

SB129 ENROLLED



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



SB129 Enrolled

1 Enrolled, An Act,

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4 Relating to the Employees' Retirement System of
5 Alabama; to amend Section 36-27-59, Code of Alabama 1975, to
6 designate the Commissioner of Corrections and deputy
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
10 provide that the designation is retroactive.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 36-27-59 of the Code of Alabama
13 1975, is amended to read as follows:

14 "§36-27-59

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

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
26 correctional officer or law enforcement officer.

27 (2) FIREFIGHTER. A full-time firefighter employed with
28 the State of Alabama, a municipal fire department, or a fire



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

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

43 (b) (1) Any firefighter, law enforcement officer, or
44 correctional officer covered under the Employees' Retirement
45 System or the Teachers' Retirement System as a Tier I plan
46 member, upon attainment of the requisite years of creditable
47 service or who otherwise qualifies for service or disability
48 retirement, shall be awarded one year of hazardous duty time
49 for every five years of service as a firefighter, a law
50 enforcement officer, or a correctional officer provided that
51 the person has made the additional contribution provided in
52 subdivision (2) or paid the additional contribution required
53 in subsection (c) for each year of service used in determining
54 hazardous duty time for the person. Proportional credit shall
55 be awarded for any period of service less than five years.

56 (2) Effective January 1, 2001, and each pay period



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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
61 her earnable compensation. For all pay dates beginning on or
62 after October 1, 2011, each active employee who is a
63 firefighter, law enforcement officer, or correctional officer,
64 as defined in subsection (a), except those employees
65 participating pursuant to Section 36-27-6, shall contribute to
66 the Teachers' or Employees' Retirement System of Alabama eight
67 and one-quarter percent (8.25%) of his or her earnable
68 compensation. For all pay dates beginning on or after October
69 1, 2012, each active employee who is a Tier I plan member and
70 who is a firefighter, law enforcement officer, or correctional
71 officer, 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-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)
82 may receive credit for his or her eligible prior service
83 provided the member pays to the Secretary-Treasurer of the
84 Employees' Retirement System or the Secretary-Treasurer of the



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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 eligible
93 prior service under this section and who also had no prior
94 eligibility to purchase prior service credit under this
95 subsection, may purchase prior service credit under this
96 section at the same rate provided in subsection (b) within one
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
100 increments of five years, unless the total service credit is
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."



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



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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

By: Senator Singleton