

AMENDED IN ASSEMBLY SEPTEMBER 7, 1999

AMENDED IN ASSEMBLY JULY 15, 1999

AMENDED IN ASSEMBLY JUNE 24, 1999

AMENDED IN ASSEMBLY MAY 19, 1999

AMENDED IN SENATE APRIL 22, 1999

AMENDED IN SENATE APRIL 6, 1999

**SENATE BILL**

**No. 400**

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**Introduced by Senator Ortiz**  
**(Principal coauthor: Senator Burton)**  
*(Principal coauthor: Assembly Member Correa)*  
*(Coauthors: Assembly Members Pescetti and Steinberg)*

February 12, 1999

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An act to amend Sections 20391, 20392, 20393, 20395, 20397, 20398, 20405.1, 20405.3, 20407, 20409, 20677, 20683, 20687, 20822, 21070, 21071, 21072, *21073*, 21073.5, 21077, 21130, 21337, 21353, 21353.5, 21362, 21363, 21363.5, ~~21363.6~~, 21369, 21372, 21373, 21374, 21403, 21407, 21572, 21573, and 21581 of, and to add Sections 20035.5, *21070.5*, *21070.6*, 21073.1, 21073.7, *21251.13*, 21328, 21354.1, 21362.2, 21363.1, ~~21369.1~~, and ~~21403.1~~ to, and *21369.1* to, to repeal Sections *21363.6* and *21573.5* of, and to add and repeal Section 21574.7 of, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

SB 400, as amended, Ortiz. Public Employees' Retirement System: benefits.

(1) Under the Public Employees' Retirement Law, retirement allowances for school members are calculated, in part, based on the highest average compensation earnable during a consecutive 3-year period.

This bill would instead base that calculation on the highest average compensation earnable during a consecutive 12-month period.

(2) The Public Employees' Retirement Law defines "state peace officer/firefighter" in terms of employees employed by specified state departments in specified job classifications and provides higher retirement benefit formulas and higher employer and employee contribution rates for state peace officer/firefighter members than for state miscellaneous members.

This bill would add the Sergeants-at-Arms of each house of the State Legislature, excluding the Chief Sergeant-at-Arms, within the state peace officer/firefighter membership category.

(3) The Public Employees' Retirement Law establishes retirement formulas, known as the Second Tier and the modified First Tier, that are applicable to specified members of the system.

This bill would ~~close those formulas to state employees provide that state miscellaneous and state industrial members hired or returning to state service, as specified, on or after January 1, 2000, shall be subject to First Tier benefits unless they elect to be subject to Second Tier benefits;~~ authorize members subject to Second Tier benefits to elect to become subject to First Tier benefits and contribution rates, thereby making an appropriation; and provide that ~~current members subject to modified First Tier members will benefits shall become subject to First Tier unless they elect to remain subject to the modified First Tier benefits, as specified.~~ The bill would also establish the means for members subject to Second Tier *benefits, who are employed by the state on or after January 1, 2000,* to elect to have their former Second Tier service converted to First Tier service.



(4) The Public Employees' Retirement Law prescribes a 2% at age 60 retirement formula for state miscellaneous, university, state industrial and school members.

This bill would make that formula inapplicable to those members ~~who retire~~ *employed by the state* on or after January 1, 2000, *except as specified*, and would instead prescribe a 2% at age 55 retirement formula, as specified. The bill would also provide a ~~2 1 to 5%~~ *6%*, inclusive, retirement allowance increase for *certain* retired state and school members, as specified, and make related technical changes.

(5) The Public Employees' Retirement Law prescribes a 2% at age 50 retirement formula for members of the California Highway Patrol and specified local safety members, a 2.5% at age 55 retirement formula for state peace officer/firefighter members and specified local safety members, and a 2% at age 55 retirement formula for state safety members and specified local safety members, *all subject to maximum benefit limitations based on specified percentages of final compensation*.

This bill would make those formulas inapplicable to those state members ~~who retire~~ *are employed by the state* on or after January 1, 2000, and would instead prescribe a 3% at age 50 retirement formula for members of the California Highway Patrol and a 3% at age 55 for state peace officer/firefighter members *and certain local safety members*, as specified; provide an enhanced retirement formula for state safety members, as specified; and make related technical changes. *The bill would also modify the maximum benefit limitations, as specified.*

(6) The Public Employees' Retirement Law, *as amended by Chapter 3 of the Statutes of 1999*, provides preretirement death benefits for the surviving spouse or children, or both, as specified, of state members and specified school members not covered by the federal Social Security Act ~~and prescribes the member contribution for those benefits. A~~ *and provides that* a surviving spouse becomes eligible for certain of these benefits when he or she attains the age of 62 years and meets other specified criteria.

This bill would, ~~on January 1, 2000, and until January 1, 2010, increase those benefits, revise the member contribution rate,~~



~~and~~ decrease the surviving spouse’s eligibility age to 60 years, would modify the method for funding these benefits, and would repeal these benefits on January 1, 2010.

(7) The bill would provide that the operation and application of certain of its provisions would be subject to specified conditions and limitations.

(8) This bill would incorporate additional changes to Sections 20391, 20677, 21337, 21362, 21363, 21369, 21572, 21573, and 21581 of the Government Code proposed by AB 99, AB 232, AB 813, SB 234, SB 339, SB 800, and SB 401, as applicable, to take effect if this bill and those bills, as specified, are enacted and become effective on or before January 1, 2000, and this bill is enacted last.

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

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

1 SECTION 1. Section 20035.5 is added to the  
2 Government Code, to read:

3 20035.5. Notwithstanding Section 20037, “final  
4 compensation” for the purposes of determining any  
5 pension or benefit with respect to a school member who  
6 ~~retires on or after January 1, 2000, means the highest~~  
7 *retires or dies on or after January 1, 2000, and with respect*  
8 *to benefits based on service with a school employer,*  
9 *means the highest* annual compensation that was  
10 earnable by the school member during the consecutive  
11 12-month period of employment immediately preceding  
12 the effective date of his or her retirement or the date of  
13 his or her last separation from service if earlier or during  
14 any other period of 12 consecutive months during his or  
15 her membership in this system that the member  
16 designates on the application for retirement.

17 SEC. 2. Section 20391 of the Government Code is  
18 amended to read:

19 20391. “State peace officer/firefighter member”  
20 means:

21 (a) All persons in the Board of Prison Terms, the  
22 Department of Consumer Affairs, the Department of



1 Developmental Services, the Department of Health  
2 Services, the Department of Toxic Substances Control,  
3 the Horse Racing Board, the Department of Industrial  
4 Relations, the Department of Insurance, the Department  
5 of Mental Health, the Department of Motor Vehicles, the  
6 Department of Social Services employed with the class  
7 title of Special Investigator (Class Code 8553), Senior  
8 Special Investigator (Class Code 8550), and Investigator  
9 Assistant (Class Code 8554) who have been designated as  
10 peace officers as defined in Sections 830.2 and 830.3 of the  
11 Penal Code.

12 (b) All persons in the Department of Alcoholic  
13 Beverage Control employed with the class title  
14 Investigator Trainee, Alcoholic Beverage Control (Class  
15 Code 7553), Investigator I, Alcoholic Beverage Control,  
16 Range A and B (Class Code 7554), and Investigator II,  
17 Alcoholic Beverage Control (Class Code 7555) who have  
18 been designated as peace officers as defined in Sections  
19 830.2 and 830.3 of the Penal Code.

20 (c) All persons within the Department of Justice who  
21 are state employees as defined in subdivision (c) of  
22 Section 3513 and who have been designated as peace  
23 officers and performing investigative duties.

24 (d) All persons in the Department of Parks and  
25 Recreation employed with the class title of Park Ranger  
26 (Intermittent) (Class Code 0984) who have been  
27 designated as peace officers as defined in Sections 830.2  
28 and 830.3 of the Penal Code. ~~Any person so designated  
29 may elect, within 90 days of notification by the board, to  
30 remain subject to the service retirement benefit and  
31 normal rate of contribution applicable prior to July 3,  
32 1984, by filing an irrevocable notice of election with the  
33 board. A member who so elects shall, on and after January  
34 1, 2000, be subject to the reduced benefit factors specified  
35 in Section 21354.1 only for service also included in the  
36 federal system.~~

37 ~~(e) All persons in the Franchise Tax Board who have  
38 been designated as peace officers in subdivision (s) of  
39 Section 830.3 of the Penal Code.~~



1 (e) A member who is employed in a position that is  
2 reclassified to state peace officer/firefighter pursuant to  
3 this section may make an irrevocable election in writing  
4 to remain subject to the service retirement benefit and  
5 the normal rate of contribution applicable prior to  
6 reclassification by filing a notice of the election with the  
7 board within 90 days after notification by the board. A  
8 member who so elects shall be subject to the reduced  
9 benefit factors specified in Section 21353 or 21354.1, as  
10 applicable, only for service also included in the federal  
11 system.

12 SEC. 2.5. Section 20391 of the Government Code is  
13 amended to read:

14 20391. "State peace officer/firefighter member"  
15 means:

16 (a) All persons in the Board of Prison Terms, the  
17 Department of Consumer Affairs, the Department of  
18 Developmental Services, the Department of Health  
19 Services, the Department of Toxic Substances Control,  
20 the Horse Racing Board, the Department of Industrial  
21 Relations, the Department of Insurance, the Department  
22 of Mental Health, the Department of Motor Vehicles, the  
23 Department of Social Services employed with the class  
24 title of Special Investigator (Class Code 8553), Senior  
25 Special Investigator (Class Code 8550), and Investigator  
26 Assistant (Class Code 8554) who have been designated as  
27 peace officers as defined in Sections 830.2 and 830.3 of the  
28 Penal Code.

29 (b) All persons in the Department of Alcoholic  
30 Beverage Control employed with the class title  
31 Investigator Trainee, Alcoholic Beverage Control (Class  
32 Code 7553), Investigator I, Alcoholic Beverage Control,  
33 Range A and B (Class Code 7554), and Investigator II,  
34 Alcoholic Beverage Control (Class Code 7555) who have  
35 been designated as peace officers as defined in Sections  
36 830.2 and 830.3 of the Penal Code.

37 (c) All persons within the Department of Justice who  
38 are state employees as defined in subdivision (c) of  
39 Section 3513 and who have been designated as peace  
40 officers and performing investigative duties.



1 (d) All persons in the Department of Parks and  
 2 Recreation employed with the class title of Park Ranger  
 3 (Intermittent) (Class Code 0984) who have been  
 4 designated as peace officers as defined in Sections 830.2  
 5 and 830.3 of the Penal Code. ~~Any person so designated  
 6 may elect, within 90 days of notification by the board, to  
 7 remain subject to the service retirement benefit and  
 8 normal rate of contribution applicable prior to July 3,  
 9 1984, by filing an irrevocable notice of election with the  
 10 board. A member who so elects shall be subject to the  
 11 reduced benefit factors specified in Section 21353 only for  
 12 service also included in the federal system.~~

13 (e) *All persons in the Franchise Tax Board who have  
 14 been designated as peace officers in subdivision (s) of  
 15 Section 830.3 of the Penal Code.*

16 (f) *A member who is employed in a position that is  
 17 reclassified to state peace officer/firefighter pursuant to  
 18 this section may make an irrevocable election in writing  
 19 to remain subject to the service retirement benefit and  
 20 the normal rate of contribution applicable prior to  
 21 reclassification by filing a notice of election with the  
 22 board within 90 days of notification by the board. A  
 23 member who so elects shall be subject to the reduced  
 24 benefit factors specified in Section 21353 or 21354.1, as  
 25 applicable, only for service included in the federal  
 26 system.*

27 SEC. 3. Section 20392 of the Government Code is  
 28 amended to read:

29 20392. "State peace officer/firefighter member" also  
 30 includes officers and employees with the following class  
 31 titles of:

| 32 | 33 Class |  |
|----|----------|--|
| 34 | Code     | Classification                           |
| 35 | 6875     | Air Operations Officer I                 |
| 36 | 1056     | Air Operations Officer II                |
| 37 | 1053     | Air Operations Officer III               |
| 38 | 6877     | Air Operations Officer I (Maintenance)   |
| 39 | 6882     | Air Operations Officer II (Maintenance)  |
| 40 | 1050     | Air Operations Officer III (Maintenance) |



|    |      |  |
|----|------|--|
| 1  | 8997 | Arson and Bomb Investigator                        |
| 2  | 9694 | Board Coordinating Parole Agent, Youthful Offender |
| 3  |      | Parole Board                                       |
| 4  | 9904 | Correctional Counselor I                           |
| 5  | 9903 | Correctional Counselor II                          |
| 6  | 9662 | Correctional Officer                               |
| 7  | 9911 | Case Work Specialist, Youth Authority              |
| 8  | 9013 | Deputy State Fire Marshal III (Specialist)         |
| 9  | 9086 | Deputy State Fire Marshal                          |
| 10 | 9010 | Deputy State Fire Marshal III (Supervisor)         |
| 11 | 1077 | Fire Apparatus Engineer                            |
| 12 | 1095 | Fire Captain                                       |
| 13 | 1072 | Fire Control Aid                                   |
| 14 | 8979 | Firefighter  |
| 15 | 1083 | Firefighter I                                      |
| 16 | 1082 | Firefighter II                                     |
| 17 | 9001 | Firefighter (Correctional Institution)             |
| 18 | 8990 | Firefighter/Security Officer                       |
| 19 | 1047 | Fire Prevention Officer I                          |
| 20 | 1049 | Fire Prevention Officer II                         |
| 21 | 9090 | Fire Service Training Specialist III               |
| 22 | 8418 | Fish and Game Patrol, Lieutenant                   |
| 23 | 8421 | Fish and Game Warden, Department of Fish and Game  |
| 24 | 9039 | Senior Food and Drug Investigator                  |
| 25 | 9028 | Food and Drug Program Specialist                   |
| 26 | 9007 | Food Technology Specialist                         |
| 27 | 1060 | Forestry Aid                                       |
| 28 | 1046 | Forestry Pilot (Helicopter)                        |
| 29 | 9579 | Group Supervisor                                   |
| 30 | 9578 | Group Supervisor Trainee                           |
| 31 | 6387 | Heavy Fire Equipment Operator                      |
| 32 | 1937 | Hospital Peace Officer I                           |
| 33 | 8416 | Lieutenant Fish and Game Patrol Boat               |
| 34 | 0992 | Lifeguard  |
| 35 | 8217 | Medical Technical Assistant, Correctional Facility |
| 36 | 1992 | Museum Security Officer I                          |
| 37 | 9701 | Parole Agent I, Youth Authority                    |
| 38 | 9765 | Parole Agent I, Adult Parole                       |
| 39 | 9696 | Parole Agent II, Youth Authority (Specialist)      |





- 1 9763 Parole Agent II, Adult Parole (Supervisor)
- 2 9762 Patrol Agent II, Adult Parole (Specialist)
- 3 8215 Senior Medical Technical Assistant
- 4 8359 Sergeant, California State Police
- 5 8980 State Fire Marshal Trainee
- 6 9723 State Forest Ranger I (Nonsupervisory)
- 7 9724 State Forest Ranger II (Nonsupervisory)
- 8 0983 State Park Ranger I
- 9 8464 State Police Officer
- 10 8358 State Security Officer
- 11 8989 Captain Firefighter/Security Officer
- 12 8410 Warden—Pilot Department of Fish and Game
- 13 9581 Youth Counselor

14  
 15 ~~Any person so designated may elect, within 90 days of~~  
 16 ~~notification by the board, to remain subject to the service~~  
 17 ~~retirement benefit and the normal rate of contribution~~  
 18 ~~applicable prior to July 3, 1984, by filing an irrevocable~~  
 19 ~~notice of election with the board. A member who so elects~~  
 20 ~~shall, on and after January 1, 2000, be subject to the~~  
 21 ~~reduced benefit factors specified in Section 21354.1 only~~  
 22 ~~for service also included in the federal system.~~

23 *A member who is employed in a position that is*  
 24 *reclassified to state peace officer/firefighter pursuant to*  
 25 *this section may make an irrevocable election in writing*  
 26 *to remain subject to the service retirement benefit and*  
 27 *the normal rate of contribution applicable prior to*  
 28 *reclassification by filing a notice of the election with the*  
 29 *board within 90 days after notification by the board. A*  
 30 *member who so elects shall be subject to the reduced*  
 31 *benefit factors specified in Section 21353 or 21354.1, as*  
 32 *applicable, only for service also included in the federal*  
 33 *system.*

34 SEC. 4. Section 20393 of the Government Code is  
 35 amended to read:

36 20393. "State peace officer/firefighter member" also  
 37 means:

38 (a) All persons in the office of the Secretary of State,  
 39 office of the Controller, and the Public Employees'  
 40 Retirement System employed on a full-time permanent



1 basis with the class title of Special Investigator (Class  
2 Code 8553), Senior Special Investigator (Class Code  
3 8550), and Investigator Assistant (Class Code 8554) who  
4 have been designated as peace officers as defined in  
5 Sections 830.2 and 830.3 of the Penal Code.

6 (b) All persons employed on a full-time permanent  
7 basis with the class title of Corporations Investigator  
8 (Class Code 8570) or Associate Corporations Investigator  
9 (Class Code 8571) who have been designated as peace  
10 officers as defined in Sections 830.2 and 830.3 of the Penal  
11 Code.

12 (c) All persons employed on a full-time permanent  
13 basis with the class title of Sergeant, State Fair Police  
14 (Class Code 1946), State Fair Police Officer (Class Code  
15 1945), Lottery Agent (Class Code 8602), District  
16 Representative I and II, Division of Codes and Standards  
17 (Class Codes 8960 and 8958), Deputy Registrar of  
18 Contractors I and II (Class Codes 8793 and 8792),  
19 Polygraph Examiner, California Department of *the*  
20 Youth Authority (Class Code 8542), Community Services  
21 Consultant I (Class Code 9717), or Parole Service  
22 Associate (Class Code 9776) who have been designated as  
23 peace officers as defined in Sections 830.2, 830.3, and 830.5  
24 of the Penal Code.

25 (d) All persons employed on a full-time permanent  
26 basis with the class title of Forester I (Class Code 1054)  
27 and Forester II (Class Code 9721).

