

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 512

SENATE BILL NO. 878

By Ketron, Black

Substituted for: House Bill No. 1246

By Curtiss, Evans, Ty Cobb, Shipley

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 24, Part 1, relative to minimum training requirements for firefighters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 24, Part 1, is amended by adding the following as a new section:

Section 4-24-112.

(a) Any full-time, part-time, or volunteer firefighter hired or accepted as a firefighter on or after July 1, 2009, by a fire department recognized under Title 68, Chapter 102, Part 3, must meet the following minimum training requirements:

(1) The firefighter must have previously completed or must complete after joining the fire department a minimum of sixteen (16) hours of initial training developed by the Tennessee fire service and codes enforcement academy in firefighting procedures and techniques or complete equivalent training approved by the Tennessee Commission on Firefighting Personnel Standards and Education before being allowed to actively fight a fire; and

(2) Within thirty-six (36) months after hire or acceptance date as a firefighter, the firefighter must have completed, or must complete after joining the fire department, the "basic and live firefighting" course offered by the Tennessee fire service and codes enforcement academy, or an equivalent course.

(b) The following firefighters are exempt from the training requirements of subsection (a):

(1) Any firefighter in the fire service on July 1, 2009, and who entered the fire service before June 30, 2004; and

(2) Any firefighter who is certified by a medical doctor as medically or physically unable to complete the training

requirements; however, the fire department may not allow these firefighters to engage in active firefighting operations.

(c) Any firefighter who is certified by the fire department's chief officer that they will not operate within an environment determined to be immediately dangerous to life and health (IDLH) is exempt from the "live firefighting" portion of the training referenced in subsection (a)(2).

(d) Any firefighter in the fire service on July 1, 2009, and who was hired or accepted as a firefighter between July 1, 2004, and June 30, 2009, has until July 1, 2012, to show proof of completion of the minimum training requirements of this section.

(e) The Commission on Firefighting Personnel Standards and Education may issue any rules and take any other administrative action necessary to implement this section.

(f) The governmental unit, person, organization, agency or entity which obtained a certificate of recognition from the state fire marshal's office for the fire department is authorized to determine whether it or the firefighter shall be responsible for paying any fees charged for or associated with obtaining the training required under this section.

(g)(1)(A) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census, nor to municipalities located within such counties:

<u>not less than</u>	<u>nor more than</u>
33,525	33,600
62,900	63,000
58,100	58,200
17,600	17,675

unless the governing body of any such county or of a municipality located in any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided, that any action by the county legislative body concerning the implementation of this subdivision (1) shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(B) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census, nor to municipalities located within such counties:

<u>not less than</u>	<u>nor more than</u>
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49,000	49,100
11,025	11,100
16,000	16,100

unless the governing body of any such county or of a municipality located in any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided, that any action by the county legislative body concerning the implementation of this subdivision (1) shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county or of a municipality located in any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their municipality or county from the application of this section within the jurisdictional boundaries of the municipality or county, as appropriate; provided, that any action by the county legislative body concerning its actions shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(h)(1) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census, nor to municipalities located within such counties:

<u>not less than</u>	<u>nor more than</u>
43,100	43,200
29,400	29,450
22,200	22,300
17,900	18,000
39,900	40,000
11,300	11,368

unless the governing body of any such county or of a municipality located in any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided, that any action by the county legislative body concerning the implementation of this subdivision (1) shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county or of a municipality located in any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their municipality or county from the application of this section within the jurisdictional boundaries of the municipality or county, as appropriate; provided, that any action by the county legislative body concerning its actions shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(i)(1) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census, nor to municipalities located within such counties:

not less than
107,100

nor more than
107,200

unless the governing body of any such county or of a municipality located in any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided that, any action by the county legislative body concerning the implementation of this subdivision (1) shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county or of a municipality located in any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their municipality or county from the application of this section within the jurisdictional boundaries of the municipality or county, as appropriate; provided, that any action by the county legislative body concerning its actions shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(j)(1) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census, nor to municipalities located within such counties:

not less than
11,025

nor more than
11,100

16,000

16,100

unless the governing body of any such county or of a municipality located in any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided, that any action by the county legislative body concerning the implementation of this subdivision (1) shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county or of a municipality located in any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their municipality or county from the application of this section within the jurisdictional boundaries of the municipality or county, as appropriate; provided, that any action by the county legislative body concerning its actions shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(k)(1) The provisions of this act shall not apply in the unincorporated areas, outside the municipal boundaries of any municipality, in counties having a population of not less than 87,900 nor more than 88,000, according to the 2000 federal census or any subsequent federal census, unless the governing body of any such county adopts a resolution to apply such requirements within the jurisdictional boundaries of the county outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their county from the application of this section within the jurisdictional boundaries of the county outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(l) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census, nor to municipalities located within such counties:

