

The House Committee on Public Safety offered the following substitute to SB 169:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and  
2 safety, so as to change certain provisions relating to notification that an organization meets  
3 requirements and issuance of certificate of compliance; to change certain provisions relating  
4 to general requirements, equipment and clothing, personnel, and insurance relative to fire  
5 departments; to change certain provisions relating to suspension or revocation of certificate  
6 of compliance; to change certain provisions relating to definitions relative to firefighter  
7 standards and training; to change certain provisions relating to the Georgia Firefighter  
8 Standards and Training Council and its establishment, organization, advisory committee,  
9 expenses, and allowances; to provide for an executive director of the Georgia Firefighter  
10 Standards and Training Council; to change certain provisions relating to a basic firefighter  
11 training course and transfer of certification; to change certain provisions relating to  
12 mandatory annual training; to provide an effective date; to repeal conflicting laws; and for  
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
17 amended by striking Code Section 25-3-22, relating to notification that an organization  
18 meets requirements and issuance of certificate of compliance, and inserting in lieu thereof  
19 the following:

20 "25-3-22.

21 In order for a fire department to be legally organized to operate in the State of Georgia, the  
22 chief administrative officer of the fire department shall notify the executive director that  
23 the organization meets the minimum requirements specified in Code Section 25-3-23 and  
24 the rules and regulations of the Georgia Firefighter Standards and Training Council to  
25 function as a fire department. If the executive director is satisfied that the fire department  
26 meets the minimum requirements contained in Code Section 25-3-23 and the rules and

1 regulations of the Georgia Firefighter Standards and Training Council, he or she shall ~~issue~~  
 2 a recommend to the Georgia Firefighter Standards and Training Council that a certificate  
 3 of compliance be issued by the council to the fire department ~~and~~. If the council issues  
 4 such certificate of compliance, the fire department shall be authorized to exercise the  
 5 general and emergency powers set forth in Code Sections 25-3-1 and 25-3-2."

## 6 SECTION 2.

7 Said title is further amended by striking Code Section 25-3-23, relating to general  
 8 requirements, equipment and clothing, personnel, and insurance relative to fire departments,  
 9 and inserting in lieu thereof the following:

10 "25-3-23.

11 (a) Except as otherwise provided in subsection (d) of this Code section, in order to be  
 12 legally organized:

13 (1) A fire department shall comply with the following requirements:

14 (A) ~~Be established in accordance with the provisions of the National Fire Protection~~  
 15 ~~Association Standard 1201 to provide fire and other emergency and nonemergency~~  
 16 services in accordance with standards specified solely by the Georgia Firefighter  
 17 Standards and Training Council and the applicable local government;

18 (B) Be capable of providing fire protection 24 hours a day, ~~seven days a week~~ 365 days  
 19 per year;

20 (C) Be responsible for a defined area of operations depicted on a map located at the fire  
 21 station, which area of operations shall have been approved and designated by the  
 22 governing authority of the applicable county, municipality, or other political  
 23 subdivision in the case of any county, municipal, or volunteer fire department; and

24 (D) Be staffed with a sufficient number of ~~qualified firefighters who are full-time, part~~  
 25 ~~time, or volunteers and who shall have successfully completed an approved basic~~  
 26 ~~fire-fighting course conducted by or through the Georgia Fire Academy~~ full-time,  
 27 part-time, or volunteer firefighters who have successfully completed basic firefighter  
 28 training as specified by the Georgia Firefighter Standards and Training Council; and

29 (2) A fire department shall possess the following items of approved equipment and  
 30 protective clothing:

31 (A) A minimum of one fully equipped, operable pumper with a capacity of at least ~~100~~  
 32 750 GPM at ~~120~~ 150 PSI and a tank capacity of a minimum of 250 gallons; provided,  
 33 however, a ~~minimum of one fully equipped, operable, and approved pumper of at least~~  
 34 ~~750 GPM capacity is recommended~~ that previously approved fire apparatus which does  
 35 not meet such minimum standards may be used in lieu of the minimum required  
 36 pumper until replaced by the local authority;

