

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

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would clarify the existence of the  
9 Alabama Fire College as an independent institution  
10 of postsecondary education operated under the  
11 supervision and control of the Alabama  
12 Firefighters' Personnel Standards and Education  
13 Commission.

14 This bill would revise the membership and  
15 duties of the commission and would establish a  
16 Joint Legislative Oversight Committee of the  
17 Alabama Firefighters' Personnel Standards and  
18 Education Commission.

19  
20 A BILL  
21 TO BE ENTITLED  
22 AN ACT  
23

24 To amend Sections 36-32-1, 36-32-2, 36-32-3, and  
25 36-32-5, Code of Alabama 1975, and to add Section 36-32-13 to  
26 the Code of Alabama 1975, relating to the Alabama Fire  
27 College; to clarify the existence of the college as an

1 independent institution of postsecondary education under the  
2 supervision and control of the Alabama Firefighters' Personnel  
3 Standards and Education Commission; to revise the membership  
4 of the commission; to provide for the duties of the  
5 commission; and to establish a Joint Legislative Oversight  
6 Committee of the Alabama Firefighters' Personnel Standards and  
7 Education Commission.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 36-32-1, 36-32-2, 36-32-3, and  
10 36-32-5 of the Code of Alabama 1975, are amended to read as  
11 follows:

12 "§36-32-1.

13 "For the purpose of this chapter, the following  
14 words and phrases shall have the following meanings,  
15 respectively, unless the context clearly indicates the  
16 contrary:

17 "~~(1) FUND. The Alabama Firefighters' Personnel~~  
18 ~~Standards and Education Fund provided for in Section 36-32-9.~~  
19 ALABAMA FIRE COLLEGE. The independent public institution of  
20 postsecondary education established by this chapter and  
21 operated under the general control and supervision of the  
22 Alabama Firefighters' Personnel Standards and Education  
23 Commission for the purposes of educating, training, and  
24 certifying firefighters and trainees in fire prevention and  
25 suppression, emergency medical services, and related fields.  
26 All assets owned by the Alabama Fire College and the Alabama  
27 Firefighters' Personnel Standards and Education Commission,

1 upon passage of the act amending this section, shall remain  
2 the property of the state and shall be titled in the name of  
3 the Alabama Firefighters' Personnel Standards and Education  
4 Commission.

5 "(2) COMMISSION. The Alabama Firefighters' Personnel  
6 Standards and Education Commission established by this  
7 chapter.

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

11 "~~(3)~~ (4) FIRE-FIGHTING AGENCY. Any agency charged  
12 with the responsibility of detecting, combating, and  
13 preventing damage to property and lives by fires, but  
14 excluding the Alabama State Forestry Commission.

15 "~~(4)~~ (5) FIRE PROTECTION PERSONNEL and FIREFIGHTER.  
16 Any person permanently employed in fire administration, fire  
17 prevention, fire suppression, fire education, arson  
18 investigation, and emergency medical services, but excluding  
19 employees of the Alabama State Forestry Commission.

20 "~~(5)~~ (6) VOLUNTEER FIREFIGHTER. Any person who is not  
21 permanently employed as fire protection personnel or  
22 firefighter but who otherwise engages in fire administration,  
23 fire prevention, fire suppression, fire education, arson  
24 investigation, and emergency medical services.

25 "~~(6)~~ (7) TRAINEE. A firefighter who has not been  
26 certified by the commission as having met the minimum basic

1 training as set forth by Section 36-32-7 and by the rules and  
2 regulations adopted by the commission.

3 ~~"(7)(8)~~ SCHOOL. Any school located within the State  
4 of Alabama whether privately or publicly owned which offers a  
5 course in fire protection training or related subjects and  
6 which has been approved by the commission.

7 ~~"(8)(9)~~ STATE. The State of Alabama.

8 "§36-32-2.

