

1 HB504  
2 181685-1  
3 By Representative Wood  
4 RFD: Judiciary  
5 First Read: 13-APR-17

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8 SYNOPSIS: Under existing law, only the surviving  
9 spouse of a Supernumerary Circuit Clerk or Register  
10 is entitled to benefits payable from the Clerks'  
11 and Registers' Supernumerary Fund upon the death of  
12 the Supernumerary official.

13 This bill would allow benefits to be paid to  
14 a beneficiary other than a spouse; establish the  
15 benefits to be paid to a beneficiary other than a  
16 spouse; allow a Supernumerary Circuit Clerk or  
17 Register who does not have a spouse or other  
18 designated beneficiary to receive a refund of  
19 contributions paid into the Fund; allow Circuit  
20 Clerks and Registers to opt out of participation in  
21 the Fund; and establish a plan for any remaining  
22 funds once all liabilities to the fund participants  
23 are met.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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2           To amend Sections 12-17-142 and 12-17-143, Code of  
3 Alabama 1975, to allow benefits to be paid to a beneficiary  
4 other than a spouse; to allow Supernumerary officials to  
5 change the spouse or other named beneficiary of the Fund; to  
6 allow a Supernumerary Circuit Clerk or Register who does not  
7 have a spouse or other designated beneficiary to receive a  
8 refund of contributions paid into the Fund; to allow Circuit  
9 Clerks and Registers to opt out of participation in the Fund;  
10 and establish a plan for any remaining funds once all  
11 liabilities to the fund participants are met.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13           Section 1. Section 12-17-142, Code of Alabama 1975,  
14 is hereby amended to read as follows:

15           "§12-17-142.

16           "(a) Every supernumerary official shall serve for  
17 life and shall receive an annual salary in an amount equal to  
18 75 percent of the state salary payable to a circuit clerk on  
19 the date a circuit clerk or register becomes a supernumerary  
20 official, payable in equal installments on a twice per month  
21 basis.

22           "(b) In the event of the death of any supernumerary  
23 official, circuit clerk or register who, at the time of his or  
24 her death, was serving as or was otherwise eligible to serve  
25 as a supernumerary official, his or her spouse shall receive  
26 benefits from the Clerks' and Registers' Supernumerary Fund in  
27 the State Treasury in an amount equivalent to three percent of

1 the salary payable from the State Treasury, as prescribed by  
2 law for the position of circuit clerk, for each year of  
3 service not to exceed 30 percent of the salary, payable  
4 monthly for the remainder of the spouse's life or until he or  
5 she remarries.

6 "(c) The provisions of subsection (a) of this  
7 section shall continue to apply only to those circuit clerks  
8 and circuit registers in active service on or after October 1,  
9 1990. The provisions of subsection (b) of this section shall  
10 apply to circuit clerks and circuit registers who were in  
11 active service on or after January 16, 1989.

12 "(d) Notwithstanding the provisions of subsection  
13 (b), any spouse who was appointed to serve the remainder of an  
14 unexpired term of a circuit clerk who was in active service on  
15 October 19, 1990, with at least 12 years of service, shall be  
16 eligible to receive benefits from the Clerks' and Registers'  
17 Supernumerary Fund in the State Treasury. The amount shall be  
18 equivalent to three percent of the salary, payable from the  
19 State Treasury as prescribed for the position of circuit  
20 clerk, for each year of service, not to exceed 30 percent of  
21 the salary. The benefits shall be payable monthly for the  
22 remainder of the spouse's life or until the spouse remarries.

23 "(e) Notwithstanding the provisions of subsection  
24 (b), in the event of the death of any supernumerary official,  
25 circuit clerk, or register who, at the time of his or her  
26 death, was serving as or otherwise eligible to serve as a  
27 supernumerary official, his or her designated beneficiary

1 provided that the Supernumerary official does not have a  
2 surviving spouse, shall receive benefits from the Clerks' and  
3 Registers' Supernumerary Fund in an amount equivalent to 100  
4 percent of the contributions plus 75 percent of the accrued  
5 interest.

6 "(f) Supernumerary officials may change the  
7 beneficiary of this Fund, whether a spouse or other named  
8 beneficiary, allowed by and following the process and  
9 procedure of the Employees' Retirement System of Alabama."

10 "§12-17-143.

11 "(a) Officials electing to come under the provisions  
12 of this article shall ~~shall~~ may contribute to the Clerks' and  
13 Registers' Supernumerary Fund of the State of Alabama, which  
14 is hereby created, in amounts to be determined as follows:

15 "(1) Circuit clerks shall contribute six percent of  
16 the total per annum state compensation for the circuit clerk  
17 in the county of residence of said clerk.

18 "(2) Circuit registers shall contribute six percent  
19 of the total per annum state compensation for the circuit  
20 register in the county of residence of said register.

21 "(3) The Clerks' and Registers' Supernumerary Fund  
22 is hereby placed under the management and control of the  
23 Employees' Retirement System of Alabama. The  
24 Secretary-Treasurer of the Employees' Retirement System of  
25 Alabama is charged with the responsibility for investment of  
26 the fund and for the development and maintenance of  
27 administrative procedures involving member records, benefits,

1 investment of funds, and other administrative functions  
2 necessary to the operation of the Clerks' and Registers'  
3 Supernumerary Fund.

4 "(b) Any Circuit Clerk or Register, Supernumerary or  
5 otherwise, who has contributed to the Clerks' and Registers'  
6 Supernumerary Fund and is still living, may elect to stop  
7 participating in the Fund. The withdrawing member shall  
8 receive 100 percent of the contributions made into the fund  
9 plus 75 percent of the interest that has accrued. This  
10 withdrawal shall in effect satisfy all liabilities from the  
11 Clerks' and Registers' Supernumerary Fund to the withdrawing  
12 member at the time of the withdrawal. In addition, any Circuit  
13 Clerk or Register electing to make this withdrawal shall  
14 immediately stop contributing six percent of their state  
15 compensation to the Clerks' and Registers' Supernumerary  
16 Fund."

17 Section 2. The Employees' Retirement System of  
18 Alabama Secretary-Treasurer and the Administrative Office of  
19 Courts shall promulgate procedures deemed necessary to affect  
20 the orderly implementation of the change in the Clerks' and  
21 Registers' Supernumerary Fund as required by this act.

22 Section 3. Any funds remaining in the Clerks' and  
23 Registers' Supernumerary Fund after all obligations and  
24 liabilities to fund participants have been met will revert to  
25 the Administrative Office of Courts to be used for the sole  
26 benefit of Court Specialists throughout the State.

1                   Section 4. This act shall become effective  
2           immediately upon its passage and approval by the Governor, or  
3           on its otherwise becoming a law.