

The Senate Retirement Committee offered the following substitute to SB 235:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the
2 Georgia Firefighters' Pension Fund, so as to change the definition of the term "firefighter";
3 to provide for creditable service for certain prior service; to provide conditions for an
4 effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia
8 Firefighters' Pension Fund, is amended by revising Code Section 47-7-1, relating to
9 definitions, as follows:

10 "47-7-1.

11 As used in this chapter, the term:

12 (1) 'Board' means the Board of Trustees of the Georgia Firefighters' Pension Fund.

13 (2) 'Fire department' means a full-time fire department or volunteer fire department or
14 a combination full-time and volunteer fire department which satisfies the following
15 criteria:

16 (A) The fire department is certified by the superintendent of the Georgia Firefighter
17 Standards and Training Council as provided in Article 1 of Chapter 4 of Title 25; and

18 (B) The public fire suppression facilities of the fire department are ratable not less
19 favorably than a class nine rating under standards set forth in the Fire Suppression
20 Rating Schedule, Section I, Public Fire Suppression, Edition 6-80, Copyright 1980,
21 published by the Insurance Services Office, a rating organization licensed by the
22 Commissioner of Insurance, which schedule is maintained on file with the
23 Commissioner of Insurance as required by general law and which has not been
24 disapproved by the Commissioner, or less than a rating which the board by regulation
25 determines is substantially equivalent under rating standards published by a rating
26 organization licensed by the Commissioner of Insurance performing similar rating

27 functions which standards are maintained on file with the Commissioner of Insurance
28 and which have not been disapproved by the Commissioner.

29 The board may require annual certification by the chief of a fire department of the
30 satisfaction of such requirements as a condition to the eligibility of firefighters and
31 volunteer firefighters to become members of the fund to obtain creditable service with
32 the fund.

33 (3) 'Firefighter' means a person who is:

34 (A) A ~~full-time~~ permanent, compensated employee of a fire department who in the
35 course of his or her employment by and within a department either is a candidate for
36 or holds a current firefighter's certificate issued under Article 1 of Chapter 4 of Title 25
37 and has as incident to his or her position of employment the principal duty of, and
38 actually performs the function of, preventing and suppressing fires and who works at
39 least 1,040 hours per year; provided, however, that such term shall not include persons
40 whose primary responsibility is the performance of emergency medical services; or

41 (B) Appointed and regularly enrolled as a volunteer with a volunteer fire department
42 or combination full-time and volunteer fire department which satisfies the requirements
43 specified in subparagraph (a)(1)(D) of Code Section 25-3-23 and who, as a volunteer
44 firefighter, has and primarily performs the principal responsibility of preventing or
45 suppressing fires.

46 ~~(3.1) 'Full-time employment' means working at a permanent job position for at least 40~~
47 ~~hours a week.~~

48 (4) 'Full-time fire department' means a full-time department, bureau, division, or other
49 organizational unit, separately organized and administered as such, of this state or any
50 municipality or other political subdivision thereof, which organizational unit:

51 (A) Has, as an organizational unit, the principal responsibility to prevent and suppress
52 fires; and

53 (B) Is financed by public appropriation or subscription and is not privately owned.

54 A full-time fire department includes the fire chief or chief operating officer of the
55 organizational unit and only those employees who are under the direction and supervision
56 of the fire chief or chief operating officer.

57 (5) 'Fund' means the Georgia Firefighters' Pension Fund.

58 (5.1) 'Part-time employment' means working at a permanent job position for less than 40
59 hours a week but at least 1,040 hours a year.

60 (6) 'Volunteer fire department' means a volunteer fire department staffed by firefighters,
61 volunteer firefighters, or a combination of firefighters and volunteer firefighters,
62 separately organized and administered as such, of this state or any municipality or other
63 political subdivision of this state or serving any fire district therein, which:

- 64 (A) Has the principal responsibility to prevent and suppress fires;
 - 65 (B) Is financed by public appropriation or subscription and is not privately owned;
 - 66 (C) Holds drills and meetings of not less than eight hours monthly; and
 - 67 (D) Meets the requirements imposed by Code Section 47-7-81.
- 68 (7) 'Volunteer firefighter' means an individual who is appointed and regularly enrolled
 69 as a volunteer, with or without compensation, with a fire department; who, as a volunteer
 70 firefighter, has and primarily performs the principal responsibility of preventing or
 71 suppressing fires; and who satisfies the requirements specified in subparagraph (a)(1)(D)
 72 of Code Section 25-3-23."

73 **SECTION 2.**

74 Said chapter is further amended by revising Code Section 47-7-87, relating to "prior eligible
 75 service" defined and requirements, as follows:

76 "47-7-87.

77 (a) As used in this Code section, the term 'prior eligible service' means service:

78 ~~(1) Rendered by a member of the fund~~ rendered between July 1, 2006, and June 30,
 79 2014, as a firefighter or volunteer firefighter; in part-time employment

80 ~~(2) Rendered without interruption prior to the date such member became a member of~~
 81 ~~the fund; and~~

82 ~~(3) For which the member would otherwise have been eligible for credit if such member~~
 83 ~~had been a member of the fund at the time such service was rendered;~~

84 ~~provided, however, that such term shall not include a period of more than five years of such~~
 85 ~~service.~~

86 ~~(b) Any person who is a member of the fund on July 1, 2000, and who is at least 53 years~~
 87 ~~old on that date~~ shall be entitled to credit for prior eligible service, provided that such
 88 person satisfies the following requirements:

89 (1) The member or applicant for membership files with the board on or before September
 90 ~~1, 2000~~ 30, 2014, an application for such credit in the form prescribed by the board; and

91 (2) At the time of application for credit, the member or applicant for membership ~~pays~~
 92 either:

93 (A) Pays to the fund for each month of prior eligible service credit sought an amount
 94 equal to the contributions that would have been made had the member or applicant been
 95 a member and entitled to credit during the period of prior eligible service, at the
 96 monthly contribution rate in effect at the time the application for credit is made,
 97 together with interest on such monthly amount from the date on which such
 98 contribution would have been made until the date of application for credit at a rate of
 99 12 percent per year; or

