

House Bill 355 (COMMITTEE SUBSTITUTE)

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

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia  
10 Firefighters' Pension Fund, is amended by striking in its entirety Code Section 47-7-21,  
11 relating to creation of the office of secretary-treasurer of the board, appointment of the  
12 secretary-treasurer, compensation, and bond, and inserting in lieu thereof the following:

13 "47-7-21.

14 There is created the office of ~~secretary-treasurer~~ executive director of the Georgia  
15 Firefighters' Pension Fund. The ~~secretary-treasurer~~ executive director shall be named by  
16 the board and shall serve at the pleasure of the board. ~~His~~ The compensation of the  
17 executive director shall be fixed by the board. He or she shall be bonded by a corporate  
18 surety in such amount as the board shall determine to be sufficient. The cost of such bond  
19 shall be paid by the fund."

20 **SECTION 2.**

21 Said chapter is further amended by striking in its entirety subsection (b) of Code Section  
22 47-7-61, relating to tax on premiums charged by fire insurance companies for certain classes  
23 of coverage, exclusions, and penalty for failure to report and pay such tax, and inserting in  
24 lieu thereof the following:

1 "(b) If a fire insurance company, corporation, or association knowingly or willfully fails  
 2 to file a return or pay the taxes imposed by this Code section, the ~~secretary-treasurer~~  
 3 executive director shall report such delinquency to the Commissioner of Insurance. The  
 4 Commissioner of Insurance is authorized and directed upon receipt of such report, after  
 5 notice and hearing, immediately to cancel such delinquent's license to do business within  
 6 this state."

7 **SECTION 3.**

8 Said chapter is further amended by striking in its entirety subsection (b) of Code Section  
 9 47-7-101, relating to eligibility for benefits, withdrawal of application for benefits before  
 10 approval, and reemployment, and inserting in lieu thereof the following:

11 "(b) Any person who again becomes a paid employee of a fire department or of a volunteer  
 12 fire department after having been placed on retirement or disability under Code Section  
 13 47-7-100 or 47-7-102 shall immediately notify the ~~secretary-treasurer~~ executive director  
 14 of such reemployment. Retirement benefits being paid to such person shall be suspended  
 15 as of the date of such reemployment and shall remain suspended until such reemployment  
 16 terminates at which time the payment of retirement benefits shall be resumed in the amount  
 17 to which the person was eligible at the time of reemployment. Disability benefits being  
 18 paid to any such person shall be terminated as of the date of such reemployment. Within  
 19 six months of the commencement of reemployment, any such person who at the time of  
 20 application otherwise meets the requirements for membership may, by application in the  
 21 manner provided by this chapter, become a member of the fund. In the event the  
 22 application is granted, such member, upon meeting the requirements provided by law, shall  
 23 be entitled to all benefits provided for in Code Section 47-7-100, but the amount of  
 24 monthly retirement or disability benefits payable to such member shall not exceed the  
 25 amount of the monthly benefit which would be payable to such member had such  
 26 subsequent retirement become effective at the time of the member's prior retirement, unless  
 27 after such reemployment the member shall have acquired not less than seven  
 28 years' creditable service as a member of the fund."

29 **SECTION 4.**

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

34 "(b) Any person who again becomes a paid employee of a fire department after having  
 35 been placed on retirement under Code Section 47-7A-100 shall immediately notify the

1 ~~secretary-treasurer~~ executive director of the fund of such reemployment. Retirement  
 2 benefits being paid to such person shall be suspended as of the date of such reemployment  
 3 and shall remain suspended until such reemployment terminates at which time the payment  
 4 of retirement benefits shall be resumed in the amount to which the person was eligible at  
 5 the time of reemployment. Within six months of the commencement of reemployment, any  
 6 such person who at the time of application otherwise meets the requirements for  
 7 membership may, by application in the manner provided by this chapter, become a member  
 8 of the fund. In the event the application is granted, such member, upon meeting the  
 9 requirements provided by law, shall be entitled to all benefits provided for in Code Section  
 10 47-7A-100, but the amount of monthly retirement benefits payable to such member shall  
 11 not exceed the amount of the monthly benefit which would be payable to such member had  
 12 such subsequent retirement become effective at the time of the member's prior retirement,  
 13 unless after such reemployment the member shall have acquired not less than seven years'  
 14 creditable service as a member of the fund."

#### 15 **SECTION 5.**

16 Said chapter is further amended by striking in its entirety subsection (a) of Code Section  
 17 47-7A-102, relating to deceased members, and inserting in lieu thereof the following:

18 "(a) In the event of the death of a member of the fund on or after July 1, 2001, who is in  
 19 good standing and who has not commenced receiving any benefits under this chapter, the  
 20 designated beneficiary of such deceased member shall be entitled to be paid the amount of  
 21 \$5,000.00, upon making proper application to the ~~secretary-treasurer~~ executive director of  
 22 the fund. Such application shall be accompanied by a certified copy of the death certificate  
 23 of the deceased member and such other information as may be required by the board."

#### 24 **SECTION 6.**

25 Said chapter is further amended by striking in its entirety subsection (a) of Code Section  
 26 47-7A-124, relating to a bar to payment seven years after notice of eligibility and contesting  
 27 eligibility determination, and inserting in lieu thereof the following:

28 "(a) No claim shall be made against the fund for benefits or the return of contributions after  
 29 the lapse of seven years from the date on which the ~~secretary-treasurer~~ executive director  
 30 of the fund shall have mailed by first-class mail to the last known address of the firefighter  
 31 or volunteer firefighter or other person eligible therefor, as such address is reflected by the  
 32 records of the fund, a written notice that the firefighter or volunteer firefighter or other  
 33 eligible person is or may be eligible for such benefits or return of contributions; and, in the  
 34 event any claim for benefits or the return of contributions is barred in accordance with this  
 35 subsection, the amounts thereof shall be the property of this fund. The bar period

1 prescribed by this subsection shall not begin to run with respect to a firefighter or volunteer  
2 firefighter on leave of absence who has elected to leave his or her contributions in the fund  
3 until the failure of the firefighter or volunteer firefighter to provide written confirmation  
4 of his or her election to remain on leave of absence within 60 days of a not more frequent  
5 than biennial request for such confirmation mailed to the last known address of such  
6 firefighter or volunteer firefighter, as such address is reflected by the records of the fund."

7 **SECTION 7.**

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