

AMENDED IN SENATE MAY 2, 2006

SENATE BILL

No. 1443

Introduced by Senator ~~Denham~~ Ashburn

February 22, 2006

An act to amend ~~Section 21132~~ Sections 21362, 21362.2, 21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369, 21369.1, and 21370 of the Government Code, relating to public employees' retirement and declaring the urgency therefor, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1443, as amended, ~~Denham~~ Ashburn. Public employees' retirement: *retirement allowances*.

The Public Employees' Retirement Law provides that the maximum service retirement benefit payable to a state patrol member or a state peace officer/firefighter member who retires on or after January 1, 2000, shall not exceed 90% of final compensation, as defined. That law provides that the maximum service retirement benefit payable to a state safety member shall not exceed 80% of final compensation and the maximum service retirement benefit payable to a local safety member shall not exceed 85% of final compensation. That law permits those members to earn a retirement benefit under more than one retirement benefit formula.

This bill would provide, if a state patrol member, a state peace officer/firefighter, a state safety member, or local safety member earns a retirement benefit under more than one retirement benefit formula, the combined retirement benefit payable under all retirement benefit formulas shall not exceed the maximum percent of final compensation applicable to those members.

This bill would also make related, technical changes to these provisions.

This bill would make findings and declarations that this act is declaratory of existing law.

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

~~The Public Employees' Retirement Law prescribes the rights and benefits of the members of the Public Employees' Retirement System. The law requires that state safety members retire when they reach 65 years of age.~~

~~This bill would make nonsubstantive, technical changes in the provisions described above.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 21362 of the Government Code is
2 amended to read:
3 21362. (a) The current service pension for patrol members
4 and the combined current and prior service pensions for local
5 safety members with respect to local safety service rendered to a
6 contracting agency that is subject to this section is a pension
7 derived from the contributions of the employer sufficient when
8 added to the service retirement annuity that is derived from the
9 accumulated normal contributions of the patrol member or local
10 safety member at the date of his or her retirement to equal the
11 fraction of one-fiftieth of his or her final compensation set forth
12 opposite his or her age at retirement taken to the preceding
13 completed quarter year, in the following table, multiplied by the
14 number of years of patrol service and local safety service subject
15 to this section with which he or she is credited at retirement:

Age at retirement	Fraction
19 50	1.0000
20 50 1/4.....	1.0175
21 50 1/2.....	1.0350
22 50 3/4.....	1.0525
23 51	1.0700

Age at retirement	Fraction
51 1/4.....	1.0875
51 1/2.....	1.1050
51 3/4.....	1.1225
52	1.1400
52 1/4.....	1.1575
52 1/2.....	1.1750
52 3/4.....	1.1925
53	1.2100
53 1/4.....	1.2275
53 1/2.....	1.2450
53 3/4.....	1.2625
54	1.2800
54 1/4.....	1.2975
54 1/2.....	1.3150
54 3/4.....	1.3325
55 and over.....	1.3500

19
20 (b) (1) Except as otherwise provided in this subdivision, the
21 current service pension and the combined current and prior
22 service pensions under this section *or any other section of this*
23 *article* for all service to all employers shall not exceed an amount
24 that, when added to the service retirement annuity related to that
25 service, equals 75 percent of final compensation.

26 (2) For state members, with respect to service for all state
27 employers under this section *or any other section of this article*,
28 the benefit shall not exceed:

29 (A) Eighty percent of final compensation for state members
30 who retire on or after January 1, 1995, and prior to January 1,
31 1999.

32 (B) Eighty-five percent of final compensation for state
33 members who retire on or after January 1, 1999, and prior to
34 January 1, 2000.

35 (C) Ninety percent of final compensation for state members
36 who retire on or after January 1, 2000.

37 (3) For local safety members who retire on or after January 1,
38 2000, the benefit shall not exceed 85 percent of final
39 compensation.

1 (4) If the pension relates to service to more than one employer
2 *or service under this section and any other section of this article*
3 and would otherwise exceed that maximum, the pension payable
4 with respect to each *section or* employer shall be reduced in the
5 same proportion as the allowance ~~based on service to that~~
6 ~~employer~~ bears to the total allowance computed as though there
7 were no limit, so that the total of the pensions shall equal the
8 maximum. ~~Where~~ *If* a state or local member retiring on or after
9 January 1, 1995, has service under this section with both state
10 and local agency employers, the higher maximum shall apply and
11 the additional benefit shall be funded by increasing the member's
12 pension payable with respect to the employer for whom the
13 member performed the service subject to the higher maximum.

14 (5) *For purposes of this section, "any other section of this*
15 *article" shall include, but is not limited to, Section 21362.2,*
16 *21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369, 21369.1, or*
17 *21370.*

18 (c) This section shall not apply to ~~any~~ a contracting agency,
19 unless and until the agency elects to be subject to the provisions
20 of this section by amendment to its contract made in the manner
21 prescribed for approval of contracts or, in the case of contracts
22 made after the date this section is operative, by express provision
23 in the contract making the contracting agency subject to the
24 provisions of this section.

25 (d) This section shall supersede Section 21363, 21366, 21368,
26 21369, or 21370, whichever is then applicable, with respect to
27 patrol and local safety members who retire after the date this
28 section becomes applicable to their respective employers.

29 (e) This section shall not apply to state safety or state peace
30 officer/firefighter members.

31 (f) With respect to patrol members, this section shall only
32 apply to patrol members who are not employed by the state on or
33 after January 1, 2000.

