

1 HB481  
2 191781-1  
3 By Representative Wood  
4 RFD: State Government  
5 First Read: 06-MAR-18

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, only the surviving  
9 spouse of a Supernumerary Circuit Clerk or Register  
10 is entitled to benefits payable from the Clerks'  
11 and Registers' Supernumerary Fund upon the death of  
12 the Supernumerary official.

13 This bill would allow benefits to be paid to  
14 a beneficiary other than a spouse; establish the  
15 benefits to be paid to a beneficiary other than a  
16 spouse; to amend Sections 12-17-142 and 12-17-143,  
17 Code of Alabama 1975 to allow a Circuit Clerk to  
18 change the spouse or other named beneficiary of the  
19 Fund; to allow a Circuit Clerk upon becoming  
20 eligible for supernumerary status the option to  
21 receive a refund of contributions paid into the  
22 Fund plus seventy-five percent of the accrued  
23 interest; and establish a plan for any remaining  
24 funds once all liabilities to the fund participants  
25 are met.

26  
27 A BILL

1 TO BE ENTITLED

2 AN ACT

3  
4 To amend Sections 12-17-142 and 12-17-143, Code of  
5 Alabama 1975 to allow a Circuit Clerk to change the spouse or  
6 other named beneficiary of the Fund; to allow a Circuit Clerk  
7 upon becoming eligible for supernumerary status the option to  
8 receive a refund of contributions paid into the Fund plus  
9 seventy-five percent of the accrued interest; and establish a  
10 plan for any remaining funds once all liabilities to the fund  
11 participants are met.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 12-17-142, Code of Alabama 1975,  
14 is hereby amended to read as follows:

15 "§12-17-142.

16 "(a) Every supernumerary official shall serve for  
17 life and shall receive an annual salary in an amount equal to  
18 75 percent of the state salary payable to a circuit clerk on  
19 the date a circuit clerk or register becomes a supernumerary  
20 official, payable in equal installments on a twice per month  
21 basis.

22 "(b) In the event of the death of any supernumerary  
23 official, circuit clerk or register who, at the time of his or  
24 her death, was serving as or ~~was otherwise~~ would have been  
25 eligible to ~~serve as~~ become a supernumerary official, his or  
26 her spouse shall receive benefits from the Clerks' and  
27 Registers' Supernumerary Fund in the State Treasury in an

1 amount equivalent to three percent of the salary payable from  
2 the State Treasury, as prescribed by law for the position of  
3 circuit clerk, for each year of service not to exceed 30  
4 percent of the salary, payable monthly for the remainder of  
5 the spouse's life or until he or she remarries.

6 "(c) The provisions of subsection (a) of this  
7 section shall continue to apply only to those circuit clerks  
8 and circuit registers in active service on or after October 1,  
9 1990. The provisions of subsection (b) of this section shall  
10 apply to circuit clerks and circuit registers who were in  
11 active service on or after January 16, 1989.

12 "(d) Notwithstanding the provisions of subsection  
13 (b), any spouse who was appointed to serve the remainder of an  
14 unexpired term of a circuit clerk who was in active service on  
15 October 19, 1990, with at least 12 years of service, shall be  
16 eligible to receive benefits from the Clerks' and Registers'  
17 Supernumerary Fund in the State Treasury. The amount shall be  
18 equivalent to three percent of the salary, payable from the  
19 State Treasury as prescribed for the position of circuit  
20 clerk, for each year of service, not to exceed 30 percent of  
21 the salary. The benefits shall be payable monthly for the  
22 remainder of the spouse's life or until the spouse remarries.

23 "(e) Notwithstanding the provisions of subsection  
24 (b), in the event of the death of any supernumerary official,  
25 circuit clerk, or register who, at the time of his or her  
26 death, was serving as or otherwise eligible to serve as a  
27 supernumerary official, his or her designated beneficiary

1 provided that the supernumerary official's surviving spouse is  
2 not the named beneficiary, shall receive benefits from the  
3 Clerks' and Registers' Supernumerary Fund in an amount  
4 equivalent to 100 percent of the contributions plus 75 percent  
5 of the accrued interest.

6 "§12-17-143.

7 "Officials electing to come under the provisions of  
8 this article shall contribute to the Clerks' and Registers'  
9 Supernumerary Fund of the State of Alabama, which is hereby  
10 created, in amounts to be determined as follows:

11 "(1) Circuit clerks shall contribute six percent of  
12 the total per annum state compensation for the circuit clerk  
13 in the county of residence of said clerk.

14 "(2) Circuit registers shall contribute six percent  
15 of the total per annum state compensation for the circuit  
16 register in the county of residence of said register.

17 "(3) This fund is established to provide benefits to  
18 a spouse or other named beneficiary of a clerk or register  
19 that has paid into the fund in the event of said clerk's or  
20 register's death.

21 "~~(3)~~ (4) The Clerks' and Registers' Supernumerary  
22 Fund is hereby placed under the management and control of the  
23 Employees' Retirement System of Alabama. The  
24 Secretary-Treasurer of the Employees' Retirement System of  
25 Alabama is charged with the responsibility for investment of  
26 the fund and for the development and maintenance of  
27 administrative procedures involving member records, benefits,

1 investment of funds, and other administrative functions  
2 necessary to the operation of the Clerks' and Registers'  
3 Supernumerary Fund."

4 Section 2. The Employees' Retirement System of  
5 Alabama Secretary-Treasurer and the Administrative Office of  
6 Courts shall promulgate procedures deemed necessary to affect  
7 the orderly implementation of the change in the Clerks' and  
8 Registers' Supernumerary Fund as required by this act.

9 Section 3. Any funds remaining in the Clerks' and  
10 Registers' Supernumerary Fund after all obligations and  
11 liabilities to fund participants have been met will revert to  
12 the Administrative Office of Courts to be used for the sole  
13 benefit of Court Specialists throughout the State.

14 Section 4. This act shall become effective  
15 immediately upon its passage and approval by the Governor, or  
16 on its otherwise becoming a law.