# SB129 ENROLLED



- 1 JI9ZNY-2
- 2 By Senator Singleton
- 3 RFD: Judiciary
- 4 First Read: 22-Mar-23
- 5 2023 Regular Session



1 Enrolled, An Act, 2 3 4 Relating to the Employees' Retirement System of 5 Alabama; to amend Section 36-27-59, Code of Alabama 1975, to designate the Commissioner of Corrections and deputy 6 7 commissioners of corrections who have earned and maintain 8 APOSTC certification as correctional officers or law 9 enforcement officers for state retirement purposes; and to provide that the designation is retroactive. 10 11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. Section 36-27-59 of the Code of Alabama 12 13 1975, is amended to read as follows: "\$36-27-59 14 15 (a) When used in this section, the following terms shall have the following meanings, unless the context clearly 16 indicates otherwise: 17 18 (1) CORRECTIONAL OFFICER. A full-time correctional 19 officer who is certified as a correctional officer by the 20 Alabama Peace Officers' Standards and Training Commission. For 21 the purposes of this section, the term also includes the 22 Commissioner of Corrections, as defined in Section 14-1-1.3, 23 and a deputy commissioner of corrections, as defined in 24 Section 14-1-1.5, who has earned and maintains Alabama Peace 25 Officers' Standards and Training Commission certification as a correctional officer or law enforcement officer. 26 (2) FIREFIGHTER. A full-time firefighter employed with 27 28 the State of Alabama, a municipal fire department, or a fire



- district who has a level one minimum standard certification by
  the Firefighters Personnel Standards and Education Commission,
  or a firefighter employed by the Alabama Forestry Commission
  who has been certified by the State Forester as having met the
  wild land firefighter training standard of the National
- 34 Wildfire Coordinating Group.

- enforcement officer, not covered as a state policeman, employed with any state agency, department, board, commission, or institution or a full-time law enforcement officer employed by a local unit of the Employees' Retirement System under Section 36-27-6 who is certified as a law enforcement officer by the Alabama Peace Officers' Standards and Training Commission.
- (b) (1) Any firefighter, law enforcement officer, or correctional officer covered under the Employees' Retirement System or the Teachers' Retirement System as a Tier I plan member, upon attainment of the requisite years of creditable service or who otherwise qualifies for service or disability retirement, shall be awarded one year of hazardous duty time for every five years of service as a firefighter, a law enforcement officer, or a correctional officer provided that the person has made the additional contribution provided in subdivision (2) or paid the additional contribution required in subsection (c) for each year of service used in determining hazardous duty time for the person. Proportional credit shall be awarded for any period of service less than five years.
  - (2) Effective January 1, 2001, and each pay period



57 thereafter, each active employee who is a firefighter, law 58 enforcement officer, or correctional officer, as defined in 59 subsection (a), shall contribute to the Teachers' or 60 Employees' Retirement System of Alabama six percent of his or her earnable compensation. For all pay dates beginning on or 61 after October 1, 2011, each active employee who is a 62 63 firefighter, law enforcement officer, or correctional officer, 64 as defined in subsection (a), except those employees participating pursuant to Section 36-27-6, shall contribute to 65 the Teachers' or Employees' Retirement System of Alabama eight 66 67 and one-quarter percent (8.25%) of his or her earnable compensation. For all pay dates beginning on or after October 68 1, 2012, each active employee who is a Tier I plan member and 69 70 who is a firefighter, law enforcement officer, or correctional 71 officer, as defined in subsection (a), except those employees participating pursuant to Section 36-27-6, shall contribute to 72 73 the Teachers' or Employees' Retirement System of Alabama eight 74 and one-half percent (8.5%) of his or her earnable 75 compensation. Any employer participating under Section 76 36-27-6, by adoption of a resolution, may elect for the 77 increases in employee contributions provided by Act 2011-676 78 to be withheld from the earnable compensation of employees of 79 the employer. 80 (c) Any member of the Employees' Retirement System or 81 the Teachers' Retirement System eligible under subsection (b) may receive credit for his or her eligible prior service 82 provided the member pays to the Secretary-Treasurer of the 83 84 Employees' Retirement System or the Secretary-Treasurer of the



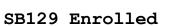
85 Teachers' Retirement System one percent of his or her current 86 annual earnable compensation or previous year's annual 87 earnable compensation, whichever is higher, for each year of 88 claimed credit within two years of January 1, 2001, except 89 that any firefighter employed by the Alabama Forestry 90 Commission shall make such payment within two years of 91 December 28, 2001. Any member participating in the Employees' 92 Retirement System under Section 36-27-6, who has eliqible 93 prior service under this section and who also had no prior eligibility to purchase prior service credit under this 94 95 subsection, may purchase prior service credit under this section at the same rate provided in subsection (b) within one 96 97 year of the effective date of his or her enrollment with the 98 Employees' Retirement System or within one year of August 1, 99 2004. The member may purchase his or her claimed credit in increments of five years, unless the total service credit is 100 101 less than five years, in which case the service shall be 102 purchased in its entirety. The member shall provide 103 certification from each employing agency, on forms prescribed 104 by the Teachers' or Employees' Retirement System, of each year 105 of claimed service, as a prerequisite to payment under this 106 section.

- 107 (d) The provisions of this section shall not apply to
  108 any Tier II plan member.
- 109 (e) The designation of the Commissioner of Corrections

  110 and a deputy commissioner of corrections as correctional

  111 officers or law enforcement officers for purposes of this

  112 section shall be applied retroactively to March 1, 2022."





113		Sect	ion	2.	This	act	shall	beco	ome	effec	tive	on	the	firs	t
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President and Presiding Officer of the Senate Speaker of the House of Representatives SB129 Senate 27-Apr-23 I hereby certify that the within Act originated in and passed the Senate. Patrick Harris, Secretary. House of Representatives Passed: 01-Jun-23 144 By: Senator Singleton