

1 HB685
2 114434-1
3 By Representatives Guin and Sherer (N & P)
4 RFD: Local Legislation
5 First Read: 09-MAR-10

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Walker County; to create the office of
14 supernumerary sheriff and to prescribe the qualifications,
15 duties, appointment, elections, the salary of the office; to
16 provide for retroactive operation; and to provide coverage for
17 disability.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) A sheriff or any person who has
20 served as sheriff of Walker County who meets either of the
21 following qualifications may elect to participate in the
22 supernumerary sheriff's program:

23 (1) A person who has had eight years of service as a
24 law enforcement officer, four of which have been as a sheriff,
25 and who has become physically unable to carry out his or her
26 duties on a full-time basis, proof of such disability being
27 made by certificate of three reputable physicians.

1 (2) A person who has had 25 years of service as a
2 Walker County law enforcement officer, eight of which have
3 been as a Sheriff of Walker County, and who has reached the
4 age of 45 years.

5 (b) A person may elect to become a supernumerary
6 sheriff of the county by filing a written declaration to that
7 effect with the Governor not more than six months following a
8 certified disability, or not more than 90 days prior to the
9 end of the 25-year period or reaching the age of 45 years,
10 both having been fulfilled, or at any time thereafter. If the
11 Governor finds that the declarant is qualified under either
12 subdivision (1) or (2) of subsection (a) he or she shall then
13 issue the declarant a commission as supernumerary sheriff. The
14 office of sheriff made vacant by the election of the declarant
15 shall be filled by appointment of the Governor as now provided
16 by law. This section shall apply only to sheriffs who have
17 been elected to that office.

18 Section 2. (a) The governing body of Walker County
19 shall begin deducting, upon the effective date of this act and
20 each month thereafter, from the salaries of such sheriffs an
21 amount equal to six percent of the monthly salary paid to the
22 sheriff and that amount shall be deducted monthly and paid
23 into the general fund of the county.

24 (b) If any sheriff subject to the provisions of this
25 act ends his or her tenure of office prior to having reached
26 the age of 45 years, but having had 25 years of service as a
27 county law enforcement officer, eight of which have been as

1 Sheriff of Walker County, his or her supernumerary allowance
2 as set out in Section 3 shall be vested and held in the
3 general fund of the county until he or she attains the age of
4 45, at which time, or any time thereafter, he or she may elect
5 to become a supernumerary sheriff as set out in Section 1.

6 (c) If any sheriff subject to the provisions of this
7 act ends his or her tenure of office prior to having had 25
8 years of service as a Walker County law enforcement officer,
9 eight of which were served as Sheriff of Walker County as
10 provided herein, an amount equal to the total paid by him or
11 her into the general fund of the county under this section
12 shall be repaid to him or her.

13 (d) In the event a sheriff dies in office prior to
14 his or her eligibility, the total amount paid by him or her to
15 the general fund of the county hereunder shall be paid to his
16 or her named beneficiary.

17 (e) In the event a sheriff dies in office who
18 immediately prior to his or her death was eligible for
19 supernumerary status but had not elected to be commissioned as
20 a supernumerary sheriff, his or her spouse shall be entitled
21 to the same benefits as if the deceased had elected to be
22 commissioned as a supernumerary sheriff.

23 (f) In the event of the death of any supernumerary
24 sheriff in whose favor a monthly retirement allowance is
25 accruing, his or her spouse shall be entitled to a monthly
26 allowance equal to 50 percent of the retirement allowance the

1 supernumerary sheriff was receiving when he or she died, as
2 hereinafter specified.

3 (g) A surviving spouse shall not receive any
4 benefits under this act unless the spouse was married to a
5 deceased sheriff or deceased supernumerary sheriff at the time
6 of his or her death.

7 Section 3. Those persons eligible under either
8 subdivision (1) or (2) of subsection (a) of Section 1 having
9 served 25 years as a Walker County law enforcement officer,
10 eight of which were served as sheriff, shall be entitled to
11 receive an amount equal to 85 percent of the monthly salary
12 paid such person at the time of the completion of his or her
13 service in office, but in no event shall any person receive
14 payments pursuant to both the supernumerary and disability
15 supernumerary provisions simultaneously. All payment shall be
16 paid from the general fund of the county in which the eligible
17 person is serving upon his or her election to become a
18 supernumerary sheriff or to become a supernumerary sheriff due
19 to disability.

20 Section 4. Those persons eligible under subdivision
21 (1) or (2) of subsection (a) of Section 1 who may elect to
22 become a supernumerary sheriff shall be entitled to receive a
23 cost-of-living increase as the remuneration of the office of
24 sheriff increases from which the supernumerary sheriff elected
25 to vacate. The cost-of-living increase allowed the
26 supernumerary sheriff shall be equal to the percentage of any
27 cost-of-living increase granted to the sheriff in office.

1 Section 5. If any sheriff is eligible for retirement
2 benefits under any other county, state, or municipal
3 retirement plan or act, he or she shall elect the plan or act
4 in which he or she desires to participate and shall notify the
5 proper authority within 60 days after he or she becomes
6 eligible for any payments under this act.

7 Section 6. All laws or parts of laws which conflict
8 with this act are repealed.

9 Section 7. The provisions of this act are severable.
10 If any part of this act is declared invalid or
11 unconstitutional, that declaration shall not affect the part
12 which remains.

13 Section 8. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.