34 (g) The Legislature reserves, with respect to any member
35 subject to this section, the right to provide for the adjustment of
36 industrial disability retirement allowances because of earnings of
37 a retired person and modification of the conditions and
38 qualifications required for retirement for disability as it may find
39 appropriate because of the earlier ages of service retirement made
40 possible by the benefits under this section.

1 *SEC. 2. Section 21362.2 of the Government Code is amended*
2 *to read:*

3 21362.2. (a) Upon attaining the age of 50 years or more, the
4 combined current and prior service pension for state patrol
5 members and for local safety members with respect to local
6 safety service rendered to a contracting agency that is subject to
7 the provisions of this section is a pension derived from the
8 contributions of the employer sufficient when added to the
9 service retirement annuity that is derived from the accumulated
10 normal contributions of the member at the date of his or her
11 retirement to equal 3 percent of his or her final compensation at
12 retirement, multiplied by the number of years of patrol service or
13 local safety service subject to this section with which he or she is
14 credited at retirement.

15 (b) (1) In no event shall the current service pension and the
16 combined current and prior service pensions under this section *or*
17 *any other section of this article* for all service to all employers
18 exceed an amount that, when added to the service retirement
19 annuity related to that service, equals 85 percent of final
20 compensation. For state patrol members with respect to service
21 for all state employers under this section *or any other section of*
22 *this article*, the benefit shall not exceed 90 percent of final
23 compensation. If the pension relates to service to more than one
24 employer *or service under this section and any other section of*
25 *this article* and would otherwise exceed that maximum, the
26 pension payable with respect to each *section or* employer shall be
27 reduced in the same proportion as the allowance ~~based on service~~
28 ~~to that employer~~ bears to the total allowance computed as though
29 there were no limit, so that the total of the pensions shall equal
30 the maximum. ~~Where~~ *If* a state or local member has service
31 under this section with both state and local agency employers, the
32 higher maximum shall apply and the additional benefit shall be
33 funded by increasing the member's pension payable with respect
34 to the employer for whom the member performed the service
35 subject to the higher maximum.

36 (2) *For purposes of this section, "any other section of this*
37 *article" shall include, but is not limited to, Section 21362, 21363,*
38 *21363.1, 21363.3, 21363.4, 21363.8, 21369, 21369.1, or 21370.*

39 (c) For patrol members employed by the state on or after
40 January 1, 2000, this section shall supersede Section 21362.

1 (d) This section shall not apply to state safety or state peace
2 officer/firefighter members.

3 (e) This section shall not apply to any contracting agency nor
4 its employees unless and until the agency elects to be subject to
5 the provisions of this section by amendment to its contract made
6 in the manner prescribed for approval of contracts or, in the case
7 of contracts made after the date this section becomes operative,
8 by express provision in the contract making the contracting
9 agency subject to this section. The operative date of this section
10 for a local safety member shall be the effective date of the
11 amendment to his or her employer's contract electing to be
12 subject to this section.

13 (f) This section shall supersede Section 21362, 21363,
14 21363.1, 21366, 21368, 21369, or 21370, whichever is then
15 applicable, with respect to local safety members who retire after
16 the date this section becomes applicable to their respective
17 employers.

18 (g) The Legislature reserves, with respect to any member
19 subject to this section, the right to provide for the adjustment of
20 industrial disability retirement allowances because of earnings of
21 a retired person and modification of the conditions and
22 qualifications required for retirement for disability as it may find
23 appropriate because of the earlier ages of service retirement made
24 possible by the benefits under this section.

25 (h) Operation and application of this section is subject to the
26 limitations set forth in Section 21251.13.

27 *SEC. 3. Section 21363 of the Government Code is amended to*
28 *read:*

29 21363. (a) The combined current and prior service pensions
30 for state peace officer/firefighter members subject to this section
31 with respect to state peace officer/firefighter service and the
32 combined current and prior service pensions for local safety
33 members with respect to local safety service rendered to a
34 contracting agency that is subject to this section is a pension
35 derived from the contributions of the employer sufficient when
36 added to the service retirement annuity that is derived from the
37 accumulated normal contributions of the state peace
38 officer/firefighter or local safety member at the date of his or her
39 retirement to equal the fraction of one-fiftieth of his or her final
40 compensation set forth opposite his or her age at retirement taken

1 to the preceding completed quarter year, in the following table,
 2 multiplied by the number of years of state peace
 3 officer/firefighter service or local safety service subject to this
 4 section with which he or she is credited at retirement:

5	6 Age at		7 Fraction
8	9 Retirement		
10	50		1.0000
11	50 1/4		1.0125
12	50 1/2		1.0250
13	50 3/4		1.0375
14	51		1.0500
15	51 1/4		1.0625
16	51 1/2		1.0750
17	51 3/4		1.0875
18	52		1.1000
19	52 1/4		1.1125
20	52 1/2		1.1250
21	52 3/4		1.1375
22	53		1.1500
23	53 1/4		1.1625
24	53 1/2		1.1750
25	53 3/4		1.1875
26	54		1.2000
27	54 1/4		1.2125
28	54 1/2		1.2250
29	54 3/4		1.2375
30	55 and over.....		1.2500

30 (b) (1) In no event shall the current service pension and the
 31 combined current and prior service pensions under this section *or*
 32 *any other section of this article* for all service to all employers
 33 exceed an amount that, when added to the service retirement
 34 annuity related to that service, equals 75 percent of final
 35 compensation.

