

HB71 ENGROSSED



1 HB71
2 MVZIHw1-2
3 By Representative Clouse
4 RFD: Ways and Means General Fund
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



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A BILL

TO BE ENTITLED

AN ACT

Relating to the Retirement Systems of Alabama; to amend Section 36-27-59, Code of Alabama 1975, as amended by Acts 2023-101 and 2023-533 of the 2023 Regular Session, to allow certain emergency medical services personnel to purchase hazardous duty time in the Employees' Retirement System of Alabama in the same manner as certain firefighters, law enforcement officers, and correctional officers purchase hazardous duty time in either the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-27-59 of the Code of Alabama 1975, as amended by Act 2023-101 and Act 2023-533 of the 2023 Regular Session, is amended to read as follows:

"§36-27-59

(a) When used in this section, the following terms ~~shall~~ have the following meanings, unless the context clearly indicates otherwise:

(1) CORRECTIONAL OFFICER. A full-time correctional officer who is certified as a correctional officer by the Alabama Peace Officers' Standards and Training Commission. For



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the purposes of this section, the term also includes the Commissioner of Corrections, as defined in Section 14-1-1.3, and a deputy commissioner of corrections, as defined in Section 14-1-1.5, who has earned and maintains Alabama Peace Officers' Standards and Training Commission certification as a correctional officer or law enforcement officer.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL. Full-time emergency medical services personnel employed by a local unit of the Employees' Retirement System under Section 36-27-6, who are certified as emergency medical services personnel by the State Board of Health.

~~(2)~~ (3) FIREFIGHTER. A full-time firefighter employed with the State of Alabama, a municipal fire department, or a fire district who has a level one minimum standard certification by the Firefighters Personnel Standards and Education Commission, or a firefighter employed by the Alabama Forestry Commission who has been certified by the State Forester as having met the wild land firefighter training standard of the National Wildfire Coordinating Group.

~~(3)~~ (4) LAW ENFORCEMENT OFFICER. A full-time law enforcement officer, not covered as a state policeman, employed with any state agency, department, board, commission, or institution or a full-time law enforcement officer employed by a local unit of the Employees' Retirement System of Alabama under Section 36-27-6 who is certified as a law enforcement officer by the Alabama Peace Officers' Standards and Training Commission.

(b) (1) Any firefighter, law enforcement officer, or



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correctional officer, or other emergency medical services personnel covered under the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama as a Tier I plan member, upon attainment of the requisite years of creditable service or who otherwise qualifies for service or disability retirement, shall be awarded one year of hazardous duty time for every five years of service as a firefighter, a law enforcement officer, or a correctional officer, or other emergency medical services personnel provided that the individual has made the additional contribution provided in subdivision (2) or paid the additional contribution required in subsection (c) for each year of service used in determining hazardous duty time for the individual. Proportional credit shall be awarded for any period of service less than five years.

(2) Effective January 1, 2001, and each pay period thereafter, each active employee who is a firefighter, law enforcement officer, or correctional officer, as defined in subsection (a), shall contribute to the Teachers' or Employees' Retirement System of Alabama six percent ~~-(6%)~~ of his or her earnable compensation. For all pay dates beginning on or after October 1, 2011, each active employee who is a firefighter, law enforcement officer, or correctional officer, as defined in subsection (a), except those employees participating pursuant to Section 36-27-6, shall contribute to the Teachers' or Employees' Retirement System of Alabama eight and one-quarter percent ~~-(8.25%)~~ of his or her earnable compensation. For all pay dates beginning on or after October



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1, 2012, each active employee who is a Tier I plan member and who is a firefighter, law enforcement officer, or correctional officer, as defined in subsection (a), except those employees participating pursuant to Section 36-27-6, shall contribute to the Teachers' or Employees' Retirement System of Alabama eight and one-half percent ~~(8.5%)~~ of his or her earnable compensation. Any employer participating under Section 36-27-6, by adoption of a resolution, may elect for the increases in employee contributions provided by Act 2011-676 to be withheld from the earnable compensation of employees of the employer.

(3) For all pay dates beginning on or after October 1, 2024, all active employees who are considered emergency medical services personnel employed by an employer participating under Section 36-27-6 shall contribute the following:

a. Six percent of their earnable compensation to the Employees' Retirement System of Alabama if their employer has not elected to increase employee contributions as provided by Act 2011-676.

b. Eight and one-half percent of their earnable compensation to the Employees' Retirement System of Alabama if their employer has elected to increase employee contributions as provided by Act 2011-676.

(c) Any member of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama eligible under subsection (b) may receive credit for his or her eligible prior service provided the member pays to the



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Secretary-Treasurer of the Employees' Retirement System of
Alabama or the Secretary-Treasurer of the Teachers' Retirement
System of Alabama one percent ~~-(1%)~~ of his or her current
annual earnable compensation or previous year's annual
earnable compensation, whichever is higher, for each year of
claimed credit. The member may purchase his or her claimed
credit in increments of five years, unless the total service
credit is less than five years, in which case the service
shall be purchased in its entirety. The member shall provide
certification from each employing agency, on forms prescribed
by the Teachers' or Employees' Retirement System of Alabama,
of each year of claimed service, as a prerequisite to payment
under this section.

(d) This section shall not apply to any Tier II plan
member.

(e) The designation of the Commissioner of Corrections
and a deputy commissioner of corrections as correctional
officers or law enforcement officers for purposes of this
section shall be applied retroactively to March 1, 2022."

Section 2. This act shall become effective on October
1, 2024.



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House of Representatives

137 Read for the first time and referred06-Feb-24
138 to the House of Representatives
139 committee on Ways and Means General
140 Fund
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142 Read for the second time and placed21-Feb-24
143 on the calendar:
144 1 amendment
145
146 Read for the third time and passed22-Feb-24
147 as amended
148 Yeas 100
149 Nays 0
150 Abstains 1
151
152
153 John Treadwell
154 Clerk
155