

AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 419

Introduced by Assembly Member Firebaugh

February 12, 1999

An act to amend Sections 21252 and 21455 of, and to add Section 21636 to, the Government Code, relating to the Public Employees' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

AB 419, as amended, Firebaugh. Public Employees' Retirement System: benefits.

The Public Employees' Retirement Law prescribes the effective date of service retirement for accrual of allowance purposes.

This bill would prescribe the effective date of disability retirement under specified circumstances.

Existing law authorizes members to elect optional settlements at the time of retirement.

This bill would provide that the balance of accumulated contributions shall be paid upon the death of a member if the annuity payments received were less than those contributions. The bill would also provide that optional settlement one shall not be applicable to retirements that become effective on or after January 1, 2000.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 21252 of the Government Code
2 is amended to read:

3 21252. Retirement shall be effective and the
4 retirement allowance shall begin to accrue as of the date
5 designated in the member’s application as the effective
6 date of retirement, or upon the day following the last day
7 for which salary is payable if that day postdates the day
8 designated by the person as the effective date or if the
9 member has not designated an effective date. In no event
10 shall the retirement become effective or the retirement
11 allowance begin to accrue earlier than the first day of the
12 month in which the member’s application is received at
13 an office of the board or by an employee of this system
14 designated by the board, or, if the member has been
15 incompetent to act on his or her own behalf continuously
16 from the last day for which salary was payable, one year
17 prior to the month in which an application by the
18 guardian of his or her estate is so received. In the case of
19 a ~~disability application~~ *application for retirement for*
20 *disability* submitted by a member who was physically or
21 mentally incapacitated to perform duties from the date
22 of the discontinuance of state service to the time of the
23 application, and who files his or her retirement
24 application with the board within nine months ~~of~~ *after*
25 discontinuance of state service, the last day for which the
26 salary was payable shall be deemed to be the day the
27 application was filed. *In the case of an application for*
28 *retirement for disability filed with the board more than*
29 *nine months after discontinuance of the member’s state*
30 *service, the effective date of the application shall be*
31 *determined in accordance with Section 20160.* An
32 application for retirement may only be filed by or for a
33 member who is living on the date the application is
34 actually received by this system.

35 SEC. 2. Section 21455 of the Government Code is
36 amended to read:

37 21455. Optional settlement 1 consists of the right to
38 have a retirement allowance paid him or her until his or



1 her death and if he or she dies before he or she receives
2 in annuity payments the amount of his or her
3 accumulated contributions at retirement, to have the
4 balance at death paid to his or her beneficiary or estate.
5 This section shall not be applicable to retirements that
6 become effective on or after January 1, 2000.

7 SEC. 3. Section 21636 is added to the Government
8 Code, to read:

9 21636. In addition to the benefits provided by this
10 article, for retirements on or after January 1, 2000, if upon
11 the death of the member and the beneficiary the annuity
12 payments received amount to less than the member's
13 accumulated contributions at retirement, the balance
14 shall be paid to the member's beneficiary or estate.

