

ACT #2018-

37

CA

1 HB168

2 187100-2

3 By Representative Hurst (Constitutional Amendment)

4 RFD: Local Legislation

5 First Read: 11-JAN-18

1
2 ENROLLED, An Act,

3 Proposing an amendment to Amendment 671 to the
4 Constitution of Alabama of 1901, now appearing as Section 4,
5 Local Amendments, Clay County, Official ReCompilation of the
6 Constitution of Alabama of 1901, as amended, to prohibit the
7 Sheriff of Clay County from participating in the supernumerary
8 program of the county and to allow the sheriff to elect to
9 participate in the Employees' Retirement System; and repealing
10 Act 2017-193 (2017 Regular Session).

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 PROPOSED AMENDMENT

16 Amendment 671 to the Constitution of Alabama of
17 1901, now appearing as Section 4, Local Amendments, Clay
18 County, Official ReCompilation of the Constitution of Alabama
19 of 1901, as amended, is amended to read as follows:

20 "Amendment 671.

21 "(a) No elected or appointed Clay County official
22 may assume a supernumerary office after ~~the effective date of~~
23 ~~this amendment~~ December 13, 2000. Any person who, on the
24 ~~effective date of this amendment~~ December 13, 2000, is
25 entitled to participate in a supernumerary program may

1 continue to participate in that supernumerary program, which
2 shall include the assumption of a supernumerary office
3 according to the terms and conditions of the law which
4 established that supernumerary program. Every elected or
5 appointed Clay County official may participate in the
6 Employees' Retirement System of Alabama upon the same terms
7 and conditions as may be specified by law for any other
8 employee in the same retirement system, and shall be treated
9 as an employee of the county. Clay County officials holding
10 office ~~at the time of the ratification of this amendment on~~
11 December 13, 2000, shall be eligible to purchase service
12 credit in the Employees' Retirement System for the time the
13 official has served in the current office. No person may
14 participate in both a supernumerary program and the Employees'
15 Retirement System based on the same service. For the purposes
16 of this amendment, the words "elected or appointed Clay County
17 official" shall include, subject only to express limitation,
18 any person elected to represent Clay County in any
19 representative body of the state and includes any person
20 appointed to serve the remaining term of an elected or
21 appointed Clay County official. The words do not include a
22 judge, district attorney, constable, school board member, or
23 any official elected from a judicial circuit.

24 "(b) A Sheriff of Clay County first elected after
25 the ratification date of the amendment adding this subsection

1 may not participate in a supernumerary program and may
2 participate in the Employees' Retirement System of Alabama
3 upon the same terms and conditions as may be specified by law
4 for any other employees in the same retirement system. The
5 Sheriff of Clay County holding office at the time of the
6 ratification date of the amendment adding this subsection
7 shall be eligible to purchase service credit in the Employees'
8 Retirement System for the time he or she has served as
9 sheriff. The sheriff shall forego the assumption of a
10 supernumerary office and shall make the election within one
11 year after the ratification date of the amendment adding this
12 subsection."

13 Section 2. Act 2017-193 of the 2017 Regular Session
14 is repealed.

15 Section 3. An election upon the proposed amendment
16 shall be held in accordance with Section 284.01 of the
17 Constitution of Alabama of 1901, as amended, and the election
18 laws of this state.

19 Section 4. The appropriate election official shall
20 assign a ballot number for the proposed constitutional
21 amendment on the election ballot and shall set forth the
22 following description of the substance or subject matter of
23 the proposed constitutional amendment:

24 "Relating to Clay County, proposing an amendment to
25 Amendment 671 to the Constitution of Alabama of 1901, now

1 appearing as Section 4, Local Amendments, Clay County,
2 Official Recompile of the Constitution of Alabama of 1901,
3 as amended, to prohibit the Sheriff of Clay County from
4 participating in the supernumerary program of the county and
5 to allow the sheriff to elect to participate in the Employees'
6 Retirement System.

7 "Proposed by Act _____."

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

10 "Yes () No ()."

1
2
3 Mac McClatchey

4 Speaker of the House of Representatives

5 Del Mar

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 18-JAN-18.

10
11 Jeff Woodard
12 Clerk
13

14
15
16 Senate

01-FEB-18

Passed

Alabama Secretary Of State

Act Num.....: 2018-37
Bill Num....: H-168

Recv'd 02/01/18 12:42pSLF

SPONSOR	Hurst	DIST. NO.	(35)
SPONSORS			
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JEFF WOODARD, Clerk	HOUSE ACTION	DATE: 1-11	2018
		RD 1 RFD	LL

DATE: 20	RECONSIDERED	YEAS	NAYS
	SENATE ACTION		
DATE: 1-18	RD 1 RFD	2018	

REPORT OF STANDING COMMITTEE
This bill having been referred by the House to its standing committee on Local Government 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 14th day of January 20 18.
Alan Baker, Chairperson

DATE: 1-16	2018
RF: AALENGAN	RD 2 CAL

DATE: 20	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 168.
YEAS 38 NAYS 0

This Bill was referred to the Standing Committee of the Senate on LL1
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 30th day of January 20 18
Donald Dial, Chairperson

DATE: 1-30	2018
RF: FAV	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 168.
YEAS 21 NAYS 0
PATRICK HARRIS, Secretary

DATE: 2-1-18	RD 3 at length
PASSED	PASSED AS AMENDED

YEAS 21 NAYS 0
And was ordered returned forthwith to the House.
PATRICK HARRIS, Secretary

DATE: 20	INDEFINITELY POSTPONED	YEAS	NAYS
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