

OFFICE OF THE ATTORNEY GENERAL

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Honorable Dewayne Freeman
Alabama State Senator
P. O. Box 3069
Huntsville, Alabama 35810

Space Science Exhibit
Commission - Retirement
Systems - State Employees'
Insurance Board - Employees,
Employers, Employment -
Insurance

Space and Rocket Center employ-
ees may participate in the State
Employees' Retirement System
without participating in the
State Employees' Health Insur-
ance Plan.

Dear Senator Freeman:

This opinion is issued in response to your request for
an opinion from the Attorney General.

QUESTION

If Act No. 83-567, creating the Ala-
bama Space Science Exhibit Commissions,
allows the following:

May the employees of Space and
Rocket Center participate in the
State Retirement System without
participating in the State Health
Plan?

It may be the desire of the Com-
mission to purchase a health plan

other than the state plan. This plan is not now paid for by the State of Alabama.

FACTS AND ANALYSIS

Your request presents a pure question of statutory interpretation. Act No. 83-567 has been codified as § 41-9-430, et seq., Code of Alabama 1975. Section 41-9-432(13), Code of Alabama 1975, authorizes the Space Science Exhibit Commissions:

"To employ an executive director and such additional personnel as may be necessary to accomplish the purposes of this article. The executive director and such additional personnel as may be employed by the commission will serve at the pleasure of the commission. The commission shall fix the compensation of the executive director, and such additional personnel and such compensation shall be paid from the funds of the commission. The commission shall designate the duties and authority of the executive director and such additional personnel. The executive director and such additional personnel shall not be subject to the provisions of the state Merit System Act; provided, however, that they shall be eligible for participation in the state health insurance plan and benefits as provided in sections 36-29-1 through 36-29-12, and they shall be eligible for participation in the state employees' retirement system under the provisions of section 36-27-6 governing counties, cities, towns and other quasi-public organizations of the state" (Emphasis added.)

This provision of law makes these employees eligible to participate in both the State Health Insurance Plan and the State Employees' Retirement System. However, there is nothing in this provision of law, or any other provision of law, which conditions the participation of these employees in the Employees' Retirement System of Alabama upon their participation in the State Employees' Health Insurance Plan.

Honorable Dewayne Freeman
Page 3

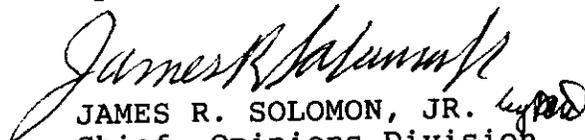
CONCLUSION

Alabama Space and Rocket Center employees may participate in the State Employees' Retirement System without participating in the State Employees' Health Insurance Plan.

I hope this sufficiently answers your question. If our office can be of further assistance, please contact William T. Stephens, Legal Division, Retirement Systems.

Sincerely,

JEFF SESSIONS
Attorney General
By:


JAMES R. SOLOMON, JR. *lyf*
Chief, Opinions Division

JS/WTS/wts
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