

ASSEMBLY BILL

No. 86

Introduced by Assembly Member Nava

January 5, 2009

An act to amend Section 22013.7 of, and to add Section 20423.3 to, the Government Code, relating to public employees' retirement, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 86, as introduced, Nava. Public employees' retirement: airport police officers.

Under the Public Employees' Retirement Law, employees of contracting agencies classified as local safety members are entitled to generally higher benefits, and subject to higher contribution rates, than those employees classified as local miscellaneous members. Existing law authorizes contracting agencies to include specified harbor and port patrol officers within the local safety member classification. Member contributions are deposited in the Public Employees' Retirement Fund, a continuously appropriated fund.

This bill would authorize contracting agencies to include specified airport law enforcement officers within the local safety member classification. The bill would exclude these airport law enforcement officers who are classified as local safety members from participation in the federal Social Security Act. The bill would make an appropriation by increasing the amount of employee contributions to the continuously appropriated Public Employees' Retirement Fund.

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

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

1 SECTION 1. Section 20423.3 is added to the Government
2 Code, to read:

3 20423.3. (a) “Local safety member” also includes any airport
4 patrol officer, airport law enforcement officer, or airport police
5 officer employed by a contracting agency who is a peace officer,
6 as defined in subdivision (d) of Section 830.33 of the Penal Code,
7 employed by a city, county, or district operating the airport or by
8 a joint powers agency, created pursuant to Article 1 (commencing
9 with Section 6500) of Chapter 5 of Division 7 of Title 1 of the
10 Government Code, operating the airport, if the primary duty of the
11 peace officer is the enforcement of the law in or about properties
12 owned, operated, or administered by the employing agency or
13 when performing necessary duties with respect to patrons,
14 employees, or properties of the employing agency.

15 (b) This section shall not apply to any contracting agency or to
16 the employees of a contracting agency until the agency elects to
17 be subject to this section by amendment to its contract with the
18 board, pursuant to Section 20474, or by express provision within
19 its contract with the board.

20 SEC. 2. Section 22013.7 of the Government Code is amended
21 to read:

22 22013.7. “Policeman” or “fireman,” as used in this part, also
23 includes persons employed in positions set forth in Sections 20414,
24 20423.3, 20423.5, and 20441 for the purposes of Section
25 218(d)(5)(A) of the Social Security Act (42 U.S.C. Sec.
26 418(d)(5)(A)).

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