

Senate Bill 186

By: Senators Mullis of the 53rd, Bulloch of the 11th, Grant of the 25th, Albers of the 56th,  
Rogers of the 21st and others

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 establish the position of fire safety commissioner; to consolidate primary state  
3 fire protection and safety services within a single agency; to improve the efficiency of the  
4 delivery of fire safety services; to establish the Department of Fire Safety; to amend the  
5 Official Code of Georgia Annotated so as to conform provisions to and provide consistency  
6 with the transfer of certain functions from the Commissioner of Insurance to the fire safety  
7 commissioner; to amend Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia  
8 Annotated, relating to general provisions for the Department of Public Safety, so as to  
9 designate the fire safety commissioner as a member of the Board of Public Safety; to provide  
10 for related matters; to provide an effective date; to repeal conflicting laws; and for other  
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is  
15 amended by revising Code sections in Chapter 2, relating to the regulation of fire and other  
16 hazards, as follows:

17 "25-2-1.

18 As used in this chapter, the term:

19 (1) 'Board' means the Fire Safety Advisory Board.

20 (2) 'Commissioner' means the ~~Safety Fire Commissioner~~ fire safety commissioner.

21 (3) 'Department' means the Department of Fire Safety.

22 (4) 'Division' means the Fire Safety Division of the department.

23 25-2-2.

24 The office of ~~Safety Fire Commissioner~~ the fire safety commissioner is created. The  
25 ~~Commissioner of Insurance shall be the Safety Fire Commissioner~~ fire safety commissioner

26 shall be appointed by the Governor and shall serve as the commissioner of the Department  
 27 of Fire Safety. Any person appointed to serve as the fire safety commissioner shall have  
 28 a minimum of ten years' experience as a fire service professional."

29 "25-2-6.

30 There shall be a Fire Safety ~~The Safety Fire~~ Division of the ~~office of Commissioner of~~  
 31 ~~Insurance~~ department. The division shall be headed by the state fire marshal appointed by  
 32 the ~~Commissioner~~ commissioner.

33 25-2-7.

34 ~~The state fire marshal, subject to the approval of the Commissioner, commissioner~~ shall  
 35 ~~appoint a deputy state fire marshal and~~ administrative fire safety specialists and shall  
 36 employ such office personnel as may be required to carry out this chapter. The ~~deputy~~ state  
 37 fire marshal and administrative fire safety specialists shall be chosen by virtue of their  
 38 previous training and experience in the particular duties which shall be assigned to them.  
 39 They shall take an oath to perform faithfully the duties of their office.

40 25-2-8.

41 All state employees connected with the ~~state fire marshal's office~~ department shall be  
 42 allowed subsistence, lodging, and other expenses in connection with the execution of their  
 43 duties when away from their headquarters. Transportation for such employees shall be  
 44 paid at the mileage rate fixed by law for other state employees.

45 25-2-9.

46 (a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the  
 47 district attorney of the judicial circuit, or a local fire official, the ~~state fire marshal~~  
 48 commissioner and any employees of ~~such official~~ the department shall have the authority  
 49 to investigate the cause and origin of any fire which occurred in said county, jurisdiction,  
 50 or judicial circuit.

51 (b) Personnel employed and authorized by the ~~state fire marshal~~ commissioner shall have  
 52 the power to make arrests for criminal violations established as a result of investigations.  
 53 Such personnel must hold certification as a peace officer from the Georgia Peace Officer  
 54 Standards and Training Council and shall have the power to execute arrest warrants and  
 55 search warrants for criminal violations and to arrest, upon probable cause and without  
 56 warrant, any person found violating any of the provisions of applicable criminal laws.  
 57 Authorized personnel empowered to make arrests pursuant to this Code section shall be  
 58 empowered to carry firearms as authorized by the ~~state fire marshal~~ commissioner in the

59 performance of their duties. It shall be unlawful for any person to resist an arrest  
 60 authorized by this Code section or to interfere in any manner, including abetting or  
 61 assisting such resistance or interference, with personnel employed by the ~~state fire marshal~~  
 62 department in the duties imposed upon such personnel by law.

63 25-2-10.

64 Should any person, firm, corporation, or public entity be dissatisfied with any ruling or  
 65 decision of the ~~state fire marshal~~ department, the right is granted to appeal within ten days  
 66 to the ~~Commissioner~~ commissioner. If the person, firm, corporation, or public entity is  
 67 dissatisfied with the decision of the ~~Commissioner~~ commissioner, appeal is authorized to  
 68 the superior court within 30 days in the manner provided under Chapter 13 of Title 50-, the  
 69 'Georgia Administrative Procedure Act.' In the event of such appeal, the person, firm,  
 70 corporation, or public entity shall give a surety bond which will be conditioned upon  
 71 compliance with the order and direction of the ~~state fire marshal or the Commissioner or~~  
 72 ~~both~~ commissioner. The amount of bond shall be fixed by the ~~Commissioner~~  
 73 commissioner in such amount as will reasonably cover the order issued by the  
 74 ~~Commissioner or the state fire marshal or both~~ commissioner."

75 "25-2-12.

76 (a)(1) The county governing authority in any county having a population of 100,000 or  
 77 more, and the municipal governing authority in any municipality having a population of  
 78 45,000 or more, each as determined by the most recent decennial census published by the  
 79 United States Bureau of the Census, and those municipalities pursuant to subsection (b)  
 80 of this Code section shall adopt the state minimum fire safety standards adopted in the  
 81 rules and regulations promulgated pursuant to this chapter, including all subsequent  
 82 revisions thereof.

83 (2) With respect to those buildings and structures listed in Code Section 25-2-13, except  
 84 for hospitals, nursing homes, jails, ambulatory health care centers, and penal institutions  
 85 and except for buildings and structures which are owned and operated or occupied by the  
 86 state, every such local governing authority shall be responsible for enforcing such fire  
 87 safety standards within its jurisdiction and shall:

88 (A) Conduct fire safety inspections of existing buildings and structures;

89 (B) Review plans and specifications for proposed buildings and structures, issue  
 90 building permits when plans are approved, and conduct fire safety inspections of such  
 91 buildings and structures; and

92 (C) Issue permanent and temporary certificates of occupancy.

93 (3) Nothing in this subsection shall be construed so as to prohibit fire service personnel  
94 of any such local governing authority from making inspections of any state owned and  
95 operated or occupied building or structure listed in Code Section 25-2-13 and from filing  
96 reports of such inspections with the ~~office of the Commissioner~~ department.

97 (4) Nothing in this subsection shall be construed so as to place upon any municipality,  
98 county, or any officer or employee thereof, the responsibility to take enforcement action  
99 regarding any existing building or structure listed in Code Section 25-2-13, if such  
100 building or structure was granted a certificate of occupancy pursuant to a waiver granted  
101 prior to January 1, 1982, and which was granted pursuant to the recommendation of the  
102 engineering staff over the objection of the local authority having jurisdiction.

103 (5) Every such local governing authority shall have the authority to charge and retain  
104 appropriate fees for performing the duties required in subparagraphs (A) and (B) of  
105 paragraph (2) of this subsection. In cases where the governing authority of a municipality  
106 enforcing fire safety standards pursuant to this subsection contracts for the enforcement  
107 of fire safety standards, any municipal or county office or authority providing such  
108 enforcement shall not charge fees in excess of those charged in its own political  
109 subdivision for such enforcement.

