

1 SB456
2 118828-1
3 By Senator Smitherman
4 RFD: Business and Labor
5 First Read: 23-FEB-10

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8 SYNOPSIS: Currently, certain retired state and
9 judicial employees may be employed by certain
10 legislative agencies.

11 This bill would include the Alabama Law
12 Institute within those legislative agencies.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 29-4-6, Code of Alabama 1975,
19 relating to the employment of certain retired employees by
20 legislative agencies, to include the Alabama Law Institute
21 within those legislative agencies.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 29-4-6, Code of Alabama 1975, is
24 amended to read as follows:

25 "§29-4-6.

26 "(a) It is lawful and permissible for any public
27 employee who has retired under the Employees' Retirement

1 System or the Judicial Retirement Fund to be employed with the
2 House of Representatives, the Senate, the Department of the
3 Examiners of Public Accounts, the Legislative Fiscal Office,
4 the Alabama Law Institute, or the Legislative Reference
5 Service if the person so employed is physically and mentally
6 capable of performing the required work in the opinion of the
7 employing authority, is not employed in a permanent full-time
8 capacity, does not replace a full-time employee, and does not
9 receive compensation and expenses, other than reimbursement of
10 normally reimbursable employee expenses, in excess of the base
11 allowed under federal Social Security for a person age 67, as
12 set from year to year, for any legislative session in a
13 calendar year.

14 "(b) A retiree employed under this section shall
15 continue to receive all retirement benefits which the retiree
16 would normally receive if he or she were not so employed,
17 subject to the limitations of this section.

18 "(c) The responsibility for compliance with this
19 section is placed upon the employing authority and each
20 retiree employed under this section shall certify to the
21 employer any information required for compliance with this
22 section.

23 "(d) Nothing in this section or any other provision
24 of law shall prevent a person age 65 or over who has retired
25 under the Employees' Retirement System or the Judicial
26 Retirement Fund from performing services for the House of
27 Representatives, the Senate, the Department of Examiners of

1 Public Accounts, the Legislative Fiscal Office, the Alabama
2 Law Institute, or the Legislative Reference Service as an
3 independent contractor without regard to the limitations in
4 subsection (a)."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.