28 Any person so designated may elect, within 90 days of  
29 notification by the board, to remain subject to the service  
30 retirement benefit and the normal rate of contribution  
31 applicable prior to the effective date that this section is  
32 applicable to the member by filing an irrevocable notice  
33 of election with the board. A member who so elects shall,  
34 ~~on and after January 1, 2000,~~ be subject to the reduced  
35 benefit factors specified in Section ~~21354.1~~ *21353 or*  
36 *21354.1, as applicable,* only for service also included in the  
37 federal system.

38 SEC. 5. Section 20395 of the Government Code is  
39 amended to read:



1 20395. “State peace officer/firefighter member”  
2 means all members who are full-time permanent  
3 employees represented in Corrections Unit No. 6,  
4 Protective Services and Public Safety Unit No. 7, and  
5 Firefighters Unit No. 8 and are employed in class titles  
6 that are designated as peace officer as defined in Chapter  
7 4.5 (commencing with Section 830) of Title 3 of Part 2 of  
8 the Penal Code or are firefighters whose principal duties  
9 consist of active firefighting/fire suppression.

10 A member who is employed in a position that is  
11 reclassified from state miscellaneous to state peace  
12 officer/firefighter pursuant to this section, may make an  
13 irrevocable election in writing to remain subject to the  
14 miscellaneous service retirement benefit and the normal  
15 rate of contribution by filing a notice of the election with  
16 the board within 90 days of notification by the board. A  
17 member who so elects shall, ~~on and after January 1, 2000,~~  
18 be subject to the reduced benefit factors specified in  
19 Section ~~21354.1~~ 21353 or 21354.1, *as applicable*, only for  
20 service also included in the federal system.

21 Notwithstanding any other provision of law, security  
22 officers employed by the Department of Justice are not  
23 state peace officer/firefighter members, but are, for all  
24 purposes, state miscellaneous members.

25 SEC. 6. Section 20397 of the Government Code is  
26 amended to read:

27 20397. “State peace officer/firefighter member” also  
28 includes:

29 (1) The Sergeants-at-Arms of each house of the  
30 Legislature who have been designated as peace officers  
31 in subdivision (a) of Section 830.36 of the Penal Code,  
32 excluding the Chief Sergeant-at-Arms.

33 (2) Bailiffs and security coordinators of the judicial  
34 branch who have been designated as peace officers in  
35 subdivision (b) of Section 830.36 of the Penal Code.

36 A member who is reclassified from state miscellaneous  
37 to state peace officer/firefighter pursuant to this section,  
38 may make an irrevocable election in writing to remain  
39 subject to the miscellaneous service retirement benefit  
40 and the normal rate of contribution by filing a notice of



1 the election with the board within 90 days of notification  
2 by the board. A member who so elects shall, ~~on and after~~  
3 ~~January 1, 2000~~, be subject to the reduced benefit factors  
4 specified in Section ~~21354.1~~ 21353 or 21354.1, as applicable,  
5 only for service included in the federal system.

6 SEC. 7. Section 20398 of the Government Code is  
7 amended to read:

8 20398. "State peace officer/firefighter member" also  
9 includes:

10 (a) State officers and employees designated as peace  
11 officers as defined in Sections 830.1, 830.2, 830.3, 830.38,  
12 830.4, and 830.5 of the Penal Code, except a patrol  
13 member, or a firefighter whose principal duties consist of  
14 active firefighting/fire suppression, who is either  
15 excluded from the definition of state employee in  
16 subdivision (c) of Section 3513 or is a nonelected officer  
17 or employee of the executive branch of government who  
18 is not a member of the civil service, provided, that those  
19 officers and employees have responsibility for the direct  
20 supervision of state peace officer/firefighter personnel  
21 specified in Sections 20391, 20392, 20393, and 20395. The  
22 Department of Personnel Administration shall annually  
23 determine which classes meet the above conditions and  
24 are not classes specified in Sections 20391, 20392, 20393,  
25 and 20395, and report its findings to the Legislature and  
26 to this system, to be effective July 1 of each year.

27 (b) Members who are reclassified pursuant to this  
28 section may file an irrevocable election to remain subject  
29 to their prior retirement formula and the corresponding  
30 rate of contributions. The Director of Corrections may,  
31 upon appointment to that office on or after January 1,  
32 1999, file an irrevocable election to be subject to the  
33 industrial formula and the corresponding rate of  
34 contributions. The elections must be filed within 90 days  
35 of notification by the board. Members who so elect shall,  
36 ~~on and after January 1, 2000~~, be subject to the reduced  
37 benefit factor ~~specified in Section 21354.1~~ factors  
38 specified in Section 21353 or 21354.1, as applicable, only  
39 for the service included in the federal system.



1 SEC. 8. Section 20405.1 of the Government Code is  
2 amended to read:

3 20405.1. Notwithstanding Section 20405, this section  
4 shall apply to state employees in State Bargaining Unit 16.

5 (a) On and after the effective date of this section, state  
6 safety members shall also include officers and employees  
7 whose classifications or positions are found to meet the  
8 state safety criteria prescribed in Section 19816.20,  
9 provided the Department of Personnel Administration  
10 agrees to their inclusion. The effective date of safety  
11 membership shall be the date on which the department  
12 and the employees' exclusive representative reach  
13 agreement by memorandum of understanding pursuant  
14 to Section 3517.5.

15 (b) The department shall notify the board as new  
16 classes or positions become eligible for state safety  
17 membership, as specified in subdivision (a), and specify  
18 how service prior to the effective date shall be credited.

19 (c) Notwithstanding Section 7550.5, the department  
20 shall prepare and submit to the Legislature an annual  
21 report that contains the classes or positions that are  
22 eligible for state safety membership under this section.

23 (d) Any person designated as a state safety member  
24 pursuant to this section may elect, within 90 days of  
25 notification by the board, to remain subject to the  
26 miscellaneous or industrial service retirement benefit  
27 and contribution rate by filing an irrevocable election  
28 with the board. A member who so elects shall, ~~on and~~  
29 ~~after January 1, 2000,~~ be subject to the reduced benefit  
30 factors specified in Section 21076 ~~or Section 21354.1,~~  
31 ~~21353, or 21354.1, as applicable,~~ only for service also  
32 included in the federal system.

33 SEC. 9. Section 20405.3 of the Government Code is  
34 amended to read:

35 20405.3. (a) Notwithstanding Section 20405, this  
36 section shall apply only to state employees in State  
37 Bargaining Unit 19.

38 (b) On and after the effective date of this section, state  
39 safety members shall also include officers and employees  
40 whose classifications or positions are found to meet the



1 state safety criteria prescribed in Section 19816.23,  
2 provided the Department of Personnel Administration  
3 agrees to their inclusion. The effective date of safety  
4 membership shall be the date on which the department  
5 and the employees' exclusive representative reach  
6 agreement by memorandum of understanding pursuant  
7 to Section 3517.5.

8 (c) The department shall notify the board as new  
9 classes or positions become eligible for state safety  
10 membership, as specified in subdivision (a), and specify  
11 how service prior to the effective date shall be credited.

12 (d) Notwithstanding Section 7550.5, the department  
13 shall prepare and submit to the Legislature an annual  
14 report that contains the classes or positions that are  
15 eligible for state safety membership under this section.

16 (e) Any person designated as a state safety member  
17 pursuant to this section may elect, within 90 days of  
18 notification by the board, to remain subject to the  
19 miscellaneous or industrial service retirement benefit  
20 and contribution rate by filing an irrevocable election  
21 with the board. A member who so elects shall, ~~on and~~  
22 ~~after January 1, 2000,~~ be subject to the reduced benefit  
23 factors specified in Section 21076 ~~or Section 21354.1,~~  
24 *21353, or 21354.1, as applicable,* only for service also  
25 included in the federal system.

26 SEC. 10. Section 20407 of the Government Code is  
27 amended to read:

28 20407. "State safety member" also includes officers  
29 and employees with the State Department of Mental  
30 Health and the Department of Corrections in the  
31 following classifications:  
32

| 33 Classification | Classification Title   |
|-------------------|--|
| 34 Code           |  |
| 35 8254           | Prelicensed Psychiatric Technician<br>36 (forensic facility) |
| 37 8253           | Psychiatric Technician<br>38 (forensic facility)             |
| 39 8252           | Senior Psychiatric Technician<br>40 (forensic facility)      |



- 1        8212            Nurse Practitioner
- 2                            (forensic facility)
- 3        8160            Health Services Specialist
- 4                            (forensic facility)
- 5        7601            Program Director-Medical
- 6                            (forensic facility)
- 7

8        “State safety member” also includes an officer or  
 9 employee of the State Department of Mental Health at  
 10 Patton State Hospital or Atascadero State Hospital, the  
 11 State Department of Mental Health Psychiatric Program  
 12 of California Medical Facility at Vacaville, or any other  
 13 state hospital that is deemed a forensic facility, who either  
 14 is excluded from the definition of state employee in  
 15 subdivision (c) of Section 3513 or is a nonelected officer  
 16 or employee of the executive branch of government who  
 17 is not a member of the civil service. An officer or  
 18 employee may be a state safety member under this  
 19 paragraph only if the person has responsibility for the  
 20 direct supervision of state safety personnel specified in  
 21 the classifications listed in this section and if the State  
 22 Personnel Board determines that these officers and  
 23 employees meet the state safety membership criteria  
 24 established pursuant to Section 18717. The Department  
 25 of Personnel Administration shall determine which  
 26 classes meet the above conditions and report its findings  
 27 to the Public Employees’ Retirement System, whereupon  
 28 the change in membership categories shall take effect.

29        Any person so designated pursuant to this section may  
 30 elect, within 90 days of notification by the board, to  
 31 remain subject to the miscellaneous service retirement  
 32 benefit and contribution rate by filing an irrevocable  
 33 notice of election with the board. A member who so elects  
 34 shall, ~~on and after January 1, 2000,~~ be subject to the  
 35 reduced benefit factors specified in Section ~~21354.1~~ 21353  
 36 *or 21354.1, as applicable,* only for service also included in  
 37 the federal system.

38        SEC. 11. Section 20409 of the Government Code is  
 39 amended to read:



1 20409. (a) “State safety member” shall also include  
 2 officers and employees of the following departments with  
 3 the following class titles:

| 4  | 5 Class |                         |                                |
|----|---------|-------------------------|--------------------------------|
| 6  | Code    | Classification          | Department                     |
| 7  | 8330    | Aircraft Pilot, Depart- | Justice                        |
| 8  |         | ment of Justice         |                                |
| 9  | 8997    | Arson and Bomb          | Fire Marshal                   |
| 10 |         | Investigator            |                                |
| 11 | 9027    | Assistant Chief, Food   | Health Services                |
| 12 |         | and Drug Section        |                                |
| 13 | 8609    | Chief, Bureau of        | Insurance                      |
| 14 |         | Fraudulent Claims,      |                                |
| 15 |         | Department of           |                                |
| 16 |         | Insurance               |                                |
| 17 | 8610    | Chief, Division of      | Consumer Affairs               |
| 18 |         | Investigations,         |                                |
| 19 |         | Department of           |                                |
| 20 |         | Consumer Affairs        |                                |
| 21 | 8988    | Chief                   | Veterans Affairs               |
| 22 |         | Firefighter/Security    |                                |
| 23 |         | Guard                   |                                |
| 24 | 9030    | Chief, Food and Drug    | Health Services                |
| 25 |         | Section                 |                                |
| 26 | 8613    | Chief, Investigation    | Health Services                |
| 27 |         | Bureau, Department      |                                |
| 28 |         | of Health Services      |                                |
| 29 | 1986    | Chief Museum            | Museum of Science and Industry |
| 30 |         | Security Officer        |                                |
| 31 | 8673    | Deputy Division         | Alcoholic Beverage Control     |
| 32 |         | Chief, Alcoholic        |                                |
| 33 |         | Beverage Control        |                                |
| 34 | 8677    | District Administrator, | Alcoholic Beverage Control     |
| 35 |         | Alcoholic Beverage      |                                |
| 36 |         | Control                 |                                |
| 37 | 8990    | Firefighter/Security    | Veterans Affairs               |
| 38 |         | Guard                   |                                |





|    |      |                        |                                |
|----|------|------------------------|--------------------------------|
| 1  | 8966 | Division Chief,        | Fire Marshal                   |
| 2  |      | California State       |                                |
| 3  |      | Fire Marshal           |                                |
| 4  | 9090 | Fire Service Training  | Fire Marshal                   |
| 5  |      | Specialist III         |                                |
| 6  | 9091 | Fire Service Training  | Fire Marshal                   |
| 7  |      | Supervisor             |                                |
| 8  | 9028 | Food and Drug          | Health Services                |
| 9  |      | Program Coordinator    |                                |
| 10 | 9029 | Food and Drug          | Health Services                |
| 11 |      | Regional               |                                |
| 12 |      | Administrator          |                                |
| 13 | 9042 | Food and Drug          | Health Services                |
| 14 |      | Specialist II          |                                |
| 15 | 9039 | Food and Drug          | Health Services                |
| 16 |      | Specialist III         |                                |
| 17 | 9036 | Food and Drug          | Health Services                |
| 18 |      | Specialist IV          |                                |
| 19 | 9043 | Food and Drug          | Health Services                |
| 20 |      | Trainee                |                                |
| 21 | 9007 | Food Technology        | Health Services                |
| 22 |      | Specialist             |                                |
| 23 | 1937 | Hospital Peace         | Developmental Services, Mental |
| 24 |      | Officer I              | Health, Consumer Affairs       |
| 25 | 1936 | Hospital Peace         | Developmental Services, Mental |
| 26 |      | Officer II             | Health, Consumer Affairs       |
| 27 | 1935 | Hospital Peace         | Developmental Services, Mental |
| 28 |      | Officer III            | Health                         |
| 29 | 1992 | Museum Security        | Museum of Science and Industry |
| 30 |      | Officer                |                                |
| 31 | 0891 | Park Safety and        | Parks and Recreation           |
| 32 |      | Enforcement            |                                |
| 33 |      | Supervisor             |                                |
| 34 | 0890 | Park Safety and        | Parks and Recreation           |
| 35 |      | Enforcement            |                                |
| 36 |      | Specialist             |                                |
| 37 | 8358 | State Security Officer | General Services               |



|    |      |                         |                                |
|----|------|-------------------------|--------------------------------|
| 1  | 8999 | Chief Arson             | Fire Marshal                   |
| 2  |      | and Bomb                |                                |
| 3  |      | Investigator            |                                |
| 4  | 8989 | Supervising             | Veterans Affairs               |
| 5  |      | Firefighter/Security    |                                |
| 6  |      | Guard                   |                                |
| 7  | 1988 | Supervising Museum      | Museum of Science and Industry |
| 8  |      | Security Officer        |                                |
| 9  | 8678 | Supervising Special     | Alcoholic Beverage Control     |
| 10 |      | Investigator, Alcoholic |                                |
| 11 |      | Beverage Control        |                                |

12  
 13 (b) Any person employed in the classifications  
 14 described in subdivision (a) in the department indicated  
 15 may elect, within 90 days of September 27, 1982, to remain  
 16 subject to the miscellaneous service retirement benefit  
 17 by filing an irrevocable notice of election with the board.  
 18 A member who so elects shall, ~~on and after January 1,~~  
 19 ~~2000,~~ be subject to the reduced benefit factors specified  
 20 in Section ~~21354.1~~ 21353 or 21354.1, as applicable, only for  
 21 service also included in the federal system.

22 (c) This section shall not become applicable to any  
 23 member included in a classification until a ruling or  
 24 regulation authorizing the inclusion of persons employed  
 25 in that classification within the definition of "policeman"  
 26 or "fireman," or both, is issued by the federal agency for  
 27 purposes of Section 418(d)(5)(A) of Title 42 of the United  
 28 States Code.

29 SEC. 12. Section 20677 of the Government Code is  
 30 amended to read:

31 20677. (a) (1) The normal rate of contribution for a  
 32 state miscellaneous member whose service is not  
 33 included in the federal system shall be 6 percent of the  
 34 compensation in excess of three hundred seventeen  
 35 dollars (\$317) per month paid that member for service  
 36 rendered on and after July 1, 1976. The normal rate of  
 37 contribution for a school member, or a local  
 38 miscellaneous member shall be 7 percent of the  
 39 compensation paid that member for service rendered on  
 40 and after June 21, 1971.



1 (2) The normal rate of contribution for a state  
2 miscellaneous or industrial member, who has elected to  
3 be subject to Section 21353.5 and whose service is not  
4 included in the federal system, shall be 6 percent of the  
5 member's compensation.

6 (3) The normal rate of contribution as established  
7 under this subdivision for a member whose service is  
8 included in the federal system, and whose service  
9 retirement allowance is reduced under Section 21353,  
10 21353.5, 21354, or 21354.1 because of that inclusion, shall  
11 be reduced by one-third as applied to compensation not  
12 exceeding four hundred dollars (\$400) per month for  
13 service after the date of execution of the agreement  
14 including service in the federal system and prior to  
15 termination of the agreement with respect to the  
16 coverage group to which he or she belongs.

17 (b) (1) The normal rate of contribution for a state  
18 miscellaneous member whose service has been included  
19 in the federal system shall be 5 percent of compensation  
20 in excess of five hundred thirteen dollars (\$513) per  
21 month paid that member for service rendered on and  
22 after July 1, 1976.

23 (2) The normal rate of contribution for a state  
24 miscellaneous or industrial member, who has elected to  
25 be subject to Section 21353.5 and whose service has been  
26 included in the federal system, shall be 5 percent of  
27 compensation, subject to the reduction specified in  
28 paragraph (3) of subdivision (a).

29 (c) The normal rate of contribution for a state  
30 miscellaneous or *state* industrial member who is subject  
31 to Section 21076 or Section 21077 shall be 0 percent.

32 (d) A member who elected to become subject to  
33 Section 21353 solely for service rendered on or after the  
34 effective date of the election, as authorized by subdivision  
35 (c) of Section 21070 during the period between  
36 November 1, 1988, and October 31, 1989, is not required  
37 to make the contributions specified in Section 21073.

38 (e) A member who elects to become subject to Section  
39 ~~21354.1~~ 21353 or 21354.1, as applicable, shall contribute at  
40 the rate specified in paragraph (1) of subdivision (a) or



1 paragraph (1) of subdivision (b), as determined by the  
2 member's status with the federal system, and the rate  
3 shall be applied from the first of the month following the  
4 date of the election. A member who makes the election  
5 shall also contribute for service prior to the date the  
6 contribution rate was applied, in the manner specified in  
7 Section 21073 or 21073.1, as applicable.

