

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

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To enact the "Consolidation of Fire Safety Services in Georgia Act"; to establish the
2 Department of Fire Safety; to provide for legislative intent; to amend Article 10 of Chapter
3 1 of Title 10 of the Official Code of Georgia Annotated, relating to sale and storage of
4 liquefied petroleum gas, so as to modify the powers and duties of the state fire marshal; to
5 amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and
6 safety, so as to establish the position of fire safety commissioner; to consolidate primary state
7 fire protection and safety services within a single agency; to improve the efficiency of the
8 delivery of fire safety services; to transfer certain functions from the Commissioner of
9 Insurance to the fire safety commissioner; to amend Article 1 of Chapter 2 of Title 35 of the
10 Official Code of Georgia Annotated, relating to general provisions for the Department of
11 Public Safety, so as to designate the fire safety commissioner as a member of the Board of
12 Public Safety; to modify provisions of the Official Code of Georgia Annotated, so as to
13 provide for consistency in changing the names and designation of the Safety Fire
14 Commissioner; to provide for related matters; to provide an effective date; to repeal
15 conflicting laws; and for other purposes.

16 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

17 **SECTION 1.**

18 This Act shall be known and may be cited as the "Consolidation of Fire Safety Services in
19 Georgia Act."

20 **SECTION 2.**

21 It is the intent of the General Assembly, by this Act, to provide for more efficient fire safety
22 services for the citizens of Georgia by consolidating such services into a single department
23 and thereby provide greater quality services at a reduced cost.

24 **SECTION 3.**

25 Article 10 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to sale
26 and storage of liquefied petroleum gas, is amended in Code Section 10-1-263, relating to
27 enforcement of the article by the state fire marshal, as follows:

28 "10-1-263.

29 The state fire marshal, ex officio, shall be designated as the officer charged with the duty
30 and authority of enforcing this article, subject to the approval of the fire safety
31 commissioner."

32 **SECTION 4.**

33 Said article is further amended in Code Section 10-1-264, relating to assistants and
34 employees of state fire marshal, as follows:

35 "10-1-264.

36 The state fire marshal, subject to the approval of the fire safety commissioner, is authorized
37 to appoint and employ such assistants and employees, fix their salaries, and assign and
38 delegate such duties and responsibilities as he or she may deem necessary to carry out this
39 article in an efficient manner."

40 **SECTION 5.**

41 Said article is further amended in Code Section 10-1-265, relating to rules and regulations
42 setting standards for liquefied petroleum gas equipment, as follows:

43 "10-1-265.

44 (a) The state ~~fire marshal~~ Department of Fire Safety shall make, promulgate, adopt, and
45 enforce rules and regulations setting forth minimum general standards covering the design,
46 construction, location, installation, and operation of equipment for storing, handling,
47 transporting by tank truck or tank trailer, and utilizing liquefied petroleum gases and
48 specifying the odorization of said gases and the degree thereof. Said rules and regulations
49 shall be such as are reasonably necessary for the protection of the health, welfare, and
50 safety of the public and persons using such materials and shall be based upon reasonable
51 substantial conformity with the generally accepted standards of safety concerning the same
52 subject matter.

53 (b) Rules and regulations promulgated by the ~~state fire marshal~~ Department of Fire Safety
54 based upon reasonable substantial conformity with the published standards of the National
55 Board of Fire Underwriters for the design, installation, and construction of containers and
56 pertinent equipment for the storage and handling of liquefied petroleum gases as
57 recommended by the National Fire Protection Association shall be deemed to be in

58 substantial conformity with the generally accepted standards of safety concerning the
59 subject matter."

60 **SECTION 6.**

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

64 "25-2-1.

65 As used in this chapter, the term:

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

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

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

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

70 25-2-2.

71 The office of ~~Safety Fire Commissioner~~ the fire safety commissioner is created. The
72 ~~Commissioner of Insurance shall be the Safety Fire Commissioner~~ fire safety commissioner
73 shall be appointed by the Governor and shall serve as the commissioner of the Department
74 of Fire Safety. Any person appointed to serve as the fire safety commissioner shall have
75 a minimum of ten years' experience as a fire service professional."

76 "25-2-6.

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

80 25-2-7.

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

87 25-2-8.

88 All state employees connected with the ~~state fire marshal's office~~ department shall be
89 allowed subsistence, lodging, and other expenses in connection with the execution of their

90 duties when away from their headquarters. Transportation for such employees shall be
91 paid at the mileage rate fixed by law for other state employees.

92 25-2-9.

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

98 (b) Personnel employed and authorized by the ~~state fire marshal~~ commissioner shall have
99 the power to make arrests for criminal violations established as a result of investigations.
100 Such personnel must hold certification as a peace officer from the Georgia Peace Officer
101 Standards and Training Council and shall have the power to execute arrest warrants and
102 search warrants for criminal violations and to arrest, upon probable cause and without
103 warrant, any person found violating any of the provisions of applicable criminal laws.
104 Authorized personnel empowered to make arrests pursuant to this Code section shall be
105 empowered to carry firearms as authorized by the ~~state fire marshal~~ commissioner in the
106 performance of their duties. It shall be unlawful for any person to resist an arrest
107 authorized by this Code section or to interfere in any manner, including abetting or
108 assisting such resistance or interference, with personnel employed by the ~~state fire marshal~~
109 department in the duties imposed upon such personnel by law.

