

1 SB134
2 203268-1
3 By Senator Livingston
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 06-FEB-20

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8 SYNOPSIS: Under existing law, an assistant or deputy
9 district attorney with service in that position as
10 a Tier 1 plan member who is subsequently elected or
11 appointed district attorney may retire after 25
12 years of total service without a reduction in
13 retirement allowance.

14 This bill would allow a district attorney
15 who is a member of the District Attorneys' Plan and
16 who has service credit as a Tier 1 plan member in
17 the Employees' Retirement System or the Teachers'
18 Retirement System to retire after 25 years of total
19 service without a reduction in retirement
20 allowance.

21 Under existing law, a judge or clerk who is
22 a member of the Judges' and Clerks' Plan under the
23 Judicial Retirement Fund may retire after
24 completing 10 years of service and attaining the
25 age of 62.

26 This bill would also allow a judge or clerk
27 who is a member of the Judges' and Clerks' Plan and

1 who has service credit as a Tier 1 plan member in
2 the Employees' Retirement System or the Teachers'
3 Retirement System to retire after 25 years of total
4 service without a reduction in retirement
5 allowance.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to eligibility for retirement for district
12 attorneys, clerks, and judges who are members of the Judicial
13 Retirement Fund; to amend Sections 12-17-227.11 and 12-18-154,
14 Code of Alabama 1975; to allow a district attorney who is a
15 member of the District Attorneys' Plan, or a clerk or judge
16 who is a member of the Judges' and Clerks' Plan, who has
17 service credit as a Tier 1 plan member in the Employees'
18 Retirement System or the Teachers' Retirement System to retire
19 after 25 years of total service without a reduction in
20 retirement allowance.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 12-17-227.11 and 12-18-154 of
23 the Code of Alabama 1975, are amended to read as follows:

24 "§12-17-227.11.

25 "(a) A person serving as district attorney,
26 supernumerary district attorney, or who has made an election
27 to assume the office of supernumerary district attorney or is

1 otherwise entitled to participate in the supernumerary
2 district attorney program established under Division 2 of this
3 article shall, subject to subsection (c), continue to serve or
4 participate in the supernumerary district attorney program,
5 which shall include the assumption of the office of the
6 supernumerary district attorney after November 8, 2016
7 according to the terms and conditions of Division 2 of this
8 article, notwithstanding the fact that the person may be
9 re-elected after November 8, 2016 to the office he or she is
10 holding on November 8, 2016.

11 "(b) No person may participate in both the
12 supernumerary district attorney program and the Employees'
13 Retirement System based on the same service.

14 "(c) A district attorney who was elected prior to
15 November 8, 2016 and who is serving in the capacity of
16 district attorney on and after November 8, 2016 and had prior
17 service credit in the Employees' Retirement System, Teachers'
18 Retirement System, or Judicial Retirement Fund prior to being
19 elected district attorney shall have 30 days from November 8,
20 2016 to elect to participate in the District Attorneys' Plan
21 established by this division. This election shall be
22 irrevocable.

23 "(d) ~~An assistant or deputy district attorney A~~
24 member who ~~obtains~~ has service credit ~~in that position~~ as a
25 Tier 1 plan member in the Employees' Retirement System or the
26 Teachers' Retirement System and is elected or appointed
27 district attorney on or after November 8, 2016, may withdraw

1 from service after completion of not less than 25 years of
2 credible service and may retire without a reduction in
3 retirement allowance upon written application to the Board of
4 Control setting forth at what time, not less than 30 days nor
5 more than 90 days subsequent to the execution and filing
6 thereof, he or she desires to be retired.

7 "§12-18-154.

8 "(a) Any member who withdraws from service upon or
9 after attainment of age 62 may retire upon written application
10 to the Board of Control setting forth at what time, not less
11 than 30 days nor more than 90 days subsequent to the execution
12 and filing thereof, he or she desires to be retired; provided,
13 that any such member shall have completed 10 or more years of
14 membership service in the Judges' and Clerks' Plan.

15 "(b) Any member who has attained age 62 and has
16 previously withdrawn from service may retire upon written
17 application to the Board of Control setting forth at what
18 time, not less than 30 days nor more than 90 days subsequent
19 to the execution and filing thereof, he or she desires to be
20 retired; provided, that any such member shall have completed
21 10 or more years of membership service.

22 "(c) Upon retirement from service, a member who is a
23 clerk shall receive a service retirement allowance which shall
24 consist of an annuity, which shall be the actuarial equivalent
25 of the member's accumulated contributions at the time of
26 retirement, and a pension, which when added to the member's
27 annuity shall be equal to three percent (3%) of the member's

1 average final compensation multiplied by the member's number
2 of years of membership service. Notwithstanding the foregoing,
3 the service retirement allowance shall not exceed eighty
4 percent (80%) of the member's average final compensation.

5 "(d) Upon retirement from service, a member who is a
6 judge shall receive a service retirement allowance which shall
7 consist of an annuity, which shall be the actuarial equivalent
8 of the member's accumulated contributions at the time of
9 retirement, and a pension, which when added to the member's
10 annuity shall be equal to four percent (4%) of the member's
11 average final compensation multiplied by the member's number
12 of years of membership service. Notwithstanding the foregoing,
13 the service retirement allowance shall not exceed seventy-five
14 percent (75%) of the member's average final compensation. A
15 member who is a judge and who has attained 18 or more years of
16 membership service shall be entitled to a retirement allowance
17 of seventy-five percent (75%) of the member's average final
18 compensation.

19 "(e) A member who has service credit as a Tier 1
20 plan member in the Employees' Retirement System or the
21 Teachers' Retirement System may withdraw from service after
22 completion of not less than 25 years of credible service and
23 may retire without a reduction in retirement allowance upon
24 written application to the Board of Control setting forth at
25 what time, not less than 30 days nor more than 90 days
26 subsequent to the execution and filing thereof, he or she
27 desires to be retired."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.