8 *SEC. 12.5. Section 20677 of the Government Code is*  
9 *amended to read:*

10 20677. (a) (1) The normal rate of contribution for a  
11 state miscellaneous member whose service is not  
12 included in the federal system shall be 6 percent of the  
13 compensation in excess of three hundred seventeen  
14 dollars (\$317) per month paid that member for service  
15 rendered on and after July 1, 1976. The normal rate of  
16 contribution for a school member, or a local  
17 miscellaneous member shall be 7 percent of the  
18 compensation paid that member for service rendered on  
19 and after June 21, 1971.

20 (2) The normal rate of contribution for a state  
21 miscellaneous or industrial member, who has elected to  
22 be subject to Section 21353.5 and whose service is not  
23 included in the federal system, shall be 6 percent of the  
24 member's compensation.

25 (3) The normal rate of contribution as established  
26 under this subdivision for a member whose service is  
27 included in the federal system, and whose service  
28 retirement allowance is reduced under Section 21353,  
29 21353.5, ~~or Section 21354~~, or 21354.1 because of that  
30 inclusion, shall be reduced by one-third as applied to  
31 compensation not exceeding four hundred dollars (\$400)  
32 per month for service after the date of execution of the  
33 agreement including service in the federal system and  
34 prior to termination of the agreement with respect to the  
35 coverage group to which he or she belongs.

36 (b) (1) The normal rate of contribution for a state  
37 miscellaneous member whose service has been included  
38 in the federal system shall be 5 percent of compensation  
39 in excess of five hundred thirteen dollars (\$513) per



1 month paid that member for service rendered on and after July 1, 1976.

(2) The normal rate of contribution for a state miscellaneous or industrial member, who has elected to be subject to Section 21353.5 and whose service has been included in the federal system, shall be 5 percent of compensation, subject to the reduction specified in paragraph (3) of subdivision (a).

(c) The normal rate of contribution for a state miscellaneous or *state* industrial member who ~~elects to become~~ *is* subject to Section 21076 or Section 21077 shall be 0 percent, ~~unless the member subsequently elects to become subject to Section 21353, as authorized by subdivision (e) of Section 21070 or Section 21353.5. A~~

(d) *A member who elected to become subject to Section 21353 solely for service rendered on or after the effective date of the election, as authorized by subdivision (c) of Section 21070 during the period between November 1, 1988, and October 31, 1989, is not required to make the contributions specified in Section 21073.*

(e) *A member who elects to become subject to Section 21353 or 21354.1, as applicable, shall contribute at the rate specified in paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b), as determined by the member's status with the federal system, and the rate shall be applied from the first of the month following the date of the election. A member who makes the election shall also contribute for service prior to the date the contribution rate was applied, in the manner specified in Section 21073 or 21073.1, as applicable. ~~A member who elected to become subject to Section 21353 solely for service rendered on or after the effective date of the election, as authorized by subdivision (e) of Section 21070 during the period between November 1, 1988, and October 31, 1989, is not required to make the contributions specified in Section 21073.~~*

(f) *In any fiscal year when the normal rate of contribution for a school member, as established under paragraph (1) of subdivision (a), is greater than the rate of contribution required of the school member pursuant*



1 to Section 20817, the amount equivalent to the difference  
2 in the rates shall be directed to the Supplemental  
3 Contributions Program as set forth in Part 8  
4 (commencing with Section 22970). The provisions of this  
5 subdivision shall not take effect until the date specified by  
6 the board pursuant to Section 20817.

7 SEC. 13. Section 20683 of the Government Code is  
8 amended to read:

9 20683. (a) For each state member subject to Section  
10 21369 or 21369.1, the normal rate of contribution shall be  
11 6 percent of compensation in excess of three hundred  
12 seventeen dollars (\$317) per month paid to a member  
13 whose service is not included in the federal system or in  
14 excess of five hundred thirteen dollars (\$513) for one  
15 whose service is included in the federal system. *If the*  
16 *provisions of this section are in conflict with the*  
17 *provisions of a memorandum of understanding reached*  
18 *pursuant to Section 3517.5, the memorandum of*  
19 *understanding shall be controlling without further*  
20 *legislative action, except that if those provisions of the*  
21 *memorandum of understanding require the expenditure*  
22 *of funds, those provisions shall not become effective*  
23 *unless approved by the Legislature in the annual Budget*  
24 *Act.*

25 (b) For each local safety member subject to Section  
26 21369, the normal rate of contribution shall be 7 percent  
27 of compensation.

28 (c) The normal rate of contribution as established  
29 under this section for a local member whose service is  
30 included in the federal system and whose retirement  
31 allowance is reduced because of that inclusion shall be  
32 reduced by one-third as applied to compensation not  
33 exceeding four hundred dollars (\$400) per month for  
34 service rendered after the date of execution of the  
35 modification of the federal-state agreement including  
36 those services in the federal system and prior to  
37 termination of his or her coverage under the federal  
38 system.



1 (d) The operative date of this section with respect to  
2 a local safety member shall be the date upon which he or  
3 she becomes subject to Section 21369.

4 SEC. 14. Section 20687 of the Government Code is  
5 amended to read:

6 20687. (a) The normal rate of contribution for state  
7 peace officer/firefighter members and for local safety  
8 members subject to Section 21363 or 21363.1 shall be 8  
9 percent of the compensation in excess of two hundred  
10 thirty-eight dollars (\$238) per month paid those  
11 members.

12 (b) Notwithstanding subdivision (a), the normal rate  
13 of contribution for local safety members of the City of  
14 Sacramento subject to Section 21363 shall be 9 percent of  
15 compensation paid those members.

16 (c) If the provisions of this section are in conflict with  
17 the provisions of a memorandum of understanding  
18 reached pursuant to Section 3517.5, the memorandum of  
19 understanding shall be controlling without further  
20 legislative action, except that if those provisions of a  
21 memorandum of understanding require the expenditure  
22 of funds, those provisions shall not become effective  
23 unless approved by the Legislature in the annual Budget  
24 Act.

25 SEC. 15. Section 20822 of the Government Code is  
26 amended to read:

27 20822. From the General Fund in the State Treasury  
28 there is appropriated annually, 12 months in arrears, on  
29 July 1 of each fiscal year, beginning July 1, 1994, to the  
30 retirement fund the state's contribution for:

31 (a) All state miscellaneous members and all other  
32 categories of members whose compensation is paid from  
33 the General Fund.

34 (b) All university members whose compensation is  
35 paid from funds of, or funds appropriated to, the  
36 university.

37 (c) All state miscellaneous members who are  
38 employed by the State Department of Education or the  
39 Department of Rehabilitation and whose compensation  
40 is paid from the Vocational Education Federal Fund, the



1 Vocational Rehabilitation Federal Fund, or any other  
2 fund received, in whole or in part, as a donation to the  
3 state under restrictions preventing its use for state  
4 contributions to the retirement system.

5 (d) All state miscellaneous members and all other  
6 categories of members whose compensation is paid from  
7 the Senate Operating Fund or the Assembly Operating  
8 Fund or the Operating Funds of the Assembly and  
9 Senate.

10 SEC. 16. Section 21070 of the Government Code is  
11 amended to read:

12 21070. (a) Effective January 1, 1985, there shall be an  
13 alternative level of benefits available to the following  
14 state miscellaneous members: (1) members who are  
15 excluded from the definition of state employee in  
16 subdivision (c) of Section 3513; (2) members employed  
17 by the executive branch of government who are not  
18 members of the civil service; and (3) members in state  
19 bargaining units for which a memorandum of  
20 understanding has been agreed to by the state employer  
21 and the recognized employee organization to become  
22 subject to this section. Effective September 1, 1986, this  
23 section shall apply to members employed by the state as  
24 provided for in Article VI of the California Constitution.  
25 The board shall provide the affected members a  
26 one-month election period commencing on August 1,  
27 1986. This section does not apply to state miscellaneous  
28 members employed by the California State University or  
29 the University of California. This section shall not apply  
30 to any employee described by Section 20324 unless and  
31 until the employer, as defined in Section 20902, adopts a  
32 resolution approving that application.

33 (b) Effective September 1, 1986, there shall be an  
34 alternate level of benefits available to the following state  
35 industrial members: (1) members in state bargaining  
36 units for which a memorandum of understanding has  
37 been agreed to by the state employer and the recognized  
38 employee organization to become subject to this section;  
39 (2) members who are excluded from the definition of  
40 state employees in subdivision (c) of Section 3513; and (3)





1 members employed by the executive branch of  
2 government who are not members of the civil service.  
3 The board shall provide the affected members a  
4 one-month election period commencing on August 1,  
5 1986.

6 (c) Members eligible to participate in the alternative  
7 level of benefits, referred to in this part as the Second  
8 Tier, may make an irrevocable election during the period  
9 from November 1, 1988, through October 31, 1989, to: (1)  
10 become subject to the Second Tier benefits provided for  
11 in Section 21076 for all past state miscellaneous and state  
12 industrial service and all future state miscellaneous and  
13 state industrial service not excluded by this section; (2)  
14 become subject to the Second Tier benefits provided for  
15 in Section 21077 for state miscellaneous and state  
16 industrial service not excluded by this section rendered  
17 on and after the effective date of the election to be subject  
18 to the Second Tier. Any election by a member to be  
19 subject to Section 21076 or 21077 shall also be signed by  
20 the spouse of the member and both signatures shall be  
21 notarized; (3) become subject to the First Tier  
22 retirement formula prescribed by Section ~~21354.1~~ 21353  
23 for state miscellaneous and state industrial service  
24 rendered on or after the effective date of the election,  
25 provided that the member had previously elected  
26 coverage pursuant to Section 21076 or 21077 and makes  
27 the contributions specified in Section 20677; or (4)  
28 become subject to the First Tier retirement formula  
29 prescribed by Section ~~21354.1~~ 21353 for all past and future  
30 state miscellaneous and state industrial service, provided  
31 that the member had previously elected coverage  
32 pursuant to Section 21076 or 21077 and the member  
33 makes the contributions specified in Sections 20677 and  
34 21073. The right of eligible members to elect coverage  
35 under the retirement formula of their choice shall apply  
36 solely during the above-prescribed one-year period,  
37 subject to conditions to be established and communicated  
38 by the board.

39 Thereafter, and until January 1, 2000, the board shall  
40 provide a 30-day period every five years for eligible



1 members to make an irrevocable election to be subject to  
2 the Second Tier benefits provided for in Section 21076 or  
3 21077. Eligible members who previously elected Section  
4 21077 may make an irrevocable election to become  
5 subject to Section 21076 for all past state miscellaneous  
6 and state industrial service during this election period.  
7 The first election period shall be held five years from the  
8 ending date of the one-year election period specified in  
9 this subdivision.

10 The effective date of any election filed with the board  
11 shall be the first of the month following the date the  
12 election is received in the system, provided the election  
13 meets the conditions set by the board. Any election filed  
14 with the board under this subdivision shall also be signed  
15 by the spouse of the member and both signatures shall be  
16 notarized.

17 (d) Persons who become state miscellaneous or state  
18 industrial members described in this section or who  
19 become such members under Article 3 (commencing  
20 with Section 20320) of Chapter 3 of this part on or after  
21 the Second Tier effective date applicable to the member,  
22 shall be subject to Section 21077 unless an election is filed  
23 with the board to be subject to Section ~~21354.4~~ 21353 and  
24 the member makes the contributions specified in Section  
25 20677. The appointing authority shall provide the  
26 member with the election form and the member shall  
27 exercise the election within one year of becoming a  
28 member. The effective date of the election shall be the  
29 date on which the member became a state miscellaneous  
30 or state industrial member.

31 (e) A state miscellaneous or state industrial member  
32 who, on or after the effective date of an election to be  
33 subject to Section 21076 or 21077, ceases to be a member  
34 pursuant to Section 20340 or 21075 shall, upon again  
35 becoming a state miscellaneous or state industrial  
36 member, be subject to Section 21076 or 21077 in  
37 accordance with his or her previous irrevocable election.  
38 This subdivision does not apply to persons who return to  
39 membership as employees of the California State  
40 University.



1 Except as otherwise provided in this part, a state  
2 miscellaneous or state industrial member subject to  
3 Section 21076 or 21077 is subject to all other provisions  
4 applicable to state miscellaneous members except those  
5 provisions that provide for the payment of an annuity  
6 based on contributions. Notwithstanding any other  
7 provision of this part, member contributions are not  
8 required for any service credit that is subject to Section  
9 21076.

10 (f) Notwithstanding any other provision in  
11 subdivisions (a) to (e), inclusive, this section does not  
12 apply to a state miscellaneous or state industrial member  
13 who, on or after January 1, 2000, (1) was ~~employed~~ *first*  
14 *employed by the state*, (2) returned to employment *with*  
15 *the state* from a break in service of more than 90 days, or  
16 (3) returned to employment *with the state* after ceasing  
17 to be a member pursuant to Section 20340 or 21075.

18 (g) *The amendments to this section enacted during*  
19 *the first year of the 1999–2000 Regular Session are subject*  
20 *to the limitations set forth in Section 21251.13.*

21 SEC. 17. *Section 21070.5 is added to the Government*  
22 *Code, to read:*

23 21070.5. (a) *Notwithstanding any other provision of*  
24 *this article, a person who, on or after January 1, 2000,*  
25 *becomes a state miscellaneous or state industrial member*  
26 *of the system because the person: (1) is first employed by*  
27 *the state, (2) returns to employment with the state from*  
28 *a break in service of more than 90 days, or (3) returns to*  
29 *employment with the state after ceasing to be a member*  
30 *pursuant to Section 20340 or 21075, shall be subject to the*  
31 *benefits provided by Section 21354.1, unless the person*  
32 *elects within 180 days of membership as a state*  
33 *miscellaneous or state industrial member to be subject to*  
34 *the Second Tier benefits provided for in Section 21076.*  
35 *This section shall only apply to state miscellaneous and*  
36 *state industrial members who are: (1) excluded from the*  
37 *definition of state employee in subdivision (c) of Section*  
38 *3513; (2) employed by the executive branch of*  
39 *government who are not members of the civil service; or*



1 (3) included in the definition of state employee in  
2 subdivision (c) of Section 3513.

3 (b) The effective date of the election shall be the first  
4 of the month following the date the election is received  
5 by the system and shall be applicable to state service  
6 rendered on and after that date. Any election filed with  
7 the board pursuant to this section shall also be signed by  
8 the spouse of the member.

9 (c) A member who makes an election authorized by  
10 this section shall not be precluded from making a  
11 subsequent election pursuant to Section 21073.7 to be  
12 subject to the benefits provided by Section 21354.1.

13 (d) Operation and application of this section are  
14 subject to the limitations set forth in Section 21251.13.

15 SEC. 18. Section 21070.6 is added to the Government  
16 Code, to read:

17 21070.6. (a) A member who is subject to Section  
18 21076 or 21077 may be credited at no cost with all previous  
19 state miscellaneous or state industrial service eligible to  
20 be credited under Second Tier benefits. A member who  
21 is entitled to service credit under this section shall apply  
22 for and identify time periods for that service to the board.

23 (b) Operation and application of this section are  
24 subject to the limitations set forth in Section 21251.13.

25 SEC. 19. Section 21071 of the Government Code is  
26 amended to read:

27 21071. (a) Notwithstanding any other provision of  
28 this article, except as provided in subdivisions (b) and  
29 (c), persons who first become state miscellaneous or state  
30 industrial members of the system on or after July 1, 1991,  
31 ~~and prior to January 1, 2000~~, and who are (1) excluded  
32 from the definition of state employee in subdivision (c)  
33 of Section 3513, (2) employed by the executive branch of  
34 government and are not members of the civil service, or  
35 (3) included in the definition of state employee in  
36 subdivision (c) of Section 3513 shall become subject to  
37 Section 21076.

38 (b) Any person who was a member on or before June  
39 30, 1991, eligible to elect membership on or before June  
40 30, 1991, or who was employed in any position on or before



1 June 30, 1991, that would lead to membership as a state  
2 member, as defined in Section 20370, and who thereafter  
3 enters employment subject to Section 21076 shall, ~~until~~  
4 ~~January 1, 2000,~~ be granted the rights provided in  
5 subdivision (c) of Section 21070, unless the person had  
6 earlier made an irrevocable election to be subject to  
7 Section 21076 or 21077. The one-year period in which to  
8 make the election provided in subdivision (c) of Section  
9 21070 for any member who became a state member prior  
10 to January 1, 1994, shall commence with the mailing of a  
11 notice by the system to the member, of his or her election  
12 right. The effective date of the election shall be the date  
13 on which the member became a state miscellaneous or  
14 state industrial member. The member shall be obligated  
15 to make the contributions specified in Section 20677.

16 (c) Effective on or after April 1, 1998, ~~and until January~~  
17 ~~1, 2000,~~ state miscellaneous or industrial members may  
18 elect to be subject to the service retirement formula  
19 prescribed in Section 21353.5, as an alternative to Second  
20 Tier membership under Section 21076. The election shall  
21 be provided to eligible members by the appointing  
22 authority, and, to be effective, an election must be filed  
23 with the board. Eligible members who must be in the  
24 employment of the state are defined as members in state  
25 bargaining units for which a memorandum of  
26 understanding has been agreed to by the state employer  
27 and the recognized employee organization to become  
28 subject to Section 21353.5. The effective date of a  
29 member's election shall be the first day of the month  
30 following the date the election is filed with the system.

31 (d) This section shall not apply to state miscellaneous  
32 members employed by the California State University or  
33 employees described in Section 20324.

34 (e) *This section shall become inoperative on January*  
35 *1, 2000.*

36 (f) *The amendments to this section enacted during*  
37 *the first year of the 1999-2000 Regular Session are subject*  
38 *to the limitations set forth in Section 21251.13.*

39 ~~SEC. 18.~~



1 SEC. 20. Section 21072 of the Government Code is  
2 amended to read:

3 21072. (a) A member who elects to be subject to  
4 Section 21076 shall be credited at no cost with all  
5 creditable previous state miscellaneous or state industrial  
6 service after the member is credited with one year of  
7 service under Section 21076. A member who was subject  
8 to Section 21076, who terminates membership, and who  
9 subsequently returns to state service ~~prior to January 1,~~  
10 ~~2000~~, shall be granted, at no cost, all of the service credit  
11 earned as a result of the election, after the member is  
12 credited with one year of service following return to state  
13 service. The one-year requirement shall be waived for a  
14 member who meets the service credit requirements for  
15 disability retirement specified in Section 21150 with the  
16 past creditable service.