110 25-2-10.

111 Should any person, firm, corporation, or public entity be dissatisfied with any ruling or
112 decision of the ~~state fire marshal~~ department, the right is granted to appeal within ten days
113 to the ~~Commissioner~~ commissioner. If the person, firm, corporation, or public entity is
114 dissatisfied with the decision of the ~~Commissioner~~ commissioner, appeal is authorized to
115 the superior court within 30 days in the manner provided under Chapter 13 of Title 50, the
116 'Georgia Administrative Procedure Act.' In the event of such appeal, the person, firm,
117 corporation, or public entity shall give a surety bond which will be conditioned upon
118 compliance with the order and direction of the ~~state fire marshal or the Commissioner or~~
119 ~~both~~ commissioner. The amount of bond shall be fixed by the ~~Commissioner~~
120 commissioner in such amount as will reasonably cover the order issued by the
121 ~~Commissioner or the state fire marshal or both~~ commissioner."

122 "25-2-12.

123 (a)(1) The county governing authority in any county having a population of 100,000 or
124 more, and the municipal governing authority in any municipality having a population of
125 45,000 or more, each as determined by the most recent decennial census published by the
126 United States Bureau of the Census, and those municipalities pursuant to subsection (b)
127 of this Code section shall adopt the state minimum fire safety standards adopted in the
128 rules and regulations promulgated pursuant to this chapter, including all subsequent
129 revisions thereof.

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

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

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

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

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

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

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

157 (6) Every such local governing authority shall be responsible for investigating all cases
158 of arson and other suspected incendiary fires within its jurisdiction, shall have the duties

159 and powers authorized by Code Sections 25-2-27, 25-2-28, and 25-2-29 in carrying out
160 such responsibility, and shall submit quarterly reports to the state fire marshal containing
161 fire-loss data regarding all fires within its jurisdiction. The state fire marshal, subject to
162 the approval of the commissioner, shall have the authority to initiate any arson
163 investigation upon request of any such local governing authority and ~~he~~ the state fire
164 marshal shall provide assistance to the requesting authority regarding any of the duties
165 and responsibilities required by this paragraph.

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

170 (b) Municipalities having a population of less than 45,000 as determined by the most
171 recent decennial census published by the United States Bureau of the Census may adopt
172 the state minimum fire safety standards adopted in the rules and regulations promulgated
173 pursuant to this chapter, including all subsequent revisions thereof. The municipal
174 governing authority shall indicate its intention to adopt and enforce the state minimum fire
175 safety standards by forwarding a resolution so indicating to the ~~Commissioner~~
176 commissioner. The municipality shall then adopt and enforce the state minimum fire safety
177 standards as set forth in subsection (a) of ~~Code Section 25-2-12~~ this Code section.

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

185 (d) Except as specifically stated in this Code section, nothing in this Code section shall
186 reduce or avoid the duties and responsibilities of the office of the ~~Commissioner or the state~~
187 ~~fire marshal~~ commissioner imposed by other Code sections of this chapter, other provisions
188 of this Code, or any existing contract or agreement and all renewals thereof between the
189 office of the ~~Commissioner or the state fire marshal~~ commissioner and any other state or
190 federal government agency. Nothing in this Code section shall prohibit the office of the
191 ~~Commissioner, state fire marshal,~~ commissioner or any local governing authority from
192 entering into any future contract or agreement regarding any of the duties imposed under
193 this Code section.

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

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

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

207 (4) On the construction of new buildings, the ~~Commissioner~~ commissioner, upon the
 208 ~~written recommendation of the state fire marshal and the~~ written request of the fire or
 209 building official responsible for enforcing the state minimum fire safety standards, may
 210 grant variances from compliance with the state minimum fire safety standards as adopted
 211 in the rules and regulations promulgated pursuant to this chapter in jurisdictions covered
 212 under subsection (a) of this Code section and jurisdictions other than those covered under
 213 subsection (a) of this Code section.

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

216 "25-2-30.

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

221 25-2-31.

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

225 (b) It shall be the duty of the ~~state fire marshal~~ commissioner to carry on a state-wide
 226 program of fire prevention education in the schools of this state and to establish fire drills
 227 therein. All local school authorities are required to cooperate with the ~~state fire marshal~~

228 commissioner in carrying out programs designed to protect the lives of school children
229 from fire and related hazards.

230 25-2-32.

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

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

241 25-2-32.1.

242 Every case of a burn injury or wound where the victim sustained second-degree or
243 third-degree burns to 5 percent or more of the body or any burns to the upper respiratory
244 tract or laryngeal edema due to the inhalation of superheated air, and every case of a burn
245 injury or wound which is likely to or may result in death, shall be reported at once to the
246 ~~Safety Fire Division of the office of the Commissioner of Insurance~~ division. The ~~Safety~~
247 ~~Fire Division~~ division shall accept the report and notify the proper investigatory agency as
248 may be appropriate. A written report shall be provided to the ~~Safety Fire Division~~ division
249 within 72 hours. The report shall be made by the physician attending or treating the case
250 or by the manager, superintendent, or other person in charge whenever such case is treated
251 in a hospital ~~sanitarium~~, institution, or other medical facility.

252 25-2-32.2.

