

ASSEMBLY BILL

No. 1598

**Introduced by Committee on Public Employees, Retirement
and Social Security (Knox (Chair), Migden, Runner, Scott,
Shelley and Wildman)**

March 20, 1997

An act to amend Sections 31453.6, 31581.2, 31630, 31639.85, and 31685.5 of, and to add Section 31678.1 to, the Government Code, relating to county employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1598, as introduced, Committee on Public Employees, Retirement and Social Security. County employees retirement.

The County Employees Retirement Law of 1937 authorizes boards of retirement, at the request of county boards of supervisors, to adopt a funding period of 30 years to amortize unfunded accrued actuarial obligations.

This bill would provide instead that that funding period could not exceed 30 years.

Existing law authorizes boards of supervisors and district governing boards, on recommendation of the board of retirement, to pay any portion of member contributions.

This bill would delete the board of retirement recommendation requirement.

Existing law conditions nonmember retirement upon the amount of member credited service on the date of marriage dissolution or legal separation.

This bill would condition that eligibility upon the member’s credited service on the date of the nonmember’s retirement.

Existing law limits the application of specified alternative retirement allowance calculations.

This bill would provide that in Kern County these limitations are only applicable to persons who first became members of the retirement system on and after January 1, 1994.

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 31453.6 of the Government
2 Code is amended to read:

3 31453.6. Notwithstanding any other provision of this
4 chapter, the board of retirement may, at the request of
5 the board of supervisors, adopt a funding period ~~of~~ *not to*
6 *exceed* 30 years to amortize unfunded accrued actuarial
7 obligations, as determined by their actuary or by an
8 actuary employed by the board of investments, for
9 benefits applicable to all membership categories for the
10 purpose of determining employer contribution rates for
11 counties and districts. The board of retirement shall
12 approve a new amortization period based upon a request
13 from the board of supervisors that demonstrates a
14 financial necessity. The board of retirement may deny a
15 request when the request would subject the fund to an
16 unsound financial risk.

17 A board of retirement may take an action pursuant to
18 this section only once.

19 SEC. 2. Section 31581.2 of the Government Code is
20 amended to read:

21 31581.2. The board of supervisors or the governing
22 body of the district may, ~~on recommendation of the board~~
23 ~~of retirement,~~ agree to pay any portion of the
24 contributions required to be paid by a member. All
25 payments shall be in lieu of wages and shall be reported
26 simply as normal contributions and shall be credited to
27 member accounts.



1 The enactment of a resolution pursuant to this section
2 ~~adopting the recommendation of the board of retirement~~
3 shall not create vested rights in any member. The board
4 of supervisors or the governing body of the district may
5 amend or repeal the resolution at any time, subject to the
6 provisions of Sections 3504 and 3505, or any similar rule or
7 regulation of the county or district.

8 SEC. 3. Section 31630 of the Government Code is
9 amended to read:

10 31630. Notwithstanding any other provisions in this
11 chapter, the South Coast Air Quality Management
12 District and in any county which has adopted Section
13 31676.1, 31676.11, 31676.12, 31676.13, 31676.14, 31676.15, or
14 31751, the board of supervisors or district board, as the
15 case may be, may, ~~on recommendation of the board of~~
16 ~~retirement~~, agree to pay any portion of the members'
17 normal contributions to the system. All ~~such~~ *the*
18 contributions paid by the county or district, as the case
19 may be, shall remain its contributions, and no right
20 therein shall accrue to any employee prior to ~~such~~ *the*
21 employee's election to take a regular, deferred, or
22 disability retirement.

23 Any ~~such~~ contributions paid by the board of supervisors
24 or the district board on behalf of ~~such~~ *the* members shall
25 be as determined by upon actuarial advice, and approved
26 by the board of retirement.

27 SEC. 4. Section 31639.85 of the Government Code is
28 amended to read:

29 31639.85. Notwithstanding any other provisions in this
30 chapter, in any county which has adopted Section 31676.1,
31 31676.11, 31676.12, 31676.13, 31676.14, or 31676.15 the
32 board of supervisors may, ~~on recommendation of the~~
33 ~~board of retirement~~, agree to pay any portion of the safety
34 members' normal contributions to the system. All ~~such~~
35 contributions paid by the county shall remain county
36 contributions, and no right therein shall accrue to any
37 employee prior to ~~such~~ *the* employee's election to take a
38 regular, deferred or disability retirement.

39 Any ~~such~~ contributions paid by the board of supervisors
40 on behalf of ~~such~~ *the* safety members shall be as



1 determined upon actuarial advice, and approved by the
2 board of retirement.

3 SEC. 5. Section 31678.1 is added to the Government
4 Code, to read:

5 31678.1. (a) In a county of the 14th class, as defined
6 by Section 28020, as amended by Chapter 1204 of the
7 Statutes of 1971, and Section 28035, as amended by
8 Chapter 1204 of the Statutes of 1971, Section 31678 shall
9 only be applicable to persons who first became members
10 of the retirement system on and after January 1, 1994.

11 (b) This section shall not be operative in that county
12 until the board of supervisors, by resolution, adopted by
13 a majority vote, makes this section applicable in that
14 county.

15 (c) Notwithstanding any other provision of law, this
16 section shall only apply to members who retire on or after
17 January 1, 1996.

18 SEC. 6. Section 31685.5 of the Government Code is
19 amended to read:

20 31685.5. A nonmember shall be retired upon his or her
21 written application to the board if all of the following
22 conditions are met:

23 (a) The member or nonmember has attained the
24 minimum age prescribed by the applicable service
25 retirement formula of the member.

26 (b) On the date of ~~marriage dissolution or legal~~
27 ~~separation~~ retirement, the member had sufficient
28 credited service to retire for service, *notwithstanding any*
29 *service credit awarded to the nonmember.*