1 (B) A minimum of equipment, appliances, adapters, and accessories necessary to  
 2 perform and carry out the duties and responsibilities of a fire department set forth in  
 3 Code Sections 25-3-1 and 25-3-2 as approved by the Georgia Firefighter Standards and  
 4 Training Council;

5 (C) A minimum of two approved self-contained breathing apparatus for each pumping  
 6 apparatus as approved by the Georgia Firefighter Standards and Training Council; and

7 (D) A minimum issue of sufficient personal protective clothing to permit each member  
 8 to perform safely the duties of a firefighter.

9 ~~(b) A minimum of 15 firefighters for each fire department is recommended; however,~~  
 10 ~~departments existing on or before July 1, 1984, shall be exempt from this recommendation.~~

11 ~~(c)~~(b) A legally organized fire department shall purchase and maintain sufficient insurance  
 12 coverage on each member of the fire department to pay claims for injuries sustained en  
 13 route to, during, and returning from fire calls or other emergencies and disasters and  
 14 scheduled training sessions.

15 ~~(d)~~(c) On and after July 1, 1998, the Georgia Firefighter Standards and Training Council  
 16 shall be authorized, by rules and regulations, to establish and modify minimum  
 17 requirements for all fire departments operating in this state, provided that such  
 18 requirements are equal to or exceed the requirements provided in subsections (a), ~~(b)~~,  
 19 ~~and (c)~~ (a) and (b) of this Code section."

### 20 SECTION 3.

21 Said title is further amended by striking Code Section 25-3-25, relating to suspension or  
 22 revocation of certificate of compliance, and inserting in lieu thereof the following:

23 "25-3-25.

24 (a) The certificate of compliance issued by the ~~executive director~~ council shall be subject  
 25 to suspension or revocation by the council at any time ~~he or she~~ it receives satisfactory  
 26 evidence that:

27 (1) The fire department is not maintaining sufficient personnel, equipment, or insurance  
 28 required by Code Section 25-3-23 or the rules and regulations of the Georgia Firefighter  
 29 Standards and Training Council pursuant to subsection (d) of Code Section 25-3-23; or

30 (2) The fire department is not serving the best interests of the citizens of its area of  
 31 operations.

32 (b) The chief administrative officer of any fire department aggrieved by a decision of the  
 33 council under subsection (a) of this Code section may, within 30 days of the date of such  
 34 decision, request a hearing on the matter before the council. Following a hearing before  
 35 the council, the chief administrative officer of the fire department affected shall be served

1 with a written decision of the council announcing whether the certificate of compliance  
 2 shall remain revoked or suspended or whether it shall be reinstated.

3 (c) The council shall not suspend or revoke any certificate of compliance for failure to  
 4 meet firefighter training requirements when such failure was due to unavailability of  
 5 required training from or through the Georgia Fire Academy.

6 (d) The council may refer suspensions or revocations to the Attorney General for  
 7 enforcement. Upon referral from the council, the Attorney General may bring a civil action  
 8 to enjoin any organization which is not in compliance with the applicable requirements of  
 9 this chapter from performing any or all firefighting functions until such requirements are  
 10 met by such organization."

#### 11 SECTION 4.

12 Said title is further amended by striking Code Section 25-4-2, relating to definitions relative  
 13 to firefighter standards and training, and inserting in lieu thereof the following:

14 "25-4-2.

15 As used in this chapter, the term:

16 (1) 'Candidate' means a prospective firefighter who has not yet been certified by the  
 17 council as having met the requirements of this chapter.

18 (2) 'Certified firefighter' or 'state certified firefighter' means any firefighter who has been  
 19 certified by the council as having met the requirements of this chapter.

20 ~~(2)~~(3) 'Council' means the Georgia Firefighter Standards and Training Council.

