

HOUSE BILL 3152

By Tindell

AN ACT to amend Tennessee Code Annotated, Section 4-24-104, relative to the commission on firefighting personnel standards and education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, 4-24-104, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The commission shall be composed of nine (9) members, one (1) of whom shall be the executive director of the Fire Service and Codes Enforcement Academy, or the executive director's designee, and the remaining eight (8) members shall be appointed by the governor as provided in this section. The commissioner of commerce and insurance shall be an ex officio nonvoting member.

(b) Each member appointed to the commission shall be qualified by experience or education in the area of fire protection and related fields, be a certified fire fighter II or above, and be a member of a fire department currently participating in the commission's training program.

(c)

(1) Two (2) members appointed to the commission shall be active fire chiefs selected from candidates submitted by the governing body of the Tennessee Fire Chief's Association.

(2) Two (2) members appointed to the commission shall be training officers selected from candidates submitted by the governing body of the Tennessee Fireman's Association.

(3) One (1) member appointed to the commission shall be a fire marshal and one (1) member shall be a public fire and life safety educator selected from candidates submitted by the governing body of the Tennessee Fire Safety Inspectors Association.

(4) Notwithstanding any provision of law to the contrary, at least two (2) of the members appointed to the commission shall be selected from candidates approved by the governing body of the Tennessee Professional Fire Fighters Association.

(5) The appointments shall be made in accordance with the following procedure:

(A) Within two (2) weeks after the occurrence of a vacancy in the office of any commissioner caused by death, resignation, disability, or forfeiture of office, and no later than thirty (30) days prior to the expiration of the term of office of any incumbent commissioner, the chair of the commission shall notify the appropriate association of the vacancy or expiration of the term when the vacancy or expiration results in an opening for that particular association to make recommendations for an appointment;

(B) Within twenty-one (21) days after the receipt of such notice, the governing body of the association may submit to the governor a list of three (3) qualified nominees to fill such vacancy, in order of preference;

(C) Within twenty-one (21) days after the submission of the list or after the time for submission of the list has expired, the governor may appoint one (1) of the nominees for the remainder of the term, or for the next term, as the case may be; provided, that the governor may reject all

nominees by written objection mailed to the association within the twenty-one (21) day period, in which event the governing board of the association shall have twenty-one (21) days from receipt of the written objection within which to submit a second list of three (3) appointees in order of preference, and the governor may likewise reject all such nominees by written objection in the manner provided in this subdivision (c)(5)(C), in which event the procedure of objection by the governor and certification of additional names by the governing body of the association shall continue until the position is filled;

(D) In the event the governor fails to exercise the governor's appointive power or power to object within the applicable twenty-one-day period, then the first name listed on the last list of recommended nominees shall be the appointee by operation of law; and

(E) In the event the governing body of the association fails to submit a list of qualified nominees as provided in this subsection (c), the governor may proceed to appoint a person meeting the qualifications for the position.

(d) In making appointments to the commission, the governor shall strive to ensure that at least one (1) person appointed to serve on the commission is sixty (60) years of age or older and that at least one (1) person appointed to serve on the commission is a member of a racial minority.

(e) Commission members shall be appointed for six-year terms.

(f) The governor shall fill by appointment vacancies occurring during terms.

(g) Each grand division of the state shall be represented on the commission.

(h) A member whose term expires shall continue to serve on the commission until a new member is appointed.

(i) With the exception of the executive director of the Fire Service and Codes Enforcement Academy or the executive director's designee, no state employee, including full-time and part-time employees, shall be appointed to serve on the commission. This subsection (i) shall not affect the terms of the members of the commission appointed prior to April 11, 2007, but all appointments made on or after April 11, 2007, shall meet the requirements established in this subsection (i).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.