

ASSEMBLY BILL

No. 992

Introduced by Committee on Public Employees, Retirement, and Social Security (Assembly Members Bonta (Chair), Cooley, Jones-Sawyer, O'Donnell, and Rendon)

February 26, 2015

An act to amend Section 31760 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 992, as introduced, Committee on Public Employees, Retirement, and Social Security. County Employees Retirement Law of 1937: disability retirement: modification of allowance.

The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county and district employees. CERL permits a member or retired member to modify his or her election of a specific retirement allowance until the first payment of any retirement allowance is made. CERL permits a member who is eligible to retire for service to do so when an application for disability retirement is pending and provides that the type of retirement allowance selected at the time of retirement for service is not binding if the member is awarded a disability retirement.

This bill would specify that a member who applies for disability and is granted a service retirement pending a determination of disability may change the type of allowance that he or she elected at the time of the service retirement, as specified.

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 of the Government Code is
2 amended to read:

3 31760. ~~Until~~ *(a) Except as provided in subdivision (b), until*
4 *the first payment of any retirement allowance is made, a member*
5 *or retired member, in lieu of the retirement allowance for his the*
6 *member's life alone, may elect to have the actuarial equivalent of*
7 *his or her retirement allowance as of the date of retirement applied*
8 *to a lesser retirement allowance payable throughout life in*
9 *accordance with one of the optional settlements specified in this*
10 *article.*

11 *(b) Notwithstanding subdivision (a), a member who applies for*
12 *disability and is subsequently granted a service retirement pending*
13 *a determination of entitlement to disability may change the type*
14 *of optional or unmodified allowance that he or she elected at the*
15 *time the service retirement was granted, subject to the provisions*
16 *of Section 31725.7.*

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