

1 HB671
2 135692-3
3 By Representatives Wren and Hubbard (J) (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 10-APR-12

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ENROLLED, An Act,

Relating to the Employees' Retirement System of the City of Montgomery; to amend Section 7 of Act 2009-473, 2009 Regular Session (Acts 2009, p. 839), to authorize the mayor to raise the current employee contribution with board approval.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 7 of Act 2009-473, 2009 Regular Session (Acts 2009, p. 839), is amended to read as follows:

"Section 7. All of the assets of the system shall be credited, according to the purpose for which they are held, among three accounts, namely, the Members' Account, the Accumulation Account and the Expenses Account.

"(1) Members' Account.

"(a) The Members' Account shall be the account in which shall be held the accumulated contributions of members.

"(b) The board shall cause to be deducted from the compensation of each member on each and every payroll six percent of the member's earnable compensation. Notwithstanding the foregoing, the mayor may increase the member contribution amount by up to one percent annually not to exceed eight percent of the member's earnable compensation with approval of the board. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a

1 payroll period as continuing throughout the payroll period,
2 and it may omit deduction from compensation of any period less
3 than a full payroll period.

4 "(c) The deductions provided for herein shall be
5 made notwithstanding that the minimum compensation provided by
6 law for any member shall be reduced thereby. Every member
7 shall be deemed to consent and agree to the deductions made
8 and provided for herein and shall receipt for his full salary
9 or compensation, and payment of salary or compensation less
10 said deduction shall be a full and complete discharge and
11 acquittance of all claims and demands whatsoever for the
12 services rendered by such person during the period covered by
13 such payment, except as to the benefits provided under this
14 act.

15 "(d) The proper authority or officer responsible for
16 making up the payroll shall certify to the board the amounts
17 deducted on each and every payroll, and each of such amounts
18 shall be paid into the Members' Account and credited to the
19 individual account of the member from whose compensation the
20 deduction was made.

21 "(e) The accumulated contributions of a member paid
22 upon his death or withdrawn by him, as provided in this act,
23 shall be paid from the Members' Account. Upon the retirement
24 of a member, his accumulated contributions shall be

1 transferred from the Members' Account to the Accumulation
2 Account.

3 "(2) Accumulation Account.

4 "(a) The Accumulation Account shall be the account
5 in which shall be accumulated all contributions made by the
6 city to provide benefits under the system and from which shall
7 be paid all retirement allowances and other benefits under the
8 system, other than those payable from the Members' Account.

9 "Regular Contributions by the City

10 "(b) On account of each member there shall be paid
11 annually into the Accumulation Account a certain percentage of
12 the compensation of each member to be known as the normal
13 contribution, and an additional percentage of his compensation
14 to be known as the accrued liability contribution. The rates
15 per centum of such contribution shall be fixed on the basis of
16 the liabilities of the system as shown by actuarial valuation.

17 "(c) The normal rates of contribution shall be
18 determined after each actuarial valuation. During the period
19 over which the accrued liability contributions are payable,
20 the normal rates of contribution shall be determined, on the
21 basis of regular interest and the tables last adopted by the
22 board, as the uniform and constant percentages of the
23 compensation of the average new entrant Group I and Group I-A,
24 or Group II member, as the case may be, which, if contributed
25 on the basis of the prospective compensation of such new

1 entrant throughout his entire period of active service, would
2 be sufficient to provide for the payment of the portion of any
3 retirement allowance or other benefit payable on his account
4 not provided by his own contributions. After the accrued
5 liability contributions have ceased to be payable, the normal
6 contribution rate shall be the rate per centum of the
7 compensation of all members obtained by deducting from the
8 total liabilities of the Accumulation Account the amount of
9 the funds in hand standing to the credit of the Accumulation
10 Account, and dividing the remainder by one per centum of the
11 present value of the future compensations of all members, as
12 computed at regular interest on the basis of the tables last
13 adopted by the board.

14 "(d) The accrued liability contribution rates shall
15 be computed as the rate per centum of the total annual
16 compensation of all Group I and Group I-A, or Group II
17 members, as the case may be, which is equivalent to 4 3/4% of
18 the amount of the total liabilities of the Accumulation
19 Account on account of such members and their beneficiaries in
20 excess of the funds in hand held on their account in the
21 Accumulation Account, which is not dischargeable by the
22 aforesaid normal contributions made on account of such members
23 during the remainder of their active service.

