

**ASSEMBLY BILL**

**No. 1355**

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**Introduced by Assembly Member Fong**

February 27, 2009

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An act to amend Sections 31855.5, 31855.6, 31855.7, and 31855.9 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1355, as introduced, Fong. County employees' retirement: survivor's allowances.

The County Employees Retirement Law of 1937 (CERL) authorizes a county to provide specified optional survivor's allowances to members who receive retirement benefits pursuant to both CERL and federal social security on a nonintegrated basis. CERL provides that these survivor's allowances shall be calculated according to one of 2 alternative methods.

This bill would appropriately cross-reference an alternative method of calculating survivor's allowances, as described above. The bill would also make technical changes.

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

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

- 1 SECTION 1. Section 31855.5 of the Government Code is
- 2 amended to read:
- 3 31855.5. Upon the death of a member prior to retirement who
- 4 was a member continuously for not less than 18 months
- 5 immediately prior to the member's death, the member's surviving

1 spouse shall be paid a monthly survivor's allowance equal to the  
2 sum, based upon the appropriate factual circumstances, specified  
3 in Section 31855.8 *or* 31588.12.

4 SEC. 2. Section 31855.6 of the Government Code is amended  
5 to read:

6 31855.6. Upon the death of a member prior to retirement who  
7 was a member continuously for not less than 18 months  
8 immediately prior to the member's death and who is survived by  
9 one or more children but no surviving spouse, ~~such the~~ child or  
10 children shall be entitled to a monthly survivor's allowance as  
11 specified in Section 31855.8 *or* 31588.12. The monthly survivor's  
12 allowance of two or more children shall be divided equally as to  
13 ~~such those~~ children.

14 SEC. 3. Section 31855.7 of the Government Code is amended  
15 to read:

16 31855.7. Upon the death of a member prior to retirement who  
17 was a member continuously for not less than 18 months  
18 immediately prior to the member's death, the member's surviving  
19 parent or parents shall be entitled to a monthly survivor's allowance  
20 as specified in Section 31855.8 *or* 31588.12.

21 SEC. 4. Section 31855.9 of the Government Code is amended  
22 to read:

23 31855.9. Upon the death of a member prior to retirement who  
24 was a member continuously for not less than 18 months  
25 immediately prior to his death who is survived by a spouse with  
26 whom the member was living at the time of death, the retirement  
27 system shall pay to ~~such the~~ surviving spouse, in addition to all  
28 other payments due, if any, a lump sum supplemental survivorship  
29 benefit of two hundred fifty-five dollars (\$255), as set forth in  
30 Section 31855.8 *or* 31588.12. If ~~such the~~ member is not survived  
31 by a spouse with whom the member was living, the retirement  
32 system shall apply ~~such a~~ lump sum supplemental survivorship  
33 benefit to reimburse the person who paid the funeral expenses of  
34 ~~such the~~ member ~~to~~ in an amount not to exceed two hundred  
35 fifty-five dollars (\$255).