

1 HB200  
2 183041-1  
3 By Representatives Knight and McClammy  
4 RFD: Ways and Means General Fund  
5 First Read: 11-JAN-18

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, a member of the Clerks'  
9 and Registers' Supernumerary Fund is not allowed to  
10 transfer his or her creditable service and  
11 accumulated contributions to the Teachers'  
12 Retirement System, the Employees' Retirement  
13 System, or the Judicial Retirement Fund is not open  
14 to members of the Clerks' and Registers'  
15 Supernumerary Fund.

16 This bill would allow a member of the  
17 Clerks' and Registers' Supernumerary Fund to  
18 transfer his or her creditable service and  
19 accumulated contributions to the Teachers'  
20 Retirement System, the Employees' Retirement  
21 System, or the Judicial Retirement Fund.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           To amend Sections 12-18-110, 16-25-4, and 36-27-12.1  
2 of the Code of Alabama 1975, relating to retirement; to allow  
3 a member of the Clerks' and Registers' Supernumerary Fund to  
4 transfer where appropriate his or her creditable service and  
5 accumulated contributions to the Teachers' Retirement System,  
6 the Employees' Retirement System, or the Judicial Retirement  
7 Fund.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Sections 12-18-110, 16-25-4, and  
10 36-27-12.1 of the Code of Alabama 1975, are amended to read as  
11 follows:

12           "§12-18-110.

13           "(a) Any member of the Judicial Retirement Fund,  
14 who, not more than one year prior to becoming a member of the  
15 Judicial Retirement Fund, was a member of the Clerks' and  
16 Registers' Supernumerary Fund, the Employees' Retirement  
17 System of Alabama, or the Teachers' Retirement System of  
18 Alabama may elect to transfer to the Judicial Retirement Fund  
19 his or her creditable service and accumulated contributions in  
20 the Employees' or Teachers' Retirement System, as provided in  
21 this article.

22           "(b) (1) Any member desiring to transfer any  
23 creditable service and contributions shall notify the Board of  
24 Control of the Employees' Retirement System within one year  
25 after he or she becomes a member of the Judicial Retirement  
26 Fund, or, if a member of the fund on May 19, 1993, then,  
27 within one year after May 19, 1993, of his or her election to

1 transfer the creditable service and shall authorize transfer  
2 of the amount of his or her accumulated contributions to his  
3 or her credit in the Employees' or Teachers' Retirement System  
4 to his or her account in the Judicial Retirement Fund.

5 "(2) A member of the Judicial Retirement Fund who  
6 elects to transfer his or her contributions from the Clerks'  
7 and Registers' Supernumerary Fund may receive credit in the  
8 Judicial Retirement Fund for the contributions by paying the  
9 full actuarially determined cost minus the amount of the  
10 contributions.

11 "(c) The Board of Control transferring the  
12 creditable service and contributions shall thereupon certify  
13 to the Board of Control of the Employees' Retirement System  
14 and to the Judicial Retirement Fund the amount of  
15 contributions and service creditable to the member at the time  
16 of separation from the transferring retirement system. The  
17 member shall be credited in the Judicial Retirement Fund with  
18 the creditable service and accumulated contributions so  
19 certified.

20 "§16-25-4.

21 "(a) Any member of the Teachers' Retirement System  
22 who, not more than one year prior to becoming a member of the  
23 Teachers' Retirement System, was a member of the Clerks' and  
24 Registers' Supernumerary Fund or the Employees' Retirement  
25 System of Alabama may elect to transfer to the Teachers'  
26 Retirement System his or her service credits in ~~said~~ the

1 Clerks' and Registers' Supernumerary Fund or the Employees'  
2 Retirement System, as herein provided.

3 "(b) (1) Any such member so desiring to transfer  
4 such service credits shall notify the Board of Control of the  
5 Teachers' Retirement System after he or she becomes a member  
6 of the Teachers' Retirement System of his election to transfer  
7 ~~such~~ the service credits and shall authorize transfer of the  
8 amount of his or her accumulated contributions to his or her  
9 credit in ~~said~~ the Clerks' and Registers' Supernumerary Fund  
10 or the Employees' Retirement System to the annuity savings  
11 fund of the Teachers' Retirement System.

12 "(2) A member of the Teachers' Retirement System who  
13 elects to transfer his or her contributions from the Clerks'  
14 and Registers' Supernumerary Fund may receive credit in the  
15 system for the contributions by paying the full actuarially  
16 determined cost minus the amount of the contributions.

