

1 HB449
2 173352-1
3 By Representative South (N & P) (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 22-MAR-16

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8 SYNOPSIS: Under existing law, elected public officials
9 are prohibited from participating in the Employees'
10 Retirement System. Because of the prohibition,
11 certain elected officials are granted supernumerary
12 status when they retire from public office.

13 This bill would propose an amendment to the
14 Constitution of Alabama of 1901, which would phase
15 out the current supernumerary program for certain
16 elected officials in Fayette County and would allow
17 elected or appointed Fayette County officials to
18 participate in the Employees' Retirement System.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Proposing an amendment to the Constitution of
25 Alabama of 1901, to provide that certain elected public
26 officials in Fayette County may participate in the Employees'

1 Retirement System in lieu of participating in a supernumerary
2 program or system.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the
5 Constitution of Alabama of 1901, is proposed and shall become
6 valid as a part of the Constitution when all requirements of
7 this act are fulfilled:

8 PROPOSED AMENDMENT

9 No person elected or appointed sheriff, or any
10 elected or appointed Fayette County official may assume a
11 supernumerary office after the effective date of this
12 amendment. Any person who, on the effective date of this
13 amendment, is entitled to participate in a supernumerary
14 program may continue to participate in that supernumerary
15 program, which shall include the assumption of a supernumerary
16 office according to the terms and conditions of the law which
17 established that supernumerary program. Every elected or
18 appointed Fayette County official may participate in the
19 Employees' Retirement System of Alabama upon the same terms
20 and conditions as may be specified by law for any other
21 employee in the same retirement system. Fayette County
22 officials holding office at the time of the ratification of
23 this amendment shall be eligible to purchase service credit in
24 the Employees' Retirement System for the time the official has
25 served in the current office. For the purposes of this
26 amendment, the words "elected or appointed county official"
27 shall include, subject only to express limitation, any person

1 holding an office that entitles the person to participate in a
2 supernumerary program and includes any person appointed to
3 serve the remaining term of an elected or appointed county
4 official, but shall not include a judge, district attorney,
5 constable, legislator, school board member, or any official
6 elected from a judicial circuit.

7 Section 2. An election upon the proposed amendment
8 shall be held in accordance with Amendment 555 to the
9 Constitution of Alabama of 1901, and the election laws of this
10 state.

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

16 "Relating to Fayette County, proposing an amendment
17 to the Constitution of Alabama of 1901, to phase out the
18 supernumerary system for certain elected public officials and
19 allow them to participate in the Employees' Retirement System.

20 Proposed by Act _____"

21 This description shall be followed by the following
22 language:

23 "Yes () No ()."