36 (2) For state members, with respect to service for all state
 37 employers under this section *or any other section of this article*,
 38 the benefit shall not exceed:

39 (A) Eighty percent of final compensation for state members
 40 who retire on or after January 1, 1995.

1 (B) Eighty-five percent of final compensation for state peace
2 officer/firefighter members in State Bargaining Units 6 and 8
3 who retire on or after January 1, 1999, and prior to January 1,
4 2000.

5 (C) Ninety percent of final compensation for state peace
6 officer/firefighter members who retire on or after January 1,
7 2000.

8 (3) For local safety members who retire on or after January 1,
9 2000, the benefit shall not exceed 85 percent of final
10 compensation. ~~H~~

11 (4) *If the pension relates to service to more than one employer,*
12 *or service under this section and ~~Section 21369,~~ any other*
13 *section of this article and would otherwise exceed that*
14 *maximum, the pension payable with respect to each section or*
15 *employer shall be reduced in the same proportion as the*
16 *allowance bears to the total allowance computed as though there*
17 *were no limit, so that the total of the pensions shall equal the*
18 *maximum. ~~Where~~ If a state or local member retiring on or after*
19 *January 1, 1995, has service under this section with both state*
20 *and local agency employers, the higher maximum shall apply and*
21 *the additional benefit, if any, shall be funded by increasing the*
22 *member's pension payable with respect to the employer for*
23 *whom the member performed the service subject to the higher*
24 *maximum.*

25 (5) *For purposes of this section, "any other section of this*
26 *article" shall include, but is not limited to, Section 21362,*
27 *21362.2, 21363.1, 21363.3, 21363.4, 21363.8, 21369, 21369.1,*
28 *or 21370.*

29 (c) The Legislature reserves, with respect to any member
30 subject to this section, the right to provide for the adjustment of
31 industrial disability retirement allowances because of earnings of
32 a retired person and modification of the conditions and
33 qualifications required for retirement for disability as it may find
34 appropriate because of the earlier age of service retirement made
35 possible by the benefits under this section.

36 (d) This section may be applied to related supervisory classes
37 or confidential positions for the respective bargaining units
38 specified in this section.

39 (e) (1) This section shall be operative with respect to state
40 peace officer/firefighter members in Corrections Bargaining Unit

1 No. 6, Protective Services and Public Safety Bargaining Unit No.
2 7, or Firefighters Bargaining Unit No. 8, in accordance with a
3 memorandum of understanding reached between the state and the
4 exclusive bargaining agent in the respective unit pursuant to
5 Chapter 10.3 (commencing with Section 3512) of Division 4 of
6 Title 1.

7 (2) This section also shall be operative with respect to the state
8 peace officer/firefighter members employed by a California State
9 University police department who are in Public Safety Unit No. 8
10 in accordance with a memorandum of understanding reached
11 between the Trustees of the California State University and the
12 recognized employee organization pursuant to Chapter 12
13 (commencing with Section 3560) of Division 4 of Title 1.

14 (3) This section shall also be operative with respect to a “state
15 peace officer/firefighter member” defined in subdivision (a) of
16 Section 20396 if authorized by, and in accordance with, a
17 memorandum of understanding reached between the Trustees of
18 the California State University and the recognized employee
19 organization pursuant to Chapter 12 (commencing with Section
20 3560) of Division 4 of Title 1.

21 (4) Nothing in this section or in any other provision of law
22 affected by Chapter 1320 of the Statutes of 1984 or Chapter 234
23 of the Statutes of 1986 shall be construed as authorizing any
24 future negotiation with respect to whether or not any bargaining
25 unit specified in this section whose memorandum of
26 understanding was previously approved by the Legislature
27 pursuant to law and this section, shall continue to remain within
28 the state peace officer/firefighter membership category.

29 (5) The operative date of this section with respect to members
30 in each of the bargaining units specified in this section shall be as
31 provided for in the memorandum of understanding.

32 (6) With the exception of state peace officer/firefighter
33 members for service rendered for the California State University
34 or the legislative or judicial branch of government, this section
35 shall apply to state peace officer/firefighter members who are not
36 employed by the state on or after January 1, 2000.

37 (f) This section shall be known as, and may be cited as, the
38 State Peace Officers’ and Fire Fighters’ Retirement Act.

39 (g) The Legislature reserves the right to subsequently modify
40 or amend this part in order to completely effectuate the intent and

1 purposes of this section and the right to not provide any new
2 comparable advantages if disadvantages to employees result from
3 any modification or amendment.

4 (h) This section shall not apply to a contracting agency nor its
5 employees until, first, it is agreed to in a written memorandum of
6 understanding entered into by an employer and representatives of
7 employees and, second, the contracting agency elects to be
8 subject to it by amendment to its contract made in the manner
9 prescribed for approval of contracts or in the case of a new
10 contract, by express provision of the contract. The operative date
11 of this section with respect to a local safety member shall be the
12 effective date of the amendment to his or her employer's contract
13 electing to be subject to this section. However, this section shall
14 not apply to any local safety member in the employ of an
15 employer not subject to this section on January 1, 2000.

