

**ASSEMBLY BILL**

**No. 1824**

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**Introduced by Assembly Member Rendon**

February 18, 2014

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An act to add Section 31760.8 to the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, as introduced, Rendon. County employees' retirement: optional settlements revision.

The County Employees Retirement Law of 1937 permits a member or retired member of a retirement system established pursuant to its provisions, prior to the time that the first payment of any retirement allowance is made, to elect certain optional settlements, which operate to reduce the allowance payable to the member through his or her life and provide for a subsequent payment to another party or parties, including his or her spouse.

This bill, upon adoption by a county, would permit a retired member to revise certain optional settlements if, at retirement, the retired member was unmarried or had been married less than one year, the retired member had retired before the county adopted other specified optional retirement settlements, and the application to revise includes the signature of the designated beneficiary of the optional settlement or a written declaration, as specified. The bill would provide a civil penalty for a person who knowingly provides false information in the declaration, to be brought at the option of a public prosecutor. The bill would also require, if the designated beneficiary of the optional settlement is a spouse or domestic partner of the member, that the application for revision evidence that person's agreement to the revision.

The bill would provide, pursuant to this revision, that the retired member’s allowance remain the same as provided by the optional settlement, adjusted for any cost-of-living increases that have been added to the retirement allowance. The bill would provide that the retirement system has no obligation to locate or otherwise contact retired members who may qualify for a revision. The bill would provide that any actions taken, as described above, do not excuse the obligation of a member to provide a continuing benefit to a former spouse pursuant to court order.

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 31760.8 is added to the Government  
2 Code, to read:  
3 31760.8. (a) A retired member, in order to provide for his or  
4 her spouse, shall be entitled to revise the designated beneficiary  
5 of an optional settlement elected pursuant to Section 31761, 31762,  
6 31763, or 31764 at the time of retirement, if all of the following  
7 criteria are satisfied:  
8 (1) The member retired on or before the date the board made  
9 Section 31760.2, 31785.1, or 31786.1 applicable in the county.  
10 (2) At retirement, the member was unmarried or had been  
11 married less than one year.  
12 (3) The member’s spouse is at least 55 years of age and is older  
13 than the originally designated beneficiary.  
14 (4) The member’s application satisfies the requirements  
15 described in subdivisions (b) and (c).  
16 (b) (1) An application for a revision of an optional settlement  
17 pursuant to this section shall include the signature of the designated  
18 beneficiary of the optional settlement acknowledging the revision  
19 or shall include a written declaration of one or more of the  
20 following as may be applicable to the member:  
21 (A) The beneficiary has no identifiable community property  
22 interest in the benefit.  
23 (B) The member does not know, and has taken all reasonable  
24 steps to determine, the whereabouts of the beneficiary.  
25 (C) The beneficiary has been advised of the application and has  
26 refused to sign the written acknowledgment.

1 (D) The beneficiary is incapable of executing the  
2 acknowledgment because of an incapacitating mental or physical  
3 condition.

4 (2) The purpose of this subdivision is to notify the beneficiary  
5 of the revision of an optional settlement made by a member that  
6 may affect the entitlement of the beneficiary.

7 (3) A person who knowingly provides false information in the  
8 written declaration submitted pursuant to paragraph (1) shall be  
9 subject to a civil penalty of not less than one thousand dollars  
10 (\$1,000) and not more than twenty-five thousand dollars (\$25,000),  
11 in addition to any civil remedies available to the board. An action  
12 to impose a civil penalty pursuant to this paragraph may be brought  
13 by any public prosecutor in the name of the people of the state.

14 (c) In addition to the requirements of subdivision (b), if the  
15 originally designated beneficiary of the optional settlement is a  
16 former spouse or domestic partner of the member, the application  
17 for revision of an optional settlement shall also evidence agreement  
18 to the revision by the former spouse or domestic partner.

19 (d) After revision, the member's retirement allowance shall  
20 remain the same as provided by the optional settlement, adjusted  
21 by any cost-of-living increases that have been added to the  
22 retirement allowance.

23 (e) The retirement system has no obligation to locate or  
24 otherwise contact retired members who may qualify for a revision  
25 under this section.

26 (f) No actions taken pursuant to this section excuse the  
27 obligation of a member to provide a continuing benefit to a former  
28 spouse or other person pursuant to court order.

29 (g) This section is not applicable in any county until the board  
30 of retirement, by resolution adopted by a majority vote, makes this  
31 section applicable in the county. The board's resolution may  
32 designate a date, which may be prior or subsequent to the date of  
33 the resolution, as of which the resolution and this section shall be  
34 operative in the county.