9 "The Alabama Firefighters' Personnel Standards and  
10 Education Commission/~~Alabama State Fire College-Shelton State~~  
11 ~~Community College is hereby created and established. The~~  
12 ~~commission~~ shall consist of seven members, each of whom ~~must~~  
13 shall be a qualified elector of the state who is over the age  
14 of 18 years. The Professional Firefighters Association of  
15 Alabama shall ~~designate~~ nominate one ~~member of the commission~~  
16 certified firefighter to serve for a term of four years; the  
17 Alabama ~~Firemen's~~ Firefighter's Association shall ~~designate~~  
18 nominate one ~~member~~ certified firefighter to serve for a term  
19 of four years; the Alabama Association of Fire Chiefs shall  
20 nominate one certified firefighter to serve for a term of four  
21 years; the Alabama Association of Volunteer Fire Departments  
22 shall nominate one certified volunteer firefighter to serve  
23 for a term of four years; the State Fire Marshal or his or her  
24 designee shall serve as a member; the Lieutenant Governor  
25 shall nominate one member; and the Governor shall ~~designate~~  
26 ~~four~~ nominate one members of the commission. The members  
27 appointed by the Lieutenant Governor the Governor shall each

1       serve for terms of four years; ~~provided, that the members~~  
2       ~~first appointed by the Governor shall serve for terms of one,~~  
3       ~~two, three, and four years, respectively, as the Governor~~  
4       ~~shall designate. Should a vacancy occur during the term of a~~  
5       ~~commission member, the original nominating entity shall~~  
6       ~~nominate a replacement to serve for the remainder of the term.~~  
7       Each nominee shall be confirmed by the Senate before the  
8       nominee becomes a member of the commission. No commissioner  
9       who is then serving on the commission or whose term has just  
10      expired shall be required to be reconfirmed for a new term,  
11      once nominated by the Professional Firefighters Association of  
12      Alabama, the Alabama Firefighters Association, the Alabama  
13      Association of Fire Chiefs, the Alabama Association of  
14      Volunteer Fire Departments, the Lieutenant Governor or the  
15      Governor. Each member of the commission shall serve until his  
16      or her successor is confirmed by the Senate. If the Senate  
17      rejects the nominee, the nominating entity shall make a  
18      replacement nomination. The nominee of the Alabama Association  
19      of Fire Chiefs shall be appointed in 2013 at the expiration of  
20      the term of office of the designee of the Governor whose  
21      appointment ends in 2013. The nominee of the Alabama  
22      Association of Volunteer Fire Departments shall be appointed  
23      in 2014 at the expiration of the term of office of the  
24      designee of the Governor whose appointment ends in 2014. No  
25      commissioner may serve more than two consecutive terms. The  
26      members may adopt bylaws to govern the organization of the

1 commission, its meetings and activities; provided, that the  
2 bylaws shall not conflict with this chapter.

3 (b) the membership of the commission shall be  
4 inclusive and reflect the racial, gender, geographic,  
5 urban/rural, and economic diversity of the state.

6 "§36-32-3.

7 "(a) The commission shall elect a chairman and a  
8 vice-chairman from among its members at ~~its~~ the first regular  
9 quarterly meeting of the calendar year ~~and thereafter at its~~  
10 ~~first meeting following the appointment of a new member. The~~  
11 ~~commission may employ an executive director who shall serve at~~  
12 ~~the discretion of the commission. The commission may employ~~  
13 ~~assistants to assist the executive director as required to~~  
14 ~~coordinate training and to conduct investigations pursuant to~~  
15 ~~Section 36-32-5 and any technical assistance programs. The~~  
16 ~~assistants shall serve at the discretion of the commission.~~  
17 ~~The commission shall set the salaries of the executive~~  
18 ~~director and assistants subject to the salary schedules~~  
19 ~~adopted by the Alabama State Board of Education for the~~  
20 ~~Alabama state community, junior, and technical colleges. The~~  
21 ~~commission may employ such clerical assistants as functions~~  
22 ~~and duties may require. Final approval of hiring or dismissal~~  
23 ~~of employees shall rest with the President of Shelton State~~  
24 ~~Community College.~~

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

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

4           "(2) Remove the executive director or any assistant  
5 or other officer.

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

8           "(4) Institute, regulate, alter, or modify the  
9 government of the Alabama Fire College as the commission may  
10 deem advisable.

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

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

15           "(7) Confer certifications as are usually conferred  
16 by similar institutions related to the mission of the Alabama  
17 Fire College.

18           "(c) The commission may delegate to the executive  
19 director such powers and functions in the administration of  
20 the affairs of the fire college as the commission may deem  
21 proper, including the hiring, firing, dismissal, nonrenewal,  
22 discipline, promotion, and supervision of any employee of the  
23 Alabama Fire College and of the commission. The commission may  
24 direct the executive director to coordinate the certification  
25 of any person regulated by the commission, to conduct  
26 investigations and fulfill other duties as provided in Section  
27 36-32-5, and to provide any technical assistance programs. The



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

20 "(d) Members of the commission shall receive ~~\$50.00~~  
21 fifty dollars (\$50) per diem for attending meetings of the  
22 commission, plus travel expenses as provided for by state  
23 travel law, provided funds are available.

