

1 SB89
2 216094-1
3 By Senator Beasley
4 RFD: Finance and Taxation General Fund
5 First Read: 13-JAN-22

SYNOPSIS: Under existing law, for purposes of state retirement benefits, a K9 police officer employed by the Department of Corrections is not considered a state police officer.

Under existing law, a state police officer receives a larger state employee retirement benefit.

This bill would classify a K9 officer as a state police officer.

This bill would apply to any K9 officer who retired on or after January 1, 2022.

A BILL
TO BE ENTITLED
AN ACT

Relating to state employees' retirement; to amend Section 36-27-1, Code of Alabama 1975, to classify a K9 officer as a state police officer; and to provide for retroactive effect.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 36-27-1, Code of Alabama 1975, is
3 amended to read as follows:

4 "§36-27-1.

5 "When used in this article, the following terms
6 shall have the following meanings, respectively, unless the
7 context clearly indicates otherwise:

8 "(1) RETIREMENT SYSTEM. The Employees' Retirement
9 System of Alabama as defined in Section 36-27-2.

10 "(2) EMPLOYEE. Any regular employee of the State of
11 Alabama whose salary is paid by state warrant by the state,
12 except a member of the Legislature of the state, a person who
13 is covered or eligible to be covered under the Teachers'
14 Retirement System of Alabama or any other retirement system to
15 which contributions are made by the state, an elective
16 official of the state government, and a temporary employee or
17 person engaged under retainer or special agreement. In all
18 cases of doubt the Board of Control shall determine who is an
19 employee within the meaning of this article. The term shall
20 include any regular employee of the Alabama state hospitals
21 and Partlow State School and Hospital and the Alabama State
22 Port Authority, however paid.

23 "(3) EMPLOYER. The State of Alabama or any
24 department, commission, institution, or any other agency of
25 and within the state by which an employee is paid, including
26 employers as provided in Section 36-27-6.

1 "(4) MEMBER. Any employee included in the membership
2 of the system as provided in Section 36-27-4.

3 "(5) BOARD OF CONTROL. The board provided for in
4 Section 36-27-23 to administer the retirement system.

5 "(6) MEDICAL BOARD. The board of physicians provided
6 for in Section 36-27-23.

7 "(7) SERVICE. Service as an employee paid for by an
8 employer.

9 "(8) PRIOR SERVICE. Service rendered prior to the
10 date of establishment of the retirement system for which
11 credit is allowable under Section 36-27-11.

12 "(9) MEMBERSHIP SERVICE. Service as an employee
13 rendered while a member of the retirement system and on
14 account of which contributions are made.

15 "(10) CREDITABLE SERVICE. "Prior service" plus
16 "membership service" rendered since last becoming a member.

17 "(11) BENEFICIARY. Any person in receipt of a
18 pension, an annuity, a retirement allowance, or other benefit
19 as provided by this article.

20 "(12) REGULAR INTEREST. Interest compounded annually
21 at the rate determined by the Board of Control in accordance
22 with subsection (f) of Section 36-27-25.

23 "(13) ACCUMULATED CONTRIBUTIONS. The sum of all the
24 amounts deducted from the compensation of a member credited to
25 his or her individual account in the Annuity Savings Fund,
26 together with regular interest thereon, as provided in Section
27 36-27-24.

1 "(14) EARNABLE COMPENSATION. The full rate of
2 compensation that would be payable to an employee if he or she
3 worked the full normal work-time. In cases where compensation
4 includes maintenance, the Board of Control shall fix the value
5 of that part of the compensation not paid in money. Earnable
6 compensation shall not exceed the limitations imposed by
7 Section 401(a) (17) of the Internal Revenue Code for public
8 pension funds, except that any employee who was a member of
9 the Employees' Retirement System before the first plan year
10 beginning after December 31, 1995, shall not be subject to the
11 earning limitations set forth in Section 401(a) (17). For Tier
12 I plan members, the term earnable compensation for retirement
13 purposes shall not include subsistence payments that are made
14 to a member and shall include overtime payments that are made
15 to a member; however, earnable compensation shall not exceed
16 120 percent of any members' annual base compensation as
17 certified by the employer. For Tier II plan members, earnable
18 compensation shall include overtime payments that are made to
19 the member but shall not include subsistence payments that are
20 made to the member and shall not exceed one hundred
21 twenty-five percent (125%) of the member's annual base
22 compensation, as certified by the employer.

