

House Bill 146

By: Representatives Gravley of the 67th, Strickland of the 111th, Meadows of the 5th, Coomer of the 14th, Powell of the 171st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 25-3-23 of the Official Code of Georgia Annotated, relating to
2 general requirements for legally organized fire departments, so as to require such fire
3 departments to purchase and maintain certain insurance coverage for firefighters; to provide
4 methods for funding; to provide for rules and regulations; to amend Code Section 48-7-27
5 of the Official Code of Georgia Annotated, relating to computation of Georgia taxable net
6 income, so as to provide an exemption for benefits received under said insurance coverage
7 for firefighters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 25-3-23 of the Official Code of Georgia Annotated, relating to general
11 requirements for legally organized fire departments, is amended by revising subsections (b)
12 and (c) as follows:

13 "(b)(1) A legally organized fire department shall purchase and maintain sufficient
14 insurance coverage on each member of the fire department to pay claims for injuries
15 sustained en route to, during, and returning from fire calls or other emergencies and
16 disasters and scheduled training sessions.

17 (2)(A) On and after January 1, 2018, a legally organized fire department shall purchase
18 and maintain sufficient insurance coverage on each member of the fire department who
19 is a firefighter to pay claims for cancer diagnosed after having served 12 consecutive
20 months as a firefighter with such fire department if as a result of such cancerous
21 condition or treatment therefor he or she is unable to perform his or her duties as a
22 firefighter. Such inability shall be deemed a permanent physical disability for purposes
23 of this subparagraph and shall be conclusively presumed to have been incurred in the
24 line of duty. Such insurance benefits shall include at minimum the following:

25 (i) A lump sum benefit of \$25,000.00 payable to such member upon his or her
26 submission of acceptable proof of such diagnosis to the fire department; and

27 (ii)(I) A monthly benefit equal to 60 percent of the member's monthly salary at the
 28 time of diagnosis or a monthly benefit of \$5,000.00, whichever is less, to begin six
 29 months after submission of acceptable proof of such diagnosis to the fire department
 30 and continuing thereafter for a total of 42 consecutive monthly payments; or
 31 (II) If the member is a volunteer, as such term is defined in Code Section 25-4-2,
 32 a monthly benefit of \$1,500.00, to begin six months after submission of acceptable
 33 proof of such diagnosis to the fire department and continuing thereafter for a total
 34 of 42 consecutive monthly payments.

35 (B) Any member who was deemed permanently disabled under subparagraph (A) of
 36 this paragraph may be required to have his or her condition reevaluated; in the event
 37 any such reevaluation reveals that such person has regained the ability to perform duties
 38 as a firefighter, then such person shall no longer be deemed permanently disabled, and
 39 his or her benefits under division (ii) of subparagraph (A) of this paragraph shall cease.
 40 Benefits under said division shall also cease upon the death of such person.

41 (C) In addition to any other purpose authorized under Chapter 8 of Title 33, county
 42 governing authorities and municipal governing authorities may use proceeds from
 43 county and municipal taxes imposed under said chapter for purposes of purchasing
 44 insurance pursuant to this paragraph. Subject to appropriations or other funds available
 45 for such purposes, the Georgia Firefighter Standards and Training Council may assist
 46 counties and municipalities in purchasing such insurance.

47 ~~(c) On and after July 1, 1998, the~~ The Georgia Firefighter Standards and Training Council
 48 shall be authorized, by rules and regulations, to adopt such rules and regulations as are
 49 reasonable and necessary to implement the provisions of this Code section and to establish
 50 and modify minimum requirements for all fire departments operating in this state, provided
 51 that such requirements are equal to or exceed the requirements provided in subsections (a)
 52 and (b) of this Code section."

53 **SECTION 2.**

54 Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of
 55 Georgia taxable net income, is amended in subsection (a) by adding a new paragraph to read
 56 as follows:

57 "(12.2) Payments received by a firefighter pursuant to paragraph (2) of subsection (b) of
 58 Code Section 25-3-23, to any extent such amounts are included in the taxpayer's federal
 59 adjusted gross income and are not otherwise exempt under any other provision of this
 60 Code section;"

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SECTION 3.

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