

**HB66 ENROLLED**



1 O7OSWW-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

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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

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Senate

**25-Apr-23**

Passed