110 (6) Every such local governing authority shall be responsible for investigating all cases  
111 of arson and other suspected incendiary fires within its jurisdiction, shall have the duties  
112 and powers authorized by Code Sections 25-2-27, 25-2-28, and 25-2-29 in carrying out  
113 such responsibility, and shall submit quarterly reports to the state fire marshal containing  
114 fire-loss data regarding all fires within its jurisdiction. The state fire marshal, subject to  
115 the approval of the commissioner, shall have the authority to initiate any arson  
116 investigation upon request of any such local governing authority and ~~he~~ the state fire  
117 marshal shall provide assistance to the requesting authority regarding any of the duties  
118 and responsibilities required by this paragraph.

119 (7) No such local governing authority shall have the authority to grant any waiver or  
120 variance which would excuse any building, structure, or proposed plans for buildings or  
121 structures from compliance with the state minimum fire safety standards as adopted in  
122 the rules and regulations promulgated pursuant to this chapter.

123 (b) Municipalities having a population of less than 45,000 as determined by the most  
124 recent decennial census published by the United States Bureau of the Census may adopt  
125 the state minimum fire safety standards adopted in the rules and regulations promulgated  
126 pursuant to this chapter, including all subsequent revisions thereof. The municipal  
127 governing authority shall indicate its intention to adopt and enforce the state minimum fire  
128 safety standards by forwarding a resolution so indicating to the ~~Commissioner~~

129 commissioner. The municipality shall then adopt and enforce the state minimum fire safety  
 130 standards as set forth in subsection (a) of ~~Code Section 25-2-12~~ this Code section.

131 (c) With respect to those buildings and structures listed in Code Section 25-2-13, in  
 132 jurisdictions other than those jurisdictions covered under subsection (a) of this Code  
 133 section, and with respect to every such hospital and every such building and structure  
 134 owned and operated or occupied by the state, wherever located, the office of the  
 135 ~~Commissioner~~ commissioner shall perform those duties specified in paragraph (2) of  
 136 subsection (a) of this Code section and shall perform all other duties required by this  
 137 chapter.

138 (d) Except as specifically stated in this Code section, nothing in this Code section shall  
 139 reduce or avoid the duties and responsibilities of the office of the ~~Commissioner or the state~~  
 140 ~~fire marshal~~ commissioner imposed by other Code sections of this chapter, other provisions  
 141 of this Code, or any existing contract or agreement and all renewals thereof between the  
 142 office of the ~~Commissioner or the state fire marshal~~ commissioner and any other state or  
 143 federal government agency. Nothing in this Code section shall prohibit the office of the  
 144 ~~Commissioner, state fire marshal,~~ commissioner or any local governing authority from  
 145 entering into any future contract or agreement regarding any of the duties imposed under  
 146 this Code section.

147 (e)(1) The office of the ~~Commissioner~~ commissioner shall be responsible for  
 148 interpretations of the state minimum fire safety standards as adopted in the rules and  
 149 regulations promulgated pursuant to this chapter.

150 (2) On the construction on existing buildings, local governments authorized to enforce  
 151 the state minimum fire safety standards pursuant to ~~subsection~~ subsections (a) and  
 152 ~~subsection~~ (b) of this Code section, notwithstanding paragraph (7) of subsection (a) of  
 153 this Code section, may grant variances from compliance with the state minimum fire  
 154 safety standards as adopted in the rules and regulations promulgated pursuant to this  
 155 chapter.

156 (3) On the construction on existing buildings not under the jurisdiction of a local  
 157 government for purposes of paragraph (2) of this subsection, the ~~Commissioner~~  
 158 commissioner may grant variances from compliance with the state minimum fire safety  
 159 standards as adopted in the rules and regulations promulgated pursuant to this chapter.

160 (4) On the construction of new buildings, the ~~Commissioner~~ commissioner, upon the  
 161 ~~written recommendation of the state fire marshal and the~~ written request of the fire or  
 162 building official responsible for enforcing the state minimum fire safety standards, may  
 163 grant variances from compliance with the state minimum fire safety standards as adopted  
 164 in the rules and regulations promulgated pursuant to this chapter in jurisdictions covered

165 under subsection (a) of this Code section and jurisdictions other than those covered under  
 166 subsection (a) of this Code section.

167 (5) Variances granted pursuant to paragraphs (2), (3), and (4) of this subsection shall be  
 168 as nearly equivalent as practical to the standards required in this chapter."

169 "25-2-30.

170 It shall be the duty of the ~~state fire marshal~~ commissioner to contact individuals,  
 171 associations, and state agencies, both within and outside this state, which have a direct  
 172 interest in the fundamentals of fire prevention and life safety, for the purpose of promoting  
 173 the objectives of this chapter.

174 25-2-31.

175 (a) The ~~state fire marshal~~ commissioner may promote any plan or program which tends  
 176 to disseminate information on fire prevention and similar projects and may aid any  
 177 association or group of individuals which is primarily organized along such lines.

178 (b) It shall be the duty of the ~~state fire marshal~~ commissioner to carry on a state-wide  
 179 program of fire prevention education in the schools of this state and to establish fire drills  
 180 therein. All local school authorities are required to cooperate with the ~~state fire marshal~~  
 181 commissioner in carrying out programs designed to protect the lives of school children  
 182 from fire and related hazards.

183 25-2-32.

184 (a) It shall be the duty of the ~~state fire marshal~~ commissioner to keep an up-to-date record  
 185 of all fire losses, together with statistical data concerning the same. The various fire  
 186 insurance companies doing business in this state shall submit to the ~~Commissioner~~  
 187 commissioner, quarterly, a report stating all the losses sustained by them, together with  
 188 such pertinent data as may be required by the ~~Commissioner~~ commissioner.

189 (b) ~~Effective January 1, 1993, all~~ All incidents of fires, whether accidental or incendiary,  
 190 shall be reported to the ~~office of the Safety Fire Commissioner~~ Department of Fire Safety.  
 191 Every fire department shall submit incident data either via a uniform electronic reporting  
 192 method or on a uniform reporting form prescribed by the ~~Commissioner~~ commissioner and  
 193 at intervals established by the ~~Commissioner~~ commissioner.

194 25-2-32.1.

195 Every case of a burn injury or wound where the victim sustained second-degree or  
 196 third-degree burns to 5 percent or more of the body or any burns to the upper respiratory  
 197 tract or laryngeal edema due to the inhalation of superheated air, and every case of a burn

198 injury or wound which is likely to or may result in death, shall be reported at once to the  
 199 ~~Safety Fire Division of the office of the Commissioner of Insurance~~ division. The ~~Safety~~  
 200 ~~Fire Division~~ division shall accept the report and notify the proper investigatory agency as  
 201 may be appropriate. A written report shall be provided to the ~~Safety Fire Division~~ division  
 202 within 72 hours. The report shall be made by the physician attending or treating the case  
 203 or by the manager, superintendent, or other person in charge whenever such case is treated  
 204 in a hospital ~~sanitarium~~, institution, or other medical facility.

205 25-2-32.2.

