

1 HB655
2 118367-1
3 By Representative Black
4 RFD: Government Operations
5 First Read: 02-MAR-10

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8 SYNOPSIS: This bill would allow a supernumerary
9 circuit clerk to be eligible to receive retirement
10 benefits.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT
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16 To amend Section 36-27-8.2, Code of Alabama 1975,
17 relating to persons retired from the Employees' Retirement
18 System, to allow a supernumerary circuit clerk to be eligible
19 to receive retirement benefits.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 36-27-8.2, Code of Alabama 1975,
22 is amended to read as follows:

23 "§36-27-8.2.

24 "(a) Any person who is retired under the Employees'
25 Retirement System may perform duties in any capacity with any
26 employer participating in the Employees' Retirement System or
27 the Teachers' Retirement System without suspension of his or

1 her retirement allowance provided that (1) the person is not
2 employed in a permanent full-time capacity and (2) the
3 person's compensation from the employer in calendar year 2000
4 does not exceed \$17,000. Beginning in calendar year 2001, and
5 each calendar year thereafter, the annual earning limit shall
6 be increased by the same percentage increase as the increase
7 in the Consumer Price Index for all urban consumers as
8 published by the U.S. Department of Labor, Bureau of Labor
9 Statistics. Any increase in the annual earning limit shall be
10 rounded to the next lowest multiple of \$1,000 with any amount
11 in excess of the \$1,000 multiple considered in determining the
12 increase for the following year. Each adjustment shall be
13 based on the increase in the index for the preceding 12-month
14 period ending on September 30 and the increase shall be
15 effective for the following calendar year.

16 "(b) Any person serving as an elected official who
17 has retired from the Employees' Retirement System may serve
18 for compensation in an elected public office with the state, a
19 county, or an incorporated municipality without suspension of
20 retirement benefits; provided that under no circumstances
21 shall such a person participate in or accrue additional
22 benefits under the Teachers' Retirement System or the
23 Employees' Retirement System, and provided that under no
24 circumstances shall a person whose retirement is based upon
25 service as an elected official continue in or return to such
26 office and receive both pension benefits and salary; provided
27 further, that this subsection shall apply to elected officials

1 whose participation in the Teachers' Retirement System or the
2 Employees' Retirement System is constitutionally required to
3 be upon the same terms and conditions as specified by law for
4 other employees in the retirement system if such elected
5 official's compensation does not exceed the annual earning
6 limits provided in subsection (a).

7 "(c) The responsibility for compliance with the
8 provision of this section is placed upon the employing
9 authority, and each employee employed under this section shall
10 certify to the employer any information required in order to
11 carry out this section.

12 "(d) Any person retired from any state-funded
13 retirement program and serving as a supernumerary circuit
14 clerk shall be eligible to receive retirement benefits in
15 addition to benefits under the clerks' and registers'
16 supernumerary program, provided that such person has not
17 received credit in the Retirement Systems for any period used
18 to qualify for benefits under the clerks' and registers'
19 supernumerary program."

20 Section 2. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.