16 *SEC. 4. Section 21363.1 of the Government Code is amended*
17 *to read:*

18 21363.1. (a) The combined current and prior service
19 pensions for state peace officer/firefighter members subject to
20 this section with respect to state peace officer/firefighter service,
21 and for local safety members with respect to local safety service
22 rendered to a contracting agency that is subject to this section, is
23 a pension derived from the contributions of the employer
24 sufficient when added to the service retirement annuity that is
25 derived from the accumulated normal contributions of the state
26 peace officer/firefighter member or local safety member at the
27 date of his or her retirement to equal the fraction of 3 percent of
28 his or her final compensation set forth opposite his or her age at
29 retirement taken to the preceding completed quarter year, in the
30 following table, multiplied by the number of years of state peace
31 officer/firefighter service or local safety service subject to this
32 section with which he or she is credited at retirement:

34	Age at		Fraction
35	Retirement		
36	50.....		.800
37	50 ¹ / ₄810
38	50 ¹ / ₂820
39	50 ³ / ₄830
40	51840

Age at Retirement	Fraction
51 1/4	.850
51 1/2	.860
51 3/4	.870
52	.880
52 1/4	.890
52 1/2	.900
52 3/4	.910
53	.920
53 1/4	.930
53 1/2	.940
53 3/4	.950
54	.960
54 1/4	.970
54 1/2	.980
54 3/4	.990
55 and over	1.000

19
 20 (b) (1) In no event shall the current service pension and the
 21 combined current and prior service pensions under this section *or*
 22 *any other section of this article* for all service to all employers
 23 exceed an amount that, when added to the service retirement
 24 annuity related to that service, equals 85 percent of final
 25 compensation. For state peace officer/firefighter members with
 26 respect to service for all state employers under this section *or any*
 27 *other section of this article*, the benefit shall not exceed 90
 28 percent of final compensation. If the pension relates to service to
 29 more than one employer *or service under this section and any*
 30 *other section of this article* and would otherwise exceed that
 31 maximum, the pension payable with respect to each *section or*
 32 employer shall be reduced in the same proportion as the
 33 ~~allowance based on service to that employer~~ bears to the total
 34 allowance computed as though there were no limit, so that the
 35 total of the pensions shall equal the maximum. ~~Where~~ *If* a state or
 36 local member has service under this section with both state and
 37 local agency employers, the higher maximum shall apply and the
 38 additional benefit shall be funded by increasing the member's
 39 pension payable with respect to the employer for whom the
 40 member performed the service subject to the higher maximum.

1 (2) *For purposes of this section, “any other section of this*
2 *article” shall include, but is not limited to, Section 21362,*
3 *21362.2, 21363, 21363.3, 21363.4, 21363.8, 21369, 21369.1, or*
4 *21370.*

5 (c) This section shall supersede Section 21363 for state peace
6 officer/firefighter members with respect to service rendered for
7 the California State University or the legislative or judicial
8 branch of government.

9 (d) This section shall also supersede Section 21363 for state
10 peace officer/firefighter members, for service not subject to
11 subdivision (c), who are employed by the state on or after
12 January 1, 2000.

13 (e) This section shall not apply to any contracting agency nor
14 its employees unless and until the agency elects to be subject to
15 the provisions of this section by amendment to its contract made
16 in the manner prescribed for approval of contracts or, in the case
17 of contracts made after the date this section becomes operative,
18 by express provision in the contract making the contracting
19 agency subject to this section. The operative date of this section
20 for a local safety member shall be the effective date of the
21 amendment to his or her employer’s contract electing to be
22 subject to this section.

23 (f) This section shall supersede Section 21363, 21366, 21368,
24 21369, or 21370, whichever is then applicable, with respect to
25 local safety members who retire after the date this section
26 becomes applicable to their respective employers.

27 (g) The Legislature reserves, with respect to any member
28 subject to this section, the right to provide for the adjustment of
29 industrial disability retirement allowances because of earnings of
30 a retired person and modification of the conditions and
31 qualifications required for retirement for disability as it may find
32 appropriate because of the earlier age of service retirement made
33 possible by the benefits under this section.

34 (h) The Legislature reserves the right to subsequently modify
35 or amend this part in order to completely effectuate the intent and
36 purposes of this section and the right to not provide any new
37 comparable advantages if disadvantages to employees result from
38 any modification or amendment.

39 (i) Operation and application of this section are subject to the
40 limitations set forth in Section 21251.13.

1 *SEC. 5. Section 21363.3 of the Government Code is amended*
2 *to read:*

3 21363.3. (a) The combined current and prior service
4 pensions for state peace officer/firefighter members described in
5 Section 20394 is a pension derived from the contributions of the
6 employer sufficient when added to the service retirement annuity
7 that is derived from the accumulated normal contributions of the
8 member at the date of his or her retirement to equal 3 percent of
9 his or her final compensation at the age of 50 years, multiplied by
10 the number of years of state peace officer/firefighter service
11 subject to this section with which he or she is credited at
12 retirement.

13 (b) (1) In no event shall the current service pension and the
14 combined current and prior service pensions under this section *or*
15 *any other section of this article* for all service to all employers
16 exceed an amount that, when added to the service retirement
17 annuity related to that service, equals 90 percent of final
18 compensation. If the pension relates to service to more than one
19 employer *or service under this section and any other section of*
20 *this article*, and would otherwise exceed that maximum, the
21 pension payable with respect to each *section or* employer shall be
22 reduced in the same proportion as the allowance ~~based on service~~
23 ~~to that employer~~ bears to the total allowance computed as though
24 there were no limit, so that the total of the pensions shall equal
25 the maximum. ~~Where~~ *If* a state peace officer/firefighter member
26 has service under this section, or other safety retirement formulas
27 pursuant to this part with state or local agency employers, the
28 higher maximum shall apply and the additional benefit shall be
29 funded by increasing the member's pension payable with respect
30 to the state employer.