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

261 **SECTION 7.**

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

263 "25-2-41.264 (a) The Fire Safety Advisory Board is established. The board shall be composed of 13
265 members, who shall be appointed as follows:266 (1) Four members shall be appointed by the Governor;267 (2) Two members shall be appointed by the Speaker of the House of Representatives;268 (3) Two members shall be appointed by the Lieutenant Governor;269 (4) One member shall be the President of the Georgia Association of Fire Chiefs, ex
270 officio;271 (5) One member shall be the President of the Georgia State Firefighter's Association, ex
272 officio;273 (6) The commissioner shall appoint one member who shall be a member of the Georgia
274 Municipal Association;275 (7) The commissioner shall appoint one member who shall be a member of the
276 Association County Commissioners of Georgia; and277 (8) The commissioner shall appoint one member who shall be a member of the Insurance
278 Services Organization.279 All members shall serve until their successors are appointed and qualified.280 (b) At the first regular meeting of the board held in each even-numbered year, the board
281 shall elect a chairperson and such other officers from its own membership as it deems
282 necessary to serve until successors are elected by the board as provided in this subsection.283 (c) The board shall provide advice to the commissioner on all matters before the
284 department.285 (d) Each member of the board, in carrying out their official duties, shall be entitled to
286 receive the same expense and mileage allowance authorized for members of professional
287 licensing boards by subsection (f) of Code Section 43-1-2. The funds for such expenses
288 and allowances shall be paid from funds appropriated or available to the department.289 25-2-42.290 The department shall succeed to all rules, regulations, policies, procedures, and pending
291 and finalized administrative orders of the Safety Fire Division of the office of the
292 Commissioner of Insurance which are in effect on December 31, 2011. Such rules,
293 regulations, policies, and procedures shall remain in effect until amended, repealed,
294 superseded, or nullified by the commission.

295 25-2-43.

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

302 25-2-44.

303 Effective January 1, 2012, the Department of Fire Safety shall carry out all of the functions
 304 and obligations and exercise all of the powers formerly held by the Safety Fire Division of
 305 the Department of Insurance. All persons employed by and positions authorized for the
 306 Department of Insurance relating to functions performed by the Safety Fire Division shall,
 307 on January 1, 2012, be transferred to the Department of Fire Safety. All office equipment,
 308 furniture, and other assets and real property in possession of the Department of Insurance
 309 which are used or held exclusively or principally by personnel transferred under this
 310 chapter shall be transferred to the department on January 1, 2012."

311 **SECTION 8.**

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

314 "ARTICLE 2

315 25-3-20.

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

321 25-3-21.

322 As used in this article, the term:

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

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

326 ~~(2)~~(3)(A) 'Fire department' means any fire department which is authorized to exercise
327 the general and emergency powers enumerated in Code Sections 25-3-1 and 25-3-2.

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

333 ~~(3)~~(4) 'Firefighter' means any able-bodied person at least 18 years of age who has been
334 duly appointed by a legally constituted fire department and who has the responsibility of
335 preventing and suppressing fires, protecting life and property, and performing other
336 duties enumerated in Code Sections 25-3-1 and 25-3-2.

337 25-3-22.

338 In order for a fire department to be legally organized to operate in the State of Georgia, the
339 chief administrative officer of the fire department shall notify the ~~executive director~~
340 commissioner that the organization meets the minimum requirements specified in Code
341 Section 25-3-23 and the rules and regulations of the ~~Georgia Firefighter Standards and~~
342 ~~Training Council~~ department to function as a fire department. If the ~~council~~ commissioner
343 is satisfied that the fire department meets the minimum requirements contained in Code
344 Section 25-3-23 and the rules and regulations of the ~~Georgia Firefighter Standards and~~
345 ~~Training Council~~, ~~he or she shall recommend to the Georgia Firefighter Standards and~~
346 ~~Training Council that a~~ department, then a certificate of compliance shall be issued by the
347 ~~council~~ department to the fire department. If the ~~council~~ commissioner issues such
348 certificate of compliance, the fire department shall be authorized to exercise the general
349 and emergency powers set forth in Code Sections 25-3-1 and 25-3-2.

350 25-3-23.

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

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

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

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

358 (C) Be responsible for a defined area of operations depicted on a map located at the fire
359 station, which area of operations shall have been approved and designated by the

360 governing authority of the applicable county, municipality, or other political
 361 subdivision in the case of any county, municipal, or volunteer fire department; and
 362 (D) Be staffed with a sufficient number of full-time, part-time, or volunteer firefighters
 363 who have successfully completed basic firefighter training as specified by the ~~Georgia~~
 364 ~~Firefighter Standards and Training Council~~ department; and

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

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

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

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

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

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

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

390 25-3-24.

391 ~~The executive director may consult with and consider the recommendations of the director~~
 392 ~~of the Georgia Forestry Commission, the director of the Georgia Fire Academy, the state~~
 393 ~~fire marshal, and the governing authority of any county or municipality in which the fire~~
 394 ~~department is located to determine if individual fire departments are complying with the~~

395 ~~minimum provisions of this article and serving the best interests of the citizens of the area~~
 396 ~~of its operations. Reserved.~~

397 ~~25-3-25.~~

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

403 (b) The chief administrative officer of any fire department aggrieved by a decision of the
 404 ~~council~~ commissioner under subsection (a) of this Code section may, within 30 days of the
 405 date of such decision, request a hearing on the matter before the ~~council~~ commissioner or
 406 his or her designee. Following a hearing before the ~~council~~ commissioner or his or her
 407 designee, the chief administrative officer of the fire department affected shall be served
 408 with a written decision of the ~~council~~ commissioner announcing whether the certificate of
 409 compliance shall remain revoked or suspended or whether it shall be reinstated. The
 410 decision of the commissioner may, within 30 days, be appealed to the superior court of the
 411 county in which the fire department is located. The review by the superior court shall be
 412 limited to the existing record, including previously admitted documents, testimony, and
 413 other evidence. During the appeal process set forth in this Code section, the
 414 commissioner's decision to suspend or revoke a certification shall be stayed.