17 (b) A member who elects to be subject to Section  
18 21077, who terminates membership and who  
19 subsequently returns to service shall be credited, at no  
20 cost, with the service earned as a result of the election,  
21 after the member is credited with one year of service  
22 following return to state service. The one- year  
23 requirement shall be waived for a member who meets the  
24 service credit requirements for disability retirement  
25 specified in Section 21150 with the past creditable service.

26 (c) A member who is entitled to service credit under  
27 this section shall apply for and identify time periods for  
28 that service to the board.

29 (d) *This section shall become inoperative on January*  
30 *1, 2000.*

31 (e) *The amendments to this section enacted during*  
32 *the first year of the 1999–2000 Regular Session are subject*  
33 *to the limitations set forth in Section 21251.13.*

34 ~~SEC. 19.~~

35 SEC. 21. Section 21073 of the Government Code is  
36 amended to read:

37 21073. (a) A member who elects *prior to January 1,*  
38 *2000*, to receive service credit under Section 21353, as  
39 authorized by subdivision (c) of Section 21070, for time  
40 during which he or she was subject to Section 21077, shall



1 contribute in a lump sum or by installments, over that  
2 period and subject to minimum payments as may be  
3 prescribed by regulations of the board, an amount equal  
4 to the contributions he or she would have made had he  
5 or she not been subject to Section 21077, plus an amount  
6 equal to the interest, to the date of completion of  
7 payments, that would have been credited to those  
8 contributions.

9 (b) A member who elects *prior to January 1, 2000*, to  
10 receive service credit under Section 21353, as authorized  
11 by subdivision (c) of Section 21070, for time during which  
12 he or she received service credit under Section 21076,  
13 shall deposit in the retirement fund, subject to the  
14 regulations of the board, an amount equal to (1) any  
15 accumulated contributions that he or she withdrew  
16 pursuant to Section 20737, plus an amount equal to the  
17 interest, to the date of completion of payments, that  
18 would have been credited to those contributions, and (2)  
19 an amount equal to the contributions he or she would  
20 have made had he or she not been subject to Section  
21 21076, plus an amount equal to the interest, to the date of  
22 completion of payments, that would have been credited  
23 to those contributions.

24 Upon electing, *prior to January 1, 2000*, to be subject to  
25 Section 21353, a member shall return to coverage under  
26 that formula without credit for any previous creditable  
27 state miscellaneous or industrial service credited at no  
28 cost pursuant to Section 21072, unless the member elects  
29 to redeposit or to purchase the service as otherwise  
30 required in this part, or the member has elected to be  
31 subject to Section 21353 solely for service rendered on or  
32 after the effective date of the election, as permitted  
33 during the one-year period specified in subdivision (c) of  
34 Section 21070.

35 (c) *The amendments to this section enacted during*  
36 *the first year of the 1999–2000 Regular Session are subject*  
37 *to the limitations set forth in Section 21251.13.*

38 SEC. 22. Section 21073.1 is added to the Government  
39 Code, to read:



1 21073.1. (a) ~~A—Effective January 1, 2000, a~~ member  
2 who elects to receive service credit under Section  
3 21354.1, as authorized by Section 21073.7, for time during  
4 which the member received service credit subject to  
5 Section 21076 or 21077, shall deposit an amount equal to  
6 any accumulated contributions the member withdrew  
7 pursuant to Section 20737, plus the interest that would  
8 have been credited to ~~his or her~~ *the member's* account  
9 had the contributions not been withdrawn, and any  
10 contributions the member would have made, plus an  
11 amount equal to the interest that would have been  
12 credited to those contributions, had ~~he or she~~ *the*  
13 *member* not been subject to Section 21076 or 21077. This  
14 deposit shall be made in a lump sum or by installments,  
15 with interest through the completion of payments, over  
16 that period and subject to minimum payment amounts as  
17 may be prescribed by regulations of the board.  
18 *Alternatively, this deposit requirement may be satisfied*  
19 *by an actuarial equivalent reductions in the member's*  
20 *retirement allowance.*

21 (b) The board, in addition to its general rulemaking  
22 authority under Section 20121, may adopt regulations  
23 that implement this section. Those regulations shall be  
24 exempt from review by the Office of Administrative Law  
25 ~~prior to~~. *However, the board shall transmit those*  
26 *regulations to the Office of Administrative Law for filing*  
27 *with the Secretary of State and publication in the*  
28 *California Code of Regulations.*

29 (c) *The amendments to this section enacted during*  
30 *the first year of the 1999-2000 Regular Session are subject*  
31 *to the limitations set forth in Section 21251.13.*

32 ~~SEC. 20.~~

33 SEC. 23. Section 21073.5 of the Government Code is  
34 amended to read:

35 21073.5. A state Second Tier member, who meets the  
36 eligibility definition prescribed in subdivision (c) of  
37 Section 21071 may elect, ~~prior to January 1, 2000,~~ to be  
38 subject to Section 21353.5 while he or she is in the  
39 employment of the state. Upon becoming subject to  
40 Section 21353.5, the active member may elect, prior to





1 January 1, 2000, to have his or her past Second Tier service  
 2 credited under Section 21353.5. A member who elects to  
 3 receive credit for past service shall pay all reasonable  
 4 administrative costs and the amount that will be  
 5 equivalent to the difference between the actuarial  
 6 present value of the Second Tier service that had accrued  
 7 to the member's credit and the actuarial present value for  
 8 the same service had it been credited under Section  
 9 21353.5, including interest if deemed necessary, in  
 10 accordance with the method to be established by the  
 11 board. The amount shall be contributed in a lump sum or  
 12 by installments over a period and subject to minimum  
 13 payments as may be prescribed by regulations of the  
 14 board. Payments for administrative costs shall be credited  
 15 to the current appropriation for support of the board and  
 16 available for expenditures by the board to fund positions  
 17 deemed necessary by the board to implement this  
 18 section.

19 *The amendments to this section enacted during the*  
 20 *first year of the 1999–2000 Regular Session are subject to*  
 21 *the limitations set forth in Section 21251.13.*

22 ~~SEC. 21.~~

23 *SEC. 24.* Section 21073.7 is added to the Government  
 24 Code, to read:

25 ~~21073.7. (a) Effective January 1, 2000, members~~  
 26 *21073.7. (a) A member* subject to the Second Tier  
 27 benefits provided in Section 21076 or 21077 *who is*  
 28 *employed by the state on or after January 1, 2000,* may  
 29 make an irrevocable election, to be filed with the board,  
 30 to be subject to the First Tier benefits provided in Section  
 31 21354.1 and to make the contributions specified in Section  
 32 20677. ~~The~~ *An election shall be effective the first of the*  
 33 *month following receipt of the election the date the*  
 34 *election is received* by the system and shall be applicable  
 35 to state service rendered on and after that date. ~~The~~  
 36 ~~election~~ *An election to be subject to Section 21354.1 may*  
 37 be made at any time prior to retirement and ~~shall be~~  
 38 ~~signed by the spouse of the member and both signatures~~  
 39 ~~shall be notarized.~~



1 ~~(b) A member subject to Section 21354.1 who has past~~  
2 ~~service credited under the Second Tier may elect, at any~~  
3 ~~shall also be signed by the spouse of the member.~~

4 (b) A member who is employed by the state on or after  
5 January 1, 2000, with past service credited under the  
6 Second Tier may make an irrevocable election, at any  
7 time prior to retirement, to have his or her past Second  
8 Tier service credited under Section 21354.1 by making  
9 contributions specified in Section 21073.1. This  
10 subdivision shall not apply to a Second Tier member  
11 eligible to make the election provided in subdivision (a)  
12 until after the effective date of that election.

13 ~~(c) A member who has past service credit under the~~  
14 (c) A member subject to modified First Tier benefits  
15 pursuant to Section 21353.5 shall become subject to  
16 ~~Section 21354.1~~ 21353 or 21354.1, as applicable, and make  
17 contributions as specified in Section 20677. The member's  
18 past service and contributions ~~in the~~ credited as modified  
19 First Tier under Section 21353.5 shall be converted to  
20 First Tier service and contributions and shall be subject  
21 to ~~Section 21354.1 unless the member files a written~~  
22 ~~request with the board to remain subject to Section~~  
23 ~~21353.5. Contributions 21353 or 21354.1, as applicable.~~  
24 Contributions previously credited as modified First Tier  
25 and withdrawn by the member may be redeposited  
26 under the conditions specified in Section 20750, with the  
27 service credit and contributions subject to ~~Section~~  
28 ~~21354.1.~~

29 ~~(d) "Member," as used in this section, includes a~~  
30 ~~person who, at the time an election is made under~~  
31 ~~subdivision (a), (b), or (c), is not receiving credit for~~  
32 ~~state service but has not ceased to be a member pursuant~~  
33 ~~to Section 20340 or 21075. Section 21353 or 21354.1, as~~  
34 ~~applicable.~~

35 (d) Operation and application of this section is subject  
36 to the limitations set forth in Section 21251.13.

37 ~~SEC. 22.~~

38 SEC. 25. Section 21077 of the Government Code is  
39 amended to read:



1 21077. The service retirement allowance for a state  
2 miscellaneous or state industrial member who elects to be  
3 subject to this section shall be: the sum of the allowance  
4 for service rendered under the Second Tier retirement  
5 formula, computed pursuant to Section 21076, added to  
6 the allowance for service rendered as a state  
7 miscellaneous or state industrial member covered under  
8 the First Tier formula, computed pursuant to Section  
9 ~~21354.1~~ 21353 or 21354.1, as applicable.

10 ~~SEC. 23.~~

11 *SEC. 26.* Section 21130 of the Government Code is  
12 amended to read:

13 21130. Every patrol member subject to Section  
14 ~~21362.2~~ 21362 or 21362.2, as applicable, shall be retired on  
15 the first day of the calendar month succeeding that in  
16 which he or she attains the age of 60 years.

17 ~~SEC. 24.~~

18 *SEC. 27.* Section 21251.13 is added to the Government  
19 Code, to read:

20 21251.13. (a) Notwithstanding any other provision of  
21 law, Sections 21070.5, 21070.6, 21073.1, 21073.7, 21354.1,  
22 21362.2, 21363.1, and 21369.1 and the amendments to  
23 Sections 21070, 21071, 21072, 21073, 21073.5, and 21353.5,  
24 enacted during the first year of the 1999–2000 Regular  
25 Session:

26 (1) Shall not become operative unless the board  
27 adopts a resolution that does both of the following: (A)  
28 employs, for the June 30, 1998, valuation, 95 percent of the  
29 market value of assets of the state employer as the  
30 actuarial value of the assets; and (B) amortizes the June  
31 30, 1998, excess assets over a period of 20 years, beginning  
32 July 1, 1999.

33 (2) Shall not apply to a state employee, as defined in  
34 subdivision (c) of Section 3513, in a bargaining unit unless  
35 and until incorporated in a memorandum of  
36 understanding, pursuant to Section 3517.5, applicable to  
37 that bargaining unit.

38 (3) Shall not apply to excluded employees, as defined  
39 in Section 3527, unless the Department of Personnel



1 Administration has approved the application of those  
2 provisions to those employees.

3 (b) Notwithstanding anything in a memorandum of  
4 understanding to the contrary, (1) the benefits provided  
5 under the provisions of those sections described in  
6 subdivision (a), as added or amended during the first year  
7 of the 1999–2000 Regular Session, shall not terminate  
8 upon the expiration or termination of the memorandum  
9 of understanding, and (2) the only conditions to the  
10 operation of the provisions of those sections described in  
11 subdivision (a), as added or amended during the first year  
12 of the 1999- 2000 Regular Session, are contained in this  
13 section.

14 (c) Upon request by the state employer or other  
15 entity, or on its own volition, the board may change the  
16 amortization period, or take any other action the board  
17 deems necessary or appropriate, to mitigate the impact  
18 of unforeseen factors that may cause an increase in the  
19 employer contribution by the state. Nothing in this  
20 section shall be construed to limit the board’s authority  
21 under Section 17 of Article 16 of the California  
22 Constitution.

23 SEC. 28. Section 21328 is added to the Government  
24 Code, to read:

25 21328. In addition to the increase in allowance  
26 authorized and granted pursuant to Section 21313, and  
27 notwithstanding the limitation on that increase imposed  
28 by this article and subdivision (b) of Section 21337,  
29 effective January 1, 2000, the monthly allowance paid  
30 with respect to a state or school member who retired or  
31 died prior to January 1, 2000, *other than an allowance*  
32 *provided by Article 3 (commencing with Section 21570)*  
33 *of Chapter 14*, shall be increased by the percentage set  
34 forth opposite the year of retirement or death in the  
35 following schedule:

| 37 Period during which retirement<br>38 or death occurred: | Percentage: |
|--|-------------|
| 39 <del>48 months ending Dec. 31, 1999</del>               | 2.0%        |
| 40 <del>12 months ending Dec. 31, 1995</del>               | 3.0%        |



|    |   |                    |
|----|---|--------------------|
| 1  | <del>12 months ending Dec. 31, 1994</del> | 4.0%               |
| 2  | <del>12 months ending Dec. 31, 1993</del> | 4.5%               |
| 3  | <del>12 months ending Dec. 31, 1992</del> |                    |
| 4  | or earlier                                | 5.0%               |
| 5  |   |                    |
| 6  | <i>Period during which retirement</i>     |                    |
| 7  | <i>or death occurred:</i>                 | <i>Percentage:</i> |
| 8  | <i>24 months ending Dec. 31, 1999</i>     | <i>0.0%</i>        |
| 9  | <i>12 months ending Dec. 31, 1997</i>     | <i>1.0%</i>        |
| 10 | <i>24 months ending Dec. 31, 1996</i>     | <i>2.0%</i>        |
| 11 | <i>60 months ending Dec. 31, 1994</i>     | <i>3.0%</i>        |
| 12 | <i>60 months ending Dec. 31, 1989</i>     | <i>4.0%</i>        |
| 13 | <i>120 months ending Dec. 31, 1984</i>    | <i>5.0%</i>        |
| 14 | <i>12 months ending Dec. 31, 1974</i>     |                    |
| 15 | <i>or earlier</i>                         | <i>6.0%</i>        |

16  
 17 The percentage shall be applied to the allowance  
 18 payable on January 1, 2000, and the allowance as so  
 19 increased shall be paid for time on and after ~~the~~ that date  
 20 and until the first day of April immediately following the  
 21 date of application. The base allowance shall be the  
 22 allowance as increased under this section.  
 23 Notwithstanding Section 21337 to the contrary, this  
 24 increase shall not be included in determining the initial  
 25 monthly allowance upon which a supplemental benefit is  
 26 payable pursuant to Section 21337.

27 ~~SEC. 25.~~

28 *SEC. 29.* Section 21337 of the Government Code is  
 29 amended to read:

30 21337. (a) On an annual basis, the board shall transfer  
 31 to a supplemental account, to fund the purchasing power  
 32 protection allowance, the lesser of either of the following:

33 (1) The amount necessary to increase all monthly  
 34 allowances paid by this system to 75 percent of the  
 35 purchasing power of the initial monthly allowances.

36 (2) Up to 1.1 percent of the net earnings on member  
 37 contributions, as determined by Section 20178.

38 (b) The funds transferred to the supplemental  
 39 account shall be utilized to increase all monthly  
 40 allowances paid by this system up to a maximum of 75



1 percent of the purchasing power, as determined by the  
2 board, of the initial monthly allowances, notwithstanding  
3 the benefit provided by Section 21328, that were received  
4 by every retired person or survivor or beneficiary of a  
5 state, school, or local member or retired person who was  
6 eligible to receive any allowance at the end of each fiscal  
7 year. Funds remaining in the account after the payment  
8 of benefits under this section shall be transferred to the  
9 employer accounts.

