

Senate Bill 274

By: Senator Burke of the 11th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated,  
2 relating to membership in the Georgia Firefighters' Pension Fund, so as to remove the  
3 prohibition of members of the Peace Officers' Annuity and Benefit Fund from joining the  
4 Georgia Firefighters' Pension Fund by virtue of the same qualifying employment; to provide  
5 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to  
10 membership in the Georgia Firefighters' Pension Fund, is amended by revising Code Section  
11 47-7-40, relating to eligibility to apply for membership and transfer of Georgia Class Nine  
12 Fire Department Pension Fund, as follows:

13 "47-7-40.

14 (a)(1) Any person employed as a firefighter or enrolled as a volunteer firefighter is  
15 eligible to make application to the board for membership in the fund; provided, however,  
16 that no person under a sentence of confinement shall be eligible for membership in the  
17 fund while he or she is incarcerated.

18 (2) Upon becoming a member of the fund, a firefighter or volunteer firefighter shall  
19 receive credit only from the date of his or her becoming a member of the fund.

20 ~~(b) After April 1, 1989, no person who is a member of the Peace Officers' Annuity and~~  
21 ~~Benefit Fund shall be eligible for membership in the fund by virtue of any employment in~~  
22 ~~or appointment to a position the duties of which qualify such person for membership in the~~  
23 ~~Peace Officers' Annuity and Benefit Fund.~~

24 ~~(c)~~(b) On and after July 1, 2006, the membership, assets, and administration of the Georgia  
25 Class Nine Fire Department Pension Fund created by Chapter 7A of this title shall be  
26 transferred to this pension fund, and the Georgia Class Nine Fire Department Pension Fund

27 shall cease to exist as a separate entity. All members so transferred shall receive creditable  
28 service for all service credited under such retirement system and shall be entitled to all  
29 rights and benefits accorded to members of this retirement system.

30 ~~(d)~~(c) Any person who, on June 30, 2006, was an active member of the fund by virtue of  
31 holding a position other than as a firefighter, in accordance with the qualifications for  
32 membership in effect on that date, shall be entitled to remain a member of the fund;  
33 provided, however, that if such person has a break in such position that qualified him or her  
34 for membership on June 30, 2006, or any other eligible employment provided by this Code  
35 section, for greater than 30 days, that member shall be deemed a suspended member, and  
36 any future membership shall be subject to laws and regulations in effect when that  
37 member's application for reinstatement as an active member is approved."

38 **SECTION 2.**

39 This Act shall become effective on July 1, 2018, only if it is determined to have been  
40 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
41 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
42 become effective and shall be automatically repealed in its entirety on July 1, 2018, as  
43 required by subsection (a) of Code Section 47-20-50.

44 **SECTION 3.**

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