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

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

423 ~~25-3-26.~~

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

427 ~~25-3-27.~~

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

432 **SECTION 9.**

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

435 **"ARTICLE 1**

436 25-4-1.

437 This chapter shall be known and may be cited as the ~~'Georgia Firefighter Standards and~~
 438 ~~Training Act.'~~ 'Georgia Fire Safety Professional Development Act.'

439 25-4-2.

440 As used in this chapter, the term:

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

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

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

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

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

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

453 (7) 'Division' means the Professional Development Division of the Department of Fire
 454 Safety.

455 ~~(5-1)~~(8) 'Fire department' shall have the same meaning as provided in Code Section
 456 25-3-21.

457 ~~(6)~~(9) 'Firefighter' means a trained individual who is a full-time employee, part-time
 458 employee, or volunteer for a municipal, county, state, or private incorporated fire
 459 department and as such has duties of responding to mitigate a variety of emergency and

460 nonemergency situations where life, property, or the environment is at risk, which may
 461 include, without limitation, fire suppression; fire prevention activities; emergency
 462 medical services; hazardous materials response and preparedness; technical rescue
 463 operations; search and rescue; disaster management and preparedness; community service
 464 activities; response to civil disturbances and terrorism incidents; nonemergency functions,
 465 including training, preplanning, communications, maintenance, and physical
 466 conditioning; and other related emergency and nonemergency duties as may be assigned
 467 or required; provided, however, that a firefighter's assignments may vary based on
 468 geographic, climatic, and demographic conditions or other factors, including training,
 469 experience, and ability.

470 ~~(7)~~(10) 'Full-time' means employed for compensation on a basis of at least 40 hours per
 471 week by any municipal, county, state, or private incorporated fire department.

472 ~~(8)~~(11) 'Part-time' means employed for compensation on less than a full-time basis by
 473 any municipal, county, state, or private incorporated fire department.

474 ~~(9)~~(12) 'Volunteer' means not employed for compensation by but appointed and regularly
 475 enrolled to serve as a firefighter for any municipal, county, state, or private incorporated
 476 fire department.

477 25-4-3.

478 (a) The department shall succeed to all rules, regulations, policies, procedures, and
 479 pending and finalized administrative orders of the Georgia Firefighter Standards and
 480 Training Council which are in effect on December 31, 2011. Such rules, regulations,
 481 policies, and procedures shall remain in effect until amended, repealed, superseded, or
 482 nullified by the commissioner.

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

488 (c) Effective January 1, 2012, the department shall carry out all of the functions and
 489 obligations and exercise all of the powers formerly held by the Georgia Firefighter
 490 Standards and Training Council. All persons employed by and positions authorized for the
 491 Georgia Firefighter Standards and Training Council shall, on January 1, 2012, be
 492 transferred to the department. All office equipment, furniture, and other assets and real
 493 property in possession of the Georgia Firefighter Standards and Training Council which
 494 are used or held exclusively or principally by personnel transferred under this chapter shall
 495 be transferred to the department on January 1, 2012.

496 ~~(a) The Georgia Firefighter Standards and Training Council is established. The council~~
 497 ~~shall be composed of eleven members, one of whom shall be the Safety Fire Commissioner~~
 498 ~~or the designated representative of the Safety Fire Commissioner. Two members shall be~~
 499 ~~appointed by the Lieutenant Governor. Two members shall be appointed by the Speaker~~
 500 ~~of the House of Representatives. The remaining six members shall be appointed by the~~
 501 ~~Governor subject to the following requirements:~~

- 502 ~~(1) One member shall be a member of the governing authority of a county;~~
- 503 ~~(2) One member shall be a member of the governing authority of a municipality;~~
- 504 ~~(3) One member shall be a city or county manager;~~
- 505 ~~(4) One member shall be the chief of a county or municipal fire department; and~~
- 506 ~~(5) Two members shall be state-certified firefighter training officers.~~

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

- 511 ~~(1) The Association County Commissioners of Georgia may suggest the names of three~~
 512 ~~persons for each appointment pursuant to paragraph (1) of subsection (a) of this Code~~
 513 ~~section;~~
- 514 ~~(2) The Georgia Municipal Association may suggest the names of three persons for each~~
 515 ~~appointment pursuant to paragraph (2) of subsection (a) of this Code section;~~
- 516 ~~(3) The Georgia City and County Management Association may suggest the names of~~
 517 ~~three persons for each appointment pursuant to paragraph (3) of subsection (a) of this~~
 518 ~~Code section;~~
- 519 ~~(4) The Georgia Association of Fire Chiefs may suggest the names of three persons for~~
 520 ~~each appointment pursuant to paragraph (4) of subsection (a) of this Code section; and~~
- 521 ~~(5) The Executive Board of the Georgia State Firemen's Association may suggest the~~
 522 ~~names of three persons for each appointment pursuant to paragraph (5) of subsection (a)~~
 523 ~~of this Code section.~~

