

Introduced by Senators Wiggins, Migden, and Negrete McLeodFebruary 22, 2007

An act to amend Section 2610 of the Family Code, to amend Sections 20037.6, 20037.7, 20037.8, 20037.9, 20037.10, 20037.11, 20037.12, 20475, 20479, 21252, 21261, 22126, 75006, 75028.5, 75507, and 75552 of, and to add Sections 75080.1 and 75580.1 to, the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 608, as introduced, Wiggins. Public employees' retirement.

(1) The Public Employees' Retirement Law permits a local agency that contracts with the Public Employees' Retirement System for retirement services to classify certain local safety members as "local safety officers" and "school safety" members. Under that law, the local agency may not establish different retirement benefits for some, but not all, members in specified local safety positions.

This bill would revise these provisions to include a local safety officer and a school safety member as specified local safety positions.

(2) That law provides that a member's application for retirement, if submitted within 9 months after separation from employment, shall be deemed to have been submitted on the last day for which salary was payable. Under that law, if a member files his or her application more than 9 months after separation from employment, the effective date of that application may be deemed to have been submitted on the last day for which salary was payable if the member meets his or her burden of presenting documentation to show that the delay was the result of a mistake, inadvertence, surprise, or excusable neglect, as defined.

This bill would these provisions regarding a delay that was the result of a mistake, inadvertence, surprise, or excusable neglect and instead

provide that if a member files his or her application for retirement more than 9 months after separation from employment, the effective date of his or her application shall be the first day of the month in which the application is received at an office of the Board of Administration of the Public Employees' Retirement System or by a designated employee of the retirement system, as specified.

(3) Under that law, if a member applies for a refund of accumulated contributions, elects an optional retirement benefit, designates a beneficiary, or changes an existing beneficiary, the application, election, or designation shall contain the signature of the current spouse of the member, unless a specified exception applies.

This bill would additionally require, if the application does not contain the signature of the current spouse, the Public Employees' Retirement System to notify the current spouse, by United States mail to his or her last address of record, of the member's application, election, or designation.

(4) Under that law, for purposes of provisions relating to the inclusion of public employees under Social Security, and when permitted by the Social Security Act, members of a retirement system employed in firemen or policemen positions, as defined, who are classified separately from other members of that retirement system, and with respect to benefits and contributions, are deemed to constitute a separate retirement system. Under that law, if social security coverage is extended to either a fireman or policeman position, that coverage shall be extended to those positions as a unit without any division of their separate retirement systems, as specified.

This bill would delete the provisions that if social security coverage is extended to either a fireman or policeman position, that coverage shall be extended to those positions as a unit without any division of their separate retirement systems.

(5) The Judges' Retirement Law and the Judges' Retirement System II Law require the Board of Administration of the Public Employees' Retirement System to administer the retirement systems under these provisions. Under these laws, an allowance payable to a retired judge or other specified beneficiary that remains unpaid at the time of death of that person, or an unclaimed warrant issued prior to the date of death and returned to the retirement system, shall be paid to a survivor entitled to an allowance payable by the retirement system, a designated beneficiary, or the estate of the deceased, as specified.

This bill would additionally permit the retirement system, subject to the judgment of the Board of Administration, to pay that unpaid allowance or unclaimed warrant to a duly authorized representative of the estate, a successor trustee, or beneficiary in a valid will, as specified. The bill would also provide that if there is no beneficiary entitled to receive the payment under these provisions, the payment shall be paid to the surviving next of kin pursuant to a specified order of distribution.

(6) Under the Judges’ Retirement Law and the Judges’ Retirement System II Law, a retired judge who is retired for disability may engage in the practice of law or other gainful occupation and his or her retirement allowance shall not be reduced unless a specified exception applies. Under these laws, if a retired judge becomes entitled to a salary or compensation for assignment to a court by the Chairperson of the Judicial Council, the retirement allowance of that judge shall be reduced by the amount of that salary or compensation.