10 ~~SEC. 26.~~

11 *SEC. 29.5. Section 21337 of the Government Code is*  
12 *amended to read:*

13 21337. (a) ~~On an annual basis, the board shall transfer~~  
14 ~~the lesser of either of the following:~~

15 (1) ~~The amount necessary to increase all monthly~~  
16 ~~allowances paid by this system to 75 percent of the~~  
17 ~~purchasing power of the initial monthly allowances.~~

18 (2) ~~Up to 1.1 percent of the net earnings on member~~  
19 ~~contributions, as determined by Section 20178, to a~~  
20 ~~supplemental account to fund the purchasing power~~  
21 ~~protection allowance.~~

22 (b) ~~The funds so transferred to the supplemental~~  
23 ~~account shall be utilized to increase all monthly~~  
24 ~~allowances paid by this system up to a maximum of 75~~  
25 ~~percent of the purchasing power, as determined by the~~  
26 ~~board, of the initial monthly allowances that were~~  
27 ~~received by every retired person or survivor or~~  
28 ~~beneficiary of a state, school, or local member or retired~~  
29 ~~person who was eligible to receive any allowance at the~~  
30 ~~end of each fiscal year. Funds remaining in the account~~  
31 ~~after the payment of benefits under this section shall be~~  
32 ~~transferred to the employer accounts. Annually all~~  
33 ~~monthly allowances paid by the system to retirees of~~  
34 ~~contracting agencies, and to the survivors and~~  
35 ~~beneficiaries of those retirees, shall be increased to 80~~  
36 ~~percent of the purchasing power of the initial monthly~~  
37 ~~allowances as determined by the board.~~

38 (b) *Annually all monthly allowances paid by the*  
39 *system to retirees of the state, university, and school*  
40 *employers, and to the survivors and beneficiaries of those*



1 *retirees, shall be increased to 75 percent of the purchasing*  
2 *power of the initial monthly allowances, notwithstanding*  
3 *the benefit provided by Section 21328, as determined by*  
4 *the board.*

5 *(c) The cost of the payment of these benefits to*  
6 *retirees and beneficiaries of each employer shall be paid*  
7 *from the assets of that employer in the system.*

8 SEC. 30. Section 21353 of the Government Code is  
9 amended to read:

10 21353. (a) The combined current and prior service  
11 pensions for a local miscellaneous member, a school  
12 member, a state miscellaneous ~~member, or state~~  
13 ~~industrial member, or a university member, and a state~~  
14 ~~industrial member is a pension member is a pension~~  
15 derived from the contributions of the employer  
16 sufficient, when added to the service retirement annuity  
17 that is derived from the accumulated normal  
18 contributions of the member at the date of retirement, to  
19 equal the fraction of one-fiftieth of the member's final  
20 compensation set forth opposite the member's age at  
21 retirement, taken to the preceding completed quarter  
22 year, in the following table, multiplied by the number of  
23 years of current and prior service except service in a  
24 category of membership other than that of state  
25 ~~miscellaneous or state industrial~~ member, local  
26 miscellaneous member, school member, *or* a university  
27 member, ~~and a state industrial member~~ or service  
28 covered under the First Tier retirement formula, with  
29 which the member is entitled to be credited at  
30 retirement:

| 31 | 32                             |       | 33 |          |
|----|--------------------------------|-------|----|----------|
|    | Age of                         |       |    | Fraction |
|    | Retirement                     |       |    |          |
| 34 | 50                             | ..... |    | .546     |
| 35 | 50 <sup>1</sup> / <sub>4</sub> | ..... |    | .554     |
| 36 | 50 <sup>1</sup> / <sub>2</sub> | ..... |    | .562     |
| 37 | 50 <sup>3</sup> / <sub>4</sub> | ..... |    | .570     |
| 38 | 51                             | ..... |    | .578     |
| 39 | 51 <sup>1</sup> / <sub>4</sub> | ..... |    | .586     |
| 40 | 51 <sup>1</sup> / <sub>2</sub> | ..... |    | .595     |



|    |                                      |       |
|----|--------------------------------------|-------|
| 1  | 51 <sup>3</sup> / <sub>4</sub> ..... | .603  |
| 2  | 52 .....                             | .612  |
| 3  | 52 <sup>1</sup> / <sub>4</sub> ..... | .621  |
| 4  | 52 <sup>1</sup> / <sub>2</sub> ..... | .630  |
| 5  | 52 <sup>3</sup> / <sub>4</sub> ..... | .639  |
| 6  | 53 .....                             | .648  |
| 7  | 53 <sup>1</sup> / <sub>4</sub> ..... | .658  |
| 8  | 53 <sup>1</sup> / <sub>2</sub> ..... | .668  |
| 9  | 53 <sup>3</sup> / <sub>4</sub> ..... | .678  |
| 10 | 54 .....                             | .688  |
| 11 | 54 <sup>1</sup> / <sub>4</sub> ..... | .698  |
| 12 | 54 <sup>1</sup> / <sub>2</sub> ..... | .709  |
| 13 | 54 <sup>3</sup> / <sub>4</sub> ..... | .719  |
| 14 | 55 .....                             | .730  |
| 15 | 55 <sup>1</sup> / <sub>4</sub> ..... | .741  |
| 16 | 55 <sup>1</sup> / <sub>2</sub> ..... | .753  |
| 17 | 55 <sup>3</sup> / <sub>4</sub> ..... | .764  |
| 18 | 56 .....                             | .776  |
| 19 | 56 <sup>1</sup> / <sub>4</sub> ..... | .788  |
| 20 | 56 <sup>1</sup> / <sub>2</sub> ..... | .800  |
| 21 | 56 <sup>3</sup> / <sub>4</sub> ..... | .813  |
| 22 | 57 .....                             | .825  |
| 23 | 57 <sup>1</sup> / <sub>4</sub> ..... | .839  |
| 24 | 57 <sup>1</sup> / <sub>2</sub> ..... | .852  |
| 25 | 57 <sup>3</sup> / <sub>4</sub> ..... | .865  |
| 26 | 58 .....                             | .879  |
| 27 | 58 <sup>1</sup> / <sub>4</sub> ..... | .893  |
| 28 | 58 <sup>1</sup> / <sub>2</sub> ..... | .908  |
| 29 | 58 <sup>3</sup> / <sub>4</sub> ..... | .923  |
| 30 | 59 .....                             | .937  |
| 31 | 59 <sup>1</sup> / <sub>4</sub> ..... | .953  |
| 32 | 59 <sup>1</sup> / <sub>2</sub> ..... | .969  |
| 33 | 59 <sup>3</sup> / <sub>4</sub> ..... | .985  |
| 34 | 60 .....                             | 1.000 |
| 35 | 60 <sup>1</sup> / <sub>4</sub> ..... | 1.017 |
| 36 | 60 <sup>1</sup> / <sub>2</sub> ..... | 1.034 |
| 37 | 60 <sup>3</sup> / <sub>4</sub> ..... | 1.050 |
| 38 | 61 .....                             | 1.067 |
| 39 | 61 <sup>1</sup> / <sub>4</sub> ..... | 1.084 |





|   |                         |       |
|---|-------------------------|-------|
| 1 | 61 <sup>1/2</sup> ..... | 1.101 |
| 2 | 61 <sup>3/4</sup> ..... | 1.119 |
| 3 | 62 .....                | 1.136 |
| 4 | 62 <sup>1/4</sup> ..... | 1.154 |
| 5 | 62 <sup>1/2</sup> ..... | 1.173 |
| 6 | 62 <sup>3/4</sup> ..... | 1.191 |
| 7 | 63 and over .....       | 1.209 |

8

9 ~~The~~

10 (b) *The* fractions specified in the above table shall be  
 11 reduced by one-third as applied to that part of final  
 12 compensation that does not exceed four hundred dollars  
 13 (\$400) per month for all service of a member any of whose  
 14 service has been included in the federal system. This  
 15 reduction shall not apply to a member employed by a  
 16 contracting agency that enters into a contract after July  
 17 1, 1971, and elects not to be subject to this paragraph or  
 18 with respect to service rendered after the termination of  
 19 coverage under the federal system with respect to the  
 20 coverage group to which the member belongs.

21 ~~The~~

22 (c) *The* improved retirement allowance provided by  
 23 this section is granted subject to future reduction prior to  
 24 a member's retirement, by offset of federal system  
 25 benefits or otherwise, as the Legislature may from time  
 26 to time deem appropriate because of changes in the  
 27 federal system benefits.

28 ~~Effective January 1, 2000, this section shall only apply~~  
 29 ~~to local miscellaneous members.~~

30 (d) *With the exception of state miscellaneous*  
 31 *members for service rendered for the California State*  
 32 *University or the legislative or judicial branch of*  
 33 *government, this section shall apply to state*  
 34 *miscellaneous and state industrial members who are not*  
 35 *employed by the state on or after January 1, 2000.*

36 ~~SEC. 27.~~

37 *SEC. 31.* Section 21353.5 of the Government Code is  
 38 amended to read:

39 21353.5. (a) The combined current and prior service  
 40 pensions for a state miscellaneous or *state* industrial



1 member who has elected to be subject to the service  
 2 retirement formula prescribed in this section, as provided  
 3 by Sections 21071 and 21073.5, is a pension derived from  
 4 the contributions of the employer sufficient, when added  
 5 to the service retirement annuity that is derived from the  
 6 accumulated normal contributions of the member at the  
 7 date of retirement, to equal the fraction of one-fiftieth of  
 8 the member's final compensation set forth opposite the  
 9 member's age at retirement, taken to the preceding  
 10 completed quarter year, in the following table, multiplied  
 11 by the number of years of current and prior service,  
 12 except service in a category of membership other than  
 13 that credited under this section, with which the member  
 14 is entitled to be credited at retirement:

| 15 | 16 Age of                      |       | 17 Fraction |
|----|--------------------------------|-------|-------------|
| 18 | 19 Retirement                  |       |             |
| 18 | 50                             | ..... | .546        |
| 19 | 50 <sup>1</sup> / <sub>4</sub> | ..... | .554        |
| 20 | 50 <sup>1</sup> / <sub>2</sub> | ..... | .562        |
| 21 | 50 <sup>3</sup> / <sub>4</sub> | ..... | .570        |
| 22 | 51                             | ..... | .578        |
| 23 | 51 <sup>1</sup> / <sub>4</sub> | ..... | .586        |
| 24 | 51 <sup>1</sup> / <sub>2</sub> | ..... | .595        |
| 25 | 51 <sup>3</sup> / <sub>4</sub> | ..... | .603        |
| 26 | 52                             | ..... | .612        |
| 27 | 52 <sup>1</sup> / <sub>4</sub> | ..... | .621        |
| 28 | 52 <sup>1</sup> / <sub>2</sub> | ..... | .630        |
| 29 | 52 <sup>3</sup> / <sub>4</sub> | ..... | .639        |
| 30 | 53                             | ..... | .648        |
| 31 | 53 <sup>1</sup> / <sub>4</sub> | ..... | .658        |
| 32 | 53 <sup>1</sup> / <sub>2</sub> | ..... | .668        |
| 33 | 53 <sup>3</sup> / <sub>4</sub> | ..... | .678        |
| 34 | 54                             | ..... | .688        |
| 35 | 54 <sup>1</sup> / <sub>4</sub> | ..... | .698        |
| 36 | 54 <sup>1</sup> / <sub>2</sub> | ..... | .709        |
| 37 | 54 <sup>3</sup> / <sub>4</sub> | ..... | .719        |
| 38 | 55                             | ..... | .730        |
| 39 | 55 <sup>1</sup> / <sub>4</sub> | ..... | .741        |
| 40 | 55 <sup>1</sup> / <sub>2</sub> | ..... | .753        |



|    |                                      |       |
|----|--------------------------------------|-------|
| 1  | 55 <sup>3</sup> / <sub>4</sub> ..... | .764  |
| 2  | 56 .....                             | .776  |
| 3  | 56 <sup>1</sup> / <sub>4</sub> ..... | .788  |
| 4  | 56 <sup>1</sup> / <sub>2</sub> ..... | .800  |
| 5  | 56 <sup>3</sup> / <sub>4</sub> ..... | .813  |
| 6  | 57 .....                             | .825  |
| 7  | 57 <sup>1</sup> / <sub>4</sub> ..... | .839  |
| 8  | 57 <sup>1</sup> / <sub>2</sub> ..... | .852  |
| 9  | 57 <sup>3</sup> / <sub>4</sub> ..... | .865  |
| 10 | 58 .....                             | .879  |
| 11 | 58 <sup>1</sup> / <sub>4</sub> ..... | .893  |
| 12 | 58 <sup>1</sup> / <sub>2</sub> ..... | .908  |
| 13 | 58 <sup>3</sup> / <sub>4</sub> ..... | .923  |
| 14 | 59 .....                             | .937  |
| 15 | 59 <sup>1</sup> / <sub>4</sub> ..... | .953  |
| 16 | 59 <sup>1</sup> / <sub>2</sub> ..... | .969  |
| 17 | 59 <sup>3</sup> / <sub>4</sub> ..... | .985  |
| 18 | 60 and over .....                    | 1.000 |

19

~~The~~

21 (b) *The* fractions specified in the above table shall be  
22 reduced by one-third as applied to that part of final  
23 compensation that does not exceed four hundred dollars  
24 (\$400) per month for all service of a member any of whose  
25 service has been included in the federal system.

26 ~~The~~

27 (c) *The* retirement allowance provided by this  
28 section, which shall be effective for members who retire  
29 on and after April 1, 1998, is granted subject to future  
30 reduction prior to a member's retirement, by offset of  
31 federal system benefits or otherwise, as the Legislature  
32 may from time to time deem appropriate because of  
33 changes in the federal system benefits.

34 ~~Other than for members who elect under subdivision~~  
35 ~~(e) of Section 21073.7 to remain subject to the modified~~  
36 ~~First Tier, this section shall not apply to state~~  
37 ~~miscellaneous members and state industrial members~~  
38 ~~who retire on or after January 1, 2000.~~

39 (d) *This section shall become inoperative on January*  
40 *1, 2000.*



1 (e) The amendments to this section enacted during  
2 the first year of the 1999–2000 Regular Session are subject  
3 to the limitations set forth in Section 21251.13.

4 ~~SEC. 28.~~

5 SEC. 32. Section 21354.1 is added to the Government  
6 Code, to read:

7 21354.1. (a) The combined current and prior service  
8 ~~pensions for school, state miscellaneous, university, and~~  
9 ~~state industrial members who are subject to the pensions~~  
10 ~~for school members, state miscellaneous or state~~  
11 ~~industrial members, or university members who are~~  
12 ~~subject to the provisions of this section is a pension~~  
13 ~~derived from the contributions of the employer~~  
14 ~~sufficient, when added to the service retirement annuity~~  
15 ~~that is derived from the accumulated normal~~  
16 ~~contributions of the member at the date of retirement, to~~  
17 ~~equal the fraction of one-fiftieth of the member’s final~~  
18 ~~compensation set forth opposite the member’s age at~~  
19 ~~retirement, taken to the preceding completed quarter~~  
20 ~~year, in the following table, multiplied by the number of~~  
21 ~~years of current and prior service, except service in a~~  
22 ~~category of membership other than that of a school, state~~  
23 ~~miscellaneous, university, or state industrial member~~  
24 ~~with which the member is entitled to that of a school~~  
25 ~~member, state miscellaneous or state industrial member,~~  
26 ~~or university member or service covered under this~~  
27 ~~retirement formula with which the member is entitled to~~  
28 be credited at retirement:

| 30 — Age at       |          |
|-------------------|----------|
| 31 — retirement   | Fraction |
| 32 — 50 .....     | 0.713    |
| 33 — 50 1/4 ..... | 0.725    |
| 34 — 50 1/2 ..... | 0.737    |
| 35 — 50 3/4 ..... | 0.749    |
| 36 — 51 .....     | 0.761    |
| 37 — 51 1/4 ..... | 0.775    |
| 38 — 51 1/2 ..... | 0.788    |
| 39 — 51 3/4 ..... | 0.801    |
| 40 — 52 .....     | 0.814    |



|    |  |        |
|----|--|--------|
| 1  | — 52 <sup>1</sup> / <sub>4</sub> ..... | 0.828  |
| 2  | — 52 <sup>1</sup> / <sub>2</sub> ..... | 0.843  |
| 3  | — 52 <sup>3</sup> / <sub>4</sub> ..... | 0.857  |
| 4  | — 53 .....                             | 0.871  |
| 5  | — 53 <sup>1</sup> / <sub>4</sub> ..... | 0.886  |
| 6  | — 53 <sup>1</sup> / <sub>2</sub> ..... | 0.902  |
| 7  | — 53 <sup>3</sup> / <sub>4</sub> ..... | 0.917  |
| 8  | — 54 .....                             | 0.933  |
| 9  | — 54 <sup>1</sup> / <sub>4</sub> ..... | 0.950  |
| 10 | — 54 <sup>1</sup> / <sub>2</sub> ..... | 0.966  |
| 11 | — 54 <sup>3</sup> / <sub>4</sub> ..... | 0.983  |
| 12 | — 55 .....                             | 1.000  |
| 13 | — 55 <sup>1</sup> / <sub>4</sub> ..... | 1.0088 |
| 14 | — 55 <sup>1</sup> / <sub>2</sub> ..... | 1.0175 |
| 15 | — 55 <sup>3</sup> / <sub>4</sub> ..... | 1.0263 |
| 16 | — 56 .....                             | 1.035  |
| 17 | — 56 <sup>1</sup> / <sub>4</sub> ..... | 1.0438 |
| 18 | — 56 <sup>1</sup> / <sub>2</sub> ..... | 1.0525 |
| 19 | — 56 <sup>3</sup> / <sub>4</sub> ..... | 1.0613 |
| 20 | — 57 .....                             | 1.070  |
| 21 | — 57 <sup>1</sup> / <sub>4</sub> ..... | 1.0788 |
| 22 | — 57 <sup>1</sup> / <sub>2</sub> ..... | 1.0875 |
| 23 | — 57 <sup>3</sup> / <sub>4</sub> ..... | 1.0963 |
| 24 | — 58 .....                             | 1.105  |
| 25 | — 58 <sup>1</sup> / <sub>4</sub> ..... | 1.1138 |
| 26 | — 58 <sup>1</sup> / <sub>2</sub> ..... | 1.1225 |
| 27 | — 58 <sup>3</sup> / <sub>4</sub> ..... | 1.1313 |
| 28 | — 59 .....                             | 1.140  |
| 29 | — 59 <sup>1</sup> / <sub>4</sub> ..... | 1.1488 |
| 30 | — 59 <sup>1</sup> / <sub>2</sub> ..... | 1.1575 |
| 31 | — 59 <sup>3</sup> / <sub>4</sub> ..... | 1.1663 |
| 32 | — 60 .....                             | 1.175  |
| 33 | — 60 <sup>1</sup> / <sub>4</sub> ..... | 1.1838 |
| 34 | — 60 <sup>1</sup> / <sub>2</sub> ..... | 1.1925 |
| 35 | — 60 <sup>3</sup> / <sub>4</sub> ..... | 1.2013 |
| 36 | — 61 .....                             | 1.210  |
| 37 | — 61 <sup>1</sup> / <sub>4</sub> ..... | 1.2188 |
| 38 | — 61 <sup>1</sup> / <sub>2</sub> ..... | 1.2275 |
| 39 | — 61 <sup>3</sup> / <sub>4</sub> ..... | 1.2363 |



|    |                         |                   |
|----|-------------------------|-------------------|
| 1  | <del>62</del> .....     | <del>1.245</del>  |
| 2  | <del>62 1/4</del> ..... | <del>1.2538</del> |
| 3  | <del>62 1/2</del> ..... | <del>1.2625</del> |
| 4  | <del>62 3/4</del> ..... | <del>1.2713</del> |
| 5  | <del>63</del> .....     | <del>1.280</del>  |
| 6  | <del>63 1/4</del> ..... | <del>1.2888</del> |
| 7  | <del>63 1/2</del> ..... | <del>1.2975</del> |
| 8  | <del>63 3/4</del> ..... | <del>1.3063</del> |
| 9  | <del>64</del> .....     | <del>1.315</del>  |
| 10 | <del>64 1/4</del> ..... | <del>1.3238</del> |
| 11 | <del>64 1/2</del> ..... | <del>1.3325</del> |
| 12 | <del>64 3/4</del> ..... | <del>1.3413</del> |
| 13 | <del>65</del> .....     | <del>1.350</del>  |

