

**SB129 INTRODUCED**



1     JI9ZNY-1  
2     By Senator Singleton  
3     RFD: Judiciary  
4     First Read: 22-Mar-23  
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SYNOPSIS:

This bill would designate the Commissioner of Corrections and deputy commissioners of corrections who have earned and maintain APOSTC certification as correctional officers or law enforcement officers for the purposes of state retirement.

This bill would also retroactively apply the designation.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Employees' Retirement System of Alabama; to amend Section 36-27-59, Code of Alabama 1975, to designate the Commissioner of Corrections and deputy commissioners of corrections who have earned and maintain APOSTC certification as correctional officers or law enforcement officers for state retirement purposes; and to provide that the designation is retroactive.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-27-59 of the Code of Alabama 1975, is amended to read as follows:

"§36-27-59



## SB129 INTRODUCED

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

32 (1) CORRECTIONAL OFFICER. A full-time correctional  
33 officer who is certified as a correctional officer by the  
34 Alabama Peace Officers' Standards and Training Commission. For  
35 the purposes of this section, the term also includes the  
36 Commissioner of Corrections, as defined in Section 14-1-1.3,  
37 and a deputy commissioner of corrections, as defined in  
38 Section 14-1-1.5, who has earned and maintains Alabama Peace  
39 Officers' Standards and Training Commission certification as a  
40 correctional officer or law enforcement officer.

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

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



## SB129 INTRODUCED

57 (b) (1) Any firefighter, law enforcement officer, or  
58 correctional officer covered under the Employees' Retirement  
59 System or the Teachers' Retirement System as a Tier I plan  
60 member, upon attainment of the requisite years of creditable  
61 service or who otherwise qualifies for service or disability  
62 retirement, shall be awarded one year of hazardous duty time  
63 for every five years of service as a firefighter, a law  
64 enforcement officer, or a correctional officer provided that  
65 the person has made the additional contribution provided in  
66 subdivision (2) or paid the additional contribution required  
67 in subsection (c) for each year of service used in determining  
68 hazardous duty time for the person. Proportional credit shall  
69 be awarded for any period of service less than five years.

70 (2) Effective January 1, 2001, and each pay period  
71 thereafter, each active employee who is a firefighter, law  
72 enforcement officer, or correctional officer, as defined in  
73 subsection (a), shall contribute to the Teachers' or  
74 Employees' Retirement System of Alabama six percent of his or  
75 her earnable compensation. For all pay dates beginning on or  
76 after October 1, 2011, each active employee who is a  
77 firefighter, law enforcement officer, or correctional officer,  
78 as defined in subsection (a), except those employees  
79 participating pursuant to Section 36-27-6, shall contribute to  
80 the Teachers' or Employees' Retirement System of Alabama eight  
81 and one-quarter percent (8.25%) of his or her earnable  
82 compensation. For all pay dates beginning on or after October  
83 1, 2012, each active employee who is a Tier I plan member and  
84 who is a firefighter, law enforcement officer, or correctional



## SB129 INTRODUCED

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

94 (c) Any member of the Employees' Retirement System or  
95 the Teachers' Retirement System eligible under subsection (b)  
96 may receive credit for his or her eligible prior service  
97 provided the member pays to the Secretary-Treasurer of the  
98 Employees' Retirement System or the Secretary-Treasurer of the  
99 Teachers' Retirement System one percent of his or her current  
100 annual earnable compensation or previous year's annual  
101 earnable compensation, whichever is higher, for each year of  
102 claimed credit within two years of January 1, 2001, except  
103 that any firefighter employed by the Alabama Forestry  
104 Commission shall make such payment within two years of  
105 December 28, 2001. Any member participating in the Employees'  
106 Retirement System under Section 36-27-6, who has eligible  
107 prior service under this section and who also had no prior  
108 eligibility to purchase prior service credit under this  
109 subsection, may purchase prior service credit under this  
110 section at the same rate provided in subsection (b) within one  
111 year of the effective date of his or her enrollment with the  
112 Employees' Retirement System or within one year of August 1,



## SB129 INTRODUCED

113 2004. The member may purchase his or her claimed credit in  
114 increments of five years, unless the total service credit is  
115 less than five years, in which case the service shall be  
116 purchased in its entirety. The member shall provide  
117 certification from each employing agency, on forms prescribed  
118 by the Teachers' or Employees' Retirement System, of each year  
119 of claimed service, as a prerequisite to payment under this  
120 section.

121 (d) The provisions of this section shall not apply to  
122 any Tier II plan member.

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

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