21 ~~(3)~~(4) 'Firefighter' means any person who is employed as a professional firefighter on a  
 22 ~~full-time basis of at least 40 hours per week by any municipal, county, or state~~  
 23 ~~government fire department employing three or more firefighters and who has the~~  
 24 ~~responsibility of preventing and suppressing fires, protecting life and property, and~~  
 25 ~~enforcing municipal, county, and state fire prevention codes, as well as enforcing any law~~  
 26 ~~pertaining to the prevention and control of fires, or who is employed full time as a public~~  
 27 ~~safety officer by any municipal, county, or state government employing three or more~~  
 28 ~~public safety officers and who has responsibilities which include preventing and~~  
 29 ~~suppressing fires, protecting life and property, and enforcing ordinances and state laws~~  
 30 a trained individual who is a full-time employee, part-time employee, or volunteer for a  
 31 municipal, county, state, or private incorporated fire department and as such has duties  
 32 of responding to mitigate a variety of emergency and nonemergency situations where life,  
 33 property, or the environment is at risk, which may include without limitation fire  
 34 suppression; fire prevention activities; emergency medical services; hazardous materials  
 35 response and preparedness; technical rescue operations; search and rescue; disaster  
 36 management and preparedness; community service activities; response to civil

1 disturbances and terrorism incidents; nonemergency functions including training,  
 2 preplanning, communications, maintenance, and physical conditioning; and other related  
 3 emergency and nonemergency duties as may be assigned or required; provided, however,  
 4 that a firefighter's assignments may vary based on geographic, climatic, and demographic  
 5 conditions or other factors including training, experience, and ability.

6 (5) 'Full-time' means employed for compensation on a basis of at least 40 hours per week  
 7 by any municipal, county, state, or private incorporated fire department.

8 (6) 'Part-time' means employed for compensation on less than a full-time basis by any  
 9 municipal, county, state, or private incorporated fire department.

10 (7) 'Volunteer' means not employed for compensation by but appointed and regularly  
 11 enrolled to serve as a firefighter for any municipal, county, state, or private incorporated  
 12 fire department."

### 13 SECTION 5.

14 Said title is further amended by striking Code Section 25-4-3, relating to the Georgia  
 15 Firefighter Standards and Training Council and its establishment, organization, advisory  
 16 committee, expenses, and allowances, and inserting in lieu thereof the following:

17 "25-4-3.

18 (a) The Georgia Firefighter Standards and Training Council is established. The council  
 19 shall be composed of ~~seven~~ nine members, one of whom shall be the Safety Fire  
 20 Commissioner or the designated representative of the Safety Fire Commissioner. One  
 21 member shall be appointed by the Lieutenant Governor. One member shall be appointed  
 22 by the Speaker of the House of Representatives. The remaining six members shall be  
 23 appointed by the Governor subject to the following requirements:

- 24 (1) One member shall be a member of the governing authority of a county;
- 25 (2) One member shall be a member of the governing authority of a municipality;
- 26 (3) One member shall be a city or county manager;
- 27 (4) One member shall be the chief of a county or municipal fire department; and
- 28 (5) Two members shall be state certified firefighter training officers.

29 (b) The members of the council appointed by the Governor pursuant to subsection (a) of  
 30 this Code section shall be appointed at the sole discretion of the Governor. However, the  
 31 Governor may consider for appointment to the council persons suggested for membership  
 32 thereon as follows:

- 33 (1) The Association County Commissioners of Georgia may suggest the names of three  
 34 persons for each appointment pursuant to paragraph (1) of subsection (a) of this Code  
 35 section;

1 (2) The Georgia Municipal Association may suggest the names of three persons for each  
2 appointment pursuant to paragraph (2) of subsection (a) of this Code section;

3 (3) The Georgia City and County Management Association may suggest the names of  
4 three persons for each appointment pursuant to paragraph (3) of subsection (a) of this  
5 Code section;

6 (4) The Georgia Association of Fire Chiefs may suggest the names of three persons for  
7 each appointment pursuant to paragraph (4) of subsection (a) of this Code section; and

8 (5) The Executive Board of the Georgia State Firemen's Association may suggest the  
9 names of three persons for each appointment pursuant to paragraph (5) of subsection (a)  
10 of this Code section.