31 (2) *For purposes of this section, "any other section of this*
32 *article" shall include, but is not limited to, Section 21362,*
33 *21362.2, 21363, 21363.1, 21363.4, 21363.8, 21369, 21369.1, or*
34 *21370.*

35 (c) This section shall apply to state peace officer/firefighter
36 members described in Section 20394 if authorized by, and in
37 accordance with, a memorandum of understanding reached
38 between the Trustees of the California State University and the
39 recognized employee organization pursuant to Chapter 12
40 (commencing with Section 3560) of Division 4 of Title 1. This

1 section may also apply to sworn peace officer/firefighter
2 members described in Section 20394 in related management
3 positions, if the Trustees of the California State University have
4 approved the application in writing to the Board of
5 Administration of the Public Employees' Retirement System.

6 (d) This section shall supersede Section 21363.1 with respect
7 to peace officer/firefighter service for members employed by the
8 California State University police department on or after the date
9 a memorandum of understanding, or action by the Trustees of the
10 California State University regarding related management
11 positions, makes this section applicable to these members.

12 (e) This section may not prevent a subsequent memorandum
13 of understanding, or subsequent action by the Trustees of the
14 California State University regarding related management
15 positions, from making this section inapplicable to peace
16 officer/firefighter members first employed by the California State
17 University police department on or after a date specified in a
18 subsequent memorandum of understanding, or subsequent action
19 by the Trustees of the California State University regarding
20 related management positions.

21 *SEC. 6. Section 21363.4 of the Government Code is amended*
22 *to read:*

23 21363.4. (a) Upon attaining the age of 50 years or more, the
24 combined current and prior service pension for a state peace
25 officer/firefighter member described in subdivision (c) who
26 retires or dies on or after January 1, 2006, is a pension derived
27 from the contributions of the employer sufficient when added to
28 the service retirement annuity that is derived from the
29 accumulated normal contributions of the member at the date of
30 his or her retirement to equal 3 percent of his or her final
31 compensation at retirement, multiplied by the number of years of
32 state peace officer/firefighter service, as defined in subdivision
33 (d), subject to this section with which he or she is credited at
34 retirement.

35 (b) (1) For state peace officer/firefighter members, with
36 respect to service for all state employers under this section *or any*
37 *other section of this article*, the current service pension and the
38 combined current and prior service pension under this section *or*
39 *any other section of this article* shall not exceed an amount that,
40 when added to the service retirement annuity related to that

1 service, equals 90 percent of final compensation. If the pension
2 relates to service to more than one employer *or service under this*
3 *section and any other section of this article* and would otherwise
4 exceed that maximum, the pension payable with respect to each
5 *section or employer* shall be reduced in the same proportion as
6 the allowance ~~based on service to that employer~~ bears to the total
7 allowance computed as though there were no limit, so that the
8 total of the pensions shall equal the maximum.

9 (2) *For purposes of this section, “any other section of this*
10 *article” shall include, but is not limited to, Section 21362,*
11 *21362.2, 21363, 21363.1, 21363.3, 21363.8, 21369, 21369.1, or*
12 *21370.*

13 (c) For purposes of this section, “state peace officer/firefighter
14 member” means state peace officer/firefighter members under
15 this part who, on or after January 1, 2006, are employed by the
16 state and are members of State Bargaining Unit 6 or State
17 Bargaining Unit 8, and may include state peace officer/firefighter
18 members in related managerial, supervisory, or confidential
19 positions and officers or employees of the executive branch of
20 state government who are not members of the civil service,
21 provided the Department of Personnel Administration has
22 approved their inclusion in writing to the board.

23 (d) For purposes of this section, “state peace officer/firefighter
24 service” means service performed by a state peace
25 officer/firefighter member while a member of State Bargaining
26 Unit 6 or State Bargaining Unit 8, and may include state peace
27 officer/firefighter service in related managerial, supervisory, or
28 confidential positions or as officers or employees of the
29 executive branch of state government who are not members of
30 the civil service, provided the Department of Personnel
31 Administration has approved their inclusion in writing to the
32 board.

33 (e) This section shall supersede Section 21363 or 21363.1,
34 whichever is applicable, with respect to state peace
35 officer/firefighter members and service as defined herein.

36 (f) The Legislature reserves, with respect to any member
37 subject to this section, the right to provide for the adjustment of
38 industrial disability retirement allowances because of earnings of
39 a retired person and modification of the conditions and
40 qualifications required for retirement for disability as it may find

1 appropriate because of the earlier ages of service retirement made
2 possible by the benefits under this section.

3 *SEC. 7. Section 21363.8 of the Government Code is amended*
4 *to read:*

5 21363.8. (a) Upon attaining the age of 50 years or more, the
6 combined current and prior service pension for a state peace
7 officer/firefighter member described in subdivision (c) who
8 retires or dies on or after January 1, 2004, is a pension derived
9 from the contributions of the employer sufficient when added to
10 the service retirement annuity that is derived from the
11 accumulated normal contributions of the member at the date of
12 his or her retirement to equal 3 percent of his or her final
13 compensation at retirement, multiplied by the number of years of
14 state peace officer/firefighter service, as defined in subdivision
15 (d), subject to this section with which he or she is credited at
16 retirement.

17 (b) (1) For state peace officer/firefighter members, with
18 respect to service for all state employers under this section *or any*
19 *other section of this article*, the current service pension and the
20 combined current and prior service pension under this section *or*
21 *any other section of this article* may not exceed an amount that,
22 when added to the service retirement annuity related to that
23 service, equals 90 percent of final compensation. If the pension
24 relates to service to more than one employer *or service under this*
25 *section and any other section of this article* and would otherwise
26 exceed that maximum, the pension payable with respect to each
27 *section or employer* shall be reduced in the same proportion as
28 the allowance ~~based on service to that employer~~ bears to the total
29 allowance computed as though there were no limit, so that the
30 total of the pensions shall equal the maximum.

