

Regular Session, 2013

HOUSE BILL NO. 382

BY REPRESENTATIVE BERTHELOT

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

FIRE PROTECT/FIRE MARSHAL: Creates a Volunteer Firefighter's Tuition Reimbursement program

1 AN ACT

2 To enact Part II-C of Chapter 7 of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:1558.1 through 1558.7, relative to volunteer firefighters; to
4 create the Volunteer Firefighter's Tuition Reimbursement Fund; to provide for the
5 creation of the Volunteer Firefighter's Tuition Reimbursement Board and its
6 membership; to provide for definitions; to provide for eligibility of applicants; to
7 provide for rules and regulations; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part II-C of Chapter 7 of Title 40 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 40:1558.1 through 1558.7, is hereby enacted to read as follows:

11 PART II-C. VOLUNTEER FIREFIGHTER'S TUITION REIMBURSEMENT FUND

12 §1558.1. Purpose

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

18 B. It is the purpose of this Part to provide for the creation of the Volunteer
19 Firefighter's Tuition Reimbursement Fund, wherein the state shall financially
20 reimburse eligible students who volunteer with volunteer fire departments.

1 §1558.2. Definitions2 As used in this Part, the following words shall have the following meanings:3 (1) "Board" means the Volunteer Firefighter's Tuition Reimbursement
4 Board.5 (2) "Combination fire department" means a department whose personnel is
6 composed of both volunteer and professional firefighters.7 (3) "Recipient" means a person who has met the eligibility requirements and
8 is awarded tuition reimbursement from the Volunteer Firefighter's Tuition
9 Reimbursement Fund.10 §1558.3. Volunteer Firefighter's Tuition Reimbursement Fund11 A. There is hereby established a special fund in the state treasury to be
12 known as the Volunteer Firefighter's Tuition Reimbursement Fund, hereinafter
13 referred to as the "fund", which shall consist of monies made by annual
14 appropriations to the fund for the purpose set forth in this Part to the extent that state
15 general funds are available, federal funds, public or private donations, gifts, or grants
16 from individuals, corporations, nonprofit organizations, or other business entities
17 which may be made to the fund, and any other monies which may be provided by
18 law.19 B.(1) Notwithstanding any other provision of law to the contrary, after
20 compliance with the requirements of Article VII, Section 9(B) of the Constitution of
21 Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient
22 amount is allocated from that fund to pay all of the obligations secured by the full
23 faith and credit of the state which become due and payable within any fiscal year, the
24 treasurer shall pay into the fund an amount equal to the amount provided for in
25 Subsection A of this Section.26 (2) Monies appropriated from the fund shall be used solely as provided by
27 Subsection C of this Section and only in the amounts appropriated by the legislature.
28 All unexpended and unencumbered monies in the fund at the end of the fiscal year
29 shall remain in the fund. The monies in the fund shall be invested by the state

1 treasurer in the same manner as monies in the state general fund, and interest earned
2 on the investment of these monies shall be credited to the fund following compliance
3 with the requirements of Article VII, Section 9(B) relative to the Bond Security and
4 Redemption Fund.

5 C. Subject to annual appropriation by the legislature, the monies in the
6 Volunteer Firefighter's Tuition Reimbursement Fund shall be used solely for
7 providing tuition reimbursement to eligible volunteer firefighters attending a state
8 funded public college, university, vocational, or technical school.

9 §1558.4. Volunteer Firefighter's Tuition Reimbursement Board; creation;
10 membership

11 A. There is hereby created the Volunteer Firefighter's Tuition
12 Reimbursement Board within the Department of Public Safety and Corrections,
13 office of the state fire marshal.

14 B. The Volunteer Firefighter's Tuition Reimbursement Board shall be
15 composed of seven members as follows:

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

17 (2) The president of the Senate or his designee.

18 (3) The speaker of the House of Representatives or his designee.

19 (4) One member appointed by the governor.

20 (5) One member appointed by the Louisiana State Firefighter's Association.

21 (6) Two members appointed by the Louisiana Fire Chief's Association, one
22 of whom shall be the chief of a predominantly volunteer fire department.

23 C. Each board member shall serve without compensation, however, may
24 receive reimbursement for expenses in accordance with state travel guidelines.

25 D. The board shall adopt rules and regulations providing for the governance
26 of the board, including but not limited to the following:

27 (1) Procedures for the election of board officers and terms of office.

28 (2) Methods and grounds for removal of board members, which shall include
29 but not be limited to conviction of a felony and failure to meet attendance rules.

1 (3) Procedures for filling vacancies created by removal, resignation, or death
2 of any member prior to the end of the member's term, which shall follow those used
3 for the initial appointment of members to the board.

4 E. Four members shall constitute a quorum and shall be required to conduct
5 the business of the board. A majority vote of the members constituting a quorum
6 shall be necessary for any action taken by the board.

7 §1558.5. Powers and duties of the board

8 A. The board shall:

9 (1) Create an application and develop application procedures.

10 (2) Determine which applications meet the eligibility requirements provided
11 for in R.S. 40:1558.6 and any rules or regulations promulgated by the board.

12 (3) Disburse to recipients an amount equal to the tuition charged by the state
13 funded college, university, vocational, or technical school selected by the recipient.

14 (4) Require the fire chiefs of recipients to file voluntary status affidavits
15 with the board for each semester for each recipient.

16 (5) Require recipients to file education progress reports with the board after
17 each semester.

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

20 §1558.6. Eligibility of applicants

21 A. Eligible applicants shall have met, at a minimum, the following
22 requirements:

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

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

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

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

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

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

6 §1558.7. Rules and regulations

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

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)]

Berthelot

HB No. 382

Abstract: Creates a volunteer firefighter's tuition reimbursement program to provide tuition reimbursement to volunteer firefighters for attendance at a state public college, university, vocational, or technical school.

Proposed law creates a volunteer firefighter's tuition reimbursement program to provide tuition reimbursement to eligible volunteer firefighters attending a state funded public college, university, vocational, or technical school.

Proposed law creates the Volunteer Firefighter's Tuition Reimbursement Fund in the state treasury for the deposit of state general fund monies if available and appropriated by the legislature and any federal funds, donations, or other monies that may be provided.

Proposed law creates the Volunteer Firefighter's Tuition Reimbursement Board composed of seven members, to serve without compensation except for reimbursement of expenses, as follows:

- (1) The state fire marshal or his designee.
- (2) The president of the Senate or his designee.
- (3) The speaker of the House or his designee.
- (4) One member appointed by the governor.
- (5) One member appointed by the La. State Firemen's Assoc.
- (6) Two members appointed by the La. Fire Chief's Assoc., one of whom shall be the chief of a predominantly volunteer fire department.

Proposed law allows the board to adopt rules and regulations for the governance of the board. Requires the board to create an application and develop an application process,

determine applicant eligibility, disburse tuition reimbursements, require status reports on voluntary firefighter status and require education progress reports.

Proposed law requires eligible applicants to, at a minimum, reside in the state for at least one year prior to application, complete a two-year associate degree program or two years of a four-year degree program or one year of a vo-tech school, and volunteer for at least two years with a fire department and at the time of application serve as a volunteer firefighter. Disqualifies a recipient from receiving the tuition reimbursement if the board determines that the recipient has failed to maintain good standing with the attending school or has discontinued service as a volunteer firefighter.

Proposed law allows the board to adopt, in accordance with the APA, rules and regulations necessary to implement the program.

(Adds R.S. 40:1558.1-1558.7)