

1 HB805
2 121007-1
3 By Representative Black (Constitutional Amendment)
4 RFD: Government Operations
5 First Read: 01-APR-10

SYNOPSIS: This bill would propose an amendment to the Constitution of Alabama of 1901, to provide for the participation of circuit clerks in the Employees' Retirement Systems (ERS); would phase out supernumerary status for circuit clerks and registers, would provide for the purchase of prior service in the ERS, and would allow current supernumerary circuit clerks to continue in supernumerary status.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide for the participation of circuit clerks in the Employees' Retirement System (ERS); to phase out supernumerary status for circuit clerks and registers; to allow current supernumerary circuit clerks to continue in

1 supernumerary status; and to provide for the purchase of prior
2 service in the ERS.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the
5 Constitution of Alabama of 1901, as amended, is proposed and
6 shall become valid as a part thereof when approved by a
7 majority of the qualified electors voting thereon and in
8 accordance with Sections 284, 285, and 287 of the Constitution
9 of Alabama of 1901, as amended:

10 PROPOSED AMENDMENT

11 No person elected or appointed circuit clerk in any
12 county in Alabama may assume a supernumerary office after the
13 ratification date of this amendment. Any person who, on the
14 ratification date of this amendment, is entitled to
15 participate in a supernumerary program for circuit clerks or
16 registers may continue to participate in that supernumerary
17 program, which shall include the assumption of a supernumerary
18 office according to the terms and conditions of the law which
19 established that supernumerary program. Every circuit clerk of
20 every county of this state may participate in the Employees'
21 Retirement System (ERS) upon the same terms and conditions as
22 may be specified by law for other employees in the ERS.
23 Circuit clerks holding office at the time of the ratification
24 of this amendment shall be eligible to purchase service credit
25 in the ERS for the time the circuit clerk has served in the
26 current office; provided, however, the official shall forego
27 the assumption of a supernumerary office. All costs associated

1 with the purchase of prior service credit shall be the
2 responsibility of the retiring circuit clerk making the
3 purchase.

4 Section 2. An election upon the proposed amendment
5 shall be held in accordance with Sections 284 and 285 of the
6 Constitution of Alabama of 1901, now appearing as Sections 284
7 and 285 of the Official Recompilation of the Constitution of
8 Alabama of 1901, as amended, and the election laws of this
9 state.

10 Section 3. The appropriate election official shall
11 assign a ballot number for the proposed constitutional
12 amendment on the election ballot and shall set forth the
13 following description of the substance or subject matter of
14 the proposed constitutional amendment:

15 "Proposing an amendment to the Constitution of
16 Alabama of 1901, to provide that on and after the ratification
17 of this amendment, circuit clerks of each county in Alabama
18 may participate in the Employees' Retirement System (ERS) and
19 may not begin participation in the state circuit clerk
20 supernumerary system; to authorize circuit clerks
21 participating in the ERS to purchase prior service time in the
22 ERS; to allow circuit clerks and registers holding office as a
23 supernumerary office on the ratification date of this
24 amendment to continue to hold supernumerary status.

25 "Proposed by Act _____."

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

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"Yes () No ()."