31 (2) *For purposes of this section, “any other section of this*
32 *article” shall include, but is not limited to, Section 21362,*
33 *21362.2, 21363, 21363.1, 21363.3, 21363.4, 21369, 21369.1, or*
34 *21370.*

35 (c) (1) This section shall apply to state peace
36 officer/firefighter members under this part who, on or after
37 January 1, 2004, are employed by the state and are members of
38 State Bargaining Unit 7.

39 (2) This section may also apply to state peace
40 officer/firefighter members in managerial, supervisory, or

1 confidential positions that are related to the members described
2 in paragraph (1) and to officers or employees of the executive
3 branch of state government who are not members of the civil
4 service and who are in positions that are related to the members
5 described in paragraph (1), if the Department of Personnel
6 Administration has approved their inclusion in writing to the
7 board.

8 (d) (1) For purposes of this section, “state peace
9 officer/firefighter service” means service performed by a state
10 peace officer/firefighter member while a member of State
11 Bargaining Unit 7.

12 (2) That service may include state peace officer/firefighter
13 service in managerial, supervisory, or confidential positions that
14 are related to the members described in paragraph (1) or as
15 officers or employees of the executive branch of state
16 government who are not members of the civil service and who
17 are in positions that are related to the members described in
18 paragraph (1), provided the Department of Personnel
19 Administration has approved their inclusion in writing to the
20 board.

21 (e) This section shall supersede Section 21363 or 21363.1,
22 whichever is applicable, with respect to state peace
23 officer/firefighter members subject to this section and state peace
24 officer/firefighter service as defined herein.

25 (f) The Legislature reserves, with respect to any member
26 subject to this section, the right to provide for the adjustment of
27 industrial disability retirement allowances because of earnings of
28 a retired person and modification of the conditions and
29 qualifications required for retirement for disability as it may find
30 appropriate because of the earlier ages of service retirement made
31 possible by the benefits under this section.

32 *SEC. 8. Section 21369 of the Government Code is amended to*
33 *read:*

34 21369. (a) The combined prior and current service pension
35 for a state safety member, and a local safety member with respect
36 to service to a contracting agency subject to this section, upon
37 retirement after attaining the age of 55 years, is a pension derived
38 from contributions of an employer sufficient, when added to that
39 portion of the service retirement annuity that is derived from the
40 accumulated normal contributions of the member at the date of

1 his or her retirement, to equal one-fiftieth of his or her final
 2 compensation multiplied by the number of years of state safety,
 3 police, fire, or county peace officer service that is credited to him
 4 or her as a state safety member or a local safety member subject
 5 to this section at retirement. Notwithstanding the preceding
 6 sentence, this section shall apply to the current and prior service
 7 pension for any other state safety member based on service to
 8 which it would have applied had the member, on July 1, 1971,
 9 been in employment described in Section 20403 or 20404.

10 (b) Upon retirement for service prior to attaining the age of 55
 11 years, the percentage of final compensation payable for each year
 12 of credited service that is subject to this section shall be the
 13 product of 2 percent multiplied by the factor set forth in the
 14 following table for his or her actual age at retirement:

15		The percent for
16		each year of
17		credited service
18		is:
19	If the retirement age occurs at:	
20	50	0.713
21	50 $\frac{1}{4}$	0.725
22	50 $\frac{1}{2}$	0.737
23	50 $\frac{3}{4}$	0.749
24	51	0.761
25	51 $\frac{1}{4}$	0.775
26	51 $\frac{1}{2}$	0.788
27	51 $\frac{3}{4}$	0.801
28	52	0.814
29	52 $\frac{1}{4}$	0.828
30	52 $\frac{1}{2}$	0.843
31	52 $\frac{3}{4}$	0.857
32	53	0.871
33	53 $\frac{1}{4}$	0.886
34	53 $\frac{1}{2}$	0.902
35	53 $\frac{3}{4}$	0.917
36	54	0.933
37	54 $\frac{1}{4}$	0.950
38	54 $\frac{1}{2}$	0.966
39	54 $\frac{3}{4}$	0.983
40		

1 (c) (1) In no event shall the total pension for all service under
2 this section *or any other section of this article* exceed an amount
3 that, when added to the service retirement annuity related to that
4 service, equals 75 percent of final compensation. For state
5 members who retire on or after January 1, 1995, and with respect
6 to service for all state employers under this section *or any other*
7 *section of this article*, the benefit shall not exceed 80 percent of
8 final compensation. For local members who retire on or after
9 January 1, 2000, the benefit shall not exceed 85 percent of final
10 compensation. If the pension relates to service to more than one
11 employer *or service under this section and any other section of*
12 *this article* and would otherwise exceed that maximum, the
13 pension payable with respect to each *section or* employer shall be
14 reduced in the same proportion as the allowance ~~based on service~~
15 ~~to that employer~~ bears to the total allowance computed as though
16 there were no limit, so that the total of those pensions shall equal
17 the maximum. ~~Where~~ *If* a state or local member retiring on or
18 after January 1, 1995, has service under this section with both
19 state and local agency employers, the higher maximum shall
20 apply and the additional benefit shall be funded by increasing the
21 member's pension payable with respect to the employer for
22 whom the member performed the service subject to the higher
23 maximum.

