

1 HB471
2 191091-1
3 By Representative Knight (N & P)
4 RFD: Montgomery County Legislation
5 First Read: 01-MAR-18

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to the City of Montgomery and the
14 Montgomery Airport Authority; to authorize the City of
15 Montgomery and the Montgomery Airport Authority to join the
16 Employees' Retirement System of Alabama and transfer assets
17 and liabilities of the existing Employees' Retirement System
18 of the City of Montgomery to the Employees' Retirement System
19 of Alabama; and to authorize the Employees' Retirement System
20 of Alabama to maintain and administer the retirement plans set
21 forth in Act 2013-385, 2013 Regular Session (Acts 2013, p.
22 1447), for the members of the Employees' Retirement System of
23 the City of Montgomery who do not elect to transfer, or are
24 not automatically transferred, to the Tier I Plan or the Tier
25 II Plan set forth in Chapter 27 of Title 36, Code of Alabama
26 1975.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) Notwithstanding Act 2013-385, 2013
2 Regular Session (Acts 2013, p. 1447), the City of Montgomery,
3 by action of the city council, and the Montgomery Airport
4 Authority, by action of its governing board, may take any
5 action necessary to participate in the Employees' Retirement
6 System of Alabama pursuant to Section 36-27-6, Code of Alabama
7 1975, and the remaining provisions of Chapter 27 of Title 36,
8 Code of Alabama 1975, and may transfer any asset and liability
9 of the Employees' Retirement System of the City of Montgomery
10 to the Employees' Retirement System of Alabama, as necessary
11 for the City of Montgomery and the Montgomery Airport
12 Authority to participate in the Employees' Retirement System
13 of Alabama.

14 (b) Upon acceptance of the City of Montgomery in the
15 Employees' Retirement System of Alabama, the Board of the
16 Employees' Retirement System of the City of Montgomery may
17 terminate the retirement system established under Ordinance
18 No. 1659, as amended, according to the terms and conditions as
19 the Board of the Employees' Retirement System of the City of
20 Montgomery shall provide and upon satisfaction of any
21 obligation to any vested member of the system in the manner as
22 the board shall determine necessary.

23 Section 2. (a) (1) Members who began participation in
24 the Employees' Retirement System of the City of Montgomery
25 prior to October 1, 2013, shall have the option to continue to
26 participate in the benefit structure set forth in Act
27 2013-385, 2013 Regular Session (Acts 2013, p. 1447), or to

1 participate in the Tier I plan set forth in Chapter 27 of
2 Title 36, Code of Alabama 1975.

3 (2) The election under subdivision (1) must be made
4 in accordance with the procedures, rules, regulations, and
5 time periods established by the Board of Control of the
6 Employees' Retirement System of Alabama.

7 (b) (1) Members who began participation in the
8 Employees' Retirement System of the City of Montgomery on or
9 after October 1, 2013, shall be Tier II plan members as set
10 forth in Chapter 27 of Title 36, Code of Alabama 1975, except
11 that those members who are police or fire personnel prior to
12 the date that the City of Montgomery begins participation in
13 the Employees' Retirement System of Alabama have the option to
14 continue to participate in the benefit structure set forth in
15 Act 2013-385, 2013 Regular Session (Acts 2013, p. 1447).

16 (2) The election under subdivision (1) must be made
17 in accordance with the procedures, rules, regulations, and
18 time periods established by the Board of Control of the
19 Employees' Retirement System of Alabama.

20 (c) (1) The Employees' Retirement System of Alabama
21 is authorized to maintain and administer the retirement plans
22 set forth in Act 2013-385, 2013 Regular Session (Acts 2013, p.
23 1447), for those employees who elect to continue to
24 participate in the benefit structure under subsection (a) and
25 (b).

1 (2) The participants under subdivision (1) shall be
2 considered members of the Employees' Retirement System of
3 Alabama.

4 (d) Employees who begin employment with the City of
5 Montgomery on or after the date that the City of Montgomery
6 begins participation in the Employees' Retirement System of
7 Alabama and employees who begin employment with the Montgomery
8 Airport Authority on or after the date the Montgomery Airport
9 Authority begins participation in the Employees' Retirement
10 System of Alabama shall participate in the Employees'
11 Retirement System of Alabama in accordance with Section
12 36-27-6, Code of Alabama 1975.

13 Section 3. The provisions of this act are severable.
14 If any part of this act is declared invalid or
15 unconstitutional, that declaration shall not affect the part
16 which remains.

17 Section 4. All laws or parts of laws which conflict
18 with this act are repealed.

19 Section 5. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.