524 ~~(c)(1) The first members of the council appointed by the Governor pursuant to subsection~~
 525 ~~(a) of this Code section shall be appointed to take office on January 1, 1986. The two~~
 526 ~~members appointed pursuant to paragraphs (1) and (2) of subsection (a) of this Code~~
 527 ~~section shall be appointed for initial terms of one year, the two members appointed~~
 528 ~~pursuant to paragraphs (3) and (4) of subsection (a) of this Code section shall be~~
 529 ~~appointed for initial terms of two years, and the two members appointed pursuant to~~
 530 ~~paragraph (5) of subsection (a) of this Code section shall be appointed for initial terms~~
 531 ~~of three years. Thereafter, successors shall be appointed for terms of three years as the~~
 532 ~~respective terms of office expire.~~

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

536 ~~(3) All members shall serve until their successors are appointed and qualified. In the~~
 537 ~~event of a vacancy in the membership of the council for any reason, including ceasing to~~
 538 ~~hold an office or position required for membership on the council, the Governor shall fill~~
 539 ~~such vacancy for the unexpired term, except that a vacancy in either of those members~~
 540 ~~of the council appointed by the Lieutenant Governor or the Speaker of the House of~~
 541 ~~Representatives shall be filled for the remainder of the unexpired term in the same~~
 542 ~~manner as the original appointment. In order for the Governor to consider the names of~~
 543 ~~persons suggested for membership on the council pursuant to subsection (b) of this Code~~
 544 ~~section, such names must be submitted to the Governor by the respective organizations~~
 545 ~~at least 60 days but not more than 90 days prior to the expiration of the respective terms~~
 546 ~~of office or prior to the appointment of the initial members of the council who take office~~
 547 ~~on January 1, 1986. The Governor shall be authorized, but not required, to request the~~
 548 ~~appropriate organization designated in subsection (b) of this Code section to suggest the~~
 549 ~~names of three persons for the Governor's consideration in making an appointment to fill~~
 550 ~~a vacancy.~~

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

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

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

562 25-4-4.

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

565 25-4-5.

566 ~~The council is assigned to the Department of Public Safety for administrative purposes.~~
 567 ~~The funds necessary to carry out this chapter shall come from funds appropriated to and~~

568 available to the council department and from any other available funds. The council
 569 department is authorized to accept and use gifts, grants, and donations for the purpose of
 570 carrying out this chapter. The council department is also authorized to accept and use
 571 property, both real and personal, and services for the purpose of carrying out this chapter.

572 25-4-6.

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

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

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

584 25-4-7.

585 The council department, through its Professional Development Division, is vested with the
 586 following functions and powers:

587 (1) To promulgate rules and regulations for the administration of the council certification
 588 of firefighters;

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

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

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

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

- 601 (6) To approve institutions and facilities for school operation by or for any employing
 602 agency for the specific purpose of training firefighters and firefighter recruits, including
 603 airport firefighters;
- 604 (7) To make or support studies on any aspect of fire-fighting education and training or
 605 recruitment;
- 606 (8) To make recommendations concerning any matter within its purview;
- 607 (9) To establish basic firefighter training requirements for full-time, part-time, and
 608 volunteer firefighters, including airport firefighters;
- 609 (10) To certify any person satisfactorily complying with the training program established
 610 in accordance with paragraph (9) of this Code section and the qualifications for
 611 employment covered in this chapter; and
- 612 (11) To issue a certificate to any person who has received training in another state or
 613 who has received training as a federal firefighter by the United States government, when
 614 the council division has determined that the training was at least equivalent to that
 615 required by the council division for approved firefighter education and training programs
 616 in this state and when the person has satisfactorily complied with all other requirements
 617 of this chapter.

618 25-4-7.1.

- 619 (a) The council commissioner shall appoint and establish the compensation of ~~an executive~~
 620 the director of the division who shall serve at the pleasure of the council commissioner.
- 621 (b) The ~~executive~~ director, with the approval of the commissioner, may contract for such
 622 services and employ such other professional, technical, and clerical personnel as may be
 623 necessary and convenient to carry out the purposes of this chapter.

624 25-4-8.

- 625 (a) Except as provided in Code Section 25-4-12, any person employed or certified as a
 626 firefighter shall:
- 627 (1) Be at least 18 years of age;
- 628 (2) Not have been convicted of a felony in any jurisdiction or of a crime which if
 629 committed in this state would constitute a felony under the laws of this state within ten
 630 years prior to employment, provided that a person who has been convicted of a felony
 631 more than five but less than ten years prior to employment may be certified and employed
 632 as a firefighter when the person has:
- 633 (A) Successfully completed a training program following the ~~Georgia Fire Academy~~
 634 curriculum and sponsored by the Department of Corrections curriculum developed by
 635 the Professional Services Division of the Department of Fire Safety;

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

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

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

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

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

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

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

656 (b) For the purposes of paragraph (2) of subsection (a) of this Code section, a person shall
657 be deemed to have been convicted of a crime if such person shall have pleaded guilty to
658 a charge thereof before a court or federal magistrate or shall have been found guilty thereof
659 by the decision or judgment of a court or federal magistrate or by the verdict of a jury,
660 irrespective of the pronouncement of sentence or the suspension thereof, unless such plea
661 of guilty or such decision, judgment, or verdict shall have been set aside, reversed, or
662 otherwise abrogated by lawful judicial process or unless the person convicted of the crime
663 shall have received a pardon therefor from the President of the United States or the
664 governor or other pardoning authority in the jurisdiction where the conviction was had or
665 shall have received a certificate of good conduct granted by the State Board of Pardons and
666 Paroles pursuant to the provisions of law to remove a disability under law because of such
667 conviction.

