

1 SB333  
2 199309-1  
3 By Senators Price, Whatley and Beasley  
4 RFD: Governmental Affairs  
5 First Read: 30-APR-19

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8 SYNOPSIS: Under existing law, there are certain  
9 qualifications that a circuit clerk must meet in  
10 order to qualify for supernumerary status.

11 This bill would authorize a circuit clerk  
12 with 18 years of service to elect supernumerary  
13 status.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 To amend Section 12-17-140, Code of Alabama 1975,  
20 relating to the qualifications of supernumerary circuit  
21 clerks, to provide further for the qualifications.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 12-17-140, Code of Alabama 1975,  
24 is amended to read as follows:

25 "§12-17-140.

1           "(a) Any clerk or register of the circuit court,  
2           serving on October 1, 1976, or clerk elected or appointed in  
3           any county of the State of Alabama:

4           "(1) Who has served as much as five years as a  
5           circuit clerk or register and who has become permanently,  
6           physically or mentally unable to carry out the duties of the  
7           office on a full-time basis, proof of such disability being  
8           made by a certificate of three reputable physicians;

9           "(2) Who has served for 12 years as a circuit clerk  
10          or register and has reached or passed the age of 65 years;

11          "(3) Who has served for 15 years as circuit clerk or  
12          register and who is not less than 62 years of age; or who has  
13          served as such for more than 15 years and has attained the age  
14          of 62, less one year for each year of service in excess of 15;

15          "(4) Who has served continuously for 10 years as  
16          circuit clerk or register and who is not less than 70 years of  
17          age; or

18          "(5) Who has served for not less than 18 years or  
19          three full terms as a circuit clerk or register;

20          "may elect to become a supernumerary clerk of the circuit  
21          court or supernumerary register of the circuit court of the  
22          county in which said clerk or register has served as such  
23          official by filing a written declaration to that effect with  
24          the Administrative Director of Courts at least 30 days prior  
25          to the time said clerk or register desires to become a  
26          supernumerary official. If the Administrative Director of  
27          Courts shall find that such applicant is qualified under any

1 of subdivisions (1) through (5) of this section, a commission  
2 as supernumerary clerk of the circuit court or register of  
3 such court for the county in which he has served shall  
4 thereupon be issued to such applicant by the Secretary of  
5 State.

6 "The provisions of this division shall apply only to  
7 those persons who are 55 years of age or older and who are in  
8 office on October 1, 1976, or who may thereafter become  
9 eligible under its provisions.

10 "(b) Any circuit clerk who is serving as such clerk  
11 on October 1, 1976, and who has served for at least 23 years on  
12 said date shall be eligible for supernumerary status at any  
13 time notwithstanding any provisions of this title, provided he  
14 has paid contributions into the supernumerary fund for the  
15 maximum number of years required by this division.

16 "(c) Any register of the circuit court who has  
17 served for at least 23 years shall be eligible for  
18 supernumerary status at any time notwithstanding any  
19 provisions of this title, provided he has paid contributions  
20 into the supernumerary fund for the maximum number of years  
21 required by this division.

22 "(d) On the effective date of the act adding this  
23 subsection, any person who was elected or appointed as a  
24 circuit clerk prior to November 8, 2016 and has 18 years of  
25 service as a circuit clerk may elect to become a supernumerary  
26 clerk of the circuit court of the county in which the clerk  
27 has served as the official by filing a written declaration to

1 that effect with the Administrative Director of Courts at  
2 least 30 days prior to the time the clerk desires to become a  
3 supernumerary official."

4           Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or it otherwise becoming law.