This bill would provide that a retired judge, who is retired for service or disability, elected or appointed to serve as a judge shall again become a member of the Judges’ Retirement System or the Judges’ Retirement System II, as specified. The bill would provide that these provisions do not apply to a retired judge who is assigned to serve as a judge, as specified.

(7) This bill would make various technical and conforming changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 2610 of the Family Code is amended to
2 read:
3 2610. (a) Except as provided in subdivision (b), the court shall
4 make whatever orders are necessary or appropriate to ensure that
5 each party receives the party’s full community property share in
6 any retirement plan, whether public or private, including all
7 survivor and death benefits, including, but not limited to, any of
8 the following:
9 (1) Order the disposition of any retirement benefits payable
10 upon or after the death of either party in a manner consistent with
11 Section 2550.

1 (2) Order a party to elect a survivor benefit annuity or other
2 similar election for the benefit of the other party, as specified by
3 the court, in any case in which a retirement plan provides for such
4 an election, provided that no court shall order a retirement plan to
5 provide increased benefits determined on the basis of actuarial
6 value.

7 (3) Upon the agreement of the nonemployee spouse, order the
8 division of accumulated community property contributions and
9 service credit as provided in the following or similar enactments:

10 (A) ~~Article 1.2 (commencing with Section 21215) of Chapter~~
11 ~~9 2 (commencing with Section 21290) of Chapter 13~~ of Part 3 of
12 Division 5 of Title 2 of the Government Code.

13 (B) Chapter 12 (commencing with Section 22650) of Part 13
14 of the Education Code.

15 (C) Article 8.4 (commencing with Section 31685) of Chapter
16 3 of Part 3 of Division 4 of Title 3 of the Government Code.

17 (D) Article 2.5 (commencing with Section 75050) of Chapter
18 11 of Title 8 of the Government Code.

19 (E) Chapter 15 (commencing with Section 27400) of Part 14 of
20 the Education Code.

21 (4) Order a retirement plan to make payments directly to a
22 nonmember party of his or her community property interest in
23 retirement benefits.

24 (b) A court shall not make any order that requires a retirement
25 plan to do either of the following:

26 (1) Make payments in any manner that will result in an increase
27 in the amount of benefits provided by the plan.

28 (2) Make the payment of benefits to any party at any time before
29 the member retires, except as provided in paragraph (3) of
30 subdivision (a), unless the plan so provides.

31 (c) This section shall not be applied retroactively to payments
32 made by a retirement plan to any person who retired or died prior
33 to January 1, 1987, or to payments made to any person who retired
34 or died prior to June 1, 1988, for plans subject to paragraph (3) of
35 subdivision (a).

36 SEC. 2. Section 20037.6 of the Government Code is amended
37 to read:

38 20037.6. (a) Notwithstanding Sections 20035 and 20037, final
39 compensation for a person who *is employed by the state for the*
40 *first time and* becomes a state member of the system on or after

1 July 1, 2006, and is represented by State Bargaining Unit 2, means
2 the highest average annual compensation earnable by the member
3 during the consecutive 36-month period immediately preceding
4 the effective date of his or her retirement, or the date of his or her
5 last separation from state service if earlier, or during any other
6 period of 36 consecutive months during his or her state membership
7 that the member designates on the application for retirement.

8 (b) This section applies to service credit accrued while a member
9 of State Bargaining Unit 2.

10 (c) This section does not apply to:

11 (1) Former state employees who return to state employment
12 on or after July 1, 2006.

13 (2) State employees hired prior to July 1, 2006, who were subject
14 to Section 20281.5 during the first 24 months of state employment.

15 (3) State employees hired prior to July 1, 2006, who become
16 subject to representation by State Bargaining Unit 2 on or after
17 July 1, 2006.

18 (4) State employees on an approved leave of absence who return
19 to active employment on or after July 1, 2006.

