

House Bill 749 (AS PASSED HOUSE AND SENATE)

By: Representatives Cummings of the 16<sup>th</sup> and Forster of the 3<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and  
2 pensions, so as to provide for the merger of the Georgia Firefighters' Pension Fund and the  
3 Georgia Class Nine Fire Department Pension Fund; to define a certain term; to provide for  
4 a transfer of membership and assets; to repeal Chapter 7A, relating to the Georgia Class  
5 Nine Fire Department Pension Fund; to provide conditions for an effective date and  
6 automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, is  
10 amended by striking in its entirety paragraph (3) of Code Section 47-7-1, relating to  
11 definitions, and inserting in lieu thereof the following:

12 "(3) 'Firefighter' means a person who is a:

13 (A) ~~A~~ full-time employee of a fire department who in the course of full-time  
14 employment by and within a department either:

15 ~~(A)~~ (i) Is a candidate for or holds a current firefighter's certificate issued under  
16 Article 1 of Chapter 4 of Title 25 and has as incident to his or her position of  
17 employment the principal duty of, and actually performs the function of, preventing  
18 and suppressing fires; or

19 ~~(B)~~ (ii) Has as incident to the position of employment the principal responsibility  
20 to perform, and actually performs, support functions for fire prevention and fire  
21 suppression activities of the fire department of a type which the board by regulation  
22 finds have been traditionally and customarily performed by employees of fire  
23 departments in the State of Georgia, including, without limitation, the activities of  
24 administrative personnel within the department, mechanics whose primary duties  
25 are the maintenance and repair of fire-fighting equipment and apparatus, operating  
26 engineers whose primary duties are the operation of fire-fighting equipment and

1 apparatus, communications and clerical personnel, and fire prevention and fire  
 2 inspection personnel; provided, however, that such term shall not include persons  
 3 whose primary responsibility is the performance of emergency medical services; or  
 4 (B) Appointed and regularly enrolled as a volunteer with a class nine fire department;  
 5 who, as a volunteer firefighter, has and primarily performs the principal responsibility  
 6 of preventing or suppressing fires; and who satisfies the requirements specified in  
 7 subparagraph (a)(1)(D) of Code Section 25-3-23."

## 8 SECTION 2.

9 Said title is further amended by inserting at the end of Code Section 47-7-40, relating to  
 10 eligibility to apply for membership in the Georgia Firefighters' Pension Fund, the following:  
 11 "(c) On and after July 1, 2006, the membership, assets, and administration of the Georgia  
 12 Class Nine Fire Department Pension Fund created by Chapter 7A of this title shall be  
 13 transferred to this pension fund, and the Georgia Class Nine Fire Department Pension Fund  
 14 shall cease to exist as a separate entity. All members so transferred shall receive creditable  
 15 service for all service credited under such retirement system and shall be entitled to all  
 16 rights and benefits accorded to members of this retirement system."

## 17 SECTION 3.

18 Said title is further amended by repealing in its entirety subsection (f) of Code Section  
 19 47-7-61, relating to the tax on premiums charged by fire insurance companies for certain  
 20 classes of coverage, exclusions, and penalty for failure to report and pay such tax, which  
 21 reads as follows:

22 "(f) Commencing with the fiscal year ending on June 30, 2001, at the end of each fiscal  
 23 year, the board shall transfer to the Georgia Class Nine Fire Department Pension Fund  
 24 created by Chapter 7A of this title an amount equal to the tax revenues collected by the  
 25 board pursuant to this Code section with respect to gross premiums on policies covering  
 26 property served by public fire suppression facilities which are rated as class nine under the  
 27 Fire Suppression Rating Schedule or a rating which the board determines is its substantial  
 28 equivalent."

## 29 SECTION 4.

30 Said title is further amended by striking in its entirety Code Section 47-7-86, relating to  
 31 creditable service for other pension fund participation for members of the Georgia Class Nine  
 32 Fire Department Pension Fund, and inserting in lieu thereof the following:

1 ~~"47-7-86.~~

2 ~~(a) Any former member of the Georgia Class Nine Fire Department Pension Fund created~~  
 3 ~~by Chapter 7A of this title who becomes a member of this pension fund shall be entitled~~  
 4 ~~to receive creditable service for the time he or she was a member of such other pension~~  
 5 ~~fund as provided by this Code section. Upon request, the Board of Trustees of the Georgia~~  
 6 ~~Class Nine Fire Department Pension Fund shall transfer to the board of trustees of this~~  
 7 ~~pension fund the full amount of dues paid by such member while he or she was a member~~  
 8 ~~of such other pension fund.~~

9 ~~(b) Any member receiving creditable service under this Code section shall receive~~  
 10 ~~creditable service in this pension fund equal to the number of years of his or her~~  
 11 ~~membership in the Georgia Class Nine Fire Department Pension Fund.~~

12 ~~(c) Upon retirement, a member who receives creditable service under this Code section~~  
 13 ~~and who is otherwise eligible to receive a retirement benefit under this pension fund shall~~  
 14 ~~have a vested right in and to a monthly benefit payable for the member's lifetime equal the~~  
 15 ~~sum of:~~

16 ~~(1) A pro rata amount of the maximum monthly retirement benefit in effect on the date~~  
 17 ~~of such termination of service, which amount shall be determined by the ratio of years of~~  
 18 ~~membership in this pension fund to 25 years; and~~

19 ~~(2) A pro rata amount of the maximum monthly retirement benefit provided in Chapter~~  
 20 ~~7A of this title in effect on the date of such termination of service, which amount shall~~  
 21 ~~be determined by the ratio of years of membership in such pension fund to 25 years.~~

22 Reserved."

## 23 **SECTION 5.**

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

## 29 **SECTION 6.**

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