14  
15 The

|    |              |          |
|----|--------------|----------|
| 16 |              |          |
| 17 | Age at       |          |
| 18 | retirement   | Fraction |
| 19 | 50 .....     | 0.550    |
| 20 | 50 1/4 ..... | 0.573    |
| 21 | 50 1/2 ..... | 0.595    |
| 22 | 50 3/4 ..... | 0.618    |
| 23 | 51 .....     | 0.640    |
| 24 | 51 1/4 ..... | 0.663    |
| 25 | 51 1/2 ..... | 0.685    |
| 26 | 51 3/4 ..... | 0.708    |
| 27 | 52 .....     | 0.730    |
| 28 | 52 1/4 ..... | 0.753    |
| 29 | 52 1/2 ..... | 0.775    |
| 30 | 52 3/4 ..... | 0.798    |
| 31 | 53 .....     | 0.820    |
| 32 | 53 1/4 ..... | 0.843    |
| 33 | 53 1/2 ..... | 0.865    |
| 34 | 53 3/4 ..... | 0.888    |
| 35 | 54 .....     | 0.910    |
| 36 | 54 1/4 ..... | 0.933    |
| 37 | 54 1/2 ..... | 0.955    |
| 38 | 54 3/4 ..... | 0.978    |
| 39 | 55 .....     | 1.000    |



|    |                                      |       |
|----|--------------------------------------|-------|
| 1  | 55 <sup>1</sup> / <sub>4</sub> ..... | 1.008 |
| 2  | 55 <sup>1</sup> / <sub>2</sub> ..... | 1.016 |
| 3  | 55 <sup>3</sup> / <sub>4</sub> ..... | 1.024 |
| 4  | 56 .....                             | 1.032 |
| 5  | 56 <sup>1</sup> / <sub>4</sub> ..... | 1.040 |
| 6  | 56 <sup>1</sup> / <sub>2</sub> ..... | 1.048 |
| 7  | 56 <sup>3</sup> / <sub>4</sub> ..... | 1.055 |
| 8  | 57 .....                             | 1.063 |
| 9  | 57 <sup>1</sup> / <sub>4</sub> ..... | 1.071 |
| 10 | 57 <sup>1</sup> / <sub>2</sub> ..... | 1.079 |
| 11 | 57 <sup>3</sup> / <sub>4</sub> ..... | 1.086 |
| 12 | 58 .....                             | 1.094 |
| 13 | 58 <sup>1</sup> / <sub>4</sub> ..... | 1.102 |
| 14 | 58 <sup>1</sup> / <sub>2</sub> ..... | 1.110 |
| 15 | 58 <sup>3</sup> / <sub>4</sub> ..... | 1.118 |
| 16 | 59 .....                             | 1.125 |
| 17 | 59 <sup>1</sup> / <sub>4</sub> ..... | 1.134 |
| 18 | 59 <sup>1</sup> / <sub>2</sub> ..... | 1.141 |
| 19 | 59 <sup>3</sup> / <sub>4</sub> ..... | 1.149 |
| 20 | 60 .....                             | 1.157 |
| 21 | 60 <sup>1</sup> / <sub>4</sub> ..... | 1.165 |
| 22 | 60 <sup>1</sup> / <sub>2</sub> ..... | 1.173 |
| 23 | 60 <sup>3</sup> / <sub>4</sub> ..... | 1.180 |
| 24 | 61 .....                             | 1.188 |
| 25 | 61 <sup>1</sup> / <sub>4</sub> ..... | 1.196 |
| 26 | 61 <sup>1</sup> / <sub>2</sub> ..... | 1.203 |
| 27 | 61 <sup>3</sup> / <sub>4</sub> ..... | 1.211 |
| 28 | 62 .....                             | 1.219 |
| 29 | 62 <sup>1</sup> / <sub>4</sub> ..... | 1.227 |
| 30 | 62 <sup>1</sup> / <sub>2</sub> ..... | 1.235 |
| 31 | 62 <sup>3</sup> / <sub>4</sub> ..... | 1.243 |
| 32 | 63 and over .....                    | 1.250 |

33  
34 (b) The fraction specified in the above table shall be  
35 reduced by one-third as applied to that part of final  
36 compensation that does not exceed four hundred dollars  
37 (\$400) per month for all service of a member any of whose  
38 service has been included in the federal system.



1 ~~This section shall supersede Section 21353 with respect~~  
2 ~~to all school, state miscellaneous, university, and state~~  
3 ~~industrial members who retire on or after January 1, 2000.~~

4 (c) *This section shall supersede Section 21353 for all*  
5 *school members, all university members, and all state*  
6 *miscellaneous members, with respect to service rendered*  
7 *for the California State University or the legislative or*  
8 *judicial branch of government, who retire on or after*  
9 *January 1, 2000.*

10 (d) *This section shall also supersede Section 21353 for*  
11 *state miscellaneous or state industrial members, for*  
12 *service not subject to subdivision (c), who are employed*  
13 *by the state on or after January 1, 2000, and who do not*  
14 *elect under Section 21070.5 to be subject to Second Tier*  
15 *benefits.*

16 (e) *Operation and application of this section are*  
17 *subject to the limitations set forth in Section 21251.13.*

18 ~~SEC. 29.~~

19 SEC. 33. Section 21362 of the Government Code is  
20 amended to read:

21 21362. (a) The current service pension for patrol  
22 members and the combined current and prior service  
23 pensions for local safety members with respect to local  
24 safety service rendered to a contracting agency that is  
25 subject to this section is a pension derived from the  
26 contributions of the employer sufficient when added to  
27 the service retirement annuity that is derived from the  
28 accumulated normal contributions of the patrol member  
29 at the date of his or her retirement to equal the fraction  
30 of one-fiftieth of his or her final compensation set forth  
31 opposite his or her age at retirement taken to the  
32 preceding completed quarter year, in the following table,  
33 multiplied by the number of years of patrol service and  
34 local safety service subject to this section with which he  
35 or she is credited at retirement-:

| Age at<br>retirement | Fraction |
|----------------------|----------|
| 50 .....             | 1.0000   |
| 50 1/4 .....         | 1.0175   |





|    |                   |        |
|----|-------------------|--------|
| 1  | 50 1/2 .....      | 1.0350 |
| 2  | 50 3/4 .....      | 1.0525 |
| 3  | 51 .....          | 1.0700 |
| 4  | 51 1/4 .....      | 1.0875 |
| 5  | 51 1/2 .....      | 1.1050 |
| 6  | 51 3/4 .....      | 1.1225 |
| 7  | 52 .....          | 1.1400 |
| 8  | 52 1/4 .....      | 1.1575 |
| 9  | 52 1/2 .....      | 1.1750 |
| 10 | 52 3/4 .....      | 1.1925 |
| 11 | 53 .....          | 1.2100 |
| 12 | 53 1/4 .....      | 1.2275 |
| 13 | 53 1/2 .....      | 1.2450 |
| 14 | 53 3/4 .....      | 1.2625 |
| 15 | 54 .....          | 1.2800 |
| 16 | 54 1/4 .....      | 1.2975 |
| 17 | 54 1/2 .....      | 1.3150 |
| 18 | 54 3/4 .....      | 1.3325 |
| 19 | 55 and over ..... | 1.3500 |

20  
21 ~~It~~

22 (b) In no event shall the current service pension and  
23 the combined current and prior service pensions under  
24 this section for all service to all employers exceed an  
25 amount that, when added to the service retirement  
26 annuity related to that service, equals 75 percent of final  
27 compensation. For state members who retire on or after  
28 January 1, 1995, and with respect to service for all state  
29 employers under this section, the benefit shall not exceed  
30 80 percent of final compensation. If the pension relates to  
31 service to more than one employer and would otherwise  
32 exceed that maximum, the pension payable with respect  
33 to each employer shall be reduced in the same proportion  
34 as the allowance based on service to that employer bears  
35 to the total allowance computed as though there were no  
36 limit, so that the total of the pensions shall equal the  
37 maximum. Where a state member retiring on or after  
38 January 1, 1995, has service under this section with both  
39 state and local agency employers, the 80-percent limit  
40 shall apply and the additional benefit shall be funded by



1 increasing the member's pension payable with respect to  
2 the state employer.

3 ~~This~~

4 (c) *This* section shall not apply to any contracting  
5 agency, unless and until the agency elects to be subject to  
6 the provisions of this section by amendment to its  
7 contract made in the manner prescribed for approval of  
8 contracts or, in the case of contracts made after the date  
9 this section is operative, by express provision in the  
10 contract making the contracting agency subject to the  
11 provisions of this section.

12 ~~This~~

13 (d) *This* section shall supersede Section ~~21362.1~~, 21363,  
14 21366, 21368, 21369, or 21370, whichever is then  
15 applicable, with respect to patrol and local safety  
16 members who retire after the date this section becomes  
17 applicable to their respective employers.

18 ~~This~~

19 (e) *This* section shall not apply to state safety or state  
20 peace officer/firefighter members.

21 ~~This section shall not~~

22 (f) *With respect to patrol members, this section shall*  
23 *only* apply to patrol members who ~~retire~~ *are not*  
24 *employed by the state* on or after January 1, 2000.

25 ~~The~~

26 (g) *The* Legislature reserves, with respect to any  
27 member subject to this section, the right to provide for  
28 the adjustment of industrial disability retirement  
29 allowances because of earnings of a retired person and  
30 modification of the conditions and qualifications required  
31 for retirement for disability as it may find appropriate  
32 because of the earlier ages of service retirement made  
33 possible by the benefits under this section.

34 ~~SEC. 30.~~

35 *SEC. 33.5. Section 21362 of the Government Code is*  
36 *amended to read:*

37 21362. (a) The current service pension for patrol  
38 members and the combined current and prior service  
39 pensions for local safety members with respect to local  
40 safety service rendered to a contracting agency that is



1 subject to this section is a pension derived from the  
 2 contributions of the employer sufficient when added to  
 3 the service retirement annuity that is derived from the  
 4 accumulated normal contributions of the patrol member  
 5 at the date of his or her retirement to equal the fraction  
 6 of one-fiftieth of his or her final compensation set forth  
 7 opposite his or her age at retirement taken to the  
 8 preceding completed quarter year, in the following table,  
 9 multiplied by the number of years of patrol service and  
 10 local safety service subject to this section with which he  
 11 or she is credited at retirement-:

| Age at<br>retirement | Fraction |
|----------------------|----------|
| 13 50 .....          | 1.0000   |
| 14 50 1/4 .....      | 1.0175   |
| 15 50 1/2 .....      | 1.0350   |
| 16 50 3/4 .....      | 1.0525   |
| 17 51 .....          | 1.0700   |
| 18 51 1/4 .....      | 1.0875   |
| 19 51 1/2 .....      | 1.1050   |
| 20 51 3/4 .....      | 1.1225   |
| 21 52 .....          | 1.1400   |
| 22 52 1/4 .....      | 1.1575   |
| 23 52 1/2 .....      | 1.1750   |
| 24 52 3/4 .....      | 1.1925   |
| 25 53 .....          | 1.2100   |
| 26 53 1/4 .....      | 1.2275   |
| 27 53 1/2 .....      | 1.2450   |
| 28 53 3/4 .....      | 1.2625   |
| 29 54 .....          | 1.2800   |
| 30 54 1/4 .....      | 1.2975   |
| 31 54 1/2 .....      | 1.3150   |
| 32 54 3/4 .....      | 1.3325   |
| 33 55 and over ..... | 1.3500   |

36  
 37 (b) In no event shall the current service pension and  
 38 the combined current and prior service pensions under  
 39 this section for all service to all employers exceed an  
 40 amount that, when added to the service retirement



1 annuity related to that service, equals 75 percent of final  
2 compensation. For state members who retire on or after  
3 January 1, 1995, and with respect to service for all state  
4 employers under this section, the benefit shall not exceed  
5 80 percent of final compensation. *For local members who*  
6 *retire on or after January 1, 2000, the benefit shall not*  
7 *exceed 85 percent of final compensation.* If the pension  
8 relates to service to more than one employer and would  
9 otherwise exceed that maximum, the pension payable  
10 with respect to each employer shall be reduced in the  
11 same proportion as the allowance based on service to that  
12 employer bears to the total allowance computed as  
13 though there were no limit, so that the total of the  
14 pensions shall equal the maximum. Where a state *or local*  
15 member retiring on or after January 1, 1995, has service  
16 under this section with both state and local agency  
17 employers, the ~~80 percent limit~~ *higher maximum* shall  
18 apply and the additional benefit shall be funded by  
19 increasing the member's pension payable with respect to  
20 the ~~state~~ *employer for whom the member performed the*  
21 *service subject to the higher maximum.*

22 (c) This section shall not apply to any contracting  
23 agency, unless and until the agency elects to be subject to  
24 the provisions of this section by amendment to its  
25 contract made in the manner prescribed for approval of  
26 contracts or, in the case of contracts made after the date  
27 this section is operative, by express provision in the  
28 contract making the contracting agency subject to the  
29 provisions of this section.

30 (d) This section shall supersede Section 21363, 21366,  
31 21368, 21369, or 21370, whichever is then applicable, with  
32 respect to patrol and local safety members who retire  
33 after the date this section becomes applicable to their  
34 respective employers.

35 (e) This section shall not apply to state safety or state  
36 peace officer/firefighter members.

37 (f) *With respect to patrol members, this section shall*  
38 *only apply to patrol members who are not employed by*  
39 *the state on or after January 1, 2000.*



1 (g) The Legislature reserves, with respect to any  
2 member subject to this section, the right to provide for  
3 the adjustment of industrial disability retirement  
4 allowances because of earnings of a retired person and  
5 modification of the conditions and qualifications required  
6 for retirement for disability as it may find appropriate  
7 because of the earlier ages of service retirement made  
8 possible by the benefits under this section.

9 *SEC. 34.* Section 21362.2 is added to the Government  
10 Code, to read:

11 ~~21362.2. The current service pension for patrol~~  
12 ~~members who are~~

13 21362.2. (a) *The combined current and prior service*  
14 *pension for state patrol members and for local safety*  
15 *members with respect to local safety service rendered to*  
16 *a contracting agency that is subject to the provisions of*  
17 *this section is a pension derived from the contributions of*  
18 *the employer sufficient when added to the service*  
19 *retirement annuity that is derived from the accumulated*  
20 *normal contributions of the patrol member at the date of*  
21 *his or her retirement to 3 percent of his or her final*  
22 *compensation at the age of 50 years, multiplied by the*  
23 *number of years of patrol service or local safety service*  
24 *subject to this section with which he or she is credited at*  
25 *retirement.*

26 ~~In~~

27 (b) *In no event shall the current service pension and*  
28 *the combined current and prior service pensions under*  
29 *this section for all service to all employers exceed an*  
30 *amount that, when added to the service retirement*  
31 *annuity related to that service, equals 85 75 percent of*  
32 *final compensation. For state patrol members with*  
33 *respect to service for all state employers under this*  
34 *section, the benefit shall not exceed 90 percent of final*  
35 *compensation. If the pension relates to service to more*  
36 *than one employer and would otherwise exceed that*  
37 *maximum, the pension payable with respect to each*  
38 *employer shall be reduced in the same proportion as the*  
39 *allowance based on service to that employer bears to the*



1 total allowance computed as though there were no limit,  
2 so that the total of the pensions shall equal the maximum.

3 ~~This section shall supersede Sections 21362 and 21362.1~~  
4 ~~with respect to patrol members who retire on or after~~  
5 ~~January 1, 2000.~~

6 ~~This~~ *Where a state patrol member has service under*  
7 *this section with both state and local agency employers,*  
8 *the 90 percent limit shall apply and the additional benefit*  
9 *shall be funded by increasing the member's pension*  
10 *payable with respect to the state employer.*

11 *(c) For patrol members employed by the state on or*  
12 *after January 1, 2000, this section shall supersede Section*  
13 *21362.*

14 *(d) This section shall not apply to state safety or state*  
15 *peace officer/firefighter members.*

16 ~~The~~

17 *(e) This section shall not apply to any contracting*  
18 *agency nor its employees unless and until the agency*  
19 *elects to be subject to the provisions of this section by*  
20 *amendment to its contract made in the manner*  
21 *prescribed for approval of contracts or, in the case of*  
22 *contracts made after the date this section becomes*  
23 *operative, by express provision in the contract making*  
24 *the contracting agency subject to this section. The*  
25 *operative date of this section for a local safety member*  
26 *shall be the effective date of the amendment to his or her*  
27 *employer's contract electing to be subject to this section.*

28 *(f) This section shall supersede Section 21362, 21363,*  
29 *21363.1, 21366, 21368, 21369, or 21370, whichever is then*  
30 *applicable, with respect to local safety members who*  
31 *retire after the date this section becomes applicable to*  
32 *their respective employers.*

33 *(g) The Legislature reserves, with respect to any*  
34 *member subject to this section, the right to provide for*  
35 *the adjustment of industrial disability retirement*  
36 *allowances because of earnings of a retired person and*  
37 *modification of the conditions and qualifications required*  
38 *for retirement for disability as it may find appropriate*  
39 *because of the earlier ages of service retirement made*  
40 *possible by the benefits under this section.*



1 (h) Operation and application of this section is subject  
2 to the limitations set forth in Section 21251.13.