20 SEC. 3. Section 20037.7 of the Government Code is amended
21 to read:

22 20037.7. (a) Notwithstanding Sections 20035 and 20037, final
23 compensation for a person who *is employed by the state for the*
24 *first time and* becomes a state member of the system on or after
25 January 1, 2007, and is represented by State Bargaining Units 1,
26 3, 4, 11, 14, 15, 17, 20, or 21, means the highest average annual
27 compensation earnable by the member during the consecutive
28 36-month period immediately preceding the effective date of his
29 or her retirement, or the date of his or her last separation from state
30 service if earlier, or during any other period of 36 consecutive
31 months during his or her state membership that the member
32 designates on the application for retirement.

33 (b) This section applies to service credit accrued while a member
34 of State Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20, or 21.

35 (c) This section does not apply to:

36 (1) Former state employees previously employed before January
37 1, 2007, who return to state employment on or after January 1,
38 2007.

1 (2) State employees hired prior to January 1, 2007, who were
2 subject to Section 20281.5 during the first 24 months of state
3 employment.

4 (3) State employees hired prior to January 1, 2007, who become
5 subject to representation by State Bargaining Units 1, 3, 4, 11, 14,
6 15, 17, 20, or 21 on or after January 1, 2007.

7 (4) State employees on an approved leave of absence employed
8 before January 1, 2007, who return to active employment on or
9 after January 1, 2007.

10 SEC. 4. Section 20037.8 of the Government Code is amended
11 to read:

12 20037.8. (a) Notwithstanding Sections 20035 and 20037, final
13 compensation for a person who *is employed by the state for the*
14 *first time and* becomes a state member of the system on or after
15 January 1, 2007, and is represented by State Bargaining Unit 12
16 or 13, means the highest average annual compensation earnable
17 by the member during the consecutive 36-month period
18 immediately preceding the effective date of his or her retirement,
19 or the date of his or her last separation from state service if earlier,
20 or during any other period of 36 consecutive months during his or
21 her state membership that the member designates on the application
22 for retirement.

23 (b) This section applies to service credit accrued while a member
24 of State Bargaining Unit 12 or 13.

25 (c) This section does not apply to:

26 (1) Former state employees previously employed before January
27 1, 2007, who return to state employment on or after January 1,
28 2007.

29 (2) State employees hired prior to January 1, 2007, who were
30 subject to Section 20281.5 during the first 24 months of state
31 employment.

32 (3) State employees hired prior to January 1, 2007, who become
33 subject to representation by State Bargaining Unit 12 or 13 on or
34 after January 1, 2007.

35 (4) State employees on an approved leave of absence employed
36 before January 1, 2007, who return to active employment on or
37 after January 1, 2007.

38 SEC. 5. Section 20037.9 of the Government Code is amended
39 to read:

1 20037.9. (a) Notwithstanding Sections 20035 and 20037, final
2 compensation for a person who *is employed by the state for the*
3 *first time and* becomes a state member of the system on or after
4 January 1, 2007, and is represented by State Bargaining Unit 16
5 or 19, means the highest average annual compensation earnable
6 by the member during the consecutive 36-month period
7 immediately preceding the effective date of his or her retirement,
8 or the date of his or her last separation from state service if earlier,
9 or during any other period of 36 consecutive months during his or
10 her state membership that the member designates on the application
11 for retirement.

12 (b) This section applies to service credit accrued while a member
13 of State Bargaining Unit 16 or 19.

14 (c) This section does not apply to:

15 (1) Former state employees previously employed before January
16 1, 2007, who return to state employment on or after January 1,
17 2007.

18 (2) State employees hired prior to January 1, 2007, who were
19 subject to Section 20281.5 during the first 24 months of state
20 employment.

21 (3) State employees hired prior to January 1, 2007, who become
22 subject to representation by State Bargaining Unit 16 or 19 on or
23 after January 1, 2007.

24 (4) State employees on an approved leave of absence employed
25 before January 1, 2007, who return to active employment on or
26 after January 1, 2007.

27 SEC. 6. Section 20037.10 of the Government Code is amended
28 to read:

29 20037.10. (a) Notwithstanding Sections 20035 and 20037,
30 final compensation for a person who *is employed by the state for*
31 *the first time and* becomes a state member of the system on or after
32 January 1, 2007, and is represented by State Bargaining Unit 7,
33 means the highest average annual compensation earnable by the
34 member during the consecutive 36-month period immediately
35 preceding the effective date of his or her retirement, or the date of
36 his or her last separation from state service if earlier, or during any
37 other period of 36 consecutive months during his or her state
38 membership that the member designates on the application for
39 retirement.