not less than

39,900

11,300

nor more than

40,000

11,368

(m)(1) The provisions of this section shall not apply in any county having a population of not less than seventeen thousand four hundred seventy-five (17,475) nor more than seventeen thousand five hundred seventy-five (17,575) according to the 2000 federal census or any subsequent federal census, unless the governing body of any such county or of a municipality located in any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided, that any action by the county legislative body concerning the implementation of this subdivision (1) shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county or of a municipality located in any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their municipality or county from the application of this section within the jurisdictional boundaries of the municipality or county, as appropriate; provided, that any action by the county legislative body concerning its actions shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(n)(1) Except as provided in subdivision (2), the provisions of this act shall not apply in the unincorporated areas, outside the municipal boundaries of any municipality in any county having a population of not less than twenty-eight thousand three hundred fifty (28,350) nor more than twenty-eight thousand four hundred fifty (28,450) according to the 2000 federal census or any subsequent federal census.

(2) The provisions of this act shall not apply to any city having a population of not less than two thousand twenty (2,020) nor more than two thousand thirty (2,030) according to the 2000 federal census or any subsequent federal census.

(o)(1) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census, nor to municipalities located within such counties:

<u>not less than</u>	<u>nor more than</u>
39,800	39,875
17,800	17,875

unless the governing body of any such county or of a municipality located in any such county adopts a resolution of its governing

body to apply such requirements within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided, that any action by the county legislative body concerning the implementation of this subdivision (1) shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county or of a municipality located in any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their municipality or county from the application of this section within the jurisdictional boundaries of the municipality or county, as appropriate; provided, that any action by the county legislative body concerning its actions shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(p)(1) The provisions of this act shall not apply in the unincorporated areas, outside the municipal boundaries of any municipality, in counties having the following populations, according to the 2000 federal census or any subsequent federal census:

<u>not less than</u>	<u>nor more than</u>
39,050	39,150
51,900	52,000
16,600	16,700
19,500	19,775
20,100	20,200
7,975	8,025
10,900	11,000
4,900	5,000
21,100	21,200

unless the governing body of any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of the county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt such county from the application of this section within the jurisdictional boundaries of the county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(q)(1) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census:

<u>not less than</u> 49,000	<u>nor more than</u> 49,100
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unless the governing body of any such county adopts by a two-thirds (2/3) vote a resolution to apply such requirements within the jurisdictional boundaries of such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their county from the application of this section. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(r)(1) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census, nor to municipalities located within such counties:

<u>not less than</u> 7,600 8,050	<u>nor more than</u> 7,700 8,100
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unless the governing body of any such county or of a municipality located in any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided, that any action by the county legislative body concerning the implementation of this subdivision (1) shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county or of a municipality located in any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt their municipality or county from the application of this section within the jurisdictional boundaries of the municipality or county, as appropriate; provided, that any action by the county legislative body concerning its actions shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing

body shall notify the state fire marshal of the approval of the resolution.

(s) The provisions of this act shall not apply in any county, nor in any municipality located in any such county, having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,300	12,368
46,800	46,900

(t) The legislative body of any municipality or county which has been exempted from the provisions of this section may adopt a resolution by a two-thirds (2/3) vote to make the provisions of this section applicable within the jurisdictional boundaries of their respective municipality or county, as appropriate; provided, that any action by the county legislative body concerning such action shall be limited to the jurisdictional boundaries outside any municipality located within such county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(u)(1) This section shall not apply in counties having the following populations, according to the 2000 federal census or any subsequent federal census:

<u>not less than</u>	<u>nor more than</u>
7,200	7,300
12,826	12,900

unless the governing body of any such county adopts a resolution of its governing body to apply such requirements within the jurisdictional boundaries of the county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

(2) The governing body of any such county which has taken the action pursuant to subdivision (1) is authorized to reverse such action by adopting a resolution to exempt such county from the application of this section within the jurisdictional boundaries of the county. The presiding officer of the governing body shall notify the state fire marshal of the approval of the resolution.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
16,500	16,575
11,700	11,800
25,450	25,550
31,100	31,200
7,900	7,970
32,400	32,500
7,600	7,700
12,369	12,450
34,800	34,900

SECTION 4. The provisions of this act shall not apply in any county having a population of not less than forty-four thousand two hundred (44,200) nor more than forty-four thousand three hundred (44,300) according to the 2000 federal census or any subsequent federal census.

SECTION 5. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
6,700	6,800
53,500	53,600

SECTION 6. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 18, 2009



 RON RAMSEY
 SPEAKER OF THE SENATE



 KENT WILLIAMS, SPEAKER
 HOUSE OF REPRESENTATIVES

APPROVED this 25th day of June 2009



PHIL BREDESEN, GOVERNOR