

1 HB479
2 138543-1
3 By Representative Boman
4 RFD: State Government
5 First Read: 06-MAR-12

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8 SYNOPSIS: Under existing law, circuit judges and
9 district judges in the Judicial Retirement Fund
10 cannot purchase credit for up to four years of
11 active full-time military service.

12 This bill would make such provision with
13 limitations.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To amend Section 36-27-49.3 of the Code of Alabama
20 1975, relating to the purchase of military credit in the
21 Judicial Retirement Fund; to allow circuit judges and district
22 judges to purchase credit for up to four years of active
23 full-time military service with limitations.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 36-27-49.3 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§36-27-49.3.

1 "(a) Whenever used in this section, all words and
2 phrases defined in Section 36-27-1 and Section 16-25-1 and
3 Title 12, Chapter 18, shall have the same meanings ascribed to
4 them in such sections and chapter, unless the context clearly
5 indicates that a different meaning is intended.

6 "(b) Any active and contributing member of the
7 Employees' or Teachers' Retirement System or any circuit,
8 district, or appellate judge in the Judicial Retirement Fund
9 who has met the minimum vesting requirements under said
10 systems and who has honorable duty consisting of active
11 full-time military service in the armed forces of the United
12 States, exclusive of any summer or weekend service in a
13 reserve or national guard component of any branch of the armed
14 forces, and who has not received credit for such service
15 toward retirement status in the Employees' or Teachers'
16 Retirement System or any appellate judge in the Judicial
17 Retirement Fund or any other public pension fund including the
18 U.S. armed forces, but excluding the federal Social Security
19 program, may be granted by the Board of Control, membership
20 service for up to four years of such service in the armed
21 forces, provided the member received an honorable discharge on
22 account of such service and provided further said member
23 complies with the provisions set forth in subsection (d) of
24 this section.

25 "(c) For a period of six months only following April
26 21, 1992, any active and contributing member of the Employees'
27 or Teachers' Retirement System of Alabama who has been such a

1 member for six consecutive years or more and who has honorable
2 duty consisting of active full-time military service in the
3 armed forces of the United States, exclusive of any summer or
4 weekend service in a reserve or national guard component of
5 any branch of the armed forces, and who has not received
6 credit for such service toward retirement status in the
7 Employees' or Teachers' Retirement System or any other public
8 pension fund including the U.S. armed forces, but excluding
9 the federal Social Security program, may be granted by the
10 Board of Control, membership service for up to four years of
11 such service in the armed forces, provided the member received
12 an honorable discharge on account of such service and provided
13 further said member complies with the provisions set forth in
14 subsection (d) of this section.

15 "(d) Any member eligible to claim and purchase such
16 credit for service under subsection (b) or (c) of this section
17 shall be awarded creditable service under the Employees' or
18 Teachers' Retirement System or any appellate judge in the
19 Judicial Retirement Fund of Alabama provided he or she, or his
20 or her spouse pursuant to subsection (c) only, shall pay into
21 said retirement system or fund, prior to said member's date of
22 retirement, a sum equal to the full actuarially determined
23 cost for each year of service credit, as determined by the
24 system's actuary."

25 Section 2. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