206 Every county or municipal governing authority or any two or more governing authorities  
 207 or the ~~Safety Fire Division~~ division are authorized and empowered to take such action as  
 208 may be required to formulate task forces, teams, or fire or police investigative units to  
 209 investigate any case of a burn injury or wound sustained as reported pursuant to Code  
 210 Section 25-2-32.1, to ascertain the cause of fires or explosions of suspicious origin within  
 211 the county or municipalities, to pursue necessary investigation thereof, and to assist in the  
 212 preparation and prosecution of cases stemming from any alleged criminal activity attendant  
 213 to such fires or explosions."

214 **SECTION 2.**

215 Said title is further amended by adding four new Code sections to read as follows:

216 "25-2-41.

217 (a) The Fire Safety Advisory Board is established. The board shall be composed of 13  
 218 members, who shall be appointed as follows:

219 (1) Four members shall be appointed by the Governor;

220 (2) Two members shall be appointed by the Speaker of the House of Representatives;

221 (3) Two members shall be appointed by the Lieutenant Governor;

222 (4) One member shall be the Executive Director of the Georgia Association of Fire  
 223 Chiefs, ex officio;

224 (5) One member shall be the Executive Director of the Georgia State Firefighter's  
 225 Association, ex officio;

226 (6) The commissioner shall appoint one member who shall be a member of the Georgia  
 227 Municipal Association;

228 (7) The commissioner shall appoint one member who shall be a member of the  
 229 Association County Commissioners of Georgia; and

230 (8) The commissioner shall appoint one member who shall be a member of the Insurance  
 231 Services Organization.

232 All members shall serve until their successors are appointed and qualified.

233 (b) At the first regular meeting of the board held in each even-numbered year, the board  
234 shall elect a chairperson and such other officers from its own membership as it deems  
235 necessary to serve until successors are elected by the board as provided in this subsection.

236 (c) The board shall provide advice to the commissioner on all matters before the  
237 department.

238 (d) Each member of the board, in carrying out their official duties, shall be entitled to  
239 receive the same expense and mileage allowance authorized for members of professional  
240 licensing boards by subsection (f) of Code Section 43-1-2. The funds for such expenses  
241 and allowances shall be paid from funds appropriated or available to the department.

242 25-2-42.

243 The department shall succeed to all rules, regulations, policies, procedures, and pending  
244 and finalized administrative orders of the Safety Fire Division of the office of the  
245 Commissioner of Insurance which are in effect on December 31, 2011. Such rules,  
246 regulations, policies, and procedures shall remain in effect until amended, repealed,  
247 superseded, or nullified by the commission.

248 25-2-43.

249 All valid agreements, licenses, permits, certificates, and similar authorizations previously  
250 issued by the Commissioner of Insurance, the state fire marshal, or any division,  
251 department, or agency with respect to any function transferred to the Department of Fire  
252 Safety as provided in this chapter shall continue in effect until the same expire by their  
253 terms unless they are suspended, revoked, or otherwise made ineffective as provided by  
254 law.

255 25-2-44.

256 Effective January 1, 2012, the Department of Fire Safety shall carry out all of the functions  
257 and obligations and exercise all of the powers formerly held by the Safety Fire Division of  
258 the Department of Insurance. All persons employed by and positions authorized for the  
259 Department of Insurance relating to functions performed by the Safety Fire Division shall,  
260 on January 1, 2012, be transferred to the Department of Fire Safety. All office equipment,  
261 furniture, and other assets and real property in possession of the Department of Insurance  
262 which are used or held exclusively or principally by personnel transferred under this  
263 chapter shall be transferred to the department on January 1, 2012."

264 **SECTION 3.**

265 Said title is further amended by revising Article 2 of Chapter 3, relating to minimum  
 266 requirements for local fire departments generally, as follows:

## 267 "ARTICLE 2

268 25-3-20.

269 It is the intention of the General Assembly of Georgia to establish minimum requirements  
 270 for all fire departments operating in this state. The General Assembly recognizes that fire  
 271 departments operating in this state cannot function effectively and efficiently as full-time  
 272 fire departments without meeting or exceeding the minimum requirements established by  
 273 this article.

274 25-3-21.

275 As used in this article, the term:

276 (1) 'Commissioner' means the fire safety commissioner ~~'Executive director' means the~~  
 277 ~~executive director of the Georgia Firefighter Standards and Training Council.~~

278 (2) 'Department' means the Department of Fire Safety.

279 ~~(2)~~(3)(A) 'Fire department' means any fire department which is authorized to exercise  
 280 the general and emergency powers enumerated in Code Sections 25-3-1 and 25-3-2.

281 (B) 'Fire department' also means any department, agency, organization, or company  
 282 operating in this state with the intent and purpose of carrying out the duties, functions,  
 283 powers, and responsibilities normally associated with a fire department. These duties,  
 284 functions, powers, and responsibilities include but are not limited to the protection of  
 285 life and property against fire, explosions, or other hazards.

286 ~~(3)~~(4) 'Firefighter' means any able-bodied person at least 18 years of age who has been  
 287 duly appointed by a legally constituted fire department and who has the responsibility of  
 288 preventing and suppressing fires, protecting life and property, and performing other  
 289 duties enumerated in Code Sections 25-3-1 and 25-3-2.

290 25-3-22.

291 In order for a fire department to be legally organized to operate in the State of Georgia, the  
 292 chief administrative officer of the fire department shall notify the ~~executive director~~  
 293 commissioner that the organization meets the minimum requirements specified in Code  
 294 Section 25-3-23 and the rules and regulations of the ~~Georgia Firefighter Standards and~~  
 295 ~~Training Council~~ department to function as a fire department. If the ~~council~~ commissioner  
 296 is satisfied that the fire department meets the minimum requirements contained in Code

297 Section 25-3-23 and the rules and regulations of the ~~Georgia Firefighter Standards and~~  
 298 ~~Training Council, he or she shall recommend to the Georgia Firefighter Standards and~~  
 299 ~~Training Council~~ that a department, then a certificate of compliance shall be issued by the  
 300 ~~council~~ department to the fire department. If the ~~council~~ commissioner issues such  
 301 certificate of compliance, the fire department shall be authorized to exercise the general  
 302 and emergency powers set forth in Code Sections 25-3-1 and 25-3-2.

303 25-3-23.

304 (a) Except as otherwise provided in subsection (c) of this Code section, in order to be  
 305 legally organized:

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

307 (A) Be established to provide fire and other emergency and nonemergency services in  
 308 accordance with standards specified solely by the ~~Georgia Firefighter Standards and~~  
 309 ~~Training Council~~ department and the applicable local government;

310 (B) Be capable of providing fire protection 24 hours a day, 365 days per year;

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

315 (D) Be staffed with a sufficient number of full-time, part-time, or volunteer firefighters  
 316 who have successfully completed basic firefighter training as specified by the ~~Georgia~~  
 317 ~~Firefighter Standards and Training Council~~ department; and

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

320 (A) A minimum of one fully equipped, operable pumper with a capacity of at least 750  
 321 GPM at 150 PSI and a tank capacity of a minimum of 250 gallons; provided, however,  
 322 that previously approved fire apparatus which does not meet such minimum standards  
 323 may be used in lieu of the minimum required pumper until replaced by the local  
 324 authority;

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

329 (C) A minimum of two approved self-contained breathing apparatus for each pumping  
 330 apparatus as approved by the ~~Georgia Firefighter Standards and Training Council~~  
 331 department; and

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

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

338 (c) On and after ~~July 1, 1998, the Georgia Firefighter Standards and Training Council~~  
339 January 1, 2012, the department shall be authorized, by rules and regulations, to establish  
340 and modify minimum requirements for all fire departments operating in this state, provided  
341 that such requirements are equal to or exceed the requirements provided in subsections (a)  
342 and (b) of this Code section.

