

House Bill 344

By: Representative Cummings of the 16<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-7-101 of the Official Code of Georgia Annotated, relating to  
2 eligibility for retirement benefits under the Georgia Firefighters' Pension Fund, withdrawal  
3 of application for benefits before approval, and reemployment, so as to provide that the  
4 benefits of a firefighter who returns to service after retirement may exceed his or her  
5 previous benefit after he or she has acquired one year's service after such reemployment; to  
6 provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and  
7 for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 47-7-101 of the Official Code of Georgia Annotated, relating to eligibility for  
11 retirement benefits under the Georgia Firefighters' Pension Fund, withdrawal of application  
12 for benefits before approval, and reemployment, is amended by striking in its entirety  
13 subsection (b) and inserting in lieu thereof the following:

14 "(b) Any person who again becomes a paid employee of a fire department or of a volunteer  
15 fire department after having been placed on retirement or disability under Code Section  
16 47-7-100 or 47-7-102 shall immediately notify the secretary-treasurer of such  
17 reemployment. Retirement benefits being paid to such person shall be suspended as of the  
18 date of such reemployment and shall remain suspended until such reemployment terminates  
19 at which time the payment of retirement benefits shall be resumed in the amount to which  
20 the person was eligible at the time of reemployment. Disability benefits being paid to any  
21 such person shall be terminated as of the date of such reemployment. Within six months  
22 of the commencement of reemployment, any such person who at the time of application  
23 otherwise meets the requirements for membership may, by application in the manner  
24 provided by this chapter, become a member of the fund. In the event the application is  
25 granted, such member, upon meeting the requirements provided by law, shall be entitled  
26 to all benefits provided for in Code Section 47-7-100, but the amount of monthly retirement

1 or disability benefits payable to such member shall not exceed the amount of the monthly  
2 benefit which would be payable to such member had such subsequent retirement become  
3 effective at the time of the member's prior retirement, unless after such reemployment the  
4 member shall have acquired not less than ~~seven years~~ one year's creditable service as a  
5 member of the fund."

6 **SECTION 2.**

7 This Act shall become effective on July 1, 2006, only if it is determined to have been  
8 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
9 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
10 become effective and shall be automatically repealed in its entirety on July 1, 2006, as  
11 required by subsection (a) of Code Section 47-20-50.

12 **SECTION 3.**

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