

AMENDED IN SENATE AUGUST 24, 2009

AMENDED IN ASSEMBLY MAY 18, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Joint Resolution

No. 10

Introduced by Assembly Member Torlakson

(Coauthors: Assembly Members Adams, Ammiano, Anderson, Arambula, Beall, Block, Blumenfield, Brownley, Buchanan, Caballero, Charles Calderon, Carter, Chesbro, Coto, Davis, De La Torre, De Leon, Evans, Feuer, Fong, Fuentes, Fuller, Furutani, Gilmore, Hall, Hayashi, Hernandez, Hill, Huber, Huffman, Jones, Krekorian, Lieu, Bonnie Lowenthal, Ma, Mendoza, Monning, Nava, Nestande, Niello, John A. Perez, V. Manuel Perez, Portantino, Ruskin, Salas, Silva, Skinner, Solorio, Audra Strickland, Swanson, Torres, Torrico, Tran, and Yamada)

(Coauthors: Senators DeSaulnier, Liu, and Yee)

March 9, 2009

Assembly Joint Resolution No. 10—Relative to Social Security.

LEGISLATIVE COUNSEL'S DIGEST

AJR 10, as amended, Torlakson. Social Security: retirement benefits: public employees.

This measure would request the President and the Congress of the United States to enact the Social Security Fairness Act of 2009, which would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act.

Fiscal committee: no.

1 WHEREAS, After 1965, California's educators were not allowed
2 to participate in the federal social security system; and

3 WHEREAS, Most peace officers and firefighters, and many
4 other public employees, are not covered by Social Security; and

5 WHEREAS, Due to higher contribution rates, the California
6 State Teachers' Retirement System and the California Public
7 ~~Employee's~~ *Employees'* Retirement System provide retirees with
8 superior benefits compared to those provided by the federal social
9 security system; and

10 WHEREAS, The State Teachers' Retirement System is not
11 coordinated with the federal social security system; and

12 WHEREAS, The benefits of certain members of the Public
13 Employees' Retirement System and retirement systems established
14 pursuant to the County Employees Retirement Law of 1937 are
15 not coordinated with the federal social security system; and

16 WHEREAS, The public safety officers' retirement plans are
17 uniquely designed to address the special needs of their professions,
18 including firefighters' unique employment characteristics, such as
19 the physical demands of the job, which ultimately result in higher
20 injury rates and permanent disabilities; and

21 WHEREAS, The Social Security Act includes two offsets, the
22 Government Pension Offset and the Windfall Elimination
23 Provision, that reduce the social security benefits payable to
24 persons who are entitled to benefits under other retirement systems,
25 under certain conditions which directly controvert the designed
26 intention of these California public retirement system plans; and

27 WHEREAS, These provisions penalize individuals who move
28 from private sector employment ~~to~~ *into* teaching, public safety,
29 and other careers in public service, ~~and vice versa~~; and

30 WHEREAS, These provisions penalize individuals who earned
31 social security benefits through their own employment prior to or
32 after public service by denying earned benefits; and

33 WHEREAS, California has a significant teacher shortage and
34 requires more than 16,000 new teachers per year to meet enrollment
35 growth needs, retirement replacement, as well as class size
36 reduction in targeted schools; and

37 WHEREAS, Every child should have the opportunity to have
38 a highly qualified teacher in his or her classroom, but the Social
39 Security Act offsets limit the number of fully credentialed teachers

1 in the classroom by penalizing individuals who change from private
2 to public employment; and

3 WHEREAS, The recruitment and retention of career firefighters,
4 peace officers, and other public safety officers from other states,
5 who are entitled to social security benefits upon retirement, are
6 also limited and restricted by the existing offsets, thereby making
7 non-social security covered employment less attractive to those
8 professionals and, as a result, limiting the number of experienced,
9 knowledgeable people who might otherwise seek out public safety
10 careers in California; and

11 WHEREAS, The recruitment and retention of teachers and other
12 public employees from other states, who are entitled to social
13 security benefits upon retirement, are also limited and restricted
14 by these offsets; and

15 WHEREAS, The Social Security Fairness Act of 2009, which
16 would repeal the Government Pension Offset and the Windfall
17 Elimination Provision, is currently before Congress; and

18 WHEREAS, The elimination of the Government Pension Offset
19 and the Windfall Elimination Provision would greatly improve the
20 opportunities for hiring and retaining teachers, peace officers,
21 firefighters, and other public employees in California; and

22 WHEREAS, The elimination of the Government Pension Offset
23 and the Windfall Elimination Provision would provide economic
24 stimulus across California by providing earned retirement benefits
25 to public servants in every region of this great state during this
26 time of economic distress; now, therefore, be it

27 *Resolved by the Assembly and the Senate of the State of*
28 *California, jointly*, That the Legislature of the State of California
29 requests the Congress of the United States to support the Social
30 Security Fairness Act of 2009, which would repeal the Government
31 Pension Offset and the Windfall Elimination Provision from the
32 Social Security Act, and further, the Legislature of the State of
33 California requests President Barack Obama to sign that legislation;
34 and be it further

35 *Resolved*, That the Chief Clerk of the Assembly transmit copies
36 of this resolution to the President and Vice President of the United
37 States, to the Speaker of the House of Representatives, the Majority

- 1 Leader of the Senate, and to each Senator and Representative from
- 2 California in the Congress of the United States.

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