343 25-3-24.

344 ~~The executive director may consult with and consider the recommendations of the director~~  
345 ~~of the Georgia Forestry Commission, the director of the Georgia Fire Academy, the state~~  
346 ~~fire marshal, and the governing authority of any county or municipality in which the fire~~  
347 ~~department is located to determine if individual fire departments are complying with the~~  
348 ~~minimum provisions of this article and serving the best interests of the citizens of the area~~  
349 ~~of its operations. Reserved.~~

350 25-3-25.

351 (a) The certificate of compliance issued by the ~~council~~ commissioner shall be subject to  
352 suspension or revocation by the ~~council~~ commissioner at any time ~~it~~ he or she receives  
353 satisfactory evidence that the fire department is not maintaining sufficient personnel,  
354 equipment, or insurance required by Code Section 25-3-23 or the rules and regulations of  
355 the ~~Georgia Firefighter Standards and Training Council~~ department.

356 (b) The chief administrative officer of any fire department aggrieved by a decision of the  
357 ~~council~~ commissioner under subsection (a) of this Code section may, within 30 days of the  
358 date of such decision, request a hearing on the matter before the ~~council~~ commissioner or  
359 his or her designee. Following a hearing before the ~~council~~ commissioner or his or her  
360 designee, the chief administrative officer of the fire department affected shall be served  
361 with a written decision of the ~~council~~ commissioner announcing whether the certificate of  
362 compliance shall remain revoked or suspended or whether it shall be reinstated. The  
363 decision of the commissioner may, within 30 days, be appealed to the superior court of the  
364 county in which the fire department is located. The review by the superior court shall be  
365 limited to the existing record, including previously admitted documents, testimony, and

366 other evidence. During the appeal process set forth in this Code section, the  
 367 commissioner's decision to suspend or revoke a certification shall be stayed.

368 (c) The ~~council~~ commissioner shall not suspend or revoke any certificate of compliance  
 369 for failure to meet firefighter training requirements when such failure was due to  
 370 unavailability of required training from or through the ~~Georgia Fire Academy~~ department.

371 (d) The ~~council~~ commissioner may refer suspensions or revocations to the Attorney  
 372 General for enforcement. Upon referral from the ~~council~~ commissioner, the Attorney  
 373 General may bring a civil action to enjoin any organization which is not in compliance with  
 374 the applicable requirements of this chapter from performing any or all firefighting  
 375 functions until such requirements are met by such organization.

376 ~~25-3-26.~~

377 ~~The executive director shall cooperate with newly formed and existing fire departments to~~  
 378 ~~ensure that all fire departments in this state are in compliance with the provisions of this~~  
 379 ~~article by July 1, 1986.~~

380 ~~25-3-27.~~

381 ~~This article shall not be construed to amend, modify, or repeal any of the provisions of~~  
 382 ~~Chapter 4 of this title, known as the 'Georgia Firefighter Standards and Training Act,' nor~~  
 383 ~~shall this article be construed to restrict the requirements of any other provisions relating~~  
 384 ~~to fire departments, equipment, or personnel."~~

#### 385 **SECTION 4.**

386 Said title is further amended by revising Article 1 of Chapter 4, relating to general provisions  
 387 relative to firefighter standards and training, as follows:

#### 388 "ARTICLE 1

389 25-4-1.

390 This chapter shall be known and may be cited as the 'Georgia Firefighter Standards and  
 391 Training Act.'

392 25-4-2.

393 As used in this chapter, the term:

394 (1) 'Airport' means any airport located in this state which has regularly scheduled  
 395 commercial air carrier service or commuter airline service as required for certification  
 396 under Section 139.49 of the Federal Aviation Administration regulations.

397 (2) 'Airport firefighter' means any person assigned to any airport located in this state who  
 398 performs the duties of aircraft fire fighting or rescue.

399 (3) 'Candidate' means a prospective firefighter who has not yet been certified by the  
 400 council department as having met the requirements of this chapter.

401 (4) 'Certified firefighter' or 'state certified firefighter' means any firefighter who has been  
 402 certified by the council department as having met the requirements of this chapter.

403 (5) 'Commissioner' '~~Council~~' means the ~~Georgia Firefighter Standards and Training~~  
 404 Council fire safety commissioner.

405 (6) 'Department' means the Department of Fire Safety.

406 (7) 'Division' means the Professional Development Division of the Department of Fire  
 407 Safety.

408 ~~(5.1)~~(8) 'Fire department' shall have the same meaning as provided in Code Section  
 409 25-3-21.

410 ~~(6)~~(9) 'Firefighter' means a trained individual who is a full-time employee, part-time  
 411 employee, or volunteer for a municipal, county, state, or private incorporated fire  
 412 department and as such has duties of responding to mitigate a variety of emergency and  
 413 nonemergency situations where life, property, or the environment is at risk, which may  
 414 include, without limitation, fire suppression; fire prevention activities; emergency  
 415 medical services; hazardous materials response and preparedness; technical rescue  
 416 operations; search and rescue; disaster management and preparedness; community service  
 417 activities; response to civil disturbances and terrorism incidents; nonemergency functions,  
 418 including training, preplanning, communications, maintenance, and physical  
 419 conditioning; and other related emergency and nonemergency duties as may be assigned  
 420 or required; provided, however, that a firefighter's assignments may vary based on  
 421 geographic, climatic, and demographic conditions or other factors, including training,  
 422 experience, and ability.

423 ~~(7)~~(10) 'Full-time' means employed for compensation on a basis of at least 40 hours per  
 424 week by any municipal, county, state, or private incorporated fire department.

425 ~~(8)~~(11) 'Part-time' means employed for compensation on less than a full-time basis by  
 426 any municipal, county, state, or private incorporated fire department.

427 ~~(9)~~(12) 'Volunteer' means not employed for compensation by but appointed and regularly  
 428 enrolled to serve as a firefighter for any municipal, county, state, or private incorporated  
 429 fire department.

430 25-4-3.

431 (a) The department shall succeed to all rules, regulations, policies, procedures, and  
 432 pending and finalized administrative orders of the Georgia Firefighter Standards and

433 Training Council which are in effect on December 31, 2011. Such rules, regulations,  
434 policies, and procedures shall remain in effect until amended, repealed, superseded, or  
435 nullified by the commissioner.

436 (b) All valid agreements, licenses, permits, certificates, and similar authorizations  
437 previously issued by the Georgia Firefighter Standards and Training Council with respect  
438 to any function transferred to the department shall continue in effect until the same expire  
439 by their terms unless they are suspended, revoked, or otherwise made ineffective as  
440 provided by law.