1 (b) This section applies to service credit accrued while a member
2 of State Bargaining Unit 7.

3 (c) This section does not apply to:

4 (1) Service credit accrued while classified as a state peace
5 officer/firefighter while a member of Bargaining Unit 7.

6 (2) Former state employees previously employed before January
7 1, 2007, who return to state employment on or after January 1,
8 2007.

9 (3) State employees hired prior to January 1, 2007, who were
10 subject to Section 20281.5 during the first 24 months of state
11 employment.

12 (4) State employees hired prior to January 1, 2007, who become
13 subject to representation by State Bargaining Unit 7 on or after
14 January 1, 2007.

15 (5) State employees on an approved leave of absence employed
16 before January 1, 2007, who return to active employment on or
17 after January 1, 2007.

18 SEC. 7. Section 20037.11 of the Government Code is amended
19 to read:

20 20037.11. (a) Notwithstanding Sections 20035 and 20037,
21 final compensation for a person who *is employed by the state for*
22 *the first time and* becomes a state member of the system on or after
23 January 1, 2007, and is represented by State Bargaining Unit 10,
24 means the highest average annual compensation earnable by the
25 member during the consecutive 36-month period immediately
26 preceding the effective date of his or her retirement, or the date of
27 his or her last separation from state service if earlier, or during any
28 other period of 36 consecutive months during his or her state
29 membership that the member designates on the application for
30 retirement.

31 (b) This section applies to service credit accrued while a member
32 of State Bargaining Unit 10.

33 (c) This section does not apply to:

34 (1) Former state employees previously employed before January
35 1, 2007, who return to state employment on or after January 1,
36 2007.

37 (2) State employees hired prior to January 1, 2007, who were
38 subject to Section 20281.5 during the first 24 months of state
39 employment.

1 (3) State employees hired prior to January 1, 2007, who become
2 subject to representation by State Bargaining Unit 10 on or after
3 January 1, 2007.

4 (4) State employees on an approved leave of absence employed
5 before January 1, 2007, who return to active employment on or
6 after January 1, 2007.

7 SEC. 8. Section 20037.12 of the Government Code is amended
8 to read:

9 20037.12. (a) Notwithstanding Sections 20035 and 20037,
10 final compensation for a person who *is employed by the state for*
11 *the first time and* becomes a state member of the system on or after
12 January 1, 2007, and is represented by State Bargaining Unit 18,
13 means the highest average annual compensation earnable by the
14 member during the consecutive 36-month period immediately
15 preceding the effective date of his or her retirement, or the date of
16 his or her last separation from state service if earlier, or during any
17 other period of 36 consecutive months during his or her state
18 membership that the member designates on the application for
19 retirement.

20 (b) This section applies to service credit accrued while a member
21 of State Bargaining Unit 18.

22 (c) This section does not apply to:

23 (1) Former state employees previously employed before January
24 1, 2007, who return to state employment on or after January 1,
25 2007.

26 (2) State employees hired prior to January 1, 2007, who were
27 subject to Section 20281.5 during the first 24 months of state
28 employment.

29 (3) State employees hired prior to January 1, 2007, who become
30 subject to representation by State Bargaining Unit 18 on or after
31 January 1, 2007.

32 (4) State employees on an approved leave of absence employed
33 before January 1, 2007, who return to active employment on or
34 after January 1, 2007.

