

Assembly Bill No. 822

Passed the Assembly September 10, 2013

Chief Clerk of the Assembly

Passed the Senate September 9, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 9611 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 822, Hall. Local government retirement plans.

Existing law requires local legislative bodies, before authorizing changes in public retirement plan benefits or other postemployment benefits, to secure the services of an actuary to provide a statement of the actuarial impact of the changes.

This bill would require, whenever a local ordinance or measure qualifies for the ballot that proposes to alter, replace, or eliminate the retirement benefit plan of employees of a local government entity, whether by initiative or legislative action, the governing body of the local government entity to secure the services of an independent actuary to provide a statement, or a summary of the statement, not to exceed 500 words in length, of the actuarial impact of the proposed measure upon future annual costs of the retirement benefit plan, and to have this statement printed in the voter information portion of the sample ballot. The bill would require a specified notice regarding obtaining a copy of the measure to be printed in the voter information portion of the sample ballot, if the text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot. The requirements of the bill would apply to a city, including a charter city; a county, including a charter county; a city and county, including a charter city and county; a community college district; or a special district.

By imposing new requirements on local governments, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. Section 9611 is added to the Elections Code, following Section 9610, to read:

9611. (a) Whenever a local ordinance or measure qualifies for the ballot that proposes to alter, replace, or eliminate the retirement benefit plan of employees of a local government entity, whether by initiative or legislative action, the governing body of the local government entity shall comply with the requirements of Section 7507 of the Government Code.

(b) The statement provided by an actuary pursuant to paragraph (1) of subdivision (b) of Section 7507 of the Government Code, or a summary of the statement, prepared by the actuary and not to exceed 500 words in length, shall be printed in the voter information portion of the sample ballot preceding the arguments for and against the measure, if any.

(c) If the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the statement, or summary of the statement required by subdivision (b), in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an independent actuarial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, or the actuarial statement, please call the elections official’s office at (insert telephone number) and a copy will be mailed at no cost to you.”

(d) The requirements of this section apply to a city, including a charter city; a county, including a charter county; a city and county, including a charter city and county; a community college district; or a special district.

SEC. 2. The Legislature finds and declares that the security of public moneys and the fiscal integrity of local governmental entities in this state, including charter cities and charter counties, have a direct impact on the long-term well-being of all residents of this state. Further, many local governments experiencing budgetary crises have difficulty providing sufficient public safety services and place additional burdens on resources of the state. Accordingly, ensuring an informed electorate with respect to the statewide integrity and security of government pension systems and ensuring the sufficiency of public safety services are matters of statewide

concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2013

Governor