

House Bill 355

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7A of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Georgia Class Nine Fire Department Pension Fund, so as to change references to the  
3 secretary-treasurer of the fund to read executive director of the fund; to repeal conflicting  
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 7A of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia  
8 Class Nine Fire Department Pension Fund, is amended by striking in its entirety subsection  
9 (b) of Code Section 47-7A-101, relating to withdrawal of benefit applications and  
10 reemployment, and inserting in lieu thereof the following:

11 "(b) Any person who again becomes a paid employee of a fire department after having  
12 been placed on retirement under Code Section 47-7A-100 shall immediately notify the  
13 ~~secretary-treasurer~~ executive director of the fund of such reemployment. Retirement  
14 benefits being paid to such person shall be suspended as of the date of such reemployment  
15 and shall remain suspended until such reemployment terminates at which time the payment  
16 of retirement benefits shall be resumed in the amount to which the person was eligible at  
17 the time of reemployment. Within six months of the commencement of reemployment, any  
18 such person who at the time of application otherwise meets the requirements for  
19 membership may, by application in the manner provided by this chapter, become a member  
20 of the fund. In the event the application is granted, such member, upon meeting the  
21 requirements provided by law, shall be entitled to all benefits provided for in Code Section  
22 47-7A-100, but the amount of monthly retirement benefits payable to such member shall  
23 not exceed the amount of the monthly benefit which would be payable to such member had  
24 such subsequent retirement become effective at the time of the member's prior retirement,  
25 unless after such reemployment the member shall have acquired not less than seven years'  
26 creditable service as a member of the fund."

**SECTION 2.**

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 47-7A-102, relating to deceased members, and inserting in lieu thereof the following:

"(a) In the event of the death of a member of the fund on or after July 1, 2001, who is in good standing and who has not commenced receiving any benefits under this chapter, the designated beneficiary of such deceased member shall be entitled to be paid the amount of \$5,000.00, upon making proper application to the ~~secretary-treasurer~~ executive director of the fund. Such application shall be accompanied by a certified copy of the death certificate of the deceased member and such other information as may be required by the board."

**SECTION 3.**

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 47-7A-124, relating to a bar to payment seven years after notice of eligibility and contesting eligibility determination, and inserting in lieu thereof the following:

"(a) No claim shall be made against the fund for benefits or the return of contributions after the lapse of seven years from the date on which the ~~secretary-treasurer~~ executive director of the fund shall have mailed by first-class mail to the last known address of the firefighter or volunteer firefighter or other person eligible therefor, as such address is reflected by the records of the fund, a written notice that the firefighter or volunteer firefighter or other eligible person is or may be eligible for such benefits or return of contributions; and, in the event any claim for benefits or the return of contributions is barred in accordance with this subsection, the amounts thereof shall be the property of this fund. The bar period prescribed by this subsection shall not begin to run with respect to a firefighter or volunteer firefighter on leave of absence who has elected to leave his or her contributions in the fund until the failure of the firefighter or volunteer firefighter to provide written confirmation of his or her election to remain on leave of absence within 60 days of a not more frequent than biennial request for such confirmation mailed to the last known address of such firefighter or volunteer firefighter, as such address is reflected by the records of the fund."

**SECTION 4.**

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