3 ~~SEC. 31.~~

4 SEC. 35. Section 21363 of the Government Code is  
5 amended to read:

6 21363. (a) The combined current and prior service  
7 pensions for state peace officer/firefighter members  
8 subject to this section with respect to state peace  
9 officer/firefighter service and the combined current and  
10 prior service pensions for local safety members with  
11 respect to local safety service rendered to a contracting  
12 agency that is subject to this section is a pension derived  
13 from the contributions of the employer sufficient when  
14 added to the service retirement annuity that is derived  
15 from the accumulated normal contributions of the state  
16 peace officer/firefighter member at the date of his or her  
17 retirement to equal the fraction of one-fiftieth of his or  
18 her final compensation set forth opposite his or her age  
19 at retirement taken to the preceding completed quarter  
20 year, in the following table, multiplied by the number of  
21 years of state peace officer/firefighter service subject to  
22 this section with which he or she is credited at  
23 retirement-:

| 25 Age at     |       |             |
|---------------|-------|-------------|
| 26 Retirement |       | 26 Fraction |
| 27 50         | ..... | 1.0000      |
| 28 50 1/4     | ..... | 1.0125      |
| 29 50 1/2     | ..... | 1.0250      |
| 30 50 3/4     | ..... | 1.0375      |
| 31 51         | ..... | 1.0500      |
| 32 51 1/4     | ..... | 1.0625      |
| 33 51 1/2     | ..... | 1.0750      |
| 34 51 3/4     | ..... | 1.0875      |
| 35 52         | ..... | 1.1000      |
| 36 52 1/4     | ..... | 1.1125      |
| 37 52 1/2     | ..... | 1.1250      |
| 38 52 3/4     | ..... | 1.1375      |
| 39 53         | ..... | 1.1500      |
| 40 53 1/4     | ..... | 1.1625      |



|   |                   |        |
|---|-------------------|--------|
| 1 | 53 1/2 .....      | 1.1750 |
| 2 | 53 3/4 .....      | 1.1875 |
| 3 | 54 .....          | 1.2000 |
| 4 | 54 1/4 .....      | 1.2125 |
| 5 | 54 1/2 .....      | 1.2250 |
| 6 | 54 3/4 .....      | 1.2375 |
| 7 | 55 and over ..... | 1.2500 |

8

9 (b) In no event shall the current service pension and  
10 the combined current and prior service pensions under  
11 this section for all service to all employers exceed an  
12 amount that, when added to the service retirement  
13 annuity related to that service, equals 75 percent of final  
14 compensation. For state members who retire on or after  
15 January 1, 1995, and with respect to service for all state  
16 employers under this section, the benefit shall not exceed  
17 80 percent of final compensation. If the pension relates to  
18 service to more than one employer, or this section and  
19 Section 21369, and would otherwise exceed that  
20 maximum, the pension payable with respect to each  
21 section or employer shall be reduced in the same  
22 proportion as the allowance bears to the total allowance  
23 computed as though there were no limit, so that the total  
24 of the pensions shall equal the maximum. Where a state  
25 member retiring on or after January 1, 1995, has service  
26 under this section with both state and local agency  
27 employers, the 80-percent limit shall apply and the  
28 additional benefit shall be funded by increasing the  
29 member's pension payable with respect to the state  
30 employer.

31 (c) The Legislature reserves, with respect to any  
32 member subject to this section, the right to provide for  
33 the adjustment of industrial disability retirement  
34 allowances because of earnings of a retired person and  
35 modification of the conditions and qualifications required  
36 for retirement for disability as it may find appropriate  
37 because of the earlier age of service retirement made  
38 possible by the benefits under this section.





1 (d) This section may be applied to related supervisory  
2 classes or confidential positions for the respective  
3 bargaining units specified in this section.

4 (e) (1) This section shall be operative with respect to  
5 state peace officer/firefighter members in Corrections  
6 Bargaining Unit No. 6, Protective Services and Public  
7 Safety Bargaining Unit No. 7, or Firefighters Bargaining  
8 Unit No. 8, in accordance with a memorandum of  
9 understanding reached between the state and the  
10 exclusive bargaining agent in the respective unit  
11 pursuant to Chapter 10.3 (commencing with Section  
12 3512) of Division 4 of Title 1.

13 (2) This section also shall be operative with respect to  
14 the state peace officer/firefighter members employed by  
15 a California State University police department who are  
16 in Public Safety Unit No. 8 in accordance with a  
17 memorandum of understanding reached between the  
18 Trustees of the California State University and the  
19 recognized employee organization pursuant to Chapter  
20 12 (commencing with Section 3560) of Division 4 of Title  
21 1.

22 (3) This section shall also be operative with respect to  
23 a “state peace officer/firefighter member” defined in  
24 subdivision (a) of Section 20396 if authorized by, and in  
25 accordance with, a memorandum of understanding  
26 reached between the Trustees of the California State  
27 University and the recognized employee organization  
28 pursuant to Chapter 12 (commencing with Section 3560)  
29 of Division 4 of Title 1.

30 (4) Nothing in this section or in any other provision of  
31 law affected by Chapter 1320 of the Statutes of 1984 or  
32 Chapter 234 of the Statutes of 1986 shall be construed as  
33 authorizing any future negotiation with respect to  
34 whether or not any bargaining unit specified in this  
35 section whose memorandum of understanding was  
36 previously approved by the Legislature pursuant to law  
37 and this section, shall continue to remain within the state  
38 peace officer/firefighter membership category.

39 (5) The operative date of this section with respect to  
40 members in each of the bargaining units specified in this



1 section shall be as provided for in the memorandum of  
2 understanding.

3 ~~(6) Notwithstanding any provisions in a memorandum  
4 of understanding to the contrary, this section shall not~~

5 (6) *With the exception of state peace  
6 officer/firefighter members for service rendered for the  
7 legislative or judicial branch of government, this section  
8 shall apply to any state peace officer/firefighter member  
9 who ~~retires~~ is not employed by the state on or after  
10 January 1, 2000.*

11 (f) This section shall be known as, and may be cited as  
12 the State Peace Officers' and Fire Fighters' Retirement  
13 Act.

14 (g) The Legislature reserves the right to subsequently  
15 modify or amend this part in order to completely  
16 effectuate the intent and purposes of this section and the  
17 right to not provide any new comparable advantages if  
18 disadvantages to employees result from any modification  
19 or amendment.

20 (h) This section shall not apply to a contracting agency  
21 nor its employees until, first, it is agreed to in a written  
22 memorandum of understanding entered into by an  
23 employer and representatives of employees and, second,  
24 the contracting agency elects to be subject to it by  
25 amendment to its contract made in the manner  
26 prescribed for approval of contracts or in the case of a  
27 new contract, by express provision of the contract. The  
28 operative date of this section with respect to a local safety  
29 member shall be the effective date of the amendment to  
30 his or her employer's contract electing to be subject to  
31 ~~this section. However, this section shall not apply to any  
32 local safety member in the employ of an employer not  
33 subject to this section on January 1, 2000.~~ *this section.*

34 ~~SEC. 32.~~

35 *SEC. 35.2. Section 21363 of the Government Code is  
36 amended to read:*

37 21363. (a) The combined current and prior service  
38 pensions for state peace officer/firefighter members  
39 subject to this section with respect to state peace  
40 officer/firefighter service and the combined current and



1 prior service pensions for local safety members with  
 2 respect to local safety service rendered to a contracting  
 3 agency that is subject to this section is a pension derived  
 4 from the contributions of the employer sufficient when  
 5 added to the service retirement annuity that is derived  
 6 from the accumulated normal contributions of the state  
 7 peace officer/firefighter member at the date of his or her  
 8 retirement to equal the fraction of one-fiftieth of his or  
 9 her final compensation set forth opposite his or her age  
 10 at retirement taken to the preceding completed  
 11 quarter-year, in the following table, multiplied by the  
 12 number of years of state peace officer/firefighter service  
 13 subject to this section with which he or she is credited at  
 14 retirement-:

| 15 | 16 Age at   | 17 Retirement | 18 Fraction |
|----|-------------|---------------|-------------|
| 18 | 50          | .....         | 1.0000      |
| 19 | 50 1/4      | .....         | 1.0125      |
| 20 | 50 1/2      | .....         | 1.0250      |
| 21 | 50 3/4      | .....         | 1.0375      |
| 22 | 51          | .....         | 1.0500      |
| 23 | 51 1/4      | .....         | 1.0625      |
| 24 | 51 1/2      | .....         | 1.0750      |
| 25 | 51 3/4      | .....         | 1.0875      |
| 26 | 52          | .....         | 1.1000      |
| 27 | 52 1/4      | .....         | 1.1125      |
| 28 | 52 1/2      | .....         | 1.1250      |
| 29 | 52 3/4      | .....         | 1.1375      |
| 30 | 53          | .....         | 1.1500      |
| 31 | 53 1/4      | .....         | 1.1625      |
| 32 | 53 1/2      | .....         | 1.1750      |
| 33 | 53 3/4      | .....         | 1.1875      |
| 34 | 54          | .....         | 1.2000      |
| 35 | 54 1/4      | .....         | 1.2125      |
| 36 | 54 1/2      | .....         | 1.2250      |
| 37 | 54 3/4      | .....         | 1.2375      |
| 38 | 55 and over | .....         | 1.2500      |



1 (b) In no event shall the current service pension and  
2 the combined current and prior service pensions under  
3 this section for all service to all employers exceed an  
4 amount that, when added to the service retirement  
5 annuity related to that service, equals 75 percent of final  
6 compensation. For state members who retire on or after  
7 January 1, 1995, and with respect to service for all state  
8 employers under this section, the benefit shall not exceed  
9 80 percent of final compensation. If the pension relates to  
10 service to more than one employer, or this section and  
11 Section 21369, and would otherwise exceed that  
12 maximum, the pension payable with respect to each  
13 section or employer shall be reduced in the same  
14 proportion as the allowance bears to the total allowance  
15 computed as though there were no limit, so that the total  
16 of the pensions shall equal the maximum. Where a state  
17 member retiring on or after January 1, 1995, has service  
18 under this section with both state and local agency  
19 employers, the 80-percent limit shall apply and the  
20 additional benefit shall be funded by increasing the  
21 member's pension payable with respect to the state  
22 employer.

23 (c) The Legislature reserves, with respect to any  
24 member subject to this section, the right to provide for  
25 the adjustment of industrial disability retirement  
26 allowances because of earnings of a retired person and  
27 modification of the conditions and qualifications required  
28 for retirement for disability as it may find appropriate  
29 because of the earlier age of service retirement made  
30 possible by the benefits under this section.

31 (d) This section may be applied to related supervisory  
32 classes or confidential positions for the respective  
33 bargaining units specified in this section.

34 (e) (1) This section shall be operative with respect to  
35 state peace officer/firefighter members in Corrections  
36 Bargaining Unit No. 6, Protective Services and Public  
37 Safety Bargaining Unit No. 7, or Firefighters Bargaining  
38 Unit No. 8, in accordance with a memorandum of  
39 understanding reached between the state and the  
40 exclusive bargaining agent in the respective unit



1 pursuant to Chapter 10.3 (commencing with Section  
2 3512) of Division 4 of Title 1. ~~This~~

3 (2) *This* section also shall be operative with respect to  
4 the state peace officer/firefighter members employed by  
5 a California State University police department who are  
6 in Public Safety Unit No. 8 in accordance with a  
7 memorandum of understanding reached between the  
8 Trustees of the California State University and the  
9 recognized employee organization pursuant to Chapter  
10 12 (commencing with Section 3560) of Division 4 of Title  
11 1.

12 (3) This section shall also be operative with respect to  
13 a “state peace officer/firefighter member” defined in  
14 subdivision (a) of Section 20396 if authorized by, and in  
15 accordance with, a memorandum of understanding  
16 reached between the Trustees of the California State  
17 University and the recognized employee organization  
18 pursuant to Chapter 12 (commencing with Section 3560)  
19 of Division 4 of Title 1.

20 (4) Nothing in this section or in any other provision of  
21 law affected by Chapter 1320 of the Statutes of 1984 or  
22 Chapter 234 of the Statutes of 1986 shall be construed as  
23 authorizing any future negotiation with respect to  
24 whether or not any bargaining unit specified in this  
25 section whose memorandum of understanding was  
26 previously approved by the Legislature pursuant to law  
27 and this section, shall continue to remain within the state  
28 peace officer/firefighter membership category.

29 (5) The operative date of this section with respect to  
30 members in each of the bargaining units specified in this  
31 section shall be as provided for in the memorandum of  
32 understanding.

33 ~~This~~

34 (6) *With the exception of state peace*  
35 *officer/firefighter members for service rendered for the*  
36 *legislative or judicial branch of government, this section*  
37 *shall not apply to a person whose effective date of*  
38 *retirement is prior to the operative date of this section*  
39 *with respect to the bargaining unit of the person any state*



1 *peace officer/firefighter member who is not employed*  
2 *by the state on or after January 1, 2000.*

3 (f) This section shall be known as, and may be cited as  
4 the State Peace Officers' and Fire Fighters' Retirement  
5 Act.

6 (g) The Legislature reserves the right to subsequently  
7 modify or amend this part in order to completely  
8 effectuate the intent and purposes of this section and the  
9 right to not provide any new comparable advantages if  
10 disadvantages to employees result from any modification  
11 or amendment.

12 (h) This section shall not apply to a contracting agency  
13 nor its employees until, first, it is agreed to in a written  
14 memorandum of understanding entered into by an  
15 employer and representatives of employees and, second,  
16 the contracting agency elects to be subject to it by  
17 amendment to its contract made in the manner  
18 prescribed for approval of contracts or in the case of a  
19 new contract, by express provision of the contract. The  
20 operative date of this section with respect to a local safety  
21 member shall be the effective date of the amendment to  
22 his or her employer's contract electing to be subject to  
23 this section. *However, this section shall not apply to any*  
24 *local safety member in the employ of an employer not*  
25 *subject to this section on January 1, 2000.*

26 *SEC. 35.4. Section 21363 of the Government Code is*  
27 *amended to read:*

28 21363. (a) The combined current and prior service  
29 pensions for state peace officer/firefighter members  
30 subject to this section with respect to state peace  
31 officer/firefighter service and the combined current and  
32 prior service pensions for local safety members with  
33 respect to local safety service rendered to a contracting  
34 agency that is subject to this section is a pension derived  
35 from the contributions of the employer sufficient when  
36 added to the service retirement annuity that is derived  
37 from the accumulated normal contributions of the state  
38 peace officer/firefighter member at the date of his or her  
39 retirement to equal the fraction of one-fiftieth of his or  
40 her final compensation set forth opposite his or her age



1 at retirement taken to the preceding completed  
 2 quarter-year, in the following table, multiplied by the  
 3 number of years of state peace officer/firefighter service  
 4 subject to this section with which he or she is credited at  
 5 retirement-:

| 6  | 7                 | 8  | 9        |
|----|-------------------|----|----------|
| 10 | 11                | 12 | 13       |
| 14 | 15                | 16 | 17       |
| 18 | 19                | 20 | 21       |
| 22 | 23                | 24 | 25       |
| 26 | 27                | 28 | 29       |
| 30 | 31                | 32 | 33       |
| 34 | 35                | 36 | 37       |
| 38 | 39                | 40 | 41       |
|    | Age at            |    | Fraction |
|    | Retirement        |    |          |
|    | 50 .....          |    | 1.0000   |
|    | 50 1/4 .....      |    | 1.0125   |
|    | 50 1/2 .....      |    | 1.0250   |
|    | 50 3/4 .....      |    | 1.0375   |
|    | 51 .....          |    | 1.0500   |
|    | 51 1/4 .....      |    | 1.0625   |
|    | 51 1/2 .....      |    | 1.0750   |
|    | 51 3/4 .....      |    | 1.0875   |
|    | 52 .....          |    | 1.1000   |
|    | 52 1/4 .....      |    | 1.1125   |
|    | 52 1/2 .....      |    | 1.1250   |
|    | 52 3/4 .....      |    | 1.1375   |
|    | 53 .....          |    | 1.1500   |
|    | 53 1/4 .....      |    | 1.1625   |
|    | 53 1/2 .....      |    | 1.1750   |
|    | 53 3/4 .....      |    | 1.1875   |
|    | 54 .....          |    | 1.2000   |
|    | 54 1/4 .....      |    | 1.2125   |
|    | 54 1/2 .....      |    | 1.2250   |
|    | 54 3/4 .....      |    | 1.2375   |
|    | 55 and over ..... |    | 1.2500   |

31 (b) In no event shall the current service pension and  
 32 the combined current and prior service pensions under  
 33 this section for all service to all employers exceed an  
 34 amount that, when added to the service retirement  
 35 annuity related to that service, equals 75 percent of final  
 36 compensation. For state members who retire on or after  
 37 January 1, 1995, and with respect to service for all state  
 38 employers under this section *except as provided in*  
 39 *Sections 21363.5 and 21363.6*, the benefit shall not exceed  
 40 80 percent of final compensation. *For local members who*



1 retire on or after January 1, 2000, the benefit shall not  
2 exceed 85 percent of final compensation. If the pension  
3 relates to service to more than one employer, or this  
4 section and Section 21369, and would otherwise exceed  
5 that maximum, the pension payable with respect to each  
6 section or employer shall be reduced in the same  
7 proportion as the allowance bears to the total allowance  
8 computed as though there were no limit, so that the total  
9 of the pensions shall equal the maximum. Where a state  
10 or local member retiring on or after January 1, 1995, has  
11 service under this section with both state and local agency  
12 employers, ~~the 80 percent limit~~ including, but not  
13 limited to, service subject to Section 21363.5 and 21363.6,  
14 the higher maximum shall apply and the additional  
15 benefit, if any, shall be funded by increasing the  
16 member's pension payable with respect to the state  
17 employer for whom the member performed the service  
18 subject to the higher maximum.

19 (c) The Legislature reserves, with respect to any  
20 member subject to this section, the right to provide for  
21 the adjustment of industrial disability retirement  
22 allowances because of earnings of a retired person and  
23 modification of the conditions and qualifications required  
24 for retirement for disability as it may find appropriate  
25 because of the earlier age of service retirement made  
26 possible by the benefits under this section.

27 (d) This section may be applied to related supervisory  
28 classes or confidential positions for the respective  
29 bargaining units specified in this section.

30 (e) (1) This section shall be operative with respect to  
31 state peace officer/firefighter members in Corrections  
32 Bargaining Unit No. 6, Protective Services and Public  
33 Safety Bargaining Unit No. 7, or Firefighters Bargaining  
34 Unit No. 8, in accordance with a memorandum of  
35 understanding reached between the state and the  
36 exclusive bargaining agent in the respective unit  
37 pursuant to Chapter 10.3 (commencing with Section  
38 3512) of Division 4 of Title 1. ~~This~~

39 (2) This section also shall be operative with respect to  
40 the state peace officer/firefighter members employed by





1 a California State University police department who are  
2 in Public Safety Unit No. 8 in accordance with a  
3 memorandum of understanding reached between the  
4 Trustees of the California State University and the  
5 recognized employee organization pursuant to Chapter  
6 12 (commencing with Section 3560) of Division 4 of Title  
7 1.

