

Assembly Bill No. 867

Passed the Assembly September 14, 2001

Chief Clerk of the Assembly

Passed the Senate September 14, 2001

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 30070 and 31499.17 of, and to add Sections 31621.9 and 53216.2 to, the Government Code, relating to county employee funding, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 867, Cardoza. County employees: law enforcement: retirement.

(1) Existing law annually appropriates \$18,500,000 from the General Fund to the Controller to allocate \$500,000 each to specified county sheriffs' departments to enhance law enforcement efforts.

This bill would require those funds, until July 1, 2002, to be used to supplement rather than supplant existing law enforcement resources.

(2) The County Employees Retirement Law of 1937 contains various alternative benefits provisions that may be selected by counties.

This bill would authorize Stanislaus County to elect retirement benefits provisions, as specified.

(3) Existing law provides that, for counties adopting a specified county employee retirement plan, the rate of contribution to the plan will be, as specified.

This bill would allow Stanislaus County to contribute twice the amount specified.

(4) Existing law provides that the legislative body of a local agency may establish a pension trust for the benefit of its officers and employees.

This bill would allow a county that has created a pension trust for its officers and employees to contract with the courts or other local agencies within the county to participate in any plan under the county's pension trust. This bill would also provide that the contracting court or local agency located within the county has the authority to make participation in the plan optional or compulsory for its officers and employees.

(5) This bill would declare that it is to take effect immediately as an urgency statute.



The people of the State of California do enact as follows:

SECTION 1. Section 30070 of the Government Code is amended to read:

30070. (a) The sum of eighteen million five hundred thousand dollars (\$18,500,000) is hereby annually appropriated from the General Fund to the Controller for allocation to county sheriffs' departments to enhance law enforcement efforts in the counties specified in paragraphs (1) to (37), inclusive, according to the following schedule:

(1) Alpine County	500,000
(2) Amador County	500,000
(3) Butte County	500,000
(4) Calaveras County	500,000
(5) Colusa County	500,000
(6) Del Norte County	500,000
(7) El Dorado County	500,000
(8) Glenn County	500,000
(9) Humboldt County	500,000
(10) Imperial County	500,000
(11) Inyo County	500,000
(12) Kings County	500,000
(13) Lake County	500,000
(14) Lassen County	500,000
(15) Madera County	500,000
(16) Marin County	500,000
(17) Mariposa County	500,000
(18) Mendocino County	500,000
(19) Merced County	500,000
(20) Modoc County	500,000
(21) Mono County	500,000
(22) Napa County	500,000
(23) Nevada County	500,000
(24) Placer County	500,000
(25) Plumas County	500,000
(26) San Benito County	500,000
(27) San Luis Obispo County	500,000
(28) Santa Cruz County	500,000
(29) Shasta County	500,000



(30) Sierra County	500,000
(31) Siskiyou County	500,000
(32) Sutter County	500,000
(33) Tehama County	500,000
(34) Trinity County	500,000
(35) Tuolumne County	500,000
(36) Yolo County	500,000
(37) Yuba County	500,000

(b) Funds allocated pursuant to this section, until July 1, 2002, shall be used to supplement rather than supplant existing law enforcement resources.

SEC. 1.5. Section 31499.17 of the Government Code is amended to read:

31499.17. (a) General members may, within 180 days of the effective date of this article, elect to transfer to the retirement plan created by this article upon proper application executed by the member and filed with the board.

(b) The retirement benefits of the transferred members are governed and defined by this article.

(c) Transferring members relinquish and waive any and all previously available vested or accrued retirement, survivor, disability and death benefits. All transferring members whose contributions for public service have been refunded to them shall not receive credit for that service.

(d) Any member who selects Retirement Plan 3 upon reentering into county service and who has not received credit as a Plan 3 member for previous county service, may elect to repurchase his or her previous service by redepositing his or her withdrawn contributions, plus interest, from date of termination, and shall then receive credit for that service under the plan status at the time of original employment.

(e) Any member who has elected or transferred to the plan created by this article and who terminates his or her employment and is later reemployed shall not be entitled to change his or her election upon that reemployment, unless a resolution, enacted by the board of supervisors subsequent to the member's election to transfer to the new plan, so provides.

(f) A plan transfer by a member is voluntary and shall be irrevocable, unless the board of supervisors, by resolution,



authorizes Retirement Plan 3 members to transfer to a retirement plan authorized under Article 8 (commencing with Section 31670), under the terms and conditions specified in the resolution. The terms may include, but are not limited to, (1) an eligibility provision based on the number of years in county service, or (2) a provision for crediting service in the plan which (A) the member transfers to only for that service rendered after adoption of the resolution or (B) an eligibility provision that, for the purposes of Article 10 (commencing with Section 31720), considers years in county service from the date the member transfers to a new plan unless the prior county service credit is restored, or both. The resolution may establish different service credit conditions for various job classifications or groups, or for various represented bargaining units, different conditions agreed upon by the employer and the employee representative, or both. The board of supervisors may also establish other conditions it deems necessary or desirable.

SEC. 2. Section 31621.9 is added to the Government Code, to read:

31621.9. In counties adopting Section 31676.14, the normal rates of contribution, except for members covered by Article 6.8 (commencing with Section 31639), shall be that which will provide an average annuity at age 55 equal to $\frac{1}{120}$ of the final compensation of members not covered by Article 6.8 (commencing with Section 31639), according to the tables adopted by the board of supervisors, for each year of service rendered after entering the system.

This section may be made applicable in counties on the first day of the month after the board of supervisors of the county adopts, by majority vote, a resolution adopting this section.

This section shall apply only to a county of the 20th class, as provided by Sections 28020 and 28041.

SEC. 3. Section 53216.2 is added to the Government Code, to read:

53216.2. A county that has established a pension trust pursuant to this article may contract with the courts within the county, and with other local agencies within the county, to permit the officers and employees of those courts and local agencies to participate in any plan under the county's pension trust. The contracting court or local agency shall determine whether to make



participation in the plan optional or compulsory for its officers and employees, as provided in Section 53216.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that funds allocated to counties pursuant to an existing appropriation are utilized in the most effective manner, it is necessary that this act take effect immediately.



Approved _____, 2001

Governor