17 "(c) The Board of Control of the Employees'  
18 Retirement System shall thereupon certify to the Board of  
19 Control of the Teachers' Retirement System the period of  
20 membership service creditable to the member at the time of  
21 separation from the Clerks' and Registers' Supernumerary Fund  
22 or the Employees' Retirement System, the period of prior  
23 service, if any, on his or her prior service certificate at  
24 the time of separation from the Clerks' and Registers'  
25 Supernumerary Fund or the Employees' Retirement System and the  
26 value of the prior service contribution allowable for such  
27 prior service under the Clerks' and Registers' Supernumerary

1 Fund or the Employees' Retirement System. The member shall be  
2 credited in the Teachers' Retirement System with the service  
3 credits so certified; and, if he or she continues as a member  
4 until retirement, he or she shall receive in addition to the  
5 benefits allowable under the Teachers' Retirement System  
6 benefits based on the service and contributions so certified.

7 "(d) If a member retires under the Teachers'  
8 Retirement System within five years after having elected to  
9 transfer ~~such~~ the service credits from ~~said~~ the Clerks' and  
10 Registers' Supernumerary Fund or the Employees' Retirement  
11 System, the pension benefits payable with respect to ~~such~~ the  
12 service credits shall not be greater than the pension benefits  
13 which would have been payable with respect thereto had he or  
14 she remained in ~~said~~ the Clerks' and Registers' Supernumerary  
15 Fund or the Employees' Retirement System.

16 "(e) Notwithstanding anything herein to the  
17 contrary, a member of the Teachers' Retirement System on  
18 October 9, 1947, who was a member of the Employees' Retirement  
19 System of Alabama not more than one year prior to becoming a  
20 member of the Teachers' Retirement System may effect such a  
21 transfer of service credits from said Employees' Retirement  
22 System in the manner hereinabove described; provided, that he  
23 or she deposits in the Annuity Savings Fund of the Teachers'  
24 Retirement System prior to January 1, 1954, the amount of his  
25 or her accumulated contributions paid to him or her by ~~said~~  
26 the Employees' Retirement System.

1           "(f) Should any person who has retired from the  
2 Employees' Retirement System and who is receiving retirement  
3 benefits for service as a state employee, clerk, or register  
4 to become a member of the Teachers' Retirement System, his or  
5 her benefits shall cease and the reserves remaining for his or  
6 her pension and annuity and all his or her service credits  
7 shall be transferred to the Teachers' Retirement System. The  
8 member shall be credited in the Teachers' Retirement System  
9 with the transfers so certified, and if he or she continues as  
10 a member until retirement, his or her retirement benefits  
11 shall be based on his or her service in both systems.

12           "§36-27-12.1.

13           "(a) Any member of the Employees' or Teachers'  
14 Retirement System or participant in the Clerks' and Registers'  
15 Supernumerary Fund, who, not more than one year prior to  
16 becoming a member of the Employees' or Teachers' Retirement  
17 System, was a member of the Judicial Retirement Fund or the  
18 Clerks' and Registers' Supernumerary Fund, may elect to  
19 transfer to the Employees' or Teachers' Retirement System, his  
20 or her creditable service and accumulated contributions,  
21 including the contributions of the employer, in the Judicial  
22 Retirement Fund or the Clerks' and Registers' Supernumerary  
23 Fund, as provided in this section.

24           "(b) (1) Any member desiring to transfer the  
25 creditable service and contributions shall, after becoming a  
26 member of the Employees' or Teachers' Retirement System,  
27 notify the Board of Control of the system, of his or her

1 election to transfer the creditable service and, shall  
2 authorize transfer of the amount of his or her accumulated  
3 contributions to his or her credit in the Judicial Retirement  
4 Fund or the Clerks' and Registers' Supernumerary Fund to his  
5 or her account in the Employees' or Teachers' Retirement  
6 System.

7 "(2) A member of the Employees' or Teachers'  
8 Retirement System who elects to transfer his or her  
9 contributions from the Clerks' and Registers' Supernumerary  
10 Fund may receive credit in the system for the contributions by  
11 paying the full actuarially determined cost minus the amount  
12 of the contributions.

13 "(c) The Board of Control transferring the  
14 creditable service and contributions shall thereupon certify  
15 to the Boards of Control of the Employees' or Teachers'  
16 Retirement System, the Clerks' and Registers' Supernumerary  
17 Fund, and the Judicial Retirement Fund, the amount of  
18 contributions and service creditable to the member at the time  
19 of separation from the transferring retirement system. The  
20 member shall be credited in the Employees' or Teachers'  
21 Retirement System with the creditable service and accumulated  
22 contributions so certified."

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