



**House Ways and Means General Fund Reported
Substitute for HB589**

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A BILL
TO BE ENTITLED
AN ACT

Relating to the District Attorneys' Plan and the Judges' and Clerks' Plan; to amend Sections 12-17-227.3 and 12-18-153, Code of Alabama 1975; to allow members of those plans to purchase withdrawn service from those plans.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-17-227.3 and 12-18-153 of the Code of Alabama 1975, are amended to read as follows:

"§12-17-227.3

(a) Any active and contributing member of the District Attorneys' Plan who, not more than one year prior to becoming a member of the plan was a member of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama, may elect to transfer his or her membership service and accumulated contributions in the Employees' Retirement System or the Teachers' Retirement System to the District Attorneys' Plan.

(b) Any active and contributing member desiring to transfer any membership service and accumulated contributions under subsection (a) shall notify the Board of Control of the Employees' Retirement System of his or her election to



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29 transfer membership service and shall authorize the transfer
30 of the amount of his or her accumulated contributions to his
31 or her credit in the Employees' Retirement System or Teachers'
32 Retirement System to his or her account in the District
33 Attorneys' Plan.

34 (c) The Board of Control transferring the membership
35 service and contributions shall thereupon certify to the Board
36 of Control of the Employees' Retirement System and to the fund
37 the amount of contributions and service creditable to the
38 member at the time of separation from the transferring
39 retirement system. The member shall be credited in the fund
40 with the membership service and accumulated contributions so
41 certified.

42 (d) Any active and contributing member of the District
43 Attorneys' Plan who has previously withdrawn his or her funds
44 from the Employees' Retirement System, the Teachers'
45 Retirement System, the Judges' and Clerks' Plan, or the
46 District Attorneys' Plan or whose account has been terminated
47 due to five years absence shall have restored to him or her
48 all creditable service; provided, that the member shall
49 complete two years of contributing membership service after
50 becoming a member of The Judicial Retirement Fund and shall
51 repay the amount previously returned to him or her, including
52 compounded interest of eight percent annually to the date of
53 repayment, to the treasurer of the retirement system prior to
54 the date of retirement of the member. Notwithstanding the
55 foregoing, any member who elects to purchase credit for
56 withdrawn service shall be eligible to purchase the credit



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57 only to the extent that the member does not have credit
58 established with any other public retirement system for the
59 same period of service. Should any member have established
60 part credit with another public retirement system for any
61 period of withdrawn service, then that member shall only be
62 eligible to purchase that portion of the withdrawn service for
63 which the member does not otherwise have credit. In
64 determining credit with other public retirement systems,
65 coverage under the federal Social Security program may not be
66 considered.

67 ~~(d)~~ (e) Anything in this division to the contrary
68 notwithstanding, in the application of the foregoing
69 provisions of this section to a member whose membership
70 service includes a period of service as a district attorney
71 and a period of service in another employment classification,
72 the benefit rates applicable to a district attorney shall
73 apply to all membership service as a district attorney, and
74 the benefit rates applicable to the member's other employment
75 classification shall apply to membership service in such other
76 classification. In all other respects, the pension under this
77 section shall be determined on the basis of the member's
78 employment classification at the time of his or her withdrawal
79 from service."

80 "§12-18-153

81 (a) Any active and contributing member of the Judges'
82 and Clerks' Plan who, not more than one year prior to becoming
83 a member of the plan was a member of the Employees' Retirement
84 System of Alabama or the Teachers' Retirement System of



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85 Alabama, may elect to transfer his or her membership service
86 and accumulated contributions in the Employees' Retirement
87 System or the Teachers' Retirement System to the Judges' and
88 Clerks' Plan.

89 (b) Any active and contributing member desiring to
90 transfer any membership service and accumulated contributions
91 under subsection (a) shall notify the Board of Control of the
92 Employees' Retirement System of his or her election to
93 transfer membership service and shall authorize the transfer
94 of the amount of his or her accumulated contributions to his
95 or her credit in the Employees' Retirement System or Teachers'
96 Retirement System to his or her account in the Judges' and
97 Clerks' Plan.

98 (c) The Board of Control transferring the membership
99 service and contributions shall thereupon certify to the Board
100 of Control of the Employees' Retirement System and to the fund
101 the amount of contributions and service creditable to the
102 member at the time of separation from the transferring
103 retirement system. The member shall be credited in the fund
104 with the membership service and accumulated contributions so
105 certified.

106 (d) Any active and contributing member of the Judges'
107 and Clerks' Plan who has previously withdrawn his or her funds
108 from the Employees' Retirement System, the Teachers'
109 Retirement System, the Judges' and Clerks' Plan, or the
110 District Attorneys' Plan or whose account has been terminated
111 due to five years absence shall have restored to him or her
112 all creditable service; provided, that the judge or clerk



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113 shall complete two years of contributing membership service
114 after becoming a member of the Judicial Retirement Fund and
115 shall repay the amount previously returned to him or her,
116 including compounded interest of eight percent annually to the
117 date of repayment, to the treasurer of the retirement system
118 prior to the date of retirement of the judge or clerk.
119 Notwithstanding the foregoing, any member who elects to
120 purchase credit for withdrawn service shall be eligible to
121 purchase the credit only to the extent that the member does
122 not have credit established with any other public retirement
123 system for the same period of service. Should any member have
124 established part credit with another public retirement system
125 for any period of withdrawn service, then the member shall
126 only be eligible to purchase that portion of the withdrawn
127 service for which the member does not otherwise have credit.
128 In determining credit with other public retirement systems,
129 coverage under the federal Social Security program may not be
130 considered.

131 ~~(d)~~ (e) Anything in this article to the contrary
132 notwithstanding, in the application of the foregoing
133 provisions of this section to a member whose membership
134 service includes a period of service as a judge or clerk and a
135 period of service in another employment classification, the
136 benefit rates applicable to a judge or clerk shall apply to
137 all membership service as a judge or clerk, and the benefit
138 rates applicable to the member's other employment
139 classification shall apply to membership service in such other
140 classification. In all other respects, the pension under this



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141 section shall be determined on the basis of the member's
142 employment classification at the time of his or her withdrawal
143 from service."

144 Section 2. This act shall become effective on October
145 1, 2026.