668 (c)(1) For the purposes of making determinations relating to eligibility under paragraph
669 (2) of subsection (a) of this Code section, a local fire department shall provide
670 information relative to prospective employees to the local law enforcement agency and
671 a state fire department shall provide information relative to prospective employees to a
672 state law enforcement agency. Such local or state law enforcement agency shall be

673 authorized to obtain conviction data with respect to such prospective employees of a local
674 or state fire department as authorized in this subsection. The local or state law
675 enforcement agency shall submit to the Georgia Crime Information Center two complete
676 sets of fingerprints of the applicant for appointment or employment, the required records
677 search fees, and such other information as may be required. Upon receipt thereof, the
678 Georgia Crime Information Center shall promptly transmit one set of fingerprints to the
679 Federal Bureau of Investigation for a search of bureau records and an appropriate report
680 and shall retain the other set and promptly conduct a search of its own records and
681 records to which it has access. The Georgia Crime Information Center shall notify the
682 local or state law enforcement agency in writing of any derogatory finding, including, but
683 not limited to, any conviction data regarding the fingerprint records check or if there is
684 no such finding. All conviction data received by the local or state law enforcement
685 agency shall not be a public record, shall be privileged, and shall not be disclosed to any
686 other person or agency except as provided in this subsection and except to any person or
687 agency which otherwise has a legal right to inspect the employment file. All such records
688 shall be maintained by the local or state law enforcement agency pursuant to laws
689 regarding such records and the rules and regulations of the Federal Bureau of
690 Investigation and the Georgia Crime Information Center, as applicable. As used in this
691 subsection, 'conviction data' means a record of a finding or verdict of guilty or plea of
692 guilty or plea of nolo contendere with regard to any crime, regardless of whether an
693 appeal of the conviction has been sought.

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

700 25-4-9.

701 (a) Full-time, part-time, and volunteer firefighters, including airport firefighters, shall
702 successfully complete a basic training course. The council division shall determine the
703 course content, number of hours, and all other matters relative to basic firefighter training,
704 including airport rescue firefighter training. Upon satisfactory completion of such basic
705 training, a firefighter shall be issued a certificate of completion evidencing the same. Each
706 firefighter shall be required to successfully complete such basic training course within 12
707 months after being employed or appointed as a firefighter or, in the case of airport

708 firefighters, within such time period as the ~~council~~ department may prescribe by rule or
709 regulation.

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

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

717 25-4-10.

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

721 25-4-11.

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

725 25-4-12.

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

735 **SECTION 10.**

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

738 "CHAPTER 7

739 25-7-1.

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

742 25-7-2.

743 The Professional Development Division of the Department of Fire Safety ~~There is created~~
744 ~~the Georgia Fire Academy~~, the purposes of which shall be, through training and research,
745 charged with the duty of:746 (1) Reducing ~~To reduce~~ the costs in suffering and property loss resulting from fire;747 (2) Providing ~~To provide~~ professional training to paid, volunteer, and other publicly or
748 privately employed firefighters at a minimal cost to them and their employers;749 (3) Assisting, by providing training to ~~To assist~~ the state and its counties, municipalities,
750 and other political subdivisions and the officers thereof, in the investigation and
751 determination of the causes of fires;752 (4) Developing ~~To develop~~ new methods of fire prevention and fire fighting;753 (5) Providing ~~To provide~~ facilities for testing fire-fighting and prevention equipment;
754 and755 (6) Assisting ~~To assist~~ the state and its counties, municipalities, and other political
756 subdivisions in the training and operations of fire department-related emergency medical
757 services and rescue services.

758 25-7-3.

759 As used in this chapter, ~~'board'~~ the term:760 (1) 'Commissioner' means the ~~Board of Public Safety~~ fire safety commissioner.761 (2) 'Department' means the Department of Fire Safety.762 (3) 'Division' means the Professional Development Division of the department.

763 25-7-4.

764 (a) The ~~Board of Public Safety~~ department is authorized and empowered to establish,
765 operate, and maintain the Georgia Fire Academy through the Professional Development
766 Division for the purposes enumerated in Code Section 25-7-2. The ~~board~~ department is
767 authorized and empowered to do all things and to take whatever action is necessary to
768 accomplish these purposes, including, but not limited to, the establishment and conduct of
769 training programs and the promulgation of rules and regulations relative thereto. The ~~board~~

770 commissioner shall select the ~~superintendent of the academy~~ director of the division and
 771 shall fix the compensation for the ~~superintendent~~ director.

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

782 25-7-5.

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

788 25-7-6.

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

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

795 25-7-7.

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

804 25-7-8.

805 It is not the intention of this chapter that it be mandatory that any firefighter be required to
 806 attend the academy training program of the division. The training program established at
 807 the academy division shall not supersede any training program for firefighters now in
 808 existence or hereafter established but shall be separate and apart from any other training
 809 programs for firefighters.

