

Senate Bill 235

By: Senators Albers of the 56th, Mullis of the 53rd and Gooch of the 51st

AS PASSED

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

100 (B) Presents proof that such contributions were timely paid during such period.

101 (c) Nothing in this Code section shall alter the requirements for membership in the fund
102 or the limitations on membership or benefits of membership which would otherwise apply
103 absent the benefit of prior eligible service credits under this Code section."

104 **SECTION 3.**

105 This Act shall become effective on July 1, 2014, only if it is determined to have been
106 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
107 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
108 become effective and shall be automatically repealed in its entirety on July 1, 2014, as
109 required by subsection (a) of Code Section 47-20-50.

110 **SECTION 4.**

111 All laws and parts of laws in conflict with this Act are repealed.