

HB71 ENGROSSED



1 HB71
2 MVZIHw1-2
3 By Representative Clouse
4 RFD: Ways and Means General Fund
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



HB71 Engrossed

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A BILL
TO BE ENTITLED
AN ACT

Relating to the Retirement Systems of Alabama; to amend Section 36-27-59, Code of Alabama 1975, as amended by Acts 2023-101 and 2023-533 of the 2023 Regular Session, to allow certain emergency medical services personnel to purchase hazardous duty time in the Employees' Retirement System of Alabama in the same manner as certain firefighters, law enforcement officers, and correctional officers purchase hazardous duty time in either the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-27-59 of the Code of Alabama 1975, as amended by Act 2023-101 and Act 2023-533 of the 2023 Regular Session, is amended to read as follows:

"§36-27-59

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

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



HB71 Engrossed

29 the purposes of this section, the term also includes the
30 Commissioner of Corrections, as defined in Section 14-1-1.3,
31 and a deputy commissioner of corrections, as defined in
32 Section 14-1-1.5, who has earned and maintains Alabama Peace
33 Officers' Standards and Training Commission certification as a
34 correctional officer or law enforcement officer.

35 (2) EMERGENCY MEDICAL SERVICES PERSONNEL. Full-time
36 emergency medical services personnel employed by a local unit
37 of the Employees' Retirement System under Section 36-27-6, who
38 are certified as emergency medical services personnel by the
39 State Board of Health.

40 ~~(2)~~ (3) FIREFIGHTER. A full-time firefighter employed
41 with the State of Alabama, a municipal fire department, or a
42 fire district who has a level one minimum standard
43 certification by the Firefighters Personnel Standards and
44 Education Commission, or a firefighter employed by the Alabama
45 Forestry Commission who has been certified by the State
46 Forester as having met the wild land firefighter training
47 standard of the National Wildfire Coordinating Group.

48 ~~(3)~~ (4) LAW ENFORCEMENT OFFICER. A full-time law
49 enforcement officer, not covered as a state policeman,
50 employed with any state agency, department, board, commission,
51 or institution or a full-time law enforcement officer employed
52 by a local unit of the Employees' Retirement System of Alabama
53 under Section 36-27-6 who is certified as a law enforcement
54 officer by the Alabama Peace Officers' Standards and Training
55 Commission.

56 (b) (1) Any firefighter, law enforcement officer, or



HB71 Engrossed

57 correctional officer, or other emergency medical services
58 personnel covered under the Employees' Retirement System of
59 Alabama or the Teachers' Retirement System of Alabama as a
60 Tier I plan member, upon attainment of the requisite years of
61 creditable service or who otherwise qualifies for service or
62 disability retirement, shall be awarded one year of hazardous
63 duty time for every five years of service as a firefighter, a
64 law enforcement officer, or a correctional officer, or other
65 emergency medical services personnel provided that the
66 individual has made the additional contribution provided in
67 subdivision (2) or paid the additional contribution required
68 in subsection (c) for each year of service used in determining
69 hazardous duty time for the individual. Proportional credit
70 shall be awarded for any period of service less than five
71 years.

72 (2) Effective January 1, 2001, and each pay period
73 thereafter, each active employee who is a firefighter, law
74 enforcement officer, or correctional officer, as defined in
75 subsection (a), shall contribute to the Teachers' or
76 Employees' Retirement System of Alabama six percent ~~(6%)~~ of
77 his or her earnable compensation. For all pay dates beginning
78 on or after October 1, 2011, each active employee who is a
79 firefighter, law enforcement officer, or correctional officer,
80 as defined in subsection (a), except those employees
81 participating pursuant to Section 36-27-6, shall contribute to
82 the Teachers' or Employees' Retirement System of Alabama eight
83 and one-quarter percent ~~(8.25%)~~ of his or her earnable
84 compensation. For all pay dates beginning on or after October



HB71 Engrossed

85 1, 2012, each active employee who is a Tier I plan member and
86 who is a firefighter, law enforcement officer, or correctional
87 officer, as defined in subsection (a), except those employees
88 participating pursuant to Section 36-27-6, shall contribute to
89 the Teachers' or Employees' Retirement System of Alabama eight
90 and one-half percent ~~(8.5%)~~ of his or her earnable
91 compensation. Any employer participating under Section
92 36-27-6, by adoption of a resolution, may elect for the
93 increases in employee contributions provided by Act 2011-676
94 to be withheld from the earnable compensation of employees of
95 the employer.

96 (3) For all pay dates beginning on or after October 1,
97 2024, all active employees who are considered emergency
98 medical services personnel employed by an employer
99 participating under Section 36-27-6 shall contribute the
100 following:

101 a. Six percent of their earnable compensation to the
102 Employees' Retirement System of Alabama if their employer has
103 not elected to increase employee contributions as provided by
104 Act 2011-676.

105 b. Eight and one-half percent of their earnable
106 compensation to the Employees' Retirement System of Alabama if
107 their employer has elected to increase employee contributions
108 as provided by Act 2011-676.

109 (c) Any member of the Employees' Retirement System of
110 Alabama or the Teachers' Retirement System of Alabama eligible
111 under subsection (b) may receive credit for his or her
112 eligible prior service provided the member pays to the



HB71 Engrossed

113 Secretary-Treasurer of the Employees' Retirement System of
114 Alabama or the Secretary-Treasurer of the Teachers' Retirement
115 System of Alabama one percent ~~-(1%)~~ of his or her current
116 annual earnable compensation or previous year's annual
117 earnable compensation, whichever is higher, for each year of
118 claimed credit. The member may purchase his or her claimed
119 credit in increments of five years, unless the total service
120 credit is less than five years, in which case the service
121 shall be purchased in its entirety. The member shall provide
122 certification from each employing agency, on forms prescribed
123 by the Teachers' or Employees' Retirement System of Alabama,
124 of each year of claimed service, as a prerequisite to payment
125 under this section.

126 (d) This section shall not apply to any Tier II plan
127 member.

128 (e) The designation of the Commissioner of Corrections
129 and a deputy commissioner of corrections as correctional
130 officers or law enforcement officers for purposes of this
131 section shall be applied retroactively to March 1, 2022."

132 Section 2. This act shall become effective on October
133 1, 2024.



HB71 Engrossed

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House of Representatives

Read for the first time and referred06-Feb-24
to the House of Representatives
committee on Ways and Means General
Fund
Read for the second time and placed21-Feb-24
on the calendar:
1 amendment
Read for the third time and passed22-Feb-24
as amended
Yeas 100
Nays 0
Abstains 1

John Treadwell
Clerk