



- 1 HGT068-2
- 2 By Representative Reynolds
- 3 RFD: Ways and Means General Fund
- 4 First Read: 07-Mar-23
- 5 2023 Regular Session

ACT #2023 - 334





HB41 Enrolled

1 Enrolled, An Act,

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4 Relating to the Employees' Retirement System; to amend
5 Section 36-27-8.2, Code of Alabama 1975, to temporarily permit
6 certain retired individuals performing duties as school
7 resource officers or as correctional officers to serve without
8 suspension of his or her retirement allowance.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 36-27-8.2 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§36-27-8.2

13 (a) Any person who is retired under the Employees'
14 Retirement System may perform duties in any capacity,
15 including as an independent contractor, with any employer
16 participating in the Employees' Retirement System or the
17 Teachers' Retirement System without suspension of his or her
18 retirement allowance provided that (1) the person is not
19 employed in a permanent full-time capacity and (2) the
20 person's compensation from the employer in calendar year 2016
21 does not exceed thirty thousand dollars (\$30,000). Beginning
22 in calendar year 2017, and each calendar year thereafter, the
23 annual earning limit shall be increased by the same percentage
24 increase as the increase in the Consumer Price Index for all
25 urban consumers as published by the U.S. Department of Labor,
26 Bureau of Labor Statistics. Any increase in the annual earning
27 limit shall be rounded to the next lowest multiple of one
28 thousand dollars (\$1,000) with any amount in excess of the one



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thousand dollar (\$1,000) multiple considered in determining the increase for the following year. Each adjustment shall be based on the increase in the index for the preceding 12-month period ending on September 30 and the increase shall be effective for the following calendar year.

(b) Any person serving as an elected official who has retired from the Employees' Retirement System may serve for compensation in an elected public office with the state, a county, or an incorporated municipality without suspension of retirement benefits; provided that under no circumstances shall such a person participate in or accrue additional benefits under the Teachers' Retirement System or the Employees' Retirement System, and provided that under no circumstances shall a person whose retirement is based upon service as an elected official continue in or return to such office and receive both pension benefits and salary; provided further, that this subsection shall apply to elected officials whose participation in the Teachers' Retirement System or the Employees' Retirement System is constitutionally required to be upon the same terms and conditions as specified by law for other employees in the retirement system if such elected official's compensation does not exceed the annual earning limits provided in subsection (a).

(c) The responsibility for compliance with the provision of this section is placed upon the employing authority, and each retiree performing duties under this section shall certify to the employer any information required in order to carry out this section. The retiree shall provide



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written notice of the postretirement employment under this section to the Employees' Retirement System and employing authority within 30 days after the date the retiree knows or should know that he or she will be performing duties on a full-time or permanent basis or will earn an amount in excess of the annual earning limit under this section.

(d) (1) Any individual who is retired under the Employees' Retirement System, has the applicable Alabama Peace Officers' Standards and Training certification, and was classified as a law enforcement officer, as defined in Section 36-27-59 prior to retirement, may perform duties as either a school resource officer, as defined in Section 16-1-44.1, or a correctional officer with the Department of Corrections without suspension of his or her retirement allowance provided that the compensation earned does not exceed fifty-two thousand dollars (\$52,000) per year:

(2) Any individual who is retired under the Employees' Retirement System, has the applicable Alabama Peace Officers' Standards and Training certification, and meets either of the following criteria, may perform duties as a correctional officer with the Department of Corrections without suspension of his or her retirement allowance provided that the compensation earned does not exceed fifty-two thousand dollars (\$52,000) per year:

a. Was classified as a law enforcement officer, as defined in Section 36-27-59, prior to retirement.

b. Was classified as a correctional officer, as defined in Section 36-27-59, prior to retirement, and retired pursuant



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85 to paragraph c. of Section 36-27-16(a)(1).

86 (3) No individual may be employed pursuant to this
87 subsection after December 31, 2026."

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



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[Signature]

Speaker of the House of Representatives

[Signature]

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 18-May-23 Passed

APPROVED

5-31-2023

TIME

12:50 pm

[Signature]
GOVERNOR

Alabama Secretary Of State

Act Num....: 2023-334
Bill Num....: H-41

Recv'd 05/31/23 01:32pmSLF

SPONSOR

DIST. NO.

HOUSE ACTION

SENATE ACTION

7-31-6

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DATE: 3.7 2023
RD 1 RFD WAGF

REPORT OF STANDING COMMITTEE
This bill having been referred by the House to its standing committee on WAGF 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 28th day of March, 2023.
John Treadwell, Chair

DATE: 3.22 2023
RF 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 41
YEAS 104 NAYS 0
JOHN TREADWELL,
Clerk

FURTHER HOUSE ACTION (OVER)

DATE: 4-4 2023
RD 1 RFD F+TG

This Bill was referred to the Standing Committee of the Senate on F+TG 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) 1 w/sub 1 w/eng sub _____ by a vote of 13 yeas 1 nays 1 abstain this 10th day of May, 2023.
Patrick Harris, Chair

DATE: 5-11 2023
RF CAU (sub) 1 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 41
YEAS 41 NAYS 0
PATRICK HARRIS,
Secretary

DATE: 5-18-23 RD 3 at length
PASSED ☐ PASSED AS AMENDED ☒

YEAS 31 NAYS 0
And was ordered returned forthwith to the House
PATRICK HARRIS,
Secretary

DATE: 20
INDEFINITELY POSTPONED YEAS NAYS

DATE: 20
RECONSIDERED YEAS NAYS

FURTHER SENATE ACTION (OVER)