24 (2) *For purposes of this section, "any other section of this*
25 *article" shall include, but is not limited to, Section 21362,*
26 *21362.2, 21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369.1,*
27 *or 21370.*

28 (d) This section shall not apply to a person whose effective
29 date of retirement is prior to July 1, 1971.

30 (e) The Legislature reserves, with respect to any member
31 subject to this section, the right to provide for the adjustment of
32 industrial disability retirement allowances because of earnings of
33 a retired person and modification of the conditions and
34 qualifications required for retirement for disability as it may find
35 appropriate because of the earlier age of service retirement made
36 possible by the benefits under this section.

37 (f) The percentage of final compensation provided in this
38 section shall be reduced by one-third as applied to that part of the
39 member's final compensation that does not exceed four hundred
40 dollars (\$400) per month for service after the effective date of

1 coverage of a member under the federal system. This subdivision
2 shall not apply to a member who retires after the date upon which
3 coverage under the federal system of persons in his or her
4 employment terminates. It shall not apply to a local safety
5 member employed by a contracting agency electing to be subject
6 to this section after March 7, 1973, unless the agency elects to be
7 subject to this paragraph by amendment to its contract or by
8 appropriate provision of a contract entered into after this
9 provision is effective and as to any member, the reduction in the
10 percentage of final compensation shall apply to all local safety
11 service to the agency, if any of the local safety service has been
12 included in the federal system.

13 (g) With the exception of state safety members for service
14 rendered for the California State University, this section shall
15 apply to state safety members who are not employed by the state
16 on or after January 1, 2000.

17 (h) This section shall not apply to a contracting agency nor its
18 employees until the agency elects to be subject to it by
19 amendment to its contract made in the manner prescribed for
20 approval of contracts or in the case of a new contract, by express
21 provision of the contract. The operative date of this section with
22 respect to a local safety member shall be the effective date of the
23 amendment to his or her employer's contract electing to be
24 subject to this section.

25 *SEC. 9. Section 21369.1 of the Government Code is amended*
26 *to read:*

27 21369.1. (a) The combined current and prior service
28 pensions for state safety members subject to this section with
29 respect to state safety service that is subject to this section is a
30 pension derived from the contributions of the employer sufficient
31 when added to the service retirement annuity that is derived from
32 the accumulated normal contributions of the state safety member
33 at the date of his or her retirement to equal the fraction of
34 one-fiftieth of his or her final compensation set forth opposite his
35 or her age at retirement taken to the preceding completed quarter
36 year, in the following table, multiplied by the number of years of
37 state safety service subject to this section with which he or she is
38 credited at retirement.

1	Age at		Fraction
2	Retirement		
3	50		0.8500
4	50 ¹ / ₄		0.8625
5	50 ¹ / ₂		0.8750
6	50 ³ / ₄		0.8875
7	51		0.9000
8	51 ¹ / ₄		0.9125
9	51 ¹ / ₂		0.9250
10	51 ³ / ₄		0.9375
11	52		0.9500
12	52 ¹ / ₄		0.9625
13	52 ¹ / ₂		0.9750
14	52 ³ / ₄		0.9875
15	53		1.0000
16	53 ¹ / ₄		1.0320
17	53 ¹ / ₂		1.0630
18	53 ³ / ₄		1.0940
19	54		1.1250
20	54 ¹ / ₄		1.1570
21	54 ¹ / ₂		1.1880
22	54 ³ / ₄		1.2190
23	55 and over.....		1.2500

24

25 (b) (1) For state safety members with respect to service for all
 26 state employers under this section *or any other section of this*
 27 *article*, the benefit shall not exceed 80 percent of final
 28 compensation. If the pension relates to service to more than one
 29 employer *or service under this section and any other section of*
 30 *this article* and would otherwise exceed that maximum, the
 31 pension payable with respect to each *section or employer* shall be
 32 reduced in the same proportion as the allowance based on service
 33 ~~to that employer~~ bears to the total allowance computed as though
 34 there were no limit, so that the total of the pensions shall equal
 35 the maximum.

36 (2) For purposes of this section, “any other section of this
 37 article” shall include, but is not limited to, Section 21362,
 38 21362.2, 21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369, or
 39 21370.

1 (c) This section shall supersede Section 21369 for state safety
2 members with respect to service rendered for the California State
3 University.

4 (d) This section shall also supersede Section 21369 for state
5 safety members, for service not subject to subdivision (c), who
6 are employed by the state on or after January 1, 2000.

7 (e) The Legislature reserves, with respect to any member
8 subject to this section, the right to provide for the adjustment of
9 industrial disability retirement allowances because of earnings of
10 a retired person and modification of the conditions and
11 qualifications required for retirement for disability as it may find
12 appropriate because of the earlier age of service retirement made
13 possible by the benefits under this section.

14 (f) The Legislature reserves the right to subsequently modify
15 or amend this part in order to completely effectuate the intent and
16 purposes of this section and the right to not provide any new
17 comparable advantages if disadvantages to employees result from
18 any modification or amendment.

19 (g) Operation and application of this section are subject to the
20 limitations set forth in Section 21251.13.