8 (3) This section shall also be operative with respect to  
9 a “state peace officer/firefighter member” defined in  
10 subdivision (a) of Section 20396 if authorized by, and in  
11 accordance with, a memorandum of understanding  
12 reached between the Trustees of the California State  
13 University and the recognized employee organization  
14 pursuant to Chapter 12 (commencing with Section 3560)  
15 of Division 4 of Title 1.

16 (4) Nothing in this section or in any other provision of  
17 law affected by Chapter 1320 of the Statutes of 1984 or  
18 Chapter 234 of the Statutes of 1986 shall be construed as  
19 authorizing any future negotiation with respect to  
20 whether or not any bargaining unit specified in this  
21 section whose memorandum of understanding was  
22 previously approved by the Legislature pursuant to law  
23 and this section, shall continue to remain within the state  
24 peace officer/firefighter membership category.

25 (5) The operative date of this section with respect to  
26 members in each of the bargaining units specified in this  
27 section shall be as provided for in the memorandum of  
28 understanding.

29 ~~This~~

30 (6) *With the exception of state peace*  
31 *officer/firefighter members for service rendered for the*  
32 *legislative or judicial branch of government, this section*  
33 *shall not apply to a person whose effective date of*  
34 *retirement is prior to the operative date of this section*  
35 *with respect to the bargaining unit of the person any state*  
36 *peace officer/firefighter member who is not employed*  
37 *by the state on or after January 1, 2000.*

38 (f) This section shall be known as, and may be cited as  
39 the State Peace Officers’ and Fire Fighters’ Retirement  
40 Act.



1 (g) The Legislature reserves the right to subsequently  
2 modify or amend this part in order to completely  
3 effectuate the intent and purposes of this section and the  
4 right to not provide any new comparable advantages if  
5 disadvantages to employees result from any modification  
6 or amendment.

7 (h) This section shall not apply to a contracting agency  
8 nor its employees until, first, it is agreed to in a written  
9 memorandum of understanding entered into by an  
10 employer and representatives of employees and, second,  
11 the contracting agency elects to be subject to it by  
12 amendment to its contract made in the manner  
13 prescribed for approval of contracts or in the case of a  
14 new contract, by express provision of the contract. The  
15 operative date of this section with respect to a local safety  
16 member shall be the effective date of the amendment to  
17 his or her employer's contract electing to be subject to  
18 this section.

19 *SEC. 35.6. Section 21363 of the Government Code is*  
20 *amended to read:*

21 21363. (a) The combined current and prior service  
22 pensions for state peace officer/firefighter members  
23 subject to this section with respect to state peace  
24 officer/firefighter service and the combined current and  
25 prior service pensions for local safety members with  
26 respect to local safety service rendered to a contracting  
27 agency that is subject to this section is a pension derived  
28 from the contributions of the employer sufficient when  
29 added to the service retirement annuity that is derived  
30 from the accumulated normal contributions of the state  
31 peace officer/firefighter member at the date of his or her  
32 retirement to equal the fraction of one-fiftieth of his or  
33 her final compensation set forth opposite his or her age  
34 at retirement taken to the preceding completed  
35 quarter-year, in the following table, multiplied by the  
36 number of years of state peace officer/firefighter service  
37 subject to this section with which he or she is credited at  
38 retirement-:

39



| 1     Age at            |  |          |
|-------------------------|--|----------|
| 2     Retirement        |  | Fraction |
| 3     50 .....          |  | 1.0000   |
| 4     50 1/4 .....      |  | 1.0125   |
| 5     50 1/2 .....      |  | 1.0250   |
| 6     50 3/4 .....      |  | 1.0375   |
| 7     51 .....          |  | 1.0500   |
| 8     51 1/4 .....      |  | 1.0625   |
| 9     51 1/2 .....      |  | 1.0750   |
| 10    51 3/4 .....      |  | 1.0875   |
| 11    52 .....          |  | 1.1000   |
| 12    52 1/4 .....      |  | 1.1125   |
| 13    52 1/2 .....      |  | 1.1250   |
| 14    52 3/4 .....      |  | 1.1375   |
| 15    53 .....          |  | 1.1500   |
| 16    53 1/4 .....      |  | 1.1625   |
| 17    53 1/2 .....      |  | 1.1750   |
| 18    53 3/4 .....      |  | 1.1875   |
| 19    54 .....          |  | 1.2000   |
| 20    54 1/4 .....      |  | 1.2125   |
| 21    54 1/2 .....      |  | 1.2250   |
| 22    54 3/4 .....      |  | 1.2375   |
| 23    55 and over ..... |  | 1.2500   |

24

25    (b) In no event shall the current service pension and

26 the combined current and prior service pensions under

27 this section for all service to all employers exceed an

28 amount that, when added to the service retirement

29 annuity related to that service, equals 75 percent of final

30 compensation. For state members who retire on or after

31 January 1, 1995, and with respect to service for all state

32 employers under this section *except as provided in*

33 *Sections 21363.5 and 21363.6*, the benefit shall not exceed

34 80 percent of final compensation. *For local members who*

35 *retire on or after January 1, 2000, the benefit shall not*

36 *exceed 85 percent of final compensation.* If the pension

37 relates to service to more than one employer, or this

38 section and Section 21369, and would otherwise exceed

39 that maximum, the pension payable with respect to each

40 section or employer shall be reduced in the same



1 proportion as the allowance bears to the total allowance  
2 computed as though there were no limit, so that the total  
3 of the pensions shall equal the maximum. Where a state  
4 *or local* member retiring on or after January 1, 1995, has  
5 service under this section with both state and local agency  
6 employers, ~~the 80 percent limit~~ *including, but not*  
7 *limited to, service subject to Section 21363.5 or 21363.6,*  
8 *the higher maximum* shall apply and the additional  
9 benefit, *if any,* shall be funded by increasing the  
10 member's pension payable with respect to the ~~state~~  
11 employer *for whom the member performed the service*  
12 *subject to the higher maximum.*

13 (c) The Legislature reserves, with respect to any  
14 member subject to this section, the right to provide for  
15 the adjustment of industrial disability retirement  
16 allowances because of earnings of a retired person and  
17 modification of the conditions and qualifications required  
18 for retirement for disability as it may find appropriate  
19 because of the earlier age of service retirement made  
20 possible by the benefits under this section.

21 (d) This section may be applied to related supervisory  
22 classes or confidential positions for the respective  
23 bargaining units specified in this section.

24 (e) (1) This section shall be operative with respect to  
25 state peace officer/firefighter members in Corrections  
26 Bargaining Unit No. 6, Protective Services and Public  
27 Safety Bargaining Unit No. 7, or Firefighters Bargaining  
28 Unit No. 8, in accordance with a memorandum of  
29 understanding reached between the state and the  
30 exclusive bargaining agent in the respective unit  
31 pursuant to Chapter 10.3 (commencing with Section  
32 3512) of Division 4 of Title 1. ~~This~~

33 (2) *This* section also shall be operative with respect to  
34 the state peace officer/firefighter members employed by  
35 a California State University police department who are  
36 in Public Safety Unit No. 8 in accordance with a  
37 memorandum of understanding reached between the  
38 Trustees of the California State University and the  
39 recognized employee organization pursuant to Chapter



1 12 (commencing with Section 3560) of Division 4 of Title  
2 1.

3 (3) This section shall also be operative with respect to  
4 a “state peace officer/firefighter member” defined in  
5 subdivision (a) of Section 20396 if authorized by, and in  
6 accordance with, a memorandum of understanding  
7 reached between the Trustees of the California State  
8 University and the recognized employee organization  
9 pursuant to Chapter 12 (commencing with Section 3560)  
10 of Division 4 of Title 1.

11 (4) Nothing in this section or in any other provision of  
12 law affected by Chapter 1320 of the Statutes of 1984 or  
13 Chapter 234 of the Statutes of 1986 shall be construed as  
14 authorizing any future negotiation with respect to  
15 whether or not any bargaining unit specified in this  
16 section whose memorandum of understanding was  
17 previously approved by the Legislature pursuant to law  
18 and this section, shall continue to remain within the state  
19 peace officer/firefighter membership category.

20 (5) The operative date of this section with respect to  
21 members in each of the bargaining units specified in this  
22 section shall be as provided for in the memorandum of  
23 understanding.

24 ~~This~~

25 (6) *With the exception of state peace*  
26 *officer/firefighter members for service rendered for the*  
27 *legislative or judicial branch of government, this section*  
28 *shall not apply to a person whose effective date of*  
29 *retirement is prior to the operative date of this section*  
30 *with respect to the bargaining unit of the person any state*  
31 *peace officer/firefighter member who is not employed*  
32 *by the state on or after January 1, 2000.*

33 (f) This section shall be known as, and may be cited as  
34 the State Peace Officers’ and Fire Fighters’ Retirement  
35 Act.

36 (g) The Legislature reserves the right to subsequently  
37 modify or amend this part in order to completely  
38 effectuate the intent and purposes of this section and the  
39 right to not provide any new comparable advantages if



1 disadvantages to employees result from any modification  
2 or amendment.

3 (h) This section shall not apply to a contracting agency  
4 nor its employees until, first, it is agreed to in a written  
5 memorandum of understanding entered into by an  
6 employer and representatives of employees and, second,  
7 the contracting agency elects to be subject to it by  
8 amendment to its contract made in the manner  
9 prescribed for approval of contracts or in the case of a  
10 new contract, by express provision of the contract. The  
11 operative date of this section with respect to a local safety  
12 member shall be the effective date of the amendment to  
13 his or her employer's contract electing to be subject to  
14 this section. *However, this section shall not apply to any*  
15 *local safety member in the employ of an employer not*  
16 *subject to this section on January 1, 2000.*

17 SEC. 36. Section 21363.1 is added to the Government  
18 Code, to read:

19 21363.1. (a) The combined current and prior service  
20 pensions for state peace officer/firefighter members  
21 subject to this section with respect to state peace  
22 officer/firefighter service, *and for local safety members*  
23 *with respect to local safety service rendered to a*  
24 *contracting agency that is subject to this section*, is a  
25 pension derived from the contributions of the employer  
26 sufficient when added to the service retirement annuity  
27 that is derived from the accumulated normal  
28 contributions of the state peace officer/firefighter  
29 member *or local safety member* at the date of his or her  
30 retirement to equal the fraction of 3 percent of his or her  
31 final compensation set forth opposite his or her age at  
32 retirement taken to the preceding completed quarter  
33 year, in the following table, multiplied by the number of  
34 years of state peace officer/firefighter service *or local*  
35 *safety service* subject to this section with which he or she  
36 is credited at retirement.:  
37



| 1     Age at                               |  |          |
|--|--|----------|
| 2     Retirement                           |  | Fraction |
| 3     50 .....                             |  | .800     |
| 4     50 <sup>1</sup> / <sub>4</sub> ..... |  | .810     |
| 5     50 <sup>1</sup> / <sub>2</sub> ..... |  | .820     |
| 6     50 <sup>3</sup> / <sub>4</sub> ..... |  | .830     |
| 7     51 .....                             |  | .840     |
| 8     51 <sup>1</sup> / <sub>4</sub> ..... |  | .850     |
| 9     51 <sup>1</sup> / <sub>2</sub> ..... |  | .860     |
| 10    51 <sup>3</sup> / <sub>4</sub> ..... |  | .870     |
| 11    52 .....                             |  | .880     |
| 12    52 <sup>1</sup> / <sub>4</sub> ..... |  | .890     |
| 13    52 <sup>1</sup> / <sub>2</sub> ..... |  | .900     |
| 14    52 <sup>3</sup> / <sub>4</sub> ..... |  | .910     |
| 15    53 .....                             |  | .920     |
| 16    53 <sup>1</sup> / <sub>4</sub> ..... |  | .930     |
| 17    53 <sup>1</sup> / <sub>2</sub> ..... |  | .940     |
| 18    53 <sup>3</sup> / <sub>4</sub> ..... |  | .950     |
| 19    54 .....                             |  | .960     |
| 20    54 <sup>1</sup> / <sub>4</sub> ..... |  | .970     |
| 21    54 <sup>1</sup> / <sub>2</sub> ..... |  | .980     |
| 22    54 <sup>3</sup> / <sub>4</sub> ..... |  | .990     |
| 23    55 and over .....                    |  | 1.000    |

24

25     (b) In no event shall the current service pension *and*

26 *the combined current and prior service pensions under*

27 *this section for all service to all employers* exceed an

28 amount that, when added to the service retirement

29 annuity related to that service, equals *75 percent of final*

30 *compensation. For state peace officer/firefighter*

31 *members with respect to service for all state employers*

32 *under this section, the benefit shall not exceed 80 percent*

33 of final compensation. If the pension relates to service to

34 more than one employer, ~~or this section and Section 21369~~

35 ~~or 21369.1~~ *and* would otherwise exceed that maximum,

36 the pension payable with respect to each ~~section or~~

37 employer shall be reduced in the same proportion as the

38 allowance *based on service to that employer* bears to the

39 total allowance computed as though there were no limit,

40 so that the total of the pensions shall equal the maximum.



1 ~~Where a state member retiring on or after January 1,~~  
2 ~~2000, has service under this section with the state and~~  
3 ~~other local agency safety service pursuant to Section~~  
4 ~~21369, the 80 percent limit shall apply and the additional~~  
5 ~~benefit shall be funded~~ *The 80 percent limit shall apply*  
6 *to a state peace officer/firefighter member employed by*  
7 *the state on or after January 1, 2000, who has service under*  
8 *this section with both state and local agency employers*  
9 *and the additional benefit shall be funded by increasing*  
10 *the member's pension payable with respect to the state*  
11 *employer.*

12 *(c) This section shall supersede Section 21363 for state*  
13 *peace officer/firefighter members with respect to service*  
14 *rendered for the legislative or judicial branch of*  
15 *government.*

16 *(d) This section shall also supersede Section 21363 for*  
17 *state peace officer/firefighter members, for service not*  
18 *subject to subdivision (c), who are employed by the state*  
19 *on or after January 1, 2000.*

20 *(e) This section shall not apply to any contracting*  
21 *agency nor its employees unless and until the agency*  
22 *elects to be subject to the provisions of this section by*  
23 *amendment to its contract made in the manner*  
24 *prescribed for approval of contracts or, in the case of*  
25 *contracts made after the date this section becomes*  
26 *operative, by express provision in the contract making*  
27 *the contracting agency subject to this section. The*  
28 *operative date of this section for a local safety member*  
29 *shall be the effective date of the amendment to his or her*  
30 *employer's contract electing to be subject to this section.*

31 *(f) This section shall supersede Section 21363, 21366,*  
32 *21368, 21369, or 21370, whichever is then applicable, with*  
33 *respect to local safety members who retire after the date*  
34 *this section becomes applicable to their respective*  
35 *employers.*

36 *(g) The Legislature reserves, with respect to any*  
37 *member subject to this section, the right to provide for*  
38 *the adjustment of industrial disability retirement*  
39 *allowances because of earnings of a retired person and*  
40 *modification of the conditions and qualifications required*





1 for retirement for disability as it may find appropriate  
2 because of the earlier age of service retirement made  
3 possible by the benefits under this section.

4 ~~(d) This section shall supersede Section 21363 with~~  
5 ~~respect to state peace officer/firefighter members who~~  
6 ~~retire on or after January 1, 2000.~~

7 ~~(e) This section shall apply to state peace~~  
8 ~~officer/firefighter members who retire on or after~~  
9 ~~January 1, 2000.~~

10 ~~(f)~~

11 (h) The Legislature reserves the right to subsequently  
12 modify or amend this part in order to completely  
13 effectuate the intent and purposes of this section and the  
14 right to not provide any new comparable advantages if  
15 disadvantages to employees result from any modification  
16 or amendment.

17 (i) *Operation and application of this section are*  
18 *subject to the limitations set forth in Section 21251.13.*

19 ~~SEC. 33.~~

20 SEC. 37. Section 21363.5 of the Government Code is  
21 amended to read:

22 21363.5. (a) Notwithstanding Section 21363 or  
23 21363.1, the limitation on the service retirement benefit  
24 shall be 85 percent for state peace officer/firefighter  
25 members in State Bargaining ~~Unit 6~~ *Units 6 and 8* who  
26 retire on and after January 1, 1999. This provision may also  
27 be applied to state peace officer/firefighter members in  
28 related supervisory or confidential positions, provided  
29 the Department of Personnel Administration has  
30 approved this inclusion in writing to the board.

31 (b) *On and after January 1, 2000, if the provisions of*  
32 *this section are in conflict with the provisions of a*  
33 *memorandum of understanding reached pursuant to*  
34 *Section 3517.5, the memorandum of understanding shall*  
35 *be controlling without further legislative action, except*  
36 *that if those provisions of a memorandum of*  
37 *understanding require the expenditure of funds, those*  
38 *provisions shall not become effective unless approved by*  
39 *the Legislature in the annual Budget Act.*



1 ~~SEC. 34. Section 21363.6 of the Government Code is~~  
2 ~~amended to read:~~

3 ~~21363.6. Notwithstanding Section 21363 or 21363.1,~~  
4 ~~the limitation on the service retirement benefit shall be~~  
5 ~~85 percent for state peace officer/firefighter members in~~  
6 ~~State Bargaining Unit 8 who retire on and after January~~  
7 ~~1, 1999. This provision may also be applied to state peace~~  
8 ~~officer/firefighter members in related supervisory or~~  
9 ~~confidential positions, provided that the Department of~~  
10 ~~Personnel Administration has approved this inclusion in~~  
11 ~~writing to the board.~~

12 *SEC. 38. Section 21363.6 of the Government Code is*  
13 *repealed.*

14 ~~21363.6. Notwithstanding Section 21363, the~~  
15 ~~limitation on the service retirement benefit shall be 85~~  
16 ~~percent for state peace officer/firefighter members in~~  
17 ~~State Bargaining Unit 8 who retire on and after January~~  
18 ~~1, 1999. This provision may also be applied to state peace~~  
19 ~~officer/firefighter members in related supervisory or~~  
20 ~~confidential positions, provided that the Department of~~  
21 ~~Personnel Administration has approved this inclusion in~~  
22 ~~writing to the board.~~

23 ~~SEC. 35.~~

24 *SEC. 39. Section 21369 of the Government Code is*  
25 *amended to read:*

26 21369. (a) The combined prior and current service  
27 pension for a state safety member, and a local safety  
28 member with respect to service to a contracting agency  
