COMMITTEE REPORT

March 4, 2021

**H. 3466**

Introduced by Reps. Long, McGarry, Pope and Forrest

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Read the first time January 12, 2021.

**THE COMMITTEE ON MEDICAL,**

**MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

To whom was referred a Bill (H. 3466) to amend the Code of Laws of South Carolina, 1976, by adding Section 40‑80‑65 so as to provide procedures through which a fire department that assumes, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

LEON HOWARD for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Local Expenditure**

This bill requires an employer who hires a firefighter to reimburse the firefighter’s former employer for mandatory firefighter training costs. If the firefighter is hired within one year of completing training, the new employer must reimburse 100 percent of the training costs, including the firefighter’s salary paid during training. If the firefighter is hired after one year but within two years of completing training, the new employer must reimburse 50 percent of the costs. This applies to more than one subsequent employer, and no employer may be reimbursed for more than 100 percent of the training costs.

South Carolina Code of Laws does not mandate, or authorize the State Fire Academy to mandate, minimum training hours or training courses for firefighters. Thus, mandatory firefighter training is determined by the Authority Having Jurisdiction (AHJ), which is most often the local fire department or local fire chief. Additionally, the AHJ may decide to train firefighters “in-house,” through the State Fire Academy, or through a third-party training.

The Office of the State Fire Marshal (OSFM) reports that the State Fire Academy (which is under the administration of OSFM) offers an eight-week training program that costs between $700 and $800. Individual classes offered by the Academy range from four to several hundred hours, and because the Academy underwrites the majority of the costs of these classes, the classes typically cost between $5 and $25 per class.

Since the amount, type, and location of firefighter training is determined by each individual AHJ, and since the State Fire Academy does not collect information on salaries of firefighters throughout the state, the cost to local fire departments due to this bill is undetermined. However, costs for local fire departments that use Academy training courses are expected to be minimal since the Academy underwrites the majority of the costs of the courses.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑80‑65 SO AS TO PROVIDE PROCEDURES THROUGH WHICH A FIRE DEPARTMENT THAT ASSUMES THE COST OF TRAINING A FIREFIGHTER MAY BE REIMBURSED FOR THESE COSTS BY OTHER FIRE DEPARTMENTS THAT SUBSEQUENTLY HIRE THE FIREFIGHTER WITHIN A CERTAIN PERIOD OF TIME.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 80, Title 40 of the 1976 Code is amended by adding:

“Section 40‑80‑65. (A) If a firefighter who satisfactorily completes mandatory firefighter training while working for one employer is hired by a subsequent employer within two years after the date on which he satisfactorily completed such training, the subsequent employer shall reimburse the employer for whom the firefighter worked at the time of attending the mandatory training:

(1) one hundred percent of the cost of training the firefighter, which must include the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training, if the firefighter is hired within one year of the date of satisfactory completion of the mandatory training; or

(2) fifty percent of the cost of training the firefighter, which must include the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training, if the firefighter is hired after one year but before the end of the second year after the date of satisfactory completion of the mandatory training.

(B) If the firefighter works for more than one subsequent employer within the two‑year period after the date of satisfactory completion of the mandatory training, an employer that reimbursed the employer for whom the firefighter worked during the training period may obtain reimbursement from the successive subsequent employer for:

(1) one hundred percent of the cost of training the firefighter, which must include the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training, if the firefighter is hired within one year of the date of satisfactory completion of the mandatory training; or

(2) fifty percent of the cost of training the firefighter, which must include the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training, if the firefighter is hired after one year but before the end of the second year after the date of satisfactory completion of the mandatory training.

(C) The employer for whom the firefighter works during the training period or an employer seeking reimbursement from a subsequent employer may not be reimbursed for more than one hundred percent of the combined cost of the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training.

(D) An employer, prior to seeking any other reimbursement, shall first seek reimbursement from the subsequent hiring employer under the provisions of this section. In no case may an employer receive more than one hundred percent of the cost of the firefighter’s salary paid during the training period and other training expenses incurred while the firefighter was attending the mandatory training.

(E) A firefighter may not be required to assume the responsibility of the repayment of these or any other related costs by an employer seeking reimbursement pursuant to this section.

(F) An agreement in existence before the effective date of this section between a firefighter and an employer concerning the repayment of costs for mandatory training remains in effect to the extent that it does not violate the provisions of subsection (C), (D), or (E). An employer may not, as a condition of employment, enter into a promissory note for the repayment of costs for mandatory training after the effective date of this section.”

SECTION 2. This act takes effect upon approval of the Governor.

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