

House Bill 344 (AS PASSED HOUSE AND SENATE)

By: Representative Cummings of the 16th

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 certain definitions; to provide for
3 requirements for creditable service; to provide for current membership; 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 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia
8 Firefighters' Pension Fund, is amended by striking paragraphs (3) and (7) of Code Section
9 47-7-1, relating to definitions, and inserting in lieu thereof, respectively, the following:

10 "(3) 'Firefighter' means a person who is a full-time employee of a fire department who
11 in the course of full-time employment by and within a department either:

12 (A) ~~Is~~ is a candidate for or holds a current firefighter's certificate issued under Article
13 1 of Chapter 4 of Title 25 and has as incident to his or her position of employment the
14 principal duty of, and actually performs the function of, preventing and suppressing
15 fires; or

16 ~~(B) Has as incident to the position of employment the principal responsibility to~~
17 ~~perform, and actually performs, support functions for fire prevention and fire~~
18 ~~suppression activities of the fire department of a type which the board by regulation~~
19 ~~finds have been traditionally and customarily performed by employees of fire~~
20 ~~departments in the State of Georgia, including, without limitation, the activities of~~
21 ~~administrative personnel within the department, mechanics whose primary duties are~~
22 ~~the maintenance and repair of fire-fighting equipment and apparatus, operating~~
23 ~~engineers whose primary duties are the operation of fire-fighting equipment and~~
24 ~~apparatus, communications and clerical personnel, and fire prevention and fire~~
25 ~~inspection personnel; provided, however, that such term shall not include persons~~
26 whose primary responsibility is the performance of emergency medical services."

SECTION 2.

Said chapter is further amended by inserting immediately following paragraph (3) of Code Section 47-7-1, relating to definitions, a new paragraph to read as follows:

"(3.1) 'Full-time employment' means working at a permanent job position for at least 40 hours a week."

SECTION 3.

Said chapter is further amended by inserting immediately following paragraph (5) of Code Section 47-7-1, relating to definitions, a new paragraph to read as follows:

"(5.1) 'Part-time employment' means working at a permanent job position for less than 40 hours a week."

SECTION 4.

Said chapter is further amended by striking in its entirety paragraph (7) of Code Section 47-7-1, relating to definitions, and inserting in lieu thereof the following:

"(7) 'Volunteer firefighter' means an individual who is appointed and regularly enrolled as a volunteer, with or without compensation, with a fire department; who, as a volunteer firefighter, has and primarily performs the principal responsibility of preventing or suppressing fires; and who satisfies the requirements specified in subparagraph (a)(1)(D) of Code Section 25-3-23."

SECTION 5.

Said chapter is further amended by inserting at the end of Code Section 47-7-40, relating to eligibility to apply for membership in the Georgia Firefighters' Pension Fund, a new subsection to read as follows:

"(c) Any person who, on June 30, 2006, was an active member of the fund by virtue of holding a position other than as a certified firefighter or a candidate for such certification, in accordance with the qualifications for membership in effect on that date, shall be entitled to remain a member of the fund; provided, however, that if such person has a break in membership any future membership shall be subject to laws and regulations in effect at such time."

SECTION 6.

Said chapter is further amend by inserting at the end of Code Section 47-7-81, relating to the effect of failure of volunteer fire department to hold required drills; effect of volunteer firefighter's failure to meet attendance requirements, a new subsection to read as follows:

1 "(c) The board is authorized to prescribe the monthly and annual hourly requirements in
2 conjunction with the Georgia Firefighter Standards and Training Council necessary to
3 receive credit for service toward retirement and other benefits under this chapter and to
4 establish the form of reports required to be filed with the board concerning such matters
5 and the time within which such reports must be filed with the board. In no case shall the
6 average weekly hourly requirement be less than 20 hours per week for any calendar year."

7 **SECTION 7.**

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