

1 HB340  
2 116407-1  
3 By Representatives Page and Galliher (Constitutional  
4 Amendment)  
5 RFD: Local Legislation  
6 First Read: 19-JAN-10

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8 SYNOPSIS: This bill would propose an amendment to the  
9 Constitution of Alabama of 1901, to allow certain  
10 elected or appointed officials in Etowah County to  
11 participate in the Employees' Retirement System in  
12 lieu of participating in a supernumerary program or  
13 system.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 Proposing an amendment to the Constitution of  
20 Alabama of 1901, to provide that certain elected or appointed  
21 public officials in Etowah County may participate in the  
22 Employees' Retirement System in lieu of participating in a  
23 supernumerary program or system.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The following amendment to the  
26 Constitution of Alabama of 1901, is proposed and shall become

1 valid as a part of the Constitution when all requirements of  
2 this act are fulfilled:

3 PROPOSED AMENDMENT

4 No elected or appointed Etowah County official,  
5 including the sheriff, may assume a supernumerary office after  
6 the effective date of this amendment. Any person who, on the  
7 effective date of this amendment, is entitled to participate  
8 in a supernumerary program may continue to participate in that  
9 supernumerary program, which shall include the assumption of a  
10 supernumerary office according to the terms and conditions of  
11 the law which established that supernumerary program. Every  
12 elected or appointed Etowah County official, including the  
13 sheriff, may participate in the Employees' Retirement System  
14 of Alabama upon the same terms and conditions as may be  
15 specified by law for any other employee in the same retirement  
16 system. Etowah County officials, including the sheriff,  
17 holding office at the time of ratification of this amendment  
18 shall be eligible to purchase service credit in the Employees'  
19 Retirement System for the time the official has served in the  
20 current office. No person may participate in both a  
21 supernumerary program and the Employees' Retirement System  
22 based on the same service. For purposes of this amendment, the  
23 words "elected or appointed Etowah County official" do not  
24 include a judge, district attorney, legislator, constable,  
25 school board member, or any official elected from a judicial  
26 circuit.

1           Section 2. An election upon the proposed amendment  
2 shall be held in accordance with Amendment 555 to the  
3 Constitution of Alabama of 1901, now appearing as Section  
4 284.01 of the Official ReCompilation of the Constitution of  
5 Alabama of 1901, as amended, and the election laws of this  
6 state.

7           Section 3. The appropriate election official shall  
8 assign a ballot number for the proposed constitutional  
9 amendment on the election ballot and shall set forth the  
10 following description of the substance or subject matter of  
11 the proposed constitutional amendment:

12           "Relating to Etowah County, proposing an amendment  
13 to the Constitution of Alabama of 1901, to provide that  
14 certain elected or appointed public officials in Etowah County  
15 may participate in the Employees' Retirement System in lieu of  
16 participating in a supernumerary program or system.

17           "Proposed by Act \_\_\_\_\_."

18           This description shall be followed by the following  
19 language:

20           "Yes ( ) No ( )."