

1 HB329
2 217094-1
3 By Representatives Lovvorn, Crawford, Hanes, Reynolds, Gaston,
4 Stringer, Brown (C), Robertson, Stadthagen, Oliver, Shaver,
5 Simpson, Pettus, Farley, Ingram, Easterbrook, Whitt, Ball,
6 Sanderford, Sorrells, Smith, Mooney, Fincher, Standridge,
7 Baker, Bedsole, Marques, Dismukes, Clouse, Isbell, Blackshear,
8 Lee, Sells, Warren, Drummond, South, Shiver, Meadows,
9 Ledbetter, Shedd, Jones (M), Collins, Harbison, Hall, Garrett
10 and Faust
11 RFD: Ways and Means General Fund
12 First Read: 09-FEB-22

SYNOPSIS: This bill would remove the time limit for purchasing hazardous duty time for prior eligible service for certain firefighters, law enforcement officers, and correctional officers covered under the Employees' Retirement System or the Teachers' Retirement System as Tier I plan members.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Retirement Systems of Alabama; to amend Section 36-27-59, Code of Alabama 1975, to remove the time limit for purchasing hazardous duty time for prior eligible service for certain firefighters, law enforcement officers, and correctional officers covered under the Employees' Retirement System or the Teachers' Retirement System as Tier I plan members.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 36-27-59 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§36-27-59.

4 "(a) When used in this section, the following terms
5 shall have the following meanings, unless the context clearly
6 indicates otherwise:

7 "(1) CORRECTIONAL OFFICER. A full-time correctional
8 officer who is certified as a correctional officer by the
9 Alabama Peace Officers' Standards and Training Commission.

10 "(2) FIREFIGHTER. A full-time firefighter employed
11 with the State of Alabama, a municipal fire department, or a
12 fire district who has a level one minimum standard
13 certification by the Firefighters Personnel Standards and
14 Education Commission, or a firefighter employed by the Alabama
15 Forestry Commission who has been certified by the State
16 Forester as having met the wild land firefighter training
17 standard of the National Wildfire Coordinating Group.

18 "(3) LAW ENFORCEMENT OFFICER. A full-time law
19 enforcement officer, not covered as a state policeman,
20 employed with any state agency, department, board, commission,
21 or institution or a full-time law enforcement officer employed
22 by a local unit of the Employees' Retirement System under
23 Section 36-27-6 who is certified as a law enforcement officer
24 by the Alabama Peace Officers' Standards and Training
25 Commission.

26 "(b) (1) Any firefighter, law enforcement officer, or
27 correctional officer covered under the Employees' Retirement

1 System or the Teachers' Retirement System as a Tier I plan
2 member, upon attainment of the requisite years of creditable
3 service or who otherwise qualifies for service or disability
4 retirement, shall be awarded one year of hazardous duty time
5 for every five years of service as a firefighter, a law
6 enforcement officer, or a correctional officer provided that
7 the person has made the additional contribution provided in
8 subdivision (2) or paid the additional contribution required
9 in subsection (c) for each year of service used in determining
10 hazardous duty time for the person. Proportional credit shall
11 be awarded for any period of service less than five years.

12 "(2) Effective January 1, 2001, and each pay period
13 thereafter, each active employee who is a firefighter, law
14 enforcement officer, or correctional officer, as defined in
15 subsection (a), shall contribute to the Teachers' or
16 Employees' Retirement System of Alabama six percent of his or
17 her earnable compensation. For all pay dates beginning on or
18 after October 1, 2011, each active employee who is a
19 firefighter, law enforcement officer, or correctional officer,
20 as defined in subsection (a), except those employees
21 participating pursuant to Section 36-27-6, shall contribute to
22 the Teachers' or Employees' Retirement System of Alabama eight
23 and one-quarter percent (8.25%) of his or her earnable
24 compensation. For all pay dates beginning on or after October
25 1, 2012, each active employee who is a Tier I plan member and
26 who is a firefighter, law enforcement officer, or correctional
27 officer, as defined in subsection (a), except those employees

1 participating pursuant to Section 36-27-6, shall contribute to
2 the Teachers' or Employees' Retirement System of Alabama eight
3 and one-half percent (8.5%) of his or her earnable
4 compensation. Any employer participating under Section
5 36-27-6, by adoption of a resolution, may elect for the
6 increases in employee contributions provided by Act 2011-676
7 to be withheld from the earnable compensation of employees of
8 the employer.

9 (c) Any member of the Employees' Retirement System
10 or the Teachers' Retirement System eligible under subsection
11 (b) may receive credit for his or her eligible prior service
12 provided the member pays to the Secretary-Treasurer of the
13 Employees' Retirement System or the Secretary-Treasurer of the
14 Teachers' Retirement System one percent of his or her current
15 annual earnable compensation or previous year's annual
16 earnable compensation, whichever is higher, for each year of
17 claimed credit ~~within two years of January 1, 2001, except~~
18 ~~that any firefighter employed by the Alabama Forestry~~
19 ~~Commission shall make such payment within two years of~~
20 ~~December 28, 2001. Any member participating in the Employees'~~
21 ~~Retirement System under Section 36-27-6, who has eligible~~
22 ~~prior service under this section and who also had no prior~~
23 ~~eligibility to purchase prior service credit under this~~
24 ~~subsection, may purchase prior service credit under this~~
25 ~~section at the same rate provided in subsection (b) within one~~
26 ~~year of the effective date of his or her enrollment with the~~
27 ~~Employees' Retirement System or within one year of August 1,~~

1 2004. The member may purchase his or her claimed credit in
2 increments of five years, unless the total service credit is
3 less than five years, in which case the service shall be
4 purchased in its entirety. The member shall provide
5 certification from each employing agency, on forms prescribed
6 by the Teachers' or Employees' Retirement System, of each year
7 of claimed service, as a prerequisite to payment under this
8 section.

9 "(d) The provisions of this section shall not apply
10 to any Tier II plan member."

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