

HB46 INTRODUCED



- 1 XDBG77-1
- 2 By Representative Treadaway
- 3 RFD: Ways and Means General Fund
- 4 First Read: 07-Mar-23
- 5 PFD: 23-Feb-23



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

This bill would permit any individual retired under the Employees' Retirement System, who was classified as a law enforcement officer, to perform duties as a school resource officer without suspension of his or her retirement allowance.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-27-8.2, Code of Alabama 1975, relating to the Employees' Retirement System, to permit any individual retired under the Employees' Retirement System, who was previously classified as a law enforcement officer, to perform duties as a school resource officer without suspension of his or her retirement allowance.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-17-8.2 of the Code of Alabama 1975, is amended to read as follows:

"§36-27-8.2

(a) Any person who is retired under the Employees' Retirement System may perform duties in any capacity, including as an independent contractor, with any employer



HB46 INTRODUCED

29 participating in the Employees' Retirement System or the
30 Teachers' Retirement System without suspension of his or her
31 retirement allowance provided that (1) the person is not
32 employed in a permanent full-time capacity and (2) the
33 person's compensation from the employer in calendar year 2016
34 does not exceed thirty thousand dollars (\$30,000). Beginning
35 in calendar year 2017, and each calendar year thereafter, the
36 annual earning limit shall be increased by the same percentage
37 increase as the increase in the Consumer Price Index for all
38 urban consumers as published by the U.S. Department of Labor,
39 Bureau of Labor Statistics. Any increase in the annual earning
40 limit shall be rounded to the next lowest multiple of one
41 thousand dollars (\$1,000) with any amount in excess of the one
42 thousand dollar (\$1,000) multiple considered in determining
43 the increase for the following year. Each adjustment shall be
44 based on the increase in the index for the preceding 12-month
45 period ending on September 30 and the increase shall be
46 effective for the following calendar year.

47 (b) Any person serving as an elected official who has
48 retired from the Employees' Retirement System may serve for
49 compensation in an elected public office with the state, a
50 county, or an incorporated municipality without suspension of
51 retirement benefits; provided that under no circumstances
52 shall ~~such~~ a person participate in or accrue additional
53 benefits under the Teachers' Retirement System or the
54 Employees' Retirement System, and provided that under no
55 circumstances shall a person whose retirement is based upon
56 service as an elected official continue in or return to ~~such~~



HB46 INTRODUCED

57 the office and receive both pension benefits and salary;
58 provided further, that this subsection shall apply to elected
59 officials whose participation in the Teachers' Retirement
60 System or the Employees' Retirement System is constitutionally
61 required to be upon the same terms and conditions as specified
62 by law for other employees in the retirement system if ~~such~~
63 the elected official's compensation does not exceed the annual
64 earning limits provided in subsection (a).

65 (c) The responsibility for compliance with ~~the~~
66 ~~provision of this section~~ subsection (a) and subsection (b) is
67 placed upon the employing authority, and each retiree
68 performing duties under ~~this section~~ those subsections shall
69 certify to the employer any information required in order to
70 carry out ~~this section~~ those subsections. The retiree shall
71 provide written notice of the postretirement employment under
72 ~~this section~~ those subsections to the Employees' Retirement
73 System and employing authority within 30 days after the date
74 the retiree knows or should know that he or she will be
75 performing duties on a full-time or permanent basis or will
76 earn an amount in excess of the annual earning limit under
77 this section.

78 (d) Any individual who is retired under the Employees'
79 Retirement System and was classified as a law enforcement
80 officer, as defined in Section 36-27-59(a), may perform duties
81 as a school resource officer, as defined in Section 16-1-44.1,
82 without suspension of his or her retirement allowance in any
83 capacity with no annual earning limit."

84 Section 2. This act shall become effective immediately



HB46 INTRODUCED

85 following its passage and approval by the Governor, or its
86 otherwise becoming law.