

HB71 ENROLLED



1 HB71
2 MVZIHw1-3
3 By Representative Clouse
4 RFD: Ways and Means General Fund
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



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1 Enrolled, An Act,

2 Relating to the Retirement Systems of Alabama; to amend
3 Section 36-27-59, Code of Alabama 1975, as amended by Acts
4 2023-101 and 2023-533 of the 2023 Regular Session, to allow
5 certain emergency medical services personnel to purchase
6 hazardous duty time in the Employees' Retirement System of
7 Alabama in the same manner as certain firefighters, law
8 enforcement officers, and correctional officers purchase
9 hazardous duty time in either the Employees' Retirement System
10 of Alabama or the Teachers' Retirement System of Alabama.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 36-27-59 of the Code of Alabama
13 1975, as amended by Act 2023-101 and Act 2023-533 of the 2023
14 Regular Session, is amended to read as follows:

15 "§36-27-59

16 (a) When used in this section, the following terms
17 ~~shall~~ have the following meanings, unless the context clearly
18 indicates otherwise:

19 (1) CORRECTIONAL OFFICER. A full-time correctional
20 officer who is certified as a correctional officer by the
21 Alabama Peace Officers' Standards and Training Commission. For
22 the purposes of this section, the term also includes the
23 Commissioner of Corrections, as defined in Section 14-1-1.3,
24 and a deputy commissioner of corrections, as defined in
25 Section 14-1-1.5, who has earned and maintains Alabama Peace
26 Officers' Standards and Training Commission certification as a
27 correctional officer or law enforcement officer.

28 (2) EMERGENCY MEDICAL SERVICES PERSONNEL. Full-time



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29 emergency medical services personnel employed by a local unit
30 of the Employees' Retirement System under Section 36-27-6, who
31 are certified as emergency medical services personnel by the
32 State Board of Health.

33 ~~(2)~~ (3) FIREFIGHTER. A full-time firefighter employed
34 with the State of Alabama, a municipal fire department, or a
35 fire district who has a level one minimum standard
36 certification by the Firefighters Personnel Standards and
37 Education Commission, or a firefighter employed by the Alabama
38 Forestry Commission who has been certified by the State
39 Forester as having met the wild land firefighter training
40 standard of the National Wildfire Coordinating Group.

41 ~~(3)~~ (4) LAW ENFORCEMENT OFFICER. A full-time law
42 enforcement officer, not covered as a state policeman,
43 employed with any state agency, department, board, commission,
44 or institution or a full-time law enforcement officer employed
45 by a local unit of the Employees' Retirement System of Alabama
46 under Section 36-27-6 who is certified as a law enforcement
47 officer by the Alabama Peace Officers' Standards and Training
48 Commission.

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



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

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



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85 36-27-6, by adoption of a resolution, may elect for the
86 increases in employee contributions provided by Act 2011-676
87 to be withheld from the earnable compensation of employees of
88 the employer.

89 (3) For all pay dates beginning on or after October 1,
90 2024, all active employees who are considered emergency
91 medical services personnel employed by an employer
92 participating under Section 36-27-6 shall contribute the
93 following:

94 a. Six percent of their earnable compensation to the
95 Employees' Retirement System of Alabama if their employer has
96 not elected to increase employee contributions as provided by
97 Act 2011-676.

98 b. Eight and one-half percent of their earnable
99 compensation to the Employees' Retirement System of Alabama if
100 their employer has elected to increase employee contributions
101 as provided by Act 2011-676.

102 (c) Any member of the Employees' Retirement System of
103 Alabama or the Teachers' Retirement System of Alabama eligible
104 under subsection (b) may receive credit for his or her
105 eligible prior service provided the member pays to the
106 Secretary-Treasurer of the Employees' Retirement System of
107 Alabama or the Secretary-Treasurer of the Teachers' Retirement
108 System of Alabama one percent—~~(1%)~~ of his or her current
109 annual earnable compensation or previous year's annual
110 earnable compensation, whichever is higher, for each year of
111 claimed credit. The member may purchase his or her claimed
112 credit in increments of five years, unless the total service



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113 credit is less than five years, in which case the service
114 shall be purchased in its entirety. The member shall provide
115 certification from each employing agency, on forms prescribed
116 by the Teachers' or Employees' Retirement System of Alabama,
117 of each year of claimed service, as a prerequisite to payment
118 under this section.

119 (d) This section shall not apply to any Tier II plan
120 member.

121 (e) The designation of the Commissioner of Corrections
122 and a deputy commissioner of corrections as correctional
123 officers or law enforcement officers for purposes of this
124 section shall be applied retroactively to March 1, 2022."

125 Section 2. This act shall become effective on October
126 1, 2024.