23 "(15) AVERAGE FINAL COMPENSATION. For any Tier I
24 plan member, the average annual compensation of the member,
25 with respect to which he or she had made contributions
26 pursuant to subsection (b) of Section 36-27-24 during the
27 three years, in his or her last 10 years of creditable service

1 for which the average is highest or during his or her entire
2 period of creditable service if less than three years; except,
3 that for any period prior to November 1, 1959, the
4 compensation used in computing the average shall include
5 compensation in excess of the maximum amount with respect to
6 which members were required to contribute. For any Tier II
7 plan member, the average annual compensation of the member,
8 with respect to which he or she has made contributions
9 pursuant to subsection (b) of Section 36-27-24 during the five
10 years, in his or her last ten years of creditable service for
11 which the average is highest or during his or her entire
12 period of creditable service if less than five years.

13 "(16) ANNUITY. Payments for life derived from the
14 "accumulated contributions" of a member. All annuities shall
15 be payable in equal monthly installments.

16 "(17) PENSION. Payments for life derived from money
17 provided by the employer. All pensions shall be payable in
18 equal monthly installments.

19 "(18) RETIREMENT ALLOWANCE. The sum of the "annuity"
20 and the "pension."

21 "(19) RETIREMENT. Withdrawal from active service
22 with a retirement allowance or optional benefit in lieu
23 thereof granted under this article.

24 "(20) ANNUITY RESERVE. The present value of all
25 payments to be made on account of any annuity or benefit in
26 lieu of any annuity computed upon the basis of the mortality
27 tables adopted by the Board of Control and regular interest.

1 "(21) PENSION RESERVE. The present value of all
2 payments to be made on account of any pension or benefit in
3 lieu of any pension computed upon the basis of the mortality
4 tables adopted by the Board of Control and regular interest.

5 "(22) ACTUARIAL EQUIVALENT. A benefit of equal value
6 when computed upon the basis of the mortality tables adopted
7 by the Board of Control and regular interest.

8 "(23) STATE POLICEMAN. An employee in the classified
9 service under the Merit System Act approved by the State
10 Personnel Board to perform the duties of highway patrolman ~~or~~_L
11 a beverage control agent_L or a crime investigator. The term
12 includes any employee hired by the Alabama State Law
13 Enforcement Agency after January 1, 2015, who is certified by
14 the Alabama Peace Officers' Standards and Training Commission
15 and performs law enforcement duties. ~~Such an~~ An employee of
16 the Alabama State Law Enforcement Agency shall pay the same
17 employee contribution rate as and receive the same benefits as
18 Tier II law enforcement officers, as defined by Section
19 36-27-59~~(a)(3)~~. The term shall not include a member employed
20 as a policeman under Section 36-27-6. Effective for anyone
21 retired on or after January 1, 2022, the term also includes an
22 employee of the Alabama Department of Corrections who performs
23 the duties of a K9 officer.

24 "(24) TIER I PLAN. The defined benefit pension plan
25 provided by the Retirement System to Tier I plan members.

26 "(25) TIER II PLAN. The defined benefit pension plan
27 provided by the Retirement System to Tier II plan members.

1 "(26) TIER I PLAN MEMBER. Any member of the
2 Retirement System who had service for which he or she received
3 credit in the Employees' Retirement System or in the Teachers'
4 Retirement System prior to January 1, 2013.

5 "(27) TIER II PLAN MEMBER. Any member of the
6 Retirement System who first began eligible employment with an
7 Employees' Retirement System or a Teachers' Retirement System
8 participating employer on or after January 1, 2013, and who
9 had no eligible service in the Employees' Retirement System or
10 the Teachers' Retirement System prior to January 1, 2013."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.