810 25-7-9.

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

815 25-7-10.

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

821 25-7-11.

822 Effective January 1, 2012, the Department of Fire Safety shall carry out all of the functions
 823 and obligations and exercise all of the powers formerly held by the Georgia Fire Academy.
 824 All persons employed by and positions authorized for the Georgia Fire Academy shall, on
 825 January 1, 2012, be transferred to the Department of Fire Safety. All office equipment,
 826 furniture, and other assets and real property in possession of the Georgia Fire Academy
 827 which are used or held exclusively or principally by personnel transferred under this
 828 chapter shall continue to be used or held by the department."

829 **SECTION 11.**

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

833 "(e) Neither the ~~Commissioner, whether acting as Commissioner of Insurance or Safety~~
 834 ~~Fire Commissioner~~ ~~Commissioner of Insurance~~, nor the department, nor the ~~Safety Fire~~
 835 ~~Division of the office of the Commissioner~~ fire safety commissioner shall propose or adopt
 836 rules or regulations relating to the sale or dispensing of gasoline or diesel fuel to the

837 general public by any business entity unless such rules or regulations require such sale or
 838 dispensing to be under the direct control and visual supervision of an on-site employee of
 839 such business entity."

840

SECTION 12.

841 Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to
 842 general provisions for the Department of Public Safety, is amended by revising Code Section
 843 35-2-1, relating to the creation of the Board of Public Safety and appointment and terms of
 844 office of its members, as follows:

845 "35-2-1.

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

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

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

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

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

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

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

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

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

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

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

868 (D) A representative appointed by the Governor by and with the advice and consent
 869 of the Senate from the membership of the Georgia State ~~Firemen's~~ Firefighter's
 870 Association; the first representative shall serve an initial term ending on January 20,
 871 1984. ~~Each;~~ each subsequent term ~~shall be for~~ being three years; and

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

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

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

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

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

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

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

893 SECTION 13.

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

897 "(b) Peace officers commencing any employment or service on any terms with the
 898 Department of Public Safety, counties, municipalities, the Georgia Bureau of Investigation,
 899 the Department of Natural Resources, the Department of Revenue, Alcohol and Tobacco
 900 Tax Unit, the Secretary of State's investigative section, the Office of the Commissioner of
 901 Insurance and Safety ~~Fire Commissioner, the Department of Fire Safety~~, or a railroad after
 902 July 1, 1975, are required to comply with the certification provisions of this chapter. Peace
 903 officers commencing such employment or service prior to July 1, 1975, and whose
 904 employment continues on July 1, 1975, are exempt and excused from compliance with the
 905 certification provisions of this chapter except as provided in this Code section so long as
 906 the registration provided for in subsections (d) and (e) of this Code section remains in
 907 effect. Any peace officer otherwise exempt from the certification provisions of this chapter

908 must meet the qualifications and requirements specified in paragraphs (2), (4), (5), and ~~(8)~~
 909 (7) of subsection (a) of Code Section 35-8-8."

910 **SECTION 14.**

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

914 "45-14-3.

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

917 **SECTION 15.**

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

920 "45-14-5.

921 The Commissioner of Insurance, ~~Safety Fire Commissioner~~, Industrial Loan
 922 Commissioner, and the Comptroller General shall have an official seal for each office of
 923 such design as he or she shall select with the approval of the Governor. Every certificate
 924 and other document or paper executed by the Commissioner of Insurance, ~~Safety Fire~~
 925 ~~Commissioner~~, Industrial Loan Commissioner, or the Comptroller General in the pursuance
 926 of any authority conferred upon ~~that office~~ those offices by law and sealed with the seal of
 927 ~~that office~~ those offices and all copies or photographic copies of papers certified by him
 928 or her and authenticated by said seal shall in all cases be evidence 'in equal and like
 929 manner' as the original thereof and in all cases be primary evidence of the contents of the
 930 original and shall be admissible in any court in this state."

931 **SECTION 16.**

932 Article 1 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to
 933 general provisions for administrative procedure, is amended by revising Code Section
 934 50-13-21, relating to compliance with filing and hearing requirements by the Safety Fire
 935 Commissioner and the Commissioner of Insurance, as follows:

936 "50-13-21.

937 As to such regulations, standards, and plans as are required by law to be filed and kept on
 938 file with the office of the Secretary of State, the ~~Commissioner of Insurance~~, ~~when~~
 939 ~~performing the duties as Safety Fire Commissioner~~, fire safety commissioner may comply
 940 with the filing requirements of this chapter by filing with the office of the Secretary of
 941 State merely the name and designation of such regulations, standards, and plans, provided

942 the regulations, standards, and plans are kept on file in the office of the ~~Commissioner of~~
 943 ~~Insurance~~ fire safety commissioner by the titles otherwise applicable under this chapter and
 944 the regulations, standards, and plans are open for public examination and copying. The
 945 ~~Commissioner of Insurance, when performing the duties as Safety Fire Commissioner,~~ fire
 946 safety commissioner may also satisfy the procedure for conduct of hearings on contested
 947 cases and rule making required under this chapter by following Chapter 2 of Title 33. The
 948 Commissioner of Insurance, when performing the duties as Commissioner of Insurance,
 949 may satisfy the procedure for conduct of hearings on contested cases required under this
 950 chapter by following Chapter 2 of Title 33. When the Commissioner of Insurance is
 951 performing rule-making duties as Commissioner of Insurance, he or she shall satisfy the
 952 procedures required under this chapter and under Chapter 2 of Title 33. In the event of any
 953 conflicts between rule-making procedures of this chapter and Chapter 2 of Title 33 as it
 954 respects duties of the Commissioner of Insurance, this chapter shall govern."

