To consult and coordinate through memorandum of  
25 agreement or understanding when applicable with any  
26 fire-fighting agency, university, college, community college,  
27 the federal government or any branch thereof ~~the Alabama State~~

1 ~~Fire College~~, or other educational institution concerning the  
2 provision of or development anywhere of, or both, firefighter  
3 training schools and programs of courses of instruction,  
4 including, but not limited to, education and training in the  
5 areas of fire science, fire technology, fire administration,  
6 and all allied and supporting fields, including travel out of  
7 the State of Alabama, for business, administrative, and  
8 instruction purposes which shall be authorized only by the  
9 commission and shall be allowed under the same conditions as  
10 for state officers and employees pursuant to Section 36-7-21;

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

14 "(6) To gather statistics and data and make reports  
15 concerning the training of fire-protection personnel and their  
16 accomplishments;

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

20 "(8) To certify fire-protection personnel in respect  
21 to their competence to perform fire service duties at various  
22 defined levels of responsibility as prescribed by such  
23 commission;

24 "(9) To direct research in the field of fire  
25 fighting and prevention and to accept gifts and grants for  
26 such purposes;

1           "(10) To consult with national fire service  
2 organizations or agencies concerning the training and  
3 certification of fire-protection personnel in the state;

4           "(11) To establish and utilize testing procedures  
5 and levels of grading which are consistently uniform with the  
6 standard prescribed by such commission;

7           "(12) To make investigation to determine whether the  
8 requirements of this chapter and the rules, regulations and  
9 standards of the commission issued pursuant to this chapter  
10 are being observed and followed;

11           "(13) To recommend to the Attorney General, the  
12 district attorneys and other appropriate officials measures  
13 for the enforcement of the requirements of this chapter and  
14 the rules, regulations and standards issued by the commission  
15 pursuant to this chapter;

16           "(14) To enter into cooperative agreements with  
17 state and local fire-fighting agencies for the effective  
18 coordination of fire-fighting training in the state;

19           "(15) To obtain the services and advice of experts  
20 in the field of fire-fighting for the purpose of aiding the  
21 commission in its studies, consideration, reports and  
22 recommendations, and the adoption of standards, rules and  
23 regulations; and

24           "(16) To ~~encourage~~ promote the participation of  
25 local fire-fighting agencies in the programs established by  
26 the commission."

1           Section 2. Section 36-32-13 is added to the Code of  
2 Alabama 1975, to read as follows:

3           §36-32-13.

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

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

23           (c) Each member of the oversight committee shall be  
24 entitled to his or her regular legislative compensation, his  
25 or her per diem, and travel expenses for each day he or she  
26 attends a meeting of the oversight committee which shall be  
27 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) The commission shall develop and adopt standards  
9 governing employment related issues pursuant to the state  
10 Merit System.

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

14 Section 3. This act shall become effective  
15 immediately following its passage and approval by the  
16 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Commerce, Transportation, and Utili-  
ties..... 07-FEB-12

Read for the second time and placed on the calen-  
dar 1 amendment..... 08-FEB-12

Read for the third time and passed as amended .... 21-FEB-12

Yeas 25  
Nays 0

Patrick Harris  
Secretary