

1 HB168
2 187100-1
3 By Representative Hurst (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 11-JAN-18

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8 SYNOPSIS: This bill would propose an amendment to
9 Amendment 671 to the Constitution of Alabama of
10 1901, now appearing as Section 4, Local Amendments,
11 Clay County, Official Recompilation of the
12 Constitution of Alabama of 1901, as amended, to
13 prohibit the Sheriff of Clay County from
14 participating in the supernumerary program of the
15 county and to allow the sheriff to elect to
16 participate in the Employees' Retirement System.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Proposing an amendment to Amendment 671 to the
23 Constitution of Alabama of 1901, now appearing as Section 4,
24 Local Amendments, Clay County, Official Recompilation of the
25 Constitution of Alabama of 1901, as amended, to prohibit the
26 Sheriff of Clay County from participating in the supernumerary
27 program of the county and to allow the sheriff to elect to

1 participate in the Employees' Retirement System; and repealing
2 Act 2017-193 (2017 Regular Session).

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment is proposed and
5 shall become valid as a part of the Constitution when all
6 requirements of this act are fulfilled:

7 PROPOSED AMENDMENT

8 Amendment 671 to the Constitution of Alabama of
9 1901, now appearing as Section 4, Local Amendments, Clay
10 County, Official ReCompilation of the Constitution of Alabama
11 of 1901, as amended, is amended to read as follows:

12 "Amendment 671.

13 "(a) No elected or appointed Clay County official
14 may assume a supernumerary office after ~~the effective date of~~
15 ~~this amendment~~ December 13, 2000. Any person who, on ~~the~~
16 ~~effective date of this amendment~~ December 13, 2000, is
17 entitled to participate in a supernumerary program may
18 continue to participate in that supernumerary program, which
19 shall include the assumption of a supernumerary office
20 according to the terms and conditions of the law which
21 established that supernumerary program. Every elected or
22 appointed Clay County official may participate in the
23 Employees' Retirement System of Alabama upon the same terms
24 and conditions as may be specified by law for any other
25 employee in the same retirement system, and shall be treated
26 as an employee of the county. Clay County officials holding
27 office ~~at the time of the ratification of this amendment~~ on

1 December 13, 2000, shall be eligible to purchase service
2 credit in the Employees' Retirement System for the time the
3 official has served in the current office. No person may
4 participate in both a supernumerary program and the Employees'
5 Retirement System based on the same service. For the purposes
6 of this amendment, the words "elected or appointed Clay County
7 official" shall include, subject only to express limitation,
8 any person elected to represent Clay County in any
9 representative body of the state and includes any person
10 appointed to serve the remaining term of an elected or
11 appointed Clay County official. The words do not include a
12 judge, district attorney, constable, school board member, or
13 any official elected from a judicial circuit.

14 "(b) A Sheriff of Clay County first elected after
15 the ratification date of the amendment adding this subsection
16 may not participate in a supernumerary program and may
17 participate in the Employees' Retirement System of Alabama
18 upon the same terms and conditions as may be specified by law
19 for any other employees in the same retirement system. The
20 Sheriff of Clay County holding office at the time of the
21 ratification date of the amendment adding this subsection
22 shall be eligible to purchase service credit in the Employees'
23 Retirement System for the time he or she has served as
24 sheriff. The sheriff shall forego the assumption of a
25 supernumerary office and shall make the election within one
26 year after the ratification date of the amendment adding this
27 subsection."

1 Section 2. Act 2017-193 of the 2017 Regular Session
2 is repealed.

3 Section 3. An election upon the proposed amendment
4 shall be held in accordance with Section 284.01 of the
5 Constitution of Alabama of 1901, as amended, and the election
6 laws of this state.

7 Section 4. The appropriate election official shall
8 assign a ballot number for the proposed constitutional
9 amendment on the election ballot and shall set forth the
10 following description of the substance or subject matter of
11 the proposed constitutional amendment:

12 "Relating to Clay County, proposing an amendment to
13 Amendment 671 to the Constitution of Alabama of 1901, now
14 appearing as Section 4, Local Amendments, Clay County,
15 Official Recompilation of the Constitution of Alabama of 1901,
16 as amended, to prohibit the Sheriff of Clay County from
17 participating in the supernumerary program of the county and
18 to allow the sheriff to elect to participate in the Employees'
19 Retirement System.

20 "Proposed by Act _____."

21 This description shall be followed by the following
22 language:

23 "Yes () No ()."