

SB342 INTRODUCED



1 SB342
2 TYEC955-1
3 By Senator Beasley
4 RFD: Veterans and Military Affairs
5 First Read: 25-Apr-24



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SYNOPSIS:

Under existing law, for purposes of state retirement benefits, a K9 police officer employed by the Department of Corrections is not considered a state police officer.

Under existing law, a state police officer receives a larger state employee retirement benefit than a K9 police officer.

This bill would classify a K9 police officer as a state police officer.

This bill would apply to any K9 police officer who retired on or after January 1, 2022.

A BILL
TO BE ENTITLED
AN ACT

Relating to state employees' retirement; to amend Section 36-27-1, as last amended by Act 2023-73, 2023 Regular Session, Code of Alabama 1975, to classify a K9 police officer as a state police officer; and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-27-1, as last amended by Act



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29 2023-73, 2023 Regular Session, Code of Alabama 1975, is
30 amended to read as follows:

31 "§36-27-1

32 When used in this article, the following terms ~~shall~~
33 have the following meanings, respectively, unless the context
34 clearly indicates otherwise:

35 (1) RETIREMENT SYSTEM. The Employees' Retirement System
36 of Alabama as defined in Section 36-27-2.

37 (2) EMPLOYEE. Any regular employee of the State of
38 Alabama whose salary is paid by state warrant by the state,
39 except a member of the Legislature of the state, a person who
40 is covered or eligible to be covered under the Teachers'
41 Retirement System of Alabama or any other retirement system to
42 which contributions are made by the state, an elective
43 official of the state government, and a temporary employee or
44 person engaged under retainer or special agreement. In all
45 cases of doubt the Board of Control shall determine who is an
46 employee within the meaning of this article. The term shall
47 include any regular employee of the Alabama state hospitals
48 and Partlow State School and Hospital and the Alabama State
49 Port Authority, however paid.

50 (3) EMPLOYER. The State of Alabama or any department,
51 commission, institution, or any other agency of and within the
52 state by which an employee is paid, including employers as
53 provided in Section 36-27-6.

54 (4) MEMBER. Any employee included in the membership of
55 the system as provided in Section 36-27-4.

56 (5) BOARD OF CONTROL. The board provided for in Section



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57 36-27-23 to administer the retirement system.

58 (6) MEDICAL BOARD. The board of physicians provided for
59 in Section 36-27-23.

60 (7) SERVICE. Service as an employee paid for by an
61 employer.

62 (8) PRIOR SERVICE. Service rendered prior to the date
63 of establishment of the retirement system for which credit is
64 allowable under Section 36-27-11.

65 (9) MEMBERSHIP SERVICE. Service as an employee rendered
66 while a member of the retirement system and on account of
67 which contributions are made.

68 (10) CREDITABLE SERVICE. "Prior service" plus
69 "membership service" rendered since last becoming a member.

70 (11) BENEFICIARY. Any person in receipt of a pension,
71 an annuity, a retirement allowance, or other benefit as
72 provided by this article.

73 (12) REGULAR INTEREST. Interest compounded annually at
74 the rate determined by the Board of Control in accordance with
75 subsection (f) of Section 36-27-25.

76 (13) ACCUMULATED CONTRIBUTIONS. The sum of all the
77 amounts deducted from the compensation of a member credited to
78 his or her individual account in the Annuity Savings Fund,
79 together with regular interest thereon, as provided in Section
80 36-27-24.

81 (14) EARNABLE COMPENSATION. The full rate of
82 compensation that would be payable to an employee if he or she
83 worked the full normal work-time. In cases where compensation
84 includes maintenance, the Board of Control shall fix the value



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85 of that part of the compensation not paid in money. Earnable
86 compensation shall not exceed the limitations imposed by
87 Section 401(a)(17) of the Internal Revenue Code for public
88 pension funds, except that any employee who was a member of
89 the Employees' Retirement System before the first plan year
90 beginning after December 31, 1995, shall not be subject to the
91 earning limitations set forth in Section 401(a)(17). For Tier
92 I plan members, the term earnable compensation for retirement
93 purposes shall not include subsistence payments that are made
94 to a member and shall include overtime payments that are made
95 to a member; however, earnable compensation shall not exceed
96 120 percent of any ~~members'~~member's annual base compensation
97 as certified by the employer. For Tier II plan members,
98 earnable compensation shall include overtime payments that are
99 made to the member but shall not include subsistence payments
100 that are made to the member and shall not exceed one hundred
101 twenty-five percent (125%) of the member's annual base
102 compensation, as certified by the employer.

