

1 HB243  
2 155912-2  
3 By Representatives Buttram and Henry (Constitutional  
4 Amendment)  
5 RFD: State Government  
6 First Read: 15-JAN-14

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ENROLLED, An Act,

Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected or appointed public officials in Cullman County including the sheriff may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

No elected or appointed Cullman County official including the sheriff may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Cullman County official including the sheriff may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system,

1 and shall be treated as an employee of the county. Cullman  
2 County officials including the sheriff holding office at the  
3 time of the ratification of this amendment shall be eligible  
4 to purchase service credit in the Employees' Retirement System  
5 for the time the official has served in the current office. No  
6 person may participate in both a supernumerary program and the  
7 Employees' Retirement System based on the same service. For  
8 the purposes of this amendment, the words "elected or  
9 appointed Cullman County official" shall include any person  
10 appointed to serve the remaining term of an elected or  
11 appointed Cullman County official. The words do not include a  
12 judge, county commissioner, district attorney, legislator,  
13 constable, school board member, or any official elected from a  
14 judicial circuit.

15 Section 2. An election upon the proposed amendment  
16 shall be held at the 2014 General Election in accordance with  
17 Amendment 555 to the Constitution of Alabama of 1901, now  
18 appearing as Section 284.01 of the Official Recompilation of  
19 the Constitution of Alabama of 1901, as amended, and the  
20 election laws of this state.

21 Section 3. The appropriate election official shall  
22 assign a ballot number for the proposed constitutional  
23 amendment on the election ballot and shall set forth the  
24 following description of the substance or subject matter of  
25 the proposed constitutional amendment:

1                   "Relating to Cullman County, proposing an amendment  
2 to the Constitution of Alabama of 1901, to phase out the  
3 supernumerary system for certain public officials and allow  
4 elected or appointed county officials including the sheriff to  
5 participate in the Employees' Retirement System.

6                   "Proposed by Act \_\_\_\_\_"

7                   This description shall be followed by the following  
8 language:

9                   "Yes ( ) No ( )."