21 *SEC. 10. Section 21370 of the Government Code is amended*
22 *to read:*

23 21370. (a) The combined prior and current service pension
24 for local safety members with respect to service to a contracting
25 agency subject to this section, upon retirement after attaining 56
26 years of age, is a pension derived from contributions of an
27 employer sufficient, when added to that portion of the service
28 retirement annuity that is derived from the accumulated normal
29 contributions of the member at the date of his or her retirement,
30 to equal one-fiftieth of his or her final compensation set forth
31 opposite his or her age at retirement taken to the preceding
32 completed quarter year in the following table, multiplied by the
33 number of years of service credited to him or her as a local safety
34 member subject to this section at retirement.

35 (b) Upon retirement for service prior to attaining 56 years of
36 age, the percentage of final compensation payable for each year
37 of credited service that is subject to this section shall be the
38 product of 2 percent multiplied by the factor set forth in the
39 following table for the actual age at retirement:

1		The percent for
2		each year of
3		credited service
4	If retirement occurs at age:	is:
5	508565
6	50 1/4.....	.8650
7	50 1/2.....	.8740
8	50 3/4.....	.8830
9	518920
10	51 1/4.....	.9020
11	51 1/2.....	.9120
12	51 3/4.....	.9222
13	529330
14	52 1/4.....	.9410
15	52 1/2.....	.9490
16	52 3/4.....	.9570
17	539650
18	53 1/4.....	.9675
19	53 1/2.....	.9700
20	53 3/4.....	.9725
21	549750
22	54 1/4.....	.9810
23	54 1/2.....	.9870
24	54 3/4.....	.9935
25	55	1.0000
26	55 1/4.....	1.0435
27	55 1/2.....	1.0870
28	55 3/4.....	1.1310
29	56	1.1750

30
 31 (c) This section shall apply only to local police officers and
 32 county peace officers who are local safety members.

33 (d) This section shall not apply to persons whose effective date
 34 of retirement is prior to January 1, 1985.

35 (e) The Legislature reserves, with respect to any member
 36 subject to this section, the right to provide for the adjustment of
 37 industrial disability retirement allowances because of earnings of
 38 a retired person and modification of the conditions and
 39 qualifications required for retirement for disability as it may find

1 appropriate because of the earlier age of service retirement made
2 possible by the benefits under this section.

3 (f) The percentage of final compensation provided in this
4 section shall be reduced by one-third as applied to that part of the
5 member's final compensation that does not exceed four hundred
6 dollars (\$400) per month for service after the effective date of
7 coverage of a member under the federal system. This paragraph
8 shall not apply to a member who retires after the date upon which
9 coverage under the federal system of persons in his or her
10 employment terminates.

11 (g) (1) For members who retire prior to January 1, 2000, in no
12 event shall the total pension for all service under this section *or*
13 *any other section of this article* exceed an amount that, when
14 added to the service retirement annuity related to the service,
15 equals 75 percent of final compensation. For members who retire
16 on or after January 1, 2000, the allowance shall not exceed 85
17 percent of final compensation. If the pension relates to service for
18 more than one employer *or service under this section and any*
19 *other section of this article* and would otherwise exceed the
20 maximum, the pension payable with respect to each *section or*
21 employer shall be reduced in the same proportion as the
22 ~~allowance based on service to the employer~~ bears to the total
23 allowance computed as though there were no limit, so that the
24 total of the pensions shall equal the maximum.

25 (2) *For purposes of this section, "any other section of this*
26 *article" shall include, but is not limited to, Section 21362,*
27 *21362.2, 21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369, or*
28 *21369.1.*

29 (h) This section shall only apply as an optional contributory
30 retirement formula for this system for local safety groups whose
31 group participated in Federal Old Age and Survivors' Insurance
32 provisions of the Social Security Act on April 1983.

33 (i) This section shall not apply to a contracting agency nor its
34 employees until the agency and the representative employee
35 organization agree by memorandum of understanding to be
36 subject to it by amendment to its contract made in the manner
37 prescribed for approval of contracts. It shall also be required that
38 the representative employee organizations agree to be subject to
39 this provision.

1 (j) The operative date of this section with respect to a local
2 safety member shall be the effective date of the amendment to
3 the employer's contract electing to be subject to this section.
4 However, this section shall not apply to any local safety member
5 in the employ of an employer not subject to this section on
6 January 1, 2000.

7 *SEC. 11. The amendments made by this act do not represent*
8 *a change in, but are declaratory of, existing law. The Legislature*
9 *finds and declares that the benefits enacted by Chapters 555 and*
10 *633 of the Statutes of 1999 and Chapters 1 and 56 of the Statutes*
11 *of 2002 were not intended to grant a retirement allowance in*
12 *excess of the final compensation of a member.*

13 *SEC. 12. This act is an urgency statute necessary for the*
14 *immediate preservation of the public peace, health, or safety*
15 *within the meaning of Article IV of the Constitution and shall go*
16 *into immediate effect. The facts constituting the necessity are:*

17 *In order to ensure that the benefits enacted by Chapters 555*
18 *and 633 of the Statutes of 1999 and Chapters 1 and 56 of the*
19 *Statutes of 2002 are implemented as intended and to facilitate*
20 *appropriate clarification for the proper administration of*
21 *benefits, it is necessary for this act to take effect immediately.*

22 ~~SECTION 1. Section 21132 of the Government Code is~~
23 ~~amended to read:~~

24 ~~21132. (a) Every state safety member shall be retired on the~~
25 ~~first day of the calendar month succeeding that in which he or~~
26 ~~she attains 65 years of age. Every member who has attained 65~~
27 ~~years of age when he or she becomes a state safety member shall~~
28 ~~be retired on the first day of the following month.~~

29 ~~(b) This section shall not apply to members employed as~~
30 ~~physicians, dentists, or podiatrists.~~