11 (c)(1) The first members of the council appointed by the Governor pursuant to subsection  
12 (a) of this Code section shall be appointed to take office on January 1, 1986. The two  
13 members appointed pursuant to paragraphs (1) and (2) of subsection (a) of this Code  
14 section shall be appointed for initial terms of one year, the two members appointed  
15 pursuant to paragraphs (3) and (4) of subsection (a) of this Code section shall be  
16 appointed for initial terms of two years, and the two members appointed pursuant to  
17 paragraph (5) of subsection (a) of this Code section shall be appointed for initial terms  
18 of three years. Thereafter, successors shall be appointed for terms of three years as the  
19 respective terms of office expire.

20 (2) The member appointed by the Lieutenant Governor and the member appointed by the  
21 Speaker of the House of Representatives shall each serve for terms concurrent with terms  
22 of members of the General Assembly.

23 (3) All members shall serve until their successors are appointed and qualified. In the  
24 event of a vacancy in the membership of the council for any reason, including ceasing to  
25 hold an office or position required for membership on the council, the Governor shall fill  
26 such vacancy for the unexpired term; except that a vacancy in either of those members  
27 of the council appointed by the Lieutenant Governor or the Speaker of the House of  
28 Representatives shall be filled for the remainder of the unexpired term in the same  
29 manner as the original appointment. In order for the Governor to consider the names of  
30 persons suggested for membership on the council pursuant to subsection (b) of this Code  
31 section, such names must be submitted to the Governor by the respective organizations  
32 at least 60 days but not more than 90 days prior to the expiration of the respective terms  
33 of office or prior to the appointment of the initial members of the council who take office  
34 on January 1, 1986. The Governor shall be authorized, but not required, to request the  
35 appropriate organization designated in subsection (b) of this Code section to suggest the  
36 names of three persons for the Governor's consideration in making an appointment to fill  
37 a vacancy.

1 (d) At the first regular meeting of the council held in each even-numbered year, the council  
 2 shall elect a ~~chairman~~ chairperson and such other officers from its own membership as it  
 3 deems necessary to serve until successors are elected by the council as provided in this  
 4 subsection.

5 (e) The council may, from time to time, designate an advisory committee of not more than  
 6 three members to assist and advise the council in carrying out its duties under this chapter.  
 7 The members of any such advisory committee shall serve at the pleasure of the council.

8 (f) Each member of the council and each member of an advisory committee of the council,  
 9 in carrying out their official duties, shall be entitled to receive the same expense and  
 10 mileage allowance authorized for members of professional licensing boards by subsection  
 11 (f) of Code Section 43-1-2. The funds for such expenses and allowances shall be paid from  
 12 funds appropriated or available to the Department of Public Safety."

### 13 SECTION 6.

14 Said title is further amended by striking Code Section 25-4-7, relating to the Georgia  
 15 Firefighter Standards and Training Council, and inserting in lieu thereof the following:

16 "25-4-7.

17 The council is vested with the following functions and powers:

- 18 (1) To promulgate rules and regulations for the administration of the council;
- 19 (2) To provide rules of procedure for its internal management and control;
- 20 (3) To enter into contracts or do such things as may be necessary and incidental to the  
 21 administration of its authority pursuant to this chapter;
- 22 (4) To establish uniform minimum standards for the employment and training of  
 23 full-time, part-time, or volunteer firefighters, fire and life safety educators, fire inspectors,  
 24 and fire investigators, including qualifications and requirements, which are consistent  
 25 with this chapter;
- 26 (5) To establish minimum curriculum requirements for schools operated by or for any  
 27 employing agency for the specific purpose of training firefighter recruits or full-time,  
 28 part-time, or volunteer firefighters, fire and life safety educators, fire inspectors, and fire  
 29 investigators;
- 30 (6) To approve institutions and facilities for school operation by or for any employing  
 31 agency for the specific purpose of training firefighters and firefighter recruits;
- 32 (7) To make or support studies on any aspect of fire-fighting education and training or  
 33 recruitment;
- 34 (8) To make recommendations concerning any matter within its purview;
- 35 (9) ~~To establish a firefighter recruit training program administered by such agencies and~~  
 36 ~~institutions as it approves and to issue or authorize the issuance of a certificate of~~