441 (c) Effective January 1, 2012, the department shall carry out all of the functions and  
442 obligations and exercise all of the powers formerly held by the Georgia Firefighter  
443 Standards and Training Council. All persons employed by and positions authorized for the  
444 Georgia Firefighter Standards and Training Council shall, on January 1, 2012, be  
445 transferred to the department. All office equipment, furniture, and other assets and real  
446 property in possession of the Georgia Firefighter Standards and Training Council which  
447 are used or held exclusively or principally by personnel transferred under this chapter shall  
448 be transferred to the department on January 1, 2012.

449 ~~(a) The Georgia Firefighter Standards and Training Council is established. The council~~  
450 ~~shall be composed of eleven members, one of whom shall be the Safety Fire Commissioner~~  
451 ~~or the designated representative of the Safety Fire Commissioner. Two members shall be~~  
452 ~~appointed by the Lieutenant Governor. Two members shall be appointed by the Speaker~~  
453 ~~of the House of Representatives. The remaining six members shall be appointed by the~~  
454 ~~Governor subject to the following requirements:~~

- 455 ~~(1) One member shall be a member of the governing authority of a county;~~  
456 ~~(2) One member shall be a member of the governing authority of a municipality;~~  
457 ~~(3) One member shall be a city or county manager;~~  
458 ~~(4) One member shall be the chief of a county or municipal fire department; and~~  
459 ~~(5) Two members shall be state certified firefighter training officers.~~

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

- 464 ~~(1) The Association County Commissioners of Georgia may suggest the names of three~~  
465 ~~persons for each appointment pursuant to paragraph (1) of subsection (a) of this Code~~  
466 ~~section;~~  
467 ~~(2) The Georgia Municipal Association may suggest the names of three persons for each~~  
468 ~~appointment pursuant to paragraph (2) of subsection (a) of this Code section;~~

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

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

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

477 ~~(c)(1) The first members of the council appointed by the Governor pursuant to subsection~~  
478 ~~(a) of this Code section shall be appointed to take office on January 1, 1986. The two~~  
479 ~~members appointed pursuant to paragraphs (1) and (2) of subsection (a) of this Code~~  
480 ~~section shall be appointed for initial terms of one year, the two members appointed~~  
481 ~~pursuant to paragraphs (3) and (4) of subsection (a) of this Code section shall be~~  
482 ~~appointed for initial terms of two years, and the two members appointed pursuant to~~  
483 ~~paragraph (5) of subsection (a) of this Code section shall be appointed for initial terms~~  
484 ~~of three years. Thereafter, successors shall be appointed for terms of three years as the~~  
485 ~~respective terms of office expire.~~

486 ~~(2) The members appointed by the Lieutenant Governor and the members appointed by~~  
487 ~~the Speaker of the House of Representatives shall each serve for terms concurrent with~~  
488 ~~terms of members of the General Assembly.~~

489 ~~(3) All members shall serve until their successors are appointed and qualified. In the~~  
490 ~~event of a vacancy in the membership of the council for any reason, including ceasing to~~  
491 ~~hold an office or position required for membership on the council, the Governor shall fill~~  
492 ~~such vacancy for the unexpired term, except that a vacancy in either of those members~~  
493 ~~of the council appointed by the Lieutenant Governor or the Speaker of the House of~~  
494 ~~Representatives shall be filled for the remainder of the unexpired term in the same~~  
495 ~~manner as the original appointment. In order for the Governor to consider the names of~~  
496 ~~persons suggested for membership on the council pursuant to subsection (b) of this Code~~  
497 ~~section, such names must be submitted to the Governor by the respective organizations~~  
498 ~~at least 60 days but not more than 90 days prior to the expiration of the respective terms~~  
499 ~~of office or prior to the appointment of the initial members of the council who take office~~  
500 ~~on January 1, 1986. The Governor shall be authorized, but not required, to request the~~  
501 ~~appropriate organization designated in subsection (b) of this Code section to suggest the~~  
502 ~~names of three persons for the Governor's consideration in making an appointment to fill~~  
503 ~~a vacancy.~~

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

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

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

515 25-4-4.

516 ~~Membership on the council does not constitute public office, and no member shall be~~  
 517 ~~disqualified from holding public office by reason of his membership. Reserved.~~

518 25-4-5.

519 ~~The council is assigned to the Department of Public Safety for administrative purposes.~~  
 520 ~~The funds necessary to carry out this chapter shall come from funds appropriated to and~~  
 521 ~~available to the council department and from any other available funds. The council~~  
 522 ~~department is authorized to accept and use gifts, grants, and donations for the purpose of~~  
 523 ~~carrying out this chapter. The council department is also authorized to accept and use~~  
 524 ~~property, both real and personal, and services for the purpose of carrying out this chapter.~~

525 25-4-6.

526 ~~The business of the council shall be conducted in the following manner:~~

527 ~~(1) The council shall hold at least two regular meetings each year at the call of the~~  
 528 ~~chairperson or upon the written request of six members of the council. Six members of~~  
 529 ~~the council shall constitute a quorum. The council shall adopt such rules for the~~  
 530 ~~transaction of its business as it shall desire and may appoint such committees as it~~  
 531 ~~considers necessary to carry out its business and duties.~~

532 ~~(2) The council shall make an annual report of its activities to the Governor and to the~~  
 533 ~~General Assembly and shall include in the report its recommendations for appropriate~~  
 534 ~~legislation. The council shall not be required to distribute copies of the annual report to~~  
 535 ~~the members of the General Assembly but shall notify the members of the availability of~~  
 536 ~~the report in the manner which it deems to be most effective and efficient. Reserved.~~

537 25-4-7.

538 The ~~council~~ department, through its Professional Development Division, is vested with the  
539 following functions and powers:

540 (1) To promulgate rules and regulations for the administration of the ~~council~~ certification  
541 of firefighters;

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

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

545 (4) To establish uniform minimum standards for the employment and training of  
546 full-time, part-time, or volunteer firefighters, airport firefighters, fire and life safety  
547 educators, fire inspectors, and fire investigators, including qualifications, certifications,  
548 recertifications, decertifications, and probations for certified individuals and suspensions  
549 for noncertified individuals, and requirements, which are consistent with this chapter;

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

554 (6) To approve institutions and facilities for school operation by or for any employing  
555 agency for the specific purpose of training firefighters and firefighter recruits, including  
556 airport firefighters;

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

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

560 (9) To establish basic firefighter training requirements for full-time, part-time, and  
561 volunteer firefighters, including airport firefighters;

562 (10) To certify any person satisfactorily complying with the training program established  
563 in accordance with paragraph (9) of this Code section and the qualifications for  
564 employment covered in this chapter; and

565 (11) To issue a certificate to any person who has received training in another state or  
566 who has received training as a federal firefighter by the United States government, when  
567 the ~~council~~ division has determined that the training was at least equivalent to that  
568 required by the ~~council~~ division for approved firefighter education and training programs  
569 in this state and when the person has satisfactorily complied with all other requirements  
570 of this chapter.

571 25-4-7.1.

572 (a) The ~~council commissioner~~ shall appoint and establish the compensation of ~~an executive~~  
573 the director of the division who shall serve at the pleasure of the ~~council commissioner~~.

574 (b) The ~~executive~~ director, with the approval of the commissioner, may contract for such  
575 services and employ such other professional, technical, and clerical personnel as may be  
576 necessary and convenient to carry out the purposes of this chapter.

577 25-4-8.