35 SEC. 9. Section 20475 of the Government Code is amended
36 to read:

37 20475. Notwithstanding Section 20474, a contracting agency
38 may amend its contract or previous amendments to its contract,
39 without election among its employees, to reduce benefits, to
40 terminate provisions that are available only by election of the

1 agency to become subject thereto, to provide different benefits or
 2 provisions or to provide a combination of those changes with
 3 respect to service performed after the effective date of the contract
 4 amendment made pursuant to this section, if the contracting agency
 5 has fully discharged all of the obligations imposed by Chapter 10
 6 (commencing with Section 3500) of Division 4 of Title 1 with
 7 respect to the contract amendments, and if the amendment provides
 8 that:

9 (a) The contract amendments apply uniformly with respect to
 10 all members within each of the following classifications: local
 11 miscellaneous members, local police officers, local firefighters,
 12 county peace officers, local sheriffs, *local safety officers*, *school*
 13 *safety members*, or all local safety members other than local police
 14 officers, local firefighters, county peace officers, ~~or~~ local sheriffs,
 15 *local safety officers*, *or school safety members*.

16 (b) A member shall be subject to the contract as amended only
 17 if, after the effective date of the contract amendment, the member
 18 either (1) receives service credit for the first time within a
 19 classification, or (2) the member returns to service within a
 20 classification following termination of membership as provided
 21 for in subdivision (b) of Section 20340 unless the member has
 22 redeposited or elects prior to 90 days after returning to service to
 23 redeposit contributions pursuant to Section 20750, in which case
 24 the member shall not be subject to the contract amendment.

25 Amendments to the contract and amendments of previous
 26 amendments to the contract may be effected pursuant to this section
 27 only once during any three-year period with respect to each of the
 28 classifications.

29 SEC. 10. Section 20479 of the Government Code is amended
 30 to read:

31 20479. (a) Notwithstanding any other provision of law,
 32 including, but not limited to, Chapter 10 (commencing with Section
 33 3500) of Division 4 of Title 1, no contract or contract amendment
 34 shall be made to provide retirement benefits for some, but not all
 35 members of the following membership classifications: local
 36 miscellaneous members, local police officers, local firefighters,
 37 county peace officer, local sheriff, ~~or~~ local safety officers, *or school*
 38 *safety members*.

39 ~~No~~

1 (b) No contract or contract amendments shall provide different
2 retirement benefits for a subgroup, including, but not limited to,
3 bargaining units or unrepresented groups, within those membership
4 classifications.

5 This

6 (c) This section does not preclude changing membership
7 classification from one membership classification to another
8 membership classification or exclusion of groups of members by
9 contract.

10 For

11 (d) For purposes of this section, the term “benefit” shall not be
12 limited to the benefits set forth in Section 20020.

13 SEC. 11. Section 21252 of the Government Code is amended
14 to read:

15 21252. (a) A member’s written application for retirement, if
16 submitted to the board within nine months after the date the
17 member discontinued his or her state service, and, in the case of
18 retirement for disability, if the member was physically or mentally
19 incapacitated to perform his or her duties from the date the member
20 discontinued state service to the time the written application for
21 retirement was submitted to the board, shall be deemed to have
22 been submitted on the last day for which salary was payable. The
23 effective date of a written application for retirement submitted to
24 the board more than nine months after the member’s discontinuance
25 of state service ~~shall be determined in accordance with Section~~
26 ~~20160~~ shall be the first day of the month in which the member’s
27 application is received at an office of the board or by an employee
28 of this system designated by the board.

29 (b) An application for retirement may only be submitted by or
30 for a member who is living on the date the application is actually
31 received by the system. If the member has been deemed
32 incompetent to act on his or her own behalf continuously from the
33 last day for which salary was payable, the effective date of
34 retirement may not be earlier than one year prior to the month in
35 which an application submitted by the guardian of the member’s
36 estate is received by the system.

37 (c) Notwithstanding any other provision of law, a member who
38 separates from a retirement system that has established reciprocity
39 with this system with the intention of retiring concurrently under
40 both systems and who submits his or her application for retirement

1 for service to the board within nine months after that separation,
2 may have his or her application received and acted upon by this
3 system as if the application were submitted pursuant to this section.

