

Assembly Bill No. 407

Passed the Assembly August 28, 1997

Chief Clerk of the Assembly

Passed the Senate August 7, 1997

Secretary of the Senate

This bill was received by the Governor this ___ day
of _____, 1997, at ___ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Sections 31789.3 and 31789.5 to the Government Code, relating to public employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 407, Napolitano. County employees: retirement.

The County Employees Retirement Law of 1937 prescribes a \$750 retired death payment.

This bill would authorize boards of supervisors to elect to increase that amount to up to \$5,000.

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

SECTION 1. Section 31789.3 is added to the Government Code, to read:

31789.3. (a) Upon the death of any person after retirement and while receiving a retirement allowance from this system, or any superseded system, there shall be paid to his or her estate or to the beneficiary as he or she shall nominate by written designation duly executed and filed with the board, an amount determined by the board of supervisors to be provided from contributions of the county or district. The board of supervisors shall, by resolution adopted by majority vote, fix and determine an amount that shall not exceed five thousand dollars (\$5,000).

(b) This section applies to every member who dies after this section becomes operative whether he or she has retired before or after the operative date or effective date of this section.

(c) The death benefit provided by this section shall be paid in lieu of a payment under Section 31789 or 31789.1.

(d) This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in the county.

SEC. 2. Section 31789.5 is added to the Government Code, to read:



31789.5. (a) Upon the death of any person after retirement and while receiving a retirement allowance from this system, or any superseded system, there shall be paid to his or her estate, or to the beneficiary as he or she shall nominate by written designation duly executed and filed with the board, an amount determined by the board of supervisors. The board of supervisors shall, by resolution adopted by majority vote, fix and determine an amount that shall not exceed five thousand dollars (\$5,000).

(b) This section applies to every member who dies after this section becomes operative whether he or she has retired before or after the operative date or effective date of this section.

(c) The death benefit provided by this section shall be paid in lieu of a payment under Section 31789 or 31789.1 and may be paid in part, from contributions of the county or district in accordance with Section 31789, and in part, from surplus earnings of the retirement system in accordance with Section 31789.1.

(d) This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by a majority vote, make this section applicable in the county and until such time as the board of retirement, by resolution adopted by a majority vote, determines that its portion of the benefits may be financed from surplus earnings of the retirement fund.

(e) Upon adoption by any county providing benefits pursuant to this section, of Article 5.5 (commencing with Section 31510), only that portion of those benefits that is paid from surplus earnings described in Section 31592.2 shall be paid, instead, from the Supplemental Retiree Benefits Reserve established pursuant to Section 31510.8.



Approved _____, 1997

Governor