578 (a) Except as provided in Code Section 25-4-12, any person employed or certified as a  
579 firefighter shall:

580 (1) Be at least 18 years of age;

581 (2) Not have been convicted of a felony in any jurisdiction or of a crime which if  
582 committed in this state would constitute a felony under the laws of this state within ten  
583 years prior to employment, provided that a person who has been convicted of a felony  
584 more than five but less than ten years prior to employment may be certified and employed  
585 as a firefighter when the person has:

586 (A) Successfully completed a training program following the ~~Georgia Fire Academy~~  
587 ~~curriculum and sponsored by the Department of Corrections~~ curriculum developed by  
588 the Professional Services Division of the Department of Fire Safety;

589 (B) Been recommended to a fire department by the proper authorities at the institution  
590 at which the training program was undertaken; and

591 (C) Met all other requirements as set forth in this chapter.

592 The ~~council commissioner~~ shall be the final authority with respect to authorizing  
593 employment and certification of a person who has been convicted of a felony more than  
594 five but less than ten years prior to seeking employment when the person is seeking  
595 employment as a firefighter for any municipal, county, or state fire department which  
596 employs three or more firefighters who work a minimum of 40 hours per week and has  
597 the responsibility of preventing and suppressing fires, protecting life and property, and  
598 enforcing municipal, county, and state codes, as well as enforcing any law pertaining to  
599 the prevention and control of fires;

600 (3) Have a good moral character as determined by investigation under procedure  
601 approved by the ~~council commissioner~~;

602 (4) Be fingerprinted and a search made of local, state, and national fingerprint files to  
603 disclose any criminal record;

604 (5) Be in good physical condition as determined by a medical examination and  
605 successfully pass the minimum physical agility requirements as established by the ~~council~~  
606 commissioner; and

607 (6) Possess or achieve within 12 months after employment a high school diploma or a  
608 general education development equivalency.

609 (b) For the purposes of paragraph (2) of subsection (a) of this Code section, a person shall  
610 be deemed to have been convicted of a crime if such person shall have pleaded guilty to  
611 a charge thereof before a court or federal magistrate or shall have been found guilty thereof  
612 by the decision or judgment of a court or federal magistrate or by the verdict of a jury,  
613 irrespective of the pronouncement of sentence or the suspension thereof, unless such plea  
614 of guilty or such decision, judgment, or verdict shall have been set aside, reversed, or  
615 otherwise abrogated by lawful judicial process or unless the person convicted of the crime  
616 shall have received a pardon therefor from the President of the United States or the  
617 governor or other pardoning authority in the jurisdiction where the conviction was had or  
618 shall have received a certificate of good conduct granted by the State Board of Pardons and  
619 Paroles pursuant to the provisions of law to remove a disability under law because of such  
620 conviction.

621 (c)(1) For the purposes of making determinations relating to eligibility under paragraph  
622 (2) of subsection (a) of this Code section, a local fire department shall provide  
623 information relative to prospective employees to the local law enforcement agency and  
624 a state fire department shall provide information relative to prospective employees to a  
625 state law enforcement agency. Such local or state law enforcement agency shall be  
626 authorized to obtain conviction data with respect to such prospective employees of a local  
627 or state fire department as authorized in this subsection. The local or state law  
628 enforcement agency shall submit to the Georgia Crime Information Center two complete  
629 sets of fingerprints of the applicant for appointment or employment, the required records  
630 search fees, and such other information as may be required. Upon receipt thereof, the  
631 Georgia Crime Information Center shall promptly transmit one set of fingerprints to the  
632 Federal Bureau of Investigation for a search of bureau records and an appropriate report  
633 and shall retain the other set and promptly conduct a search of its own records and  
634 records to which it has access. The Georgia Crime Information Center shall notify the  
635 local or state law enforcement agency in writing of any derogatory finding, including, but  
636 not limited to, any conviction data regarding the fingerprint records check or if there is  
637 no such finding. All conviction data received by the local or state law enforcement  
638 agency shall not be a public record, shall be privileged, and shall not be disclosed to any  
639 other person or agency except as provided in this subsection and except to any person or  
640 agency which otherwise has a legal right to inspect the employment file. All such records  
641 shall be maintained by the local or state law enforcement agency pursuant to laws  
642 regarding such records and the rules and regulations of the Federal Bureau of  
643 Investigation and the Georgia Crime Information Center, as applicable. As used in this

644 subsection, 'conviction data' means a record of a finding or verdict of guilty or plea of  
645 guilty or plea of nolo contendere with regard to any crime, regardless of whether an  
646 appeal of the conviction has been sought.

647 (2) The local or state law enforcement agency shall provide to the chief of the fire  
648 department which requested information on an applicant any criminal data indicating that  
649 the applicant was convicted of a felony. Such information may be provided to the ~~council~~  
650 commissioner. The provisions of paragraph (1) of this subsection relating to privileged  
651 information and records of conviction data shall apply to any information provided by a  
652 law enforcement agency to a fire department.

653 25-4-9.

654 (a) Full-time, part-time, and volunteer firefighters, including airport firefighters, shall  
655 successfully complete a basic training course. The ~~council~~ division shall determine the  
656 course content, number of hours, and all other matters relative to basic firefighter training,  
657 including airport rescue firefighter training. Upon satisfactory completion of such basic  
658 training, a firefighter shall be issued a certificate of completion evidencing the same. Each  
659 firefighter shall be required to successfully complete such basic training course within 12  
660 months after being employed or appointed as a firefighter or, in the case of airport  
661 firefighters, within such time period as the ~~council~~ department may prescribe by rule or  
662 regulation.

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

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

670 25-4-10.

671 As a condition of continued certification, all firefighters shall train, drill, or study at  
672 schools, classes, or courses at the local, area, or state level, as specified by the ~~council~~  
673 department. Authorized leaves of absence are expected.

674 25-4-11.

675 This chapter shall provide only the minimum qualification standards in training  
676 requirements for firefighters in this state and does not restrict any employing agency from  
677 setting and establishing requirements that exceed these minimum standards.

678 25-4-12.  
 679 ~~Except as otherwise provided in Article 2, nothing~~ Nothing in this chapter shall apply to  
 680 firefighters employed on July 1, 1971, and such firefighters are not required to meet the  
 681 requirements of Code Section 25-4-8 or Code Section 25-4-9 as a condition of tenure or  
 682 continued employment; nor shall their failure to fulfill such requirements make them  
 683 ineligible for any promotional examination for which they are otherwise eligible, affect in  
 684 any way any pension rights to which they are otherwise eligible, or affect in any way  
 685 pension rights to which they may be entitled on July 1, 1971. The ~~council~~ department shall  
 686 have the authority to investigate qualifications of, and in its discretion to issue certificates  
 687 to, those previously trained firefighters employed on July 1, 1971."

688 **SECTION 5.**

689 Said title is further amended by revising Chapter 7, relating to the Georgia Fire Academy,  
 690 as follows:

691 "CHAPTER 7

692 25-7-1.

693 This chapter shall be known and may be cited as the '~~Georgia Fire Academy Act.~~' 'Georgia  
 694 Fire and Emergency Services Training Act.'

695 25-7-2.

