

SB69 INTRODUCED



1 XV5HEZ-1
2 By Senator Jones
3 RFD: Finance and Taxation General Fund
4 First Read: 21-Mar-23
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SYNOPSIS:

This bill would remove the time limit for purchasing hazardous duty time for prior eligible service for certain firefighters, law enforcement officers, and correctional officers covered under the Employees' Retirement System or the Teachers' Retirement System as Tier I plan members.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Retirement Systems of Alabama; to amend Section 36-27-59, Code of Alabama 1975, to remove the time limit for purchasing hazardous duty time for prior eligible service for certain firefighters, law enforcement officers, and correctional officers covered under the Employees' Retirement System or the Teachers' Retirement System as Tier I plan members.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-27-59 of the Code of Alabama 1975, is amended to read as follows:

"§36-27-59

(a) When used in this section, the following terms



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29 shall have the following meanings, unless the context clearly
30 indicates otherwise:

31 (1) CORRECTIONAL OFFICER. A full-time correctional
32 officer who is certified as a correctional officer by the
33 Alabama Peace Officers' Standards and Training Commission.

34 (2) FIREFIGHTER. A full-time firefighter employed with
35 the State of Alabama, a municipal fire department, or a fire
36 district who has a level one minimum standard certification by
37 the Firefighters Personnel Standards and Education Commission,
38 or a firefighter employed by the Alabama Forestry Commission
39 who has been certified by the State Forester as having met the
40 wild land firefighter training standard of the National
41 Wildfire Coordinating Group.

42 (3) LAW ENFORCEMENT OFFICER. A full-time law
43 enforcement officer, not covered as a state policeman,
44 employed with any state agency, department, board, commission,
45 or institution or a full-time law enforcement officer employed
46 by a local unit of the Employees' Retirement System under
47 Section 36-27-6 who is certified as a law enforcement officer
48 by the Alabama Peace Officers' Standards and Training
49 Commission.

50 (b) (1) Any firefighter, law enforcement officer, or
51 correctional officer covered under the Employees' Retirement
52 System or the Teachers' Retirement System as a Tier I plan
53 member, upon attainment of the requisite years of creditable
54 service or who otherwise qualifies for service or disability
55 retirement, shall be awarded one year of hazardous duty time
56 for every five years of service as a firefighter, a law



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57 enforcement officer, or a correctional officer provided that
58 the person has made the additional contribution provided in
59 subdivision (2) or paid the additional contribution required
60 in subsection (c) for each year of service used in determining
61 hazardous duty time for the person. Proportional credit shall
62 be awarded for any period of service less than five years.

63 (2) Effective January 1, 2001, and each pay period
64 thereafter, each active employee who is a firefighter, law
65 enforcement officer, or correctional officer, as defined in
66 subsection (a), shall contribute to the Teachers' or
67 Employees' Retirement System of Alabama six percent of his or
68 her earnable compensation. For all pay dates beginning on or
69 after October 1, 2011, each active employee who is a
70 firefighter, law enforcement officer, or correctional officer,
71 as defined in subsection (a), except those employees
72 participating pursuant to Section 36-27-6, shall contribute to
73 the Teachers' or Employees' Retirement System of Alabama eight
74 and one-quarter percent (8.25%) of his or her earnable
75 compensation. For all pay dates beginning on or after October
76 1, 2012, each active employee who is a Tier I plan member and
77 who is a firefighter, law enforcement officer, or correctional
78 officer, as defined in subsection (a), except those employees
79 participating pursuant to Section 36-27-6, shall contribute to
80 the Teachers' or Employees' Retirement System of Alabama eight
81 and one-half percent (8.5%) of his or her earnable
82 compensation. Any employer participating under Section
83 36-27-6, by adoption of a resolution, may elect for the
84 increases in employee contributions provided by Act 2011-676



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85 to be withheld from the earnable compensation of employees of
86 the employer.

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



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113 section.

114 (d) The provisions of this section shall not apply to
115 any Tier II plan member."

116 Section 2. This act shall become effective on the first
117 day of the third month following its passage and approval by
118 the Governor, or its otherwise becoming law.