24 "(e) The commission, the Department of Postsecondary  
25 Education, and any institution of postsecondary education may  
26 contract with the commission for the provision of services to  
27 students or for the fulfillment of the educational mission of

1 the Alabama Fire College. The commission shall report annually  
2 to the State Examiner all expenditures and revenues and the  
3 findings of the State Examiner shall be reported to the  
4 commission and the committee. The commission shall be audited  
5 by the Department of Examiners of Public Accounts in  
6 accordance with Section 41-5-14.

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

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

23 "§36-32-5.

24 "The commission shall have the following functions  
25 and duties together with all powers necessary or convenient  
26 for the performance thereof:

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

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

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

12           "(4) To consult and coordinate through memorandum of  
13 agreement or understanding when applicable with any  
14 fire-fighting agency, university, college, community college,  
15 the federal government or any branch thereof ~~the Alabama State~~  
16 ~~Fire College~~, or other educational institution concerning the  
17 provision of or development anywhere of, or both, firefighter  
18 training schools and programs of courses of instruction,  
19 including, but not limited to, education and training in the  
20 areas of fire science, fire technology, fire administration,  
21 and all allied and supporting fields, including travel out of  
22 the State of Alabama, for business, administrative, and  
23 instruction purposes which shall be authorized only by the  
24 commission and shall be allowed under the same conditions as  
25 for state officers and employees pursuant to Section 36-7-21;

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

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

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

10           "(8) To certify fire-protection personnel in respect  
11 to their competence to perform fire service duties at various  
12 defined levels of responsibility as prescribed by such  
13 commission;

14           "(9) To direct research in the field of fire  
15 fighting and prevention and to accept gifts and grants for  
16 such purposes;

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

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

23           "(12) To make investigation to determine whether the  
24 requirements of this chapter and the rules, regulations and  
25 standards of the commission issued pursuant to this chapter  
26 are being observed and followed;

1           "(13) To recommend to the Attorney General, the  
2 district attorneys and other appropriate officials measures  
3 for the enforcement of the requirements of this chapter and  
4 the rules, regulations and standards issued by the commission  
5 pursuant to this chapter;

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

9           "(15) To obtain the services and advice of experts  
10 in the field of fire-fighting for the purpose of aiding the  
11 commission in its studies, consideration, reports and  
12 recommendations, and the adoption of standards, rules and  
13 regulations; and

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

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

19           §36-32-13.

20           (a) There is created the Joint Legislative Oversight  
21 Committee of the Alabama Firefighters' Personnel Standards and  
22 Education Commission. The committee shall be composed of three  
23 members of each house. The senator and the representative from  
24 the districts where the Alabama Fire College is located shall  
25 be members of the committee. The remaining members shall be  
26 appointed by the Speaker of the House and the Senate Pro  
27 Tempore. The chair and vice chair of the oversight committee

1 shall be elected at the first meeting by the members of the  
2 oversight committee. The oversight committee shall meet as it  
3 deems necessary and shall study and oversee all facets of the  
4 Alabama Firefighters' Personnel Standards and Education  
5 Commission. The committee shall review each report provided by  
6 the commission and may make recommendations as it deems  
7 appropriate.

8 (b) Upon the request of the chair, the Secretary of  
9 the Senate and the Clerk of the House of Representatives shall  
10 provide the clerical assistance necessary for the work of the  
11 oversight committee.

12 (c) Each member of the oversight committee shall be  
13 entitled to his or her regular legislative compensation, his  
14 or her per diem, and travel expenses for each day he or she  
15 attends a meeting of the oversight committee which shall be  
16 paid out of any funds appropriated to the use of the  
17 Legislature, upon warrants drawn on the state Comptroller upon  
18 requisitions signed by the chair of the oversight committee.  
19 Notwithstanding the foregoing, no member shall receive  
20 additional legislative compensation or per diem when the  
21 Legislature is in session or if a member is being paid any  
22 other payments on the same dates for attendance of other state  
23 business.

24 (d) The commission shall develop and adopt standards  
25 governing employment related issues pursuant to the state  
26 Merit System.

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

4                   Section 3. This act shall become effective  
5 immediately following its passage and approval by the  
6 Governor, or its otherwise becoming law.