

House Bill 1097

By: Representatives Snow of the 2nd, Ray of the 128th, Jenkins of the 110th, Hudson of the 120th, Smith of the 103rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 38-3-27 of the Official Code of Georgia Annotated, relating to local
2 organizations for emergency management and their creation, structure, powers, directors,
3 financial assistance, and entitlement for funding, so as to provide for state grants to assist
4 local fire departments, emergency medical services, 911 facilities, and emergency
5 management organizations for certain purposes; to provide for rules and regulations; to
6 provide eligibility requirements; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 38-3-27 of the Official Code of Georgia Annotated, relating to local
10 organizations for emergency management and their creation, structure, powers, directors,
11 financial assistance, and entitlement for funding, is amended by striking subsections (c)
12 through (e) and inserting in their respective places the following:

13 "(c) There is created a state fund to provide assistance to local fire departments, emergency
14 medical services, 911 facilities, and organizations for emergency management which are
15 authorized by subsections (a) and (b) of this Code section. The fund shall be used for the
16 purpose of making grants to local ~~emergency management organizations~~ to enable them
17 such entities to purchase or otherwise obtain equipment which is needed for emergency
18 dispatch, emergency response, and disaster preparedness and to construct or renovate
19 facilities used for the storage or protection of such equipment. The fund shall be
20 administered by the director of emergency management who, by rules and regulations,
21 shall establish uniform criteria governing application for and the use of funds granted to
22 ~~local organizations for emergency management~~ pursuant to this subsection. The rules and
23 regulations shall include, but shall not be limited to, provisions:

24 (1) Requiring that, as a condition precedent to receiving a state grant pursuant to this
25 subsection, an amount equal to the state grant shall be raised from local funds for the
26 purchase of emergency dispatch, emergency response, or disaster preparedness

1 equipment or for the construction or renovation of facilities used for the storage or
 2 protection of such equipment;

3 (2) Defining ~~disaster preparedness~~ equipment which shall qualify for purchase by the use
 4 of matching funds made available pursuant to this subsection;

5 (3) Establishing procedures and requirements governing the purchase of disaster
 6 preparedness equipment when matching funds made available pursuant to this subsection
 7 are used for the purchase;

8 (4) Establishing priorities governing grants made pursuant to this subsection which shall
 9 be based on the most effective and efficient use of ~~disaster preparedness~~ equipment
 10 purchased with matching funds made available pursuant to this subsection;

11 (5) Establishing forms, procedures, and requirements governing applications for grants
 12 pursuant to this subsection; and

13 (6) Prohibiting any single local fire department, emergency medical service, 911 facility,
 14 or emergency management organization from receiving more than ~~12 1/2~~ 5 percent of the
 15 total funds annually appropriated to carry out this subsection.

16 (d) The funds necessary to carry out subsection (c) of this Code section shall come from
 17 funds specifically appropriated for such purpose by the General Assembly.

18 (e)(1) To the extent funds are appropriated for such purpose by the General Assembly,
 19 the director of emergency management is authorized and directed to provide funds to
 20 counties or municipalities which operate a local fire departments, emergency medical
 21 services, 911 facilities, or local emergency management ~~organization~~ organizations as
 22 required by this Code section.

23 (2) No local fire department shall be entitled to receive funds under this Code section
 24 unless it meets the minimum requirements of Code Section 25-3-23 and the rules and
 25 regulations of the Georgia Firefighter Standards and Training Council and participates
 26 in a mutual aid agreement with surrounding jurisdictions.

27 (3) No local 911 facility shall be entitled to receive funds under this Code section unless
 28 it meets the applicable requirements of Part 4 of Article 2 of Chapter 5 of Title 46, the
 29 'Georgia Emergency Telephone Number "911" Service Act of 1977.'

30 (4) No county or municipality local emergency management organization shall be
 31 entitled to receive funds under this Code section unless the local emergency management
 32 organization ~~it~~ has met all of the state and federal requirements to be an emergency
 33 management organization qualified to receive federal funds, including:

34 (A) Legal establishment by local ordinance or resolution;

35 (B) A legally appointed local director who has been endorsed and approved by the state
 36 director of emergency management and appointed by the Governor;

37 (C) An approved emergency and disaster plan with all applicable annexes; ~~and~~

1 (D) An approved fiscal year program paper and other necessary compliance
2 documents; and

3 (E) Participation in a mutual aid agreement with surrounding jurisdictions.

4 ~~(2)~~(5) The amount provided to each county or municipality for a local emergency
5 management organization shall be equal to the amount of any shortfall in federal funding
6 which results in federal funds which less than match (on a 50 percent - 50 percent basis)
7 the amount budgeted by the county or municipality for the purpose of operating and
8 maintaining the local emergency management organization.

9 ~~(3)~~(6) In the event sufficient state funds other than those from federal sources are not
10 appropriated for a fiscal year to fund the full amount provided for in paragraph ~~(2)~~ (5) of
11 this subsection, then the amount which would otherwise be payable to each county and
12 municipality shall be reduced pro rata on the basis of the funds actually appropriated.

13 ~~(4)~~(7) The director of emergency management is authorized and directed to adopt and
14 promulgate appropriate rules and regulations to carry out this subsection.

15 ~~(5)~~(8) Funds to carry out this subsection shall come from funds appropriated to the
16 Office of Planning and Budget specifically for the purposes of carrying out this
17 subsection."

18 **SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.