696 The Professional Development Division of the Department of Fire Safety ~~There is created~~  
 697 ~~the Georgia Fire Academy, the purposes of which shall be, through training and research,~~  
 698 charged with the duty of:

- 699 (1) Reducing ~~To reduce~~ the costs in suffering and property loss resulting from fire;  
 700 (2) Providing ~~To provide~~ professional training to paid, volunteer, and other publicly or  
 701 privately employed firefighters at a minimal cost to them and their employers;  
 702 (3) Assisting, by providing training to ~~To assist~~ the state and its counties, municipalities,  
 703 and other political subdivisions and the officers thereof, in the investigation and  
 704 determination of the causes of fires;  
 705 (4) Developing ~~To develop~~ new methods of fire prevention and fire fighting;  
 706 (5) Providing ~~To provide~~ facilities for testing fire-fighting and prevention equipment;  
 707 and  
 708 (6) Assisting ~~To assist~~ the state and its counties, municipalities, and other political  
 709 subdivisions in the training and operations of fire department-related emergency medical  
 710 services and rescue services.

711 25-7-3.

712 As used in this chapter, ~~'board'~~ the term:

713 (1) 'Commissioner' means the ~~Board of Public Safety~~ fire safety commissioner.

714 (2) 'Department' means the Department of Fire Safety.

715 (3) 'Division' means the Professional Development Division of the department.

716 25-7-4.

717 (a) The ~~Board of Public Safety~~ department is authorized and empowered to establish,  
718 operate, and maintain the Georgia Fire Academy through the Professional Development  
719 Division for the purposes enumerated in Code Section 25-7-2. The ~~board~~ department is  
720 authorized and empowered to do all things and to take whatever action is necessary to  
721 accomplish these purposes, including, but not limited to, the establishment and conduct of  
722 training programs and the promulgation of rules and regulations relative thereto. The ~~board~~  
723 commissioner shall select the ~~superintendent of the academy~~ director of the division and  
724 shall fix the compensation for the ~~superintendent~~ director.

725 (b) ~~The board is authorized and directed to create an advisory council to advise and assist~~  
726 ~~it in carrying out its duties and responsibilities under this chapter. The membership of the~~  
727 ~~advisory council shall be as the board determines, except that such membership shall~~  
728 ~~include at least one representative from each of the following organizations: the~~  
729 ~~Association County Commissioners of Georgia, the Georgia Municipal Association, and~~  
730 ~~the Insurance Services Office. The director of the Georgia Firefighter Standards and~~  
731 ~~Training Council shall also be a member of the advisory council. The members of the~~  
732 ~~advisory council shall serve without compensation, but they may be reimbursed in the same~~  
733 ~~manner as state officials and employees for travel and other expenses actually incurred by~~  
734 ~~them in carrying out their duties as members of the council.~~

735 25-7-5.

736 The ~~superintendent of the Georgia Fire Academy~~ division director, with the approval of the  
737 commissioner, shall be responsible for the selection of a staff for the division. He or she  
738 shall also be responsible for the execution of all policies, programs, directives, and  
739 decisions promulgated by the ~~Board of Public Safety~~ department and for the direction of  
740 the staff and the daily operation of the ~~academy~~ division.

741 25-7-6.

742 (a) ~~The Georgia Fire Academy is assigned to the Department of Public Safety for~~  
743 ~~administrative purposes only, as described in Code Section 50-4-3.~~

744 (b) The ~~Board of Public Safety~~ department is authorized to accept gifts, grants, and  
745 donations for the purposes of carrying out this chapter. The ~~board~~ department is also  
746 authorized to accept property, both real and personal, and services for the purposes of  
747 carrying out this chapter.

748 25-7-7.

749 Subject to the rules and regulations prescribed by the ~~Board of Public Safety~~ department,  
750 the training program of the ~~academy~~ division shall be made available to all firefighters and  
751 may also be made available to other persons who evidence interest in entering the  
752 fire-fighting profession. The ~~board~~ department is authorized to prescribe fees to cover all  
753 or a part of the cost of furnishing the training, under such rules and regulations as the ~~board~~  
754 department shall prescribe. The state, municipalities, and counties are authorized to expend  
755 funds for the purpose of paying such fees. The ~~board~~ department is given full authority to  
756 decide who shall be allowed to enroll in the training program of the ~~academy~~ division.

757 25-7-8.

758 It is not the intention of this chapter that it be mandatory that any firefighter be required to  
759 attend the ~~academy training program of the division~~. The training program established at  
760 the ~~academy~~ division shall not supersede any training program for firefighters now in  
761 existence or hereafter established but shall be separate and apart from any other training  
762 programs for firefighters.

763 25-7-9.

764 The department shall succeed to all rules, regulations, policies, procedures, and pending  
765 and finalized administrative orders of the Georgia Fire Academy which are in effect on  
766 December 31, 2011. Such rules, regulations, policies, and procedures shall remain in effect  
767 until amended, repealed, superseded, or nullified by the commissioner.

768 25-7-10.

769 All valid agreements, licenses, permits, certificates, and similar authorizations previously  
770 issued by the Georgia Fire Academy with respect to any function transferred to the  
771 department as provided in this chapter shall continue in effect until the same expire by their  
772 terms unless they are suspended, revoked, or otherwise made ineffective as provided by  
773 law.

774 25-7-11.  
 775 Effective January 1, 2012, the Department of Fire Safety shall carry out all of the functions  
 776 and obligations and exercise all of the powers formerly held by the Georgia Fire Academy.  
 777 All persons employed by and positions authorized for the Georgia Fire Academy shall, on  
 778 January 1, 2012, be transferred to the Department of Fire Safety. All office equipment,  
 779 furniture, and other assets and real property in possession of the Georgia Fire Academy  
 780 which are used or held exclusively or principally by personnel transferred under this  
 781 chapter shall continue to be used or held by the department."

782 **SECTION 6.**

783 Code Section 33-2-9 of the Official Code of Georgia Annotated, relating to rules and  
 784 regulations adopted by the Commissioner of Insurance, is amended by revising subsection  
 785 (e) as follows:

786 "~~(e) Neither the Commissioner, whether acting as Commissioner of Insurance or Safety~~  
 787 ~~Fire Commissioner~~ Commissioner of Insurance, nor the department, nor the ~~Safety Fire~~  
 788 ~~Division of the office of the Commissioner~~ fire safety commissioner shall propose or adopt  
 789 rules or regulations relating to the sale or dispensing of gasoline or diesel fuel to the  
 790 general public by any business entity unless such rules or regulations require such sale or  
 791 dispensing to be under the direct control and visual supervision of an on-site employee of  
 792 such business entity."

793 **SECTION 7.**

794 Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to  
 795 general provisions for the Department of Public Safety, is amended by revising Code Section  
 796 35-2-1, relating to the creation of the Board of Public Safety, appointment and terms of office  
 797 of its members, as follows:

798 "35-2-1.

799 (a) There is created a Board of Public Safety which shall establish the general policy to be  
 800 followed by the Department of Public Safety.

801 (b) The board shall consist of ~~15~~ 16 members:

802 (1) The following ~~three~~ four members serve as follows:

803 (A) The Governor, ex officio, who shall be chairperson of the board;

804 (B) An appointee of the Governor who shall not be the Attorney General; ~~and~~

805 (C) The fire safety commissioner, ex officio; and

806 ~~(C)(D) The official in charge of the Department of Corrections~~ commissioner of  
 807 corrections, ex officio.

