

**SB4 ENROLLED**



1 038366-2  
2 By Senators Orr, Roberts, Chesteen, Bell, Scofield, Weaver,  
3 Givhan, Allen, Butler, Price, Williams, Waggoner, Barfoot,  
4 Elliott, Chambliss, Shelnut, Kelley, Hovey, Sessions,  
5 Livingston, Jones, Coleman-Madison, Smitherman, Singleton  
6 RFD: Confirmations  
7 First Read: 17-Jul-23  
8 2023 Second Special Session



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1 Enrolled, An Act,

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4 Relating to the Employees' Retirement System; to amend  
5 Section 36-27-8.2, Code of Alabama 1975, as last amended by  
6 Act 2023-334 of the 2023 Regular Session, to temporarily  
7 permit certain retired state police officers performing duties  
8 as school resource officers or as correctional officers to  
9 serve without suspension of their retirement allowance.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 36-27-8.2, Code of Alabama 1975, as  
12 last amended by Act 2023-334 of the 2023 Regular Session, is  
13 amended to read as follows:

14 "§36-27-8.2

15 (a) Any ~~person~~ individual who is retired under the  
16 Employees' Retirement System may perform duties in any  
17 capacity, including as an independent contractor, with any  
18 employer participating in the Employees' Retirement System or  
19 the Teachers' Retirement System without suspension of his or  
20 her retirement allowance provided that (1) the ~~person~~  
21 individual is not employed in a permanent full-time capacity  
22 and (2) the ~~person's~~ individual's compensation from the  
23 employer in calendar year 2016 does not exceed thirty thousand  
24 dollars (\$30,000). Beginning in calendar year 2017, and each  
25 calendar year thereafter, the annual earning limit shall be  
26 increased by the same percentage increase as the increase in  
27 the Consumer Price Index for all urban consumers as published  
28 by the U.S. Department of Labor, Bureau of Labor Statistics.



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29 Any increase in the annual earning limit shall be rounded to  
30 the next lowest multiple of one thousand dollars (\$1,000) with  
31 any amount in excess of the one thousand dollar (\$1,000)  
32 multiple considered in determining the increase for the  
33 following year. Each adjustment shall be based on the increase  
34 in the index for the preceding 12-month period ending on  
35 September 30 and the increase shall be effective for the  
36 following calendar year.

37 (b) Any ~~person~~ individual serving as an elected  
38 official who has retired from the Employees' Retirement System  
39 may serve for compensation in an elected public office with  
40 the state, a county, or an incorporated municipality without  
41 suspension of retirement benefits; provided that under no  
42 circumstances shall such ~~a person~~ an individual participate in  
43 or accrue additional benefits under the Teachers' Retirement  
44 System or the Employees' Retirement System, and provided that  
45 under no circumstances shall ~~a person~~ an individual whose  
46 retirement is based upon service as an elected official  
47 continue in or return to ~~such~~ the office and receive both  
48 pension benefits and salary; provided further, that this  
49 subsection shall apply to elected officials whose  
50 participation in the Teachers' Retirement System or the  
51 Employees' Retirement System is constitutionally required to  
52 be upon the same terms and conditions as specified by law for  
53 other employees in the retirement system if ~~such~~ the elected  
54 official's compensation does not exceed the annual earning  
55 limits provided in subsection (a).

56 (c) The responsibility for compliance with ~~the~~



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57 ~~provision of~~ this section is placed upon the employing  
58 authority, and each retiree performing duties under this  
59 section shall certify to the employer any information required  
60 in order to carry out this section. The retiree shall provide  
61 written notice of the postretirement employment under this  
62 section to the Employees' Retirement System and employing  
63 authority within 30 days after the date the retiree knows or  
64 should know that he or she will be performing duties on a  
65 full-time or permanent basis or will earn an amount in excess  
66 of the annual earning limit under this section.

67 (d) (1) Any individual who is retired under the  
68 Employees' Retirement System, has the applicable Alabama Peace  
69 Officers' Standards and Training certification, and was  
70 classified as either a law enforcement officer, as defined in  
71 Section 36-27-59, or a state policeman, as defined in Section  
72 36-27-1, prior to retirement, may perform duties as either a  
73 school resource officer, as defined in Section 16-1-44.1, or a  
74 correctional officer with the Department of Corrections  
75 without suspension of his or her retirement allowance,  
76 provided that the compensation earned does not exceed  
77 fifty-two thousand dollars (\$52,000) per year~~.~~.

78 (2) Any individual who is retired under the Employees'  
79 Retirement System, has the applicable Alabama Peace Officers'  
80 Standards and Training certification, and meets ~~either~~ any of  
81 the following criteria, may perform duties as a correctional  
82 officer with the Department of Corrections without suspension  
83 of his or her retirement allowance, provided that the  
84 compensation earned does not exceed fifty-two thousand dollars



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85 (\$52,000) per year:

86 a. Was classified as a law enforcement officer, as  
87 defined in Section 36-27-59, prior to retirement.

88 b. Was classified as a state policeman, as defined in  
89 Section 36-27-1, prior to retirement.

90 ~~b.c.~~ Was classified as a correctional officer, as  
91 defined in Section 36-27-59, prior to retirement, and retired  
92 pursuant to paragraph c. of Section 36-27-16(a)(1).

93 (3) No individual may be employed pursuant to this  
94 subsection after December 31, 2026."

95 Section 2. This act shall become effective on August 1,  
96 2023, following its passage and approval by the Governor, or  
97 its otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB4  
Senate 19-Jul-23  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 21-Jul-23

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By: Senator Orr