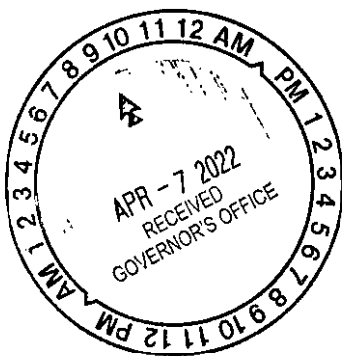


ACT #2022 - 348

1 HB346
2 217404-2
3 By Representative Ellis
4 RFD: County and Municipal Government
5 First Read: 15-FEB-22



1
2 ENROLLED, An Act,

3 Relating to the Employees' Retirement System of
4 Alabama; to amend Section 36-27-6.5, Code of Alabama 1975, to
5 remove the date limitation on a participating local employer
6 for electing to provide to its Tier II plan members the same
7 retirement benefits as provided to Tier I plan members.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 36-27-6.5 of the Code of Alabama
10 1975, is amended to read as follows;

11 "§36-27-6.5.

12 "(a) Any employer participating in the Employees'
13 Retirement System of Alabama pursuant to Section 36-27-6, ~~may,~~
14 by adoption of a resolution ~~by May 8, 2021,~~ may elect to
15 provide to its Tier II plan members the same retirement
16 benefits provided to Tier I plan members. Provided, however,
17 the Employees' Retirement System Board of Control, based on a
18 staff review of the historical compliance with ERS
19 requirements as well as the financial stability of the local
20 government entity, may elect to deny the election authorized
21 ~~herein~~ in this section. The local entity may petition the
22 Board of Control for a reconsideration of its action ~~by May 8,~~
23 ~~2021~~. The election shall be irrevocable and shall be effective
24 at the beginning of the fiscal year following the date the
25 resolution is received by the ERS.

1 "(b) Any employer that has not increased the Tier I
2 member contribution rates as provided in Act 2011-676 shall
3 develop a plan to gradually increase the member contribution
4 rates as provided ~~herein~~ in this section. The plan shall be
5 submitted to the Employees' Retirement System before electing
6 to provide Tier II plan members the same retirement benefits
7 as Tier I plan members. Beginning in the month the election to
8 provide Tier II plan members the same retirement benefits
9 provided to Tier I plan members becomes effective, Tier II
10 plan members shall contribute to the Employees' Retirement
11 System seven and one-half percent of their earnable
12 compensation and Tier II plan members who are firefighters,
13 law enforcement officers, or correctional officers, as defined
14 in Section 36-27-59(a), shall contribute to the Employees'
15 Retirement System eight and one-half percent of their earnable
16 compensation.

17 "(c) Anything in this article to the contrary
18 notwithstanding, in the application of the provisions of
19 Sections 36-27-16 and 16-25-14 to a member whose creditable
20 service includes periods of service to different Tier plans,
21 the benefit rates of each respective Tier plan will be
22 applicable to the creditable service earned while in each
23 respective Tier plan. In all other respects, the pension under
24 this subsection shall be determined on the basis of the

1 member's Tier plan at the time of his or her withdrawal from
2 service."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.

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Mac McClatchey

Speaker of the House of Representatives



President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 01-MAR-22.

Jeff Woodard
Clerk

Senate

06-APR-22

Passed

APPROVED 4-13-2022

TIME 2:00 pm

Kay Ivey
GOVERNOR

Alabama Secretary Of State
Act Num....: 2022-348
Bill Num...: H-346
Recv'd 04/13/22 03:53pmSLF

1 Ellis 41
 CO-SPONSORS

- 2 28
- 3 29
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DATE: 2-15 2022
 RD 1 RFD CA MG

REPORT OF STANDING COMMITTEE
 This bill having been referred by the House to its standing committee on CA MG 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 23rd day of February, 20 22.
[Signature] Chairperson

DATE: 2-23 2022
 RF 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 346.
 YEAS 101 NAYS 0
 JEFF WOODARD,
 Clerk

FURTHER HOUSE ACTION (OVER)

DATE: 3-1
 RD 1 RFD GA

This Bill was referred to the Standing Committee the Senate on G/A and was acted upon by such Committee session and is by order of the Committee returned therefrom with a favorable recommendation w/amd(s) w/sub w/eng sub by a vote of 7 years 37 nays 0 abstain this 8th day of March, 20 22.
[Signature] Chairperson

DATE: 3-8
 RF RD 2 CA

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

DATE: 4-6-22 RD 3 at
 PASSED PASSED AS AMENDED

YEAS 32 NAYS 0
 And was ordered returned forthwith to the House
 PATRICK HARRIS
 Sec

DATE: _____
 INDEFINITELY POSTPONED YEARS _____ NA _____
 DATE: _____
 RECONSIDERED YEARS _____ NA _____

FURTHER SENATE ACTION (OVER)