808 (2) Five members shall be selected as follows:

809 (A) A representative appointed by the Governor by and with the advice and consent  
 810 of the Senate from the membership of the Georgia Sheriffs Association; the first  
 811 representative shall serve an initial term ending on January 20, 1975, each subsequent  
 812 term being three years;

813 (B) A representative appointed by the Governor by and with the advice and consent of  
 814 the Senate from the membership of the Georgia Association of Chiefs of Police; the  
 815 first representative shall serve an initial term ending on January 20, 1974, each  
 816 subsequent term being three years;

817 (C) A representative appointed by the Governor by and with the advice and consent of  
 818 the Senate from the membership of the District Attorneys Association of Georgia; the  
 819 first representative shall serve an initial term ending on January 20, 1973, each  
 820 subsequent term being three years;

821 (D) A representative appointed by the Governor by and with the advice and consent  
 822 of the Senate from the membership of the Georgia State ~~Firemen's~~ Firefighter's  
 823 Association; the first representative shall serve an initial term ending on January 20,  
 824 1984. ~~Each; each~~ subsequent term ~~shall be for~~ being three years; and

825 (E) A representative appointed by the Governor by and with the advice and consent of  
 826 the Senate from the membership of the Georgia Association of Fire Chiefs; the first  
 827 representative shall serve an initial term beginning on January 21, 2011. ~~Each; each~~  
 828 subsequent term ~~shall be for~~ being three years.

829 (3) Four members shall be selected as follows:

830 (A) Two members appointed by the Governor. The first appointees shall serve an  
 831 initial term ending on January 20, 2002. ~~Each; each~~ subsequent term ~~shall be for~~ being  
 832 three years;

833 (B) One member appointed by the Lieutenant Governor. The first appointee shall  
 834 serve an initial term ending on January 20, 2002. ~~Each; each~~ subsequent term ~~shall be~~  
 835 for being three years; and

836 (C) One member appointed by the Speaker of the House of Representatives. The first  
 837 appointee shall serve an initial term ending on January 20, 2002. ~~Each; each~~  
 838 subsequent term ~~shall be for~~ being three years.

839 (4) By majority vote the board shall appoint three members from the state at large; no  
 840 person so appointed shall be an officer or employee of any state or local governmental  
 841 entity at the time of his or her appointment to or during his or her membership on the  
 842 board. All terms of the three at-large members shall be four years. Any vacancy in the  
 843 at-large membership shall be filled by the board for the unexpired term.

844 (c) Appointments made pursuant to paragraph (2) of subsection (b) of this Code section  
 845 at times when the Senate is not in session shall be effective ad interim."

846 **SECTION 8.**

847 Code Section 35-8-10 of the Official Code of Georgia Annotated, relating to applicability  
 848 and effect of peace officer certification requirements generally and requirements as to exempt  
 849 persons, is amended by revising subsection (b) as follows:

850 "(b) Peace officers commencing any employment or service on any terms with the  
 851 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,  
 852 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco  
 853 Tax Unit, the Secretary of State's investigative section, the Office of the Commissioner of  
 854 Insurance and Safety Fire Commissioner, the Department of Fire Safety, or a railroad after  
 855 July 1, 1975, are required to comply with the certification provisions of this chapter. Peace  
 856 officers commencing such employment or service prior to July 1, 1975, and whose  
 857 employment continues on July 1, 1975, are exempt and excused from compliance with the  
 858 certification provisions of this chapter except as provided in this Code section so long as  
 859 the registration provided for in subsections (d) and (e) of this Code section remains in  
 860 effect. Any peace officer otherwise exempt from the certification provisions of this chapter  
 861 must meet the qualifications and requirements specified in paragraphs (2), (4), (5), and ~~(8)~~  
 862 (7) of subsection (a) of Code Section 35-8-8."

863 **SECTION 9.**

864 Chapter 14 of Title 45 of the Official Code of Georgia Annotated, relating to the  
 865 Commissioner of Insurance, is amended by revising Code Section 45-14-3, relating to the  
 866 duties of the Commissioner of Insurance, as follows:

867 "45-14-3.

868 The Commissioner of Insurance shall be ~~the Safety Fire Commissioner~~, the Industrial Loan  
 869 Commissioner, and the Comptroller General."

870 **SECTION 10.**

871 Said chapter is further amended by revising Code Section 45-14-5, relating to seals used by  
 872 certain commissioners and sealed copies treated as originals, as follows:

873 "45-14-5.

874 The Commissioner of Insurance, ~~Safety Fire Commissioner~~, Industrial Loan  
 875 Commissioner, and the Comptroller General shall have an official seal for each office of  
 876 such design as he or she shall select with the approval of the Governor. Every certificate  
 877 and other document or paper executed by the Commissioner of Insurance, ~~Safety Fire~~  
 878 ~~Commissioner~~, Industrial Loan Commissioner, or the Comptroller General in the pursuance  
 879 of any authority conferred upon ~~that office~~ those offices by law and sealed with the seal of  
 880 ~~that office~~ those offices and all copies or photographic copies of papers certified by him

881 or her and authenticated by said seal shall in all cases be evidence 'in equal and like  
 882 manner' as the original thereof and in all cases be primary evidence of the contents of the  
 883 original and shall be admissible in any court in this state."

884 **SECTION 11.**

885 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to  
 886 general provisions for administrative procedure, is amended by revising Code Section  
 887 50-13-21, relating to compliance with filing and hearing requirements by the Safety Fire  
 888 Commissioner and the Commissioner of Insurance, as follows:

889 "50-13-21.

890 As to such regulations, standards, and plans as are required by law to be filed and kept on  
 891 file with the office of the Secretary of State, the ~~Commissioner of Insurance, when~~  
 892 ~~performing the duties as Safety Fire Commissioner,~~ fire safety commissioner may comply  
 893 with the filing requirements of this chapter by filing with the office of the Secretary of  
 894 State merely the name and designation of such regulations, standards, and plans, provided  
 895 the regulations, standards, and plans are kept on file in the office of the ~~Commissioner of~~  
 896 ~~Insurance~~ fire safety commissioner by the titles otherwise applicable under this chapter and  
 897 the regulations, standards, and plans are open for public examination and copying. The  
 898 ~~Commissioner of Insurance, when performing the duties as Safety Fire Commissioner,~~ fire  
 899 safety commissioner may also satisfy the procedure for conduct of hearings on contested  
 900 cases and rule making required under this chapter by following Chapter 2 of Title 33. The  
 901 Commissioner of Insurance, when performing the duties as Commissioner of Insurance,  
 902 may satisfy the procedure for conduct of hearings on contested cases required under this  
 903 chapter by following Chapter 2 of Title 33. When the Commissioner of Insurance is  
 904 performing rule-making duties as Commissioner of Insurance, he or she shall satisfy the  
 905 procedures required under this chapter and under Chapter 2 of Title 33. In the event of any  
 906 conflicts between rule-making procedures of this chapter and Chapter 2 of Title 33 as it  
 907 respects duties of the Commissioner of Insurance, this chapter shall govern."

908 **SECTION 12.**

909 This Act shall become effective on January 1, 2012.

910 **SECTION 13.**

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