



ACT #2023 - 101

- 1 07OSWW-2
- 2 By Representative Lovvorn
- 3 RFD: Ways and Means General Fund
- 4 First Read: 07-Mar-23
- 5 PFD: 06-Mar-23
- 6 2023 Regular Session





HB66 Enrolled

1 Enrolled, An Act,

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4 Relating to the Retirement Systems of Alabama; to amend

5 Section 36-27-59, Code of Alabama 1975, to remove the time

6 limit for purchasing hazardous duty time for prior eligible

7 service for certain firefighters, law enforcement officers,

8 and correctional officers covered under the Employees'

9 Retirement System or the Teachers' Retirement System as Tier I
10 plan members.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 36-27-59 of the Code of Alabama

13 1975, is amended to read as follows:

14 "§36-27-59

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

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

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



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

37 (b)(1) Any firefighter, law enforcement officer, or
38 correctional officer covered under the Employees' Retirement
39 System or the Teachers' Retirement System as a Tier I plan
40 member, upon attainment of the requisite years of creditable
41 service or who otherwise qualifies for service or disability
42 retirement, shall be awarded one year of hazardous duty time
43 for every five years of service as a firefighter, a law
44 enforcement officer, or a correctional officer provided that
45 the person has made the additional contribution provided in
46 subdivision (2) or paid the additional contribution required
47 in subsection (c) for each year of service used in determining
48 hazardous duty time for the person. Proportional credit shall
49 be awarded for any period of service less than five years.

50 (2) Effective January 1, 2001, and each pay period
51 thereafter, each active employee who is a firefighter, law
52 enforcement officer, or correctional officer, as defined in
53 subsection (a), shall contribute to the Teachers' or
54 Employees' Retirement System of Alabama six percent of his or
55 her earnable compensation. For all pay dates beginning on or
56 after October 1, 2011, each active employee who is a



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57 firefighter, law enforcement officer, or correctional officer,
58 as defined in subsection (a), except those employees
59 participating pursuant to Section 36-27-6, shall contribute to
60 the Teachers' or Employees' Retirement System of Alabama eight
61 and one-quarter percent (8.25%) of his or her earnable
62 compensation. For all pay dates beginning on or after October
63 1, 2012, each active employee who is a Tier I plan member and
64 who is a firefighter, law enforcement officer, or correctional
65 officer, as defined in subsection (a), except those employees
66 participating pursuant to Section 36-27-6, shall contribute to
67 the Teachers' or Employees' Retirement System of Alabama eight
68 and one-half percent (8.5%) of his or her earnable
69 compensation. Any employer participating under Section
70 36-27-6, by adoption of a resolution, may elect for the
71 increases in employee contributions provided by Act 2011-676
72 to be withheld from the earnable compensation of employees of
73 the employer.

74 (c) Any member of the Employees' Retirement System or
75 the Teachers' Retirement System eligible under subsection (b)
76 may receive credit for his or her eligible prior service
77 provided the member pays to the Secretary-Treasurer of the
78 Employees' Retirement System or the Secretary-Treasurer of the
79 Teachers' Retirement System one percent of his or her current
80 annual earnable compensation or previous year's annual
81 earnable compensation, whichever is higher, for each year of
82 claimed credit ~~within two years of January 1, 2001, except~~
83 ~~that any firefighter employed by the Alabama Forestry~~
84 ~~Commission shall make such payment within two years of~~



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85 ~~December 28, 2001. Any member participating in the Employees'~~
86 ~~Retirement System under Section 36-27-6, who has eligible~~
87 ~~prior service under this section and who also had no prior~~
88 ~~eligibility to purchase prior service credit under this~~
89 ~~subsection, may purchase prior service credit under this~~
90 ~~section at the same rate provided in subsection (b) within one~~
91 ~~year of the effective date of his or her enrollment with the~~
92 ~~Employees' Retirement System or within one year of August 1,~~
93 ~~2004. The member may purchase his or her claimed credit in~~
94 ~~increments of five years, unless the total service credit is~~
95 ~~less than five years, in which case the service shall be~~
96 ~~purchased in its entirety. The member shall provide~~
97 ~~certification from each employing agency, on forms prescribed~~
98 ~~by the Teachers' or Employees' Retirement System, of each year~~
99 ~~of claimed service, as a prerequisite to payment under this~~
100 ~~section.~~

101 (d) The provisions of this section shall not apply to
102 any Tier II plan member."

103 Section 2. This act shall become effective on the first
104 day of the third month following its passage and approval by
105 the Governor, or its otherwise becoming law.



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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 04-Apr-23.

John Treadwell
Clerk

Senate

25-Apr-23

Passed

APPROVED 5-3-2023

TIME 3:45 pm

GOVERNOR

Alabama Secretary Of State

Act Num....: 2023-101
Bill Num....: H-66

Recv'd 05/04/23 08:55amSLF

SPONSORS

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DATE: 3-7 2023
 RD 1 RFD WUNGF

REPORT OF STANDING COMMITTEE
 This bill having been referred by the House to its standing committee on WUNGF 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 22nd day of March, 2023.
RR, Chair

DATE: 3-22 2023
 RF FAU RD 2 CAL

DATE: _____ 20____
 RE-REFERRED RE-COMMITTED
 Committee _____

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 666.
 YEARS 107 NAYS 0
JOHN TREADWELL,
 Clerk

FURTHER HOUSE ACTION (OVER)

DATE: 4-4 2023
 RD 1 RFD FATG

This Bill was referred to the Standing Committee of the Senate on FATG 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 years 14 nays 0 abstain this 4th day of April, 2023.
[Signature], Chair

DATE: 4-12 2023
 RF FAU RD2 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 660.
 YEARS 32 NAYS 0
PATRICK HARRIS,
 Secretary

DATE: 4-25-23 RD 3 at length
 PASSED PASSED AS AMENDED

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

DATE: _____ 20____
 INDEFINITELY POSTPONED YEARS NAYS

DATE: _____ 20____
 RECONSIDERED YEARS NAYS

FURTHER SENATE ACTION (OVER)