

1 HB243  
2 155912-1  
3 By Representatives Buttram and Henry (Constitutional  
4 Amendment)  
5 RFD: State Government  
6 First Read: 15-JAN-14

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8 SYNOPSIS: Under existing law, elected public officials  
9 are prohibited from participating in the Employees'  
10 Retirement System. Because of the prohibition,  
11 certain elected officials are granted supernumerary  
12 status when they are retired from public office.

13 This bill would propose an amendment to the  
14 Constitution of Alabama of 1901, which would phase  
15 out the current supernumerary program for certain  
16 elected officials in Cullman County and would allow  
17 elected or appointed Cullman County officials  
18 including the sheriff to participate in the State  
19 Employees' Retirement System.

20  
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24  
25 Proposing an amendment to the Constitution of  
26 Alabama of 1901, to provide that certain elected or appointed  
27 public officials in Cullman County including the sheriff may

1 participate in the Employees' Retirement System in lieu of  
2 participating in a supernumerary program or system.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the  
5 Constitution of Alabama of 1901, is proposed and shall become  
6 valid as a part of the Constitution when all requirements of  
7 this act are fulfilled:

8 PROPOSED AMENDMENT

9 No elected or appointed Cullman County official  
10 including the sheriff may assume a supernumerary office after  
11 the effective date of this amendment. Any person who, on the  
12 effective date of this amendment, is entitled to participate  
13 in a supernumerary program may continue to participate in that  
14 supernumerary program, which shall include the assumption of a  
15 supernumerary office according to the terms and conditions of  
16 the law which established that supernumerary program. Every  
17 elected or appointed Cullman County official including the  
18 sheriff may participate in the Employees' Retirement System of  
19 Alabama upon the same terms and conditions as may be specified  
20 by law for any other employee in the same retirement system,  
21 and shall be treated as an employee of the county. Cullman  
22 County officials including the sheriff holding office at the  
23 time of the ratification of this amendment shall be eligible  
24 to purchase service credit in the Employees' Retirement System  
25 for the time the official has served in the current office. No  
26 person may participate in both a supernumerary program and the  
27 Employees' Retirement System based on the same service. For

1 the purposes of this amendment, the words "elected or  
2 appointed Cullman County official" shall include any person  
3 appointed to serve the remaining term of an elected or  
4 appointed Cullman County official. The words do not include a  
5 judge, county commissioner, district attorney, legislator,  
6 constable, school board member, or any official elected from a  
7 judicial circuit.

8 Section 2. An election upon the proposed amendment  
9 shall be held at the 2014 General Election in accordance with  
10 Amendment 555 to the Constitution of Alabama of 1901, now  
11 appearing as Section 284.01 of the Official Recompilation of  
12 the Constitution of Alabama of 1901, as amended, and the  
13 election laws of this state.

14 Section 3. The appropriate election official shall  
15 assign a ballot number for the proposed constitutional  
16 amendment on the election ballot and shall set forth the  
17 following description of the substance or subject matter of  
18 the proposed constitutional amendment:

19 "Relating to Cullman County, proposing an amendment  
20 to the Constitution of Alabama of 1901, to phase out the  
21 supernumerary system for certain public officials and allow  
22 elected or appointed county officials including the sheriff to  
23 participate in the Employees' Retirement System.

24 "Proposed by Act \_\_\_\_\_"

25 This description shall be followed by the following  
26 language:

27 "Yes ( ) No ( )."