24 "(e) The total amount payable by the city in each
25 year to the Accumulation Account shall be not less than the

1 sum of the rates per centum known as the normal contribution
2 rate and the accrued liability contribution rate, of the total
3 compensation of all members in Group I, I-A, and in Group II,
4 respectively, during the preceding year; provided, however,
5 that the amount of each annual accrued liability contribution
6 shall be at least 3% greater than the preceding annual accrued
7 liability contributions, and that the aggregate payment shall
8 be sufficient, when combined with the amount in the account,
9 to provide the retirement allowances and other benefits
10 payable to members and beneficiaries during the year then
11 current.

12 "(f) The accrued liability contributions shall be
13 discontinued as soon as the amount of the funds standing to
14 the credit of the Accumulation Account shall equal the present
15 value, as actuarially computed and approved by the board, of
16 the total liabilities of the account on account of all members
17 and beneficiaries less the present value of the normal
18 contributions to be received at the normal rates then in force
19 on account of persons who are at that time members.

20 "Interest

21 "(g) All interest and dividends earned on the funds
22 of the system shall be credited to the Accumulation Account.

23 "(h) Regular interest shall mean interest at the per
24 centum rate or rates compounded annually as shall be
25 determined by the board from time to time.

1 "Benefits payable from Accumulation Account

2 "(i) All retirement allowances to beneficiaries, and
3 benefits in lieu thereof, shall be paid from the Accumulation
4 Account.

5 "(3) Expense Account

6 "The Expense Account shall be the account from which
7 shall be paid all the expenses necessary in connection with
8 the administration and operation of the system. Persons
9 assigned to and working for the Retirement System shall be
10 employees of the City of Montgomery, and their salaries and
11 other accrued benefits for such employees shall be paid
12 proportionately by the City of Montgomery, and the City of
13 Montgomery Airport Authority, based upon each organization's
14 relative percentage of covered member payroll. All other
15 expenses and costs incurred in connection with the
16 administration and operation of the retirement system,
17 including, but not limited to, the fees and costs paid to the
18 retirement system's investment trustees and advisors, shall be
19 the sole responsibility of, and shall be paid by, the
20 retirement system itself from its investment income.

21 "(4) Appropriations

22 "On or before the first day of June of each year the
23 board shall file with the council its certification of the
24 amount of the appropriation necessary to pay the normal and
25 accrued liability contributions to the retirement fund for the

1 ensuing year, and the amount of appropriation required to
2 cover the expenses necessary in connection with the
3 administration and operation of the system, and such amounts
4 shall be included in the budget, in accordance with legal
5 budget procedure.

6 "(5) Member Contributions

7 "(a) Contributions which the board causes pursuant
8 to Section 7(1) to be deducted from the compensation of each
9 member employee and contributed to the member's account under
10 the act shall be treated for purposes of Section 414(h) (2) of
11 the Internal Revenue Code as being paid by the city in lieu of
12 contributions by any such member employee.

13 "(b) The member employee contributions which are
14 picked up will continue to be designated employee compensation
15 for determining the amount of the contribution to be so picked
16 up; the total amount of the contribution of each member
17 employee to the Employees' Retirement System of the City of
18 Montgomery shall not be reduced by this section; the amount of
19 the retirement allowance of each member shall not be affected
20 by this section, no other changes in the method of computation
21 and transmittal of these picked up employee contributions
22 shall be affected by this section; and the total amount paid
23 to and on behalf of each member employee will not be increased
24 or decreased by this section.

1 "(c) The procedure whereby the member employees
2 contribution to the Employees' Retirement System of the City
3 of Montgomery is picked up shall apply equally to each and
4 every such employee who participates in the Employees'
5 Retirement System of the City of Montgomery; no employee shall
6 be given any option concerning this pick up; and this
7 procedure of pick up shall be mandatory on all member
8 employees.

9 "(d) Forfeitures, if any, arising from severance of
10 employment, death, or for any other reason, may not be used to
11 increase benefits for employee members or their beneficiaries
12 who would otherwise receive under the Employees' Retirement
13 System of the City of Montgomery at any time prior to
14 termination of the Employees' Retirement System of the City of
15 Montgomery or the complete discontinuance of city
16 contributions. Forfeitures, if any, are to be used as soon as
17 possible to reduce subsequent city contributions."

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

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Speaker of the House of Representatives

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 26-APR-12.

Greg Pappas
Clerk

Senate

09-MAY-12

Passed