

HB317 INTRODUCED



1 O71UJJ-1

2 By Representatives Pettus, Bedsole, Treadaway, Standridge,

3 Starnes, Reynolds, Stringer, Whorton

4 RFD: County and Municipal Government

5 First Read: 13-Apr-23

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SYNOPSIS:

Under existing law, the department or agency using the services of a state law enforcement officer, who is injured while on duty and the injury is a result of the state law enforcement officer acting within the scope of his or her job duties, is required to compensate the state law enforcement officer throughout the officer's period of recovery at the normal rate of compensation in effect for the officer at the time of injury.

Also under existing law, any active or contributing member of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama may purchase up to two years of service credit for time he or she was receiving worker's compensation benefits and was absent from work due to a work related and compensable injury.

This bill would provide that a county or municipality using the services of a county or municipal law enforcement officer or firefighter, who is injured while on duty as a result of acting within the scope of his or her job duties, is required to purchase a certain amount of service credit in the retirement system on behalf of the county or municipal law enforcement officer or firefighter for the period



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29 of time that the law enforcement officer or firefighter
30 was absent from work and receiving worker's
31 compensation benefits.

32 Section 111.05 of the Constitution of Alabama of
33 2022, prohibits a general law whose purpose or effect
34 would be to require a new or increased expenditure of
35 local funds from becoming effective with regard to a
36 local governmental entity without enactment by a 2/3
37 vote unless: it comes within one of a number of
38 specified exceptions; it is approved by the affected
39 entity; or the Legislature appropriates funds, or
40 provides a local source of revenue, to the entity for
41 the purpose.

42 The purpose or effect of this bill would be to
43 require a new or increased expenditure of local funds
44 within the meaning of the amendment. If this bill is
45 not enacted by a 2/3 vote, it will not become effective
46 with regard to a local entity unless approved by the
47 local entity or until, and only as long as, the
48 Legislature appropriates funds or provides for a local
49 source of revenue.

50
51 A BILL
52 TO BE ENTITLED
53 AN ACT

54
55 Relating to county and municipal law enforcement
56 officers; to amend Section 36-27-58.1, Code of Alabama 1975,



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57 to require a county or municipality using the services of a
58 county or municipal law enforcement officer or firefighter to
59 purchase a certain amount of service credit in the retirement
60 system on behalf of the county or municipal law enforcement
61 officer or firefighter under certain circumstances; and in
62 connection therewith would have as its purpose or effect the
63 requirement of a new or increased expenditure of local funds
64 within the meaning of Section 111.05 of the Constitution of
65 Alabama of 2022.

66 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

67 Section 1. Section 36-27-58.1, Code of Alabama 1975, is
68 amended to read as follows:

69 "§36-27-58.1

70 (a) Notwithstanding any other laws, any active and
71 contributing member of the Employees' Retirement System of
72 Alabama or Teachers' Retirement System of Alabama may purchase
73 up to two years of service credit for the time he or she was
74 receiving benefits pursuant to the Alabama Workers'
75 Compensation Act, commencing with Section 25-5-1, and was
76 absent from work due to a work related and compensable injury;
77 provided that the member returned to work with his or her
78 covered employer within one year following cessation of
79 workers' compensation benefits. The Board of Control of the
80 Employees' Retirement System and the Board of Control of the
81 Teachers' Retirement System shall adopt rules and regulations
82 for the administration of this section including verification
83 of the service that the member desires to purchase credit for
84 in the system. The member shall receive credit for the service



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85 when he or she remits to the system the contributions required
86 by subsection (b). Notwithstanding the foregoing language, no
87 member of the Employees' Retirement System or Teachers'
88 Retirement System shall be eligible to receive credit for any
89 period of time that the member is already credited with in the
90 system or in any other retirement plan, with the exception of
91 the federal Social Security program.

92 (b) Any member who is eligible to purchase service
93 credit in the Employees' Retirement System or Teachers'
94 Retirement System under subsection (a) shall pay to the
95 Secretary-Treasurer of the system within two years from the
96 end of the disability period for which credit is sought for
97 the claimed service, a lump sum equal to the full actuarially
98 required cost for each year of service credit purchased as
99 determined by the actuary for the system.

100 (c) A county or municipality that employs a law
101 enforcement officer or firefighter who is eligible to purchase
102 service credit in the Employees' Retirement System or
103 Teachers' Retirement System under subsection (a) shall
104 purchase the service credit for the law enforcement officer or
105 firefighter pursuant to subsection (b). The terms "law
106 enforcement officer" and "firefighter" mean the same as those
107 terms are defined by 36-27-59."

108 Section 2. The purpose or effect of this bill would be
109 to require a new or increased expenditure of local funds
110 within the meaning of Section 111.05 of the Constitution of
111 Alabama of 2022. If this bill is not enacted by a 2/3 vote, it
112 will not become effective with regard to a local entity unless



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113 approved by the local entity or until, and only as long as,
114 the Legislature appropriates funds or provides for a local
115 source of revenue.

116 Section 3. This act shall become effective on the first
117 day of the third month following its passage and approval by
118 the Governor, or its otherwise becoming law.