

1 HB435  
2 180743-2  
3 By Representative Hurst (Constitutional Amendment)  
4 RFD: Local Legislation  
5 First Read: 16-MAR-17

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ENROLLED, An Act,

Proposing an amendment to Amendment 671 to the Constitution of Alabama of 1901, now appearing as Section 4, Local Amendments, Clay County, Official Recompile of the Constitution of Alabama of 1901, as amended, to prohibit the Sheriff of Clay County from participating in the supernumerary program of the county and to allow the sheriff to elect to participate in the Employees' Retirement System.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

Amendment 671 to the Constitution of Alabama of 1901, now appearing as Section 4, Local Amendments, Clay County, Official Recompile of the Constitution of Alabama of 1901, as amended, is amended to read as follows:

"Amendment 671.

"(a) No elected or appointed Clay County official may assume a supernumerary office after ~~the effective date of this amendment~~ December 13, 2000. Any person who, on ~~the effective date of this amendment~~ December 13, 2000, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which

1 shall include the assumption of a supernumerary office  
2 according to the terms and conditions of the law which  
3 established that supernumerary program. Every elected or  
4 appointed Clay County official may participate in the  
5 Employees' Retirement System of Alabama upon the same terms  
6 and conditions as may be specified by law for any other  
7 employee in the same retirement system, and shall be treated  
8 as an employee of the county. Clay County officials holding  
9 office ~~at the time of the ratification of this amendment~~ on  
10 December 13, 2000, shall be eligible to purchase service  
11 credit in the Employees' Retirement System for the time the  
12 official has served in the current office. No person may  
13 participate in both a supernumerary program and the Employees'  
14 Retirement System based on the same service. For the purposes  
15 of this amendment, the words "elected or appointed Clay County  
16 official" shall include, subject only to express limitation,  
17 any person elected to represent Clay County in any  
18 representative body of the state and includes any person  
19 appointed to serve the remaining term of an elected or  
20 appointed Clay County official. The words do not include a  
21 judge, district attorney, constable, school board member, or  
22 any official elected from a judicial circuit.

23 "(b) A Sheriff of Clay County first elected after  
24 the effective date of the amendment adding this subsection in  
25 a supernumerary program and may participate in the Employees'

1 Retirement System of Alabama upon the same terms and  
2 conditions as may be specified by law for any other employees  
3 in the same retirement system. The Sheriff of Clay County  
4 holding office at the time of the ratification of this  
5 amendment shall be eligible to purchase service credit in the  
6 Employees' Retirement System for the time he or she has served  
7 as sheriff. The sheriff shall forego the assumption of a  
8 supernumerary office and shall make the election within one  
9 year after the ratification date of this amendment."

10           Section 2. An election upon the proposed amendment  
11 shall be held in accordance with Section 284.01 of the  
12 Constitution of Alabama of 1901, as amended, and the election  
13 laws of this state.

14           Section 3. The appropriate election official shall  
15 assign a ballot number for the proposed constitutional  
16 amendment on the election ballot and shall set forth the  
17 following description of the substance or subject matter of  
18 the proposed constitutional amendment:

19           "Relating to Clay County, proposing an amendment to  
20 Amendment 671 to the Constitution of Alabama of 1901, now  
21 appearing as Section 4, Local Amendments, Clay County,  
22 Official Recompilation of the Constitution of Alabama of 1901,  
23 as amended, to prohibit the Sheriff of Clay County from  
24 participating in the supernumerary program of the county and

1 to allow the sheriff to elect to participate in the Employees'  
2 Retirement System.

3 "Proposed by Act \_\_\_\_\_."

4 This description shall be followed by the following  
5 language:

6 "Yes ( ) No ( )."

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 06-APR-17.

Jeff Woodard  
Clerk

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Senate

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27-APR-17

Passed