4 SEC. 12. Section 21261 of the Government Code is amended
5 to read:

6 21261. The sole purpose of this section is to notify the current
7 spouse of the selection of benefits or change of beneficiary made
8 by a member. This section is not intended to conflict with
9 community property law. An application for a refund of the
10 member's accumulated contributions, an election of optional
11 settlement, a designation of beneficiary, or a change in beneficiary
12 designation shall *either* contain the signature of the current spouse
13 of the member, *or the system shall notify the current spouse, by*
14 *United States mail to his or her last address of record, of the*
15 *member's application, election, designation, or change in*
16 *beneficiary designation*, unless the member declares, in writing
17 under penalty of perjury, any of the following:

18 (a) The member is not married.

19 (b) The current spouse has no identifiable community property
20 interest in the benefit.

21 (c) The member does not know, and has taken all reasonable
22 steps to determine, the whereabouts of the current spouse.

23 (d) The current spouse has been advised of the application and
24 has refused to sign the written acknowledgment.

25 (e) The current spouse is incapable of executing the
26 acknowledgment because of an incapacitating mental or physical
27 condition.

28 (f) The member and the current spouse have executed a marriage
29 settlement agreement pursuant to Part 5 (commencing with Section
30 1500) of Division 4 of the Family Code that makes the community
31 property law inapplicable to the marriage.

32 SEC. 13. Section 22126 of the Government Code is amended
33 to read:

34 22126. Notwithstanding Section 22009.1, each retirement
35 system which covers positions of policemen or firemen, or both,
36 and other positions shall constitute a separate retirement system
37 with respect to the positions of policemen or firemen, or both,
38 covered by the system. Policemen and firemen shall vote separately
39 from the other members of the system.

1 If the federal system is extended to any fireman's or policeman's
2 position it shall be extended to them as a unit without any division
3 of their separate retirement systems.

4 SEC. 14. Section 75006 of the Government Code is amended
5 to read:

6 75006. (a) Any allowance payable to a retired judge or to a
7 surviving spouse or to an eligible surviving child which has accrued
8 and remained unpaid at the time of the judge's or the surviving
9 spouse's or surviving child's death, or any unclaimed warrant issued
10 prior to the date of death and returned to the system, shall be paid
11 *to pursuant to the following order:*

12 ~~(a)~~

13 (1) The survivor entitled to an allowance payable by this system.

14 ~~(b)~~

15 (2) The beneficiary designated by the surviving spouse, eligible
16 surviving child, or retired judge if there is no eligible survivor.

17 ~~(c)~~

18 (3) The estate of the deceased, if there is no one entitled ~~under~~
19 ~~subdivision (a) or (b)~~ *to payment under paragraph (1) or (2). The*
20 *payment to the estate shall be paid to either the estate of the*
21 *deceased or the duly authorized representative or representatives*
22 *of the estate when this system receives a court order appointing*
23 *an executor, administrator, or personal representative.*

24 (4) *If the estate does not require probate and the deceased has*
25 *a trust, the payment may, in the judgment of the board, be paid to*
26 *the successor trustee named in the trust.*

27 (5) *If the estate does not require probate and the deceased does*
28 *not have a trust, the payment may, in the judgment of the board,*
29 *be paid to the beneficiary or beneficiaries of the deceased named*
30 *in a valid will.*

31 (b) *If there is no qualifying beneficiary pursuant to paragraphs*
32 *(1) to (5), inclusive, of subdivision (a), the payment shall be paid*
33 *to the surviving next of kin of the deceased pursuant to the order*
34 *of distribution specified in Section 21493.*

35 SEC. 15. Section 75028.5 of the Government Code is amended
36 to read:

37 75028.5. After a judge has withdrawn his or her accumulated
38 contributions upon discontinuance of his or her service, that service
39 shall not count in the event he or she later becomes a judge again,
40 until he or she pays into the Judges' Retirement Fund the amount

1 of accumulated contributions withdrawn by him or her, plus interest
 2 thereon at the rate of interest then being required to be paid by
 3 members of the Public Employees' Retirement System under
 4 Section ~~20654~~ 20750 from the date of withdrawal to the date of
 5 his or her payment.