1 ~~completion to any person satisfactorily completing the training program~~ To establish  
 2 basic firefighter training requirements for full-time, part-time, and volunteer firefighters;

3 (10) ~~To issue a certificate of compliance to~~ certify any person satisfactorily complying  
 4 with the training program established in accordance with paragraph (9) of this Code  
 5 section and the qualifications for employment covered in this chapter; and

6 (11) ~~To issue, at its discretion,~~ a certificate to any person who has received training in  
 7 another state, when the council has determined that the training was at least equivalent  
 8 to that required by the council for approved firefighter education and training programs  
 9 in this state and when the person has satisfactorily complied with all other requirements  
 10 of this chapter."

### 11 SECTION 7.

12 Said title is further amended by adding a new Code Section 25-4-7.1 to read as follows:

13 "25-4-7.1.

14 (a) The council shall appoint and establish the compensation of an executive director who  
 15 shall serve at the pleasure of the council.

16 (b) The executive director may contract for such services and employ such other  
 17 professional, technical, and clerical personnel as may be necessary and convenient to carry  
 18 out the purposes of this chapter."

### 19 SECTION 8.

20 Said title is further amended by striking Code Section 25-4-9, relating to a basic firefighter  
 21 training course and transfer of certification, and inserting in lieu thereof the following:

22 "25-4-9.

23 ~~(a) In addition to complying with the preemployment standards as set forth in Code~~  
 24 ~~Section 25-4-8, each and every candidate, within 12 months after being appointed as a~~  
 25 ~~full-time paid member of any fire department or fire division of any department of public~~  
 26 ~~safety which employs three or more firefighters, shall specifically complete at least a basic~~  
 27 ~~training course of 120 hours of instruction. The council shall determine the courses, the~~  
 28 ~~number of hours per course, and all matters relative to the basic training course. Upon~~  
 29 ~~satisfactory completion of the course, a firefighter shall receive a certificate from the~~  
 30 ~~council evidencing his satisfactory completion of the minimum standards of the training~~  
 31 ~~program.~~ Full-time, part-time, and volunteer firefighters shall successfully complete a  
 32 basic training course. The council shall determine the course content, number of hours, and  
 33 all other matters relative to basic firefighter training. Upon satisfactory completion of such  
 34 basic training, a firefighter shall be issued a certificate of completion evidencing the same.



1 Each firefighter shall be required to successfully complete such basic training course within  
 2 12 months after being employed or appointed as a firefighter.

3 (b) A firefighter certified by the council may, upon termination of employment from any  
 4 fire department and upon agreement with a subsequently employing fire department,  
 5 transfer such certification to the employing fire department.

6 (c) Notwithstanding the provisions of subsection (b) of this Code section, any local fire  
 7 department may refuse to accept the transfer of previously acquired certification and may  
 8 require any newly employed firefighter to complete the basic training course provided for  
 9 in subsection (a) of this Code section."

10 **SECTION 9.**

11 Said title is further amended by striking Code Section 25-4-10, relating to mandatory annual  
 12 training, and inserting in lieu thereof the following:

13 "25-4-10.

14 As a condition of ~~tenure or continued employment~~ certification, all firefighters shall train,  
 15 drill, or study ~~at least 120 clock hours in each calendar year~~ at schools, classes, or courses  
 16 at the local, area, or state level, as ~~provided~~ specified by the council. Authorized leaves of  
 17 absence are expected."

18 **SECTION 10.**

19 This Act shall become effective on July 1, 2004.

20 **SECTION 11.**

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