

1 HB616
2 139808-1
3 By Representatives Buttram, Henry and Oden (Constitutional
4 Amendment)
5 RFD: Local Legislation
6 First Read: 03-APR-12

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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 are retired 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 Cullman County and would allow
17 elected or appointed Cullman County officials, as
18 defined, to participate in the State Employees'
19 Retirement System.

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21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 Proposing an amendment to the Constitution of
26 Alabama of 1901, to provide that certain elected or appointed
27 public officials in Cullman County may participate in the

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

1 the words "elected or appointed Cullman County official" shall
2 include any person appointed to serve the remaining term of an
3 elected or appointed Cullman County official. The words do not
4 include a judge, county commissioner, district attorney,
5 legislator, constable, 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 at the 2012 General Election in accordance with
9 Amendment 555 to the Constitution of Alabama of 1901, now
10 appearing as Section 284.01 of the Official Recompilation of
11 the Constitution of Alabama of 1901, as amended, and the
12 election laws of this state.

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

18 "Relating to Cullman County, proposing an amendment
19 to the Constitution of Alabama of 1901, to phase out the
20 supernumerary system for certain public officials and allow
21 elected or appointed county officials, as defined, to
22 participate in the Employees' Retirement System.

23 "Proposed by Act _____"

24 This description shall be followed by the following
25 language:

26 "Yes () No ()."