ACT #2017-193 CA

1 HB435

2 180743-2

3 By Representative Hurst (Constitutional Amendment)

4 RFD: Local Legislation

5 First Read: 16-MAR-17

ENROLLED, An Act,

Proposing an amendment to Amendment 671 to the Constitution of Alabama of 1901, now appearing as Section 4, Local Amendments, Clay County, Official Recompilation of the Constitution of Alabama of 1901, as amended, to prohibit the Sheriff of Clay County from participating in the supernumerary program of the county and to allow the sheriff to elect to participate in the Employees' Retirement System.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

Amendment 671 to the Constitution of Alabama of 1901, now appearing as Section 4, Local Amendments, Clay County, Official Recompilation of the Constitution of Alabama of 1901, as amended, is amended to read as follows:

"Amendment 671.

"(a) No elected or appointed Clay County official may assume a supernumerary office after ~~the effective date of this amendment~~ December 13, 2000. Any person who, on ~~the effective date of this amendment~~ December 13, 2000, 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 Clay County official 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, and shall be treated as an employee of the county. Clay County officials holding office ~~at the time of the ratification of this amendment~~ on December 13, 2000, shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Clay County official" shall include, subject only to express limitation, any person elected to represent Clay County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Clay County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit.

"(b) A Sheriff of Clay County first elected after the effective date of the amendment adding this subsection in a supernumerary program and may participate in the Employees'

1 Retirement System of Alabama upon the same terms and
2 conditions as may be specified by law for any other employees
3 in the same retirement system. The Sheriff of Clay County
4 holding office at the time of the ratification of this
5 amendment shall be eligible to purchase service credit in the
6 Employees' Retirement System for the time he or she has served
7 as sheriff. The sheriff shall forego the assumption of a
8 supernumerary office and shall make the election within one
9 year after the ratification date of this amendment."
10 Section 2. An election upon the proposed amendment
11 shall be held in accordance with Section 284.01 of the
12 Constitution of Alabama of 1901, as amended, and the election
13 laws of this state.
14 Section 3. The appropriate election official shall
15 assign a ballot number for the proposed constitutional
16 amendment on the election ballot and shall set forth the
17 following description of the substance or subject matter of
18 the proposed constitutional amendment:
19 "Relating to Clay County, proposing an amendment to
20 Amendment 671 to the Constitution of Alabama of 1901, now
21 appearing as Section 4, Local Amendments, Clay County,
22 Official Recompilation of the Constitution of Alabama of 1901,
23 as amended, to prohibit the Sheriff of Clay County from
24 participating in the supernumerary program of the county and

1 to allow the sheriff to elect to participate in the Employees'
2 Retirement System.
3 "Proposed by Act _____."
4 This description shall be followed by the following
5 language:
6 "Yes ( ) No ( )."

1
2
3 Mac McCutcheon
4 Speaker of the House of Representatives

5 Del Marsh
6 President and Presiding Officer of the Senate

7 House of Representatives
8 I hereby certify that the within Act originated in
9 and was passed by the House 06-APR-17.
10
11 Jeff Woodard
12 Clerk
13

14
15
16 Senate 27-APR-17 Passed
17

Alabama Secretary Of State

Act Num....: 2017-193
Bill Num...: H-435

Recv'd 05/02/17 02:30pmKCW

P.A ORIGINAL
House Bill No. 435 (At length)

Hurst

DIST. NO.

SPONSORS

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HOUSE ACTION

DATE: 3-16	2017
RD 1 RFD Loc Leg	

REPORT OF STANDING COMMITTEE
This bill having been referred by the House to its standing committee on Local Legislation was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) ____ w/sub ____ this 4th day of April, 2017.
Alan Baker, Chairperson

DATE: 4-4	2017
RF At length	RD 2 CAL

DATE:	20__
RE-REFERRED ☐	RE-COMMITTED ☐
Committee ____	

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 435.
YEAS ____ NAYS ____

SENATE ACTION

DATE: 4-6	2017
RD 1 RFD LL	

This Bill was referred to the Standing Committee of the Senate on Local Legislation and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) — w/sub — w/eng sub — by a vote of yeas — nays — abstain — this 13th day of April 2017
O, Chairperson

DATE: 4-13	2017
RF FD	RD 2 ✓ CAL ☐

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 435.
YEAS 26 NAYS 0
PATRICK HARRIS, Secretary

DATE: 4-27-17	RD 3 at length
PASSED ✓	PASSED AS AMENDED ☐

YEAS 26 NAYS 0
And was ordered returned forthwith to the House.
PATRICK HARRIS, Secretary

DATE:	20__
INDEFINITELY POSTPONED YEAS	NAYS