955

SECTION 17.

956 The Official Code of Georgia Annotated is amended by replacing "Safety Fire
 957 Commissioner" with "fire safety commissioner" wherever such term appears in:

958 (1) Code Section 8-2-20, relating to definitions relative to state building, plumbing, and
 959 electrical codes;

960 (2) Code Section 8-2-24, relating to appointment of advisory committee, reimbursement
 961 of members for expenses, use of subcommittees, submittal of proposed amendments,
 962 modifications, and new provisions to committee, and meeting times of committee;

963 (3) Code Section 8-2-31, relating to effect of the part relative to state building, plumbing,
 964 and electrical codes;

965 (4) Code Section 8-2-131, relating to definitions relative to manufactured homes;

966 (5) Code Section 8-2-160, relating to definitions relative to installation of manufactured
 967 and mobile homes;

968 (6) Code Section 8-2-202, relating to definitions relative to application of building and
 969 fire codes to existing buildings;

970 (7) Code Section 8-2-203, relating to effect of article on state and local enforcement
 971 authorities;

972 (8) Code Section 8-2-220, relating to rules and regulations of the Safety Fire
 973 Commissioner;

974 (9) Code Section 16-7-80, relating to definitions relative to bombs, explosives, and
 975 chemical and biological weapons;

976 (10) Code Section 25-2-13, relating to buildings presenting special hazards to persons or
 977 property, requirements as to construction, maintenance, and use generally, effect of rules,

978 regulations, and fire safety standards issued before April 1, 1968, and power of local
979 governing authorities;

980 (11) Code Section 25-2-14, relating to buildings presenting special hazards to persons or
981 property – requirement, issuance, etc., of building permits and certificates of occupancy,
982 fees, and employment of private professional providers to perform building plan reviews
983 when state fire marshal, local fire marshal, state inspector, or designated code official
984 cannot timely perform such services;

985 (12) Code Section 25-2-40, relating to smoke detectors required in new dwellings and
986 dwelling units and exceptions;

987 (13) Code Section 25-3-6, relating to effect of article on powers and duties of other
988 officials and departments;

989 (14) Code Section 25-8-2, relating to definitions relative to regulation of blasting
990 operations;

991 (15) Code Section 25-10-1, relating to definitions relative to regulation of fireworks;

992 (16) Code Section 25-10-3, relating to permitted sales and uses of fireworks;

993 (17) Code Section 25-10-3.1, relating to storage of fireworks by licensed
994 nonmanufacturers;

995 (18) Code Section 25-10-3.2, relating to license requirement for pyrotechnics exhibits and
996 penalty for violations;

997 (19) Code Section 25-10-4, relating to requirement of permit for conduct of fireworks
998 display, application, imposition of conditions as to granting of permit, duration and
999 transfer of permit, disposition of excess fireworks, and fees;

1000 (20) Code Section 25-10-5, relating to license and fee for fireworks and pyrotechnic
1001 displays;

1002 (21) Code Section 25-10-7, relating to applicability of provisions of chapter relating to
1003 regulation of fireworks;

1004 (22) Code Section 25-11-2, relating to definitions relative to fire protection sprinkler
1005 contractors;

1006 (23) Code Section 25-12-2, relating to definitions relative to regulation of fire
1007 extinguishers and suppression systems;

1008 (24) Code Section 25-14-2, relating to definitions relative to the "Georgia Fire Safety
1009 Standard and Firefighter Protection Act";

1010 (25) Code Section 30-3-2, relating to definitions relative to access and use of public
1011 facilities by disabled persons;

1012 (26) Code Section 30-3-3, relating to applicable standards and specifications and granting
1013 of exemptions;

- 1014 (27) Code Section 30-3-7, relating to administration and enforcement of chapter on
1015 access and use of public facilities by disabled persons;
- 1016 (28) Code Section 42-4-31, relating to required safety and security measures;
- 1017 (29) Code Section 43-14-13, relating to applicability of chapter relative to electrical
1018 contractors and others;
- 1019 (30) Code Section 43-25-2, relating to requirement of license for persons conducting
1020 motor vehicle races;
- 1021 (31) Code Section 43-25-3, relating to application for license and fee therefor;
- 1022 (32) Code Section 43-25-4, relating to compliance with Safety Fire Commissioner's
1023 regulations and insurance or bond;
- 1024 (33) Code Section 43-25-5, relating to cancellation of insurance or bonds;
- 1025 (34) Code Section 43-25-6, relating to duration of licenses;
- 1026 (35) Code Section 43-25-7, relating to suspension or revocation of licenses;
- 1027 (36) Code Section 43-25-8, relating to promulgation of rules and regulations by Safety
1028 Fire Commissioner; and
- 1029 (37) Code Section 43-25-9, relating to reports of damage to guardrails, posts, or other
1030 safety devices.

1031 **SECTION 18.**

1032 This Act shall become effective on July 1, 2013.

1033 **SECTION 19.**

1034 All laws and parts of laws in conflict with this Act are repealed.