6 SEC. 16. Section 75080.1 is added to the Government Code,
 7 to read:

8 75080.1. (a) Except as described in subdivision (b), if a person
 9 who is retired under this system is appointed or elected to serve
 10 as a judge, he or she shall reinstate from retirement and again
 11 become a member of the Judges' Retirement System pursuant to
 12 this chapter.

13 (b) This section shall not apply to a retired judge who is assigned
 14 to serve in a court pursuant to Section 68543.5, and he or she shall
 15 not earn service credit or be entitled to retirement benefits under
 16 this part for that assignment.

17 SEC. 17. Section 75507 of the Government Code is amended
 18 to read:

19 75507. (a) Any allowance payable to a retired judge or to a
 20 surviving spouse or to an eligible surviving child that has accrued
 21 and remained unpaid at the time of the death of the judge or the
 22 death of a surviving spouse or surviving child, or any unclaimed
 23 warrant issued prior to the date of death and returned to the board,
 24 shall be paid ~~to one of the following~~ *pursuant to the following*
 25 *order:*

26 ~~(a)~~

27 (1) The survivor entitled to an allowance payable by the board.

28 ~~(b)~~

29 (2) The beneficiary designated by the surviving spouse, eligible
 30 surviving child, or retired judge if there is no eligible survivor.

31 ~~(c)~~

32 (3) The estate of the deceased, if there is no one entitled to
 33 payment under ~~subdivision (a) or (b)~~ *paragraph (1) or (2). The*
 34 *payment to the estate shall be paid to either the estate of the*
 35 *deceased or the duly authorized representative or representatives*
 36 *of the estate when this system receives a court order appointing*
 37 *an executor, administrator, or personal representative.*

38 (4) *If the estate does not require probate and the deceased has*
 39 *a trust, the payment may, in the judgment of the board, be paid to*
 40 *the successor trustee named in the trust.*

1 (5) *If the estate does not require probate and the deceased does*
2 *not have a trust, the payment may, in the judgment of the board,*
3 *be paid to the beneficiary or beneficiaries of the deceased named*
4 *in a valid will.*

5 (b) *If there is no qualifying beneficiary pursuant to paragraphs*
6 *(1) to (5), inclusive, of subdivision (a), the payment shall be paid*
7 *to the surviving next of kin of the deceased pursuant to the order*
8 *of distribution specified in Section 21493.*

9 SEC. 18. Section 75552 of the Government Code is amended
10 to read:

11 75552. (a) After payment of a portion of the member's
12 contributions to a nonmember pursuant to subdivision (b) of
13 Section 75551, the member may redeposit the full amount in the
14 fund at any time before he or she retires or otherwise leaves judicial
15 office. The redeposit shall include interest at the rate of interest
16 then being required to be paid by members of the Public
17 Employees' Retirement System under Section-~~20654~~ 20750 from
18 the date of payment to the date of redeposit. A partial redeposit
19 shall not be accepted.

20 (b) After payment of a portion of the member's monetary credits
21 to a nonmember pursuant to subdivision (c) of Section 75551, the
22 member may redeposit the full amount in the fund at any time
23 before he or she retires or otherwise leaves judicial office. The
24 redeposit shall include interest at the greater of: (1) the rate of
25 interest then being required to be paid by members of the Public
26 Employees' Retirement System under Section-~~20654~~ 20750 from
27 the date of payment to the date of redeposit; or (2) the compounded
28 amounts that would have been credited to the member's monetary
29 account pursuant to subdivision (b) of Section 75520 had the
30 payment not been made to the nonmember. A partial redeposit
31 shall not be accepted.

32 SEC. 19. Section 75580.1 is added to the Government Code,
33 to read:

34 75580.1. (a) Except as described in subdivision (b), if a person
35 who is retired under this system, for service or for disability, is
36 appointed or elected to serve as a judge, he or she shall reinstate
37 from retirement and again become a member of this system
38 pursuant to this chapter.

39 (b) This section shall not apply to a retired judge who is assigned
40 to serve in a court pursuant to Section 68543.5, and he or she shall

- 1 not earn service credit or be entitled to retirement benefits under
- 2 this part for that assignment.

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