103 (15) AVERAGE FINAL COMPENSATION. For any Tier I plan
104 member, the average annual compensation of the member, with
105 respect to which he or she had made contributions pursuant to
106 subsection (b) of Section 36-27-24 during the three years, in
107 his or her last 10 years of creditable service for which the
108 average is highest or during his or her entire period of
109 creditable service if less than three years; except, that for
110 any period prior to November 1, 1959, the compensation used in
111 computing the average shall include compensation in excess of
112 the maximum amount with respect to which members were required



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113 to contribute. For any Tier II plan member, the average annual
114 compensation of the member, with respect to which he or she
115 has made contributions pursuant to subsection (b) of Section
116 36-27-24 during the five years, in his or her last 10 years of
117 creditable service for which the average is highest or during
118 his or her entire period of creditable service if less than
119 five years.

120 (16) ANNUITY. Payments for life derived from the
121 "accumulated contributions" of a member. All annuities shall
122 be payable in equal monthly installments.

123 (17) PENSION. Payments for life derived from money
124 provided by the employer. All pensions shall be payable in
125 equal monthly installments.

126 (18) RETIREMENT ALLOWANCE. The sum of the "annuity" and
127 the "pension."

128 (19) RETIREMENT. Withdrawal from active service with a
129 retirement allowance or optional benefit in lieu thereof
130 granted under this article.

131 (20) ANNUITY RESERVE. The present value of all payments
132 to be made on account of any annuity or benefit in lieu of any
133 annuity computed upon the basis of the mortality tables
134 adopted by the Board of Control and regular interest.

135 (21) PENSION RESERVE. The present value of all payments
136 to be made on account of any pension or benefit in lieu of any
137 pension computed upon the basis of the mortality tables
138 adopted by the Board of Control and regular interest.

139 (22) ACTUARIAL EQUIVALENT. A benefit of equal value
140 when computed upon the basis of the mortality tables adopted



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141 by the Board of Control and regular interest.

142 (23) STATE POLICEMAN. An employee in the classified
143 service under the Merit System Act approved by the State
144 Personnel Board to perform the duties of highway patrolman ~~or~~,
145 a beverage control agent, or a crime investigator. The term
146 includes any employee of the Alabama State Law Enforcement
147 Agency who is certified by the Alabama Peace Officers'
148 Standards and Training Commission and performs law enforcement
149 duties. The term shall not include a member employed as a
150 policeman under Section 36-27-6. Effective for any employee
151 retired on or after January 1, 2022, the term also includes an
152 employee of the Alabama Department of Corrections who performs
153 the duties of a K9 police officer.

154 (24) TIER I PLAN. The defined benefit pension plan
155 provided by the Retirement System to Tier I plan members.

156 (25) TIER II PLAN. The defined benefit pension plan
157 provided by the Retirement System to Tier II plan members.

158 (26) TIER I PLAN MEMBER. Any member of the Retirement
159 System who had service for which he or she received credit in
160 the Employees' Retirement System or in the Teachers'
161 Retirement System prior to January 1, 2013.

162 (27) TIER II PLAN MEMBER. Any member of the Retirement
163 System who first began eligible employment with an Employees'
164 Retirement System or a Teachers' Retirement System
165 participating employer on or after January 1, 2013, and who
166 had no eligible service in the Employees' Retirement System or
167 the Teachers' Retirement System prior to January 1, 2013."

168 Section 2. This act shall become effective on June 1,



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169 2024.