

HOUSE SUBSTITUTE TO SENATE BILL 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 council is satisfied that the fire department meets the
26 minimum requirements contained in Code Section 25-3-23 and the rules and regulations
27 of the Georgia Firefighter Standards and Training Council, he or she shall ~~issue a~~

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

5 SECTION 2.

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

9 "25-3-23.

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

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

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

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

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

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

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

30 (A) A minimum of one fully equipped, operable pumper with a capacity of at least ~~100~~
 31 750 GPM at ~~120~~ 150 PSI and a tank capacity of a minimum of 250 gallons; provided,
 32 however, a ~~minimum of one fully equipped, operable, and approved pumper of at least~~
 33 ~~750 GPM capacity is recommended~~ that previously approved fire apparatus which does
 34 not meet such minimum standards may be used in lieu of the minimum required
 35 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 (b) The chief administrative officer of any fire department aggrieved by a decision of the
 31 council under subsection (a) of this Code section may, within 30 days of the date of such
 32 decision, request a hearing on the matter before the council. Following a hearing before
 33 the council, the chief administrative officer of the fire department affected shall be served
 34 with a written decision of the council announcing whether the certificate of compliance
 35 shall remain revoked or suspended or whether it shall be reinstated.

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

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

9 SECTION 4.

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

12 "25-4-2.

13 As used in this chapter, the term:

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

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

18 ~~(2)~~(3) 'Council' means the Georgia Firefighter Standards and Training Council.

19 ~~(3)~~(4) 'Firefighter' means ~~any person who is employed as a professional firefighter on a~~
 20 ~~full-time basis of at least 40 hours per week by any municipal, county, or state~~
 21 ~~government fire department employing three or more firefighters and who has the~~
 22 ~~responsibility of preventing and suppressing fires, protecting life and property, and~~
 23 ~~enforcing municipal, county, and state fire prevention codes, as well as enforcing any law~~
 24 ~~pertaining to the prevention and control of fires, or who is employed full-time as a public~~
 25 ~~safety officer by any municipal, county, or state government employing three or more~~
 26 ~~public safety officers and who has responsibilities which include preventing and~~
 27 ~~suppressing fires, protecting life and property, and enforcing ordinances and state laws~~
 28 a trained individual who is a full-time employee, part-time employee, or volunteer for a
 29 municipal, county, state, or private incorporated fire department and as such has duties
 30 of responding to mitigate a variety of emergency and nonemergency situations where life,
 31 property, or the environment is at risk, which may include without limitation fire
 32 suppression; fire prevention activities; emergency medical services; hazardous materials
 33 response and preparedness; technical rescue operations; search and rescue; disaster
 34 management and preparedness; community service activities; response to civil
 35 disturbances and terrorism incidents; nonemergency functions including training,
 36 preplanning, communications, maintenance, and physical conditioning; and other related

1 emergency and nonemergency duties as may be assigned or required; provided, however,
 2 that a firefighter's assignments may vary based on geographic, climatic, and demographic
 3 conditions or other factors including training, experience, and ability.

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

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

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

11 SECTION 5.

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

15 "25-4-3.

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

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

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

- 31 (1) The Association County Commissioners of Georgia may suggest the names of three
 32 persons for each appointment pursuant to paragraph (1) of subsection (a) of this Code
 33 section;
- 34 (2) The Georgia Municipal Association may suggest the names of three persons for each
 35 appointment pursuant to paragraph (2) of subsection (a) of this Code section;

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

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

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

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

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

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

36 (d) At the first regular meeting of the council held in each even-numbered year, the council
 37 shall elect a ~~chairman~~ chairperson and such other officers from its own membership as it

1 deems necessary to serve until successors are elected by the council as provided in this
2 subsection.

3 (e) The council may, from time to time, designate an advisory committee of not more than
4 three members to assist and advise the council in carrying out its duties under this chapter.

5 The members of any such advisory committee shall serve at the pleasure of the council.

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

11 SECTION 6.

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

14 "25-4-7.

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

16 (1) To promulgate rules and regulations for the administration of the council;

17 (2) To provide rules of procedure for its internal management and control;

18 (3) To enter into contracts or do such things as may be necessary and incidental to the
19 administration of its authority pursuant to this chapter;

20 (4) To establish uniform minimum standards for the employment and training of
21 full-time, part-time, or volunteer firefighters, fire and life safety educators, fire inspectors,
22 and fire investigators, including qualifications and requirements, which are consistent
23 with this chapter;

24 (5) To establish minimum curriculum requirements for schools operated by or for any
25 employing agency for the specific purpose of training firefighter recruits or full-time,
26 part-time, or volunteer firefighters, fire and life safety educators, fire inspectors, and fire
27 investigators;

28 (6) To approve institutions and facilities for school operation by or for any employing
29 agency for the specific purpose of training firefighters and firefighter recruits;

30 (7) To make or support studies on any aspect of fire-fighting education and training or
31 recruitment;

32 (8) To make recommendations concerning any matter within its purview;

33 ~~To establish a firefighter recruit training program administered by such agencies and~~
34 ~~institutions as it approves and to issue or authorize the issuance of a certificate of~~
35 ~~completion to any person satisfactorily completing the training program~~ To establish
36 basic firefighter training requirements for full-time, part-time, and volunteer firefighters;

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

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

9 SECTION 7.

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

11 "25-4-7.1.

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

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

17 SECTION 8.

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

20 "25-4-9.

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

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

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

8 **SECTION 9.**

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

11 "25-4-10.

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

16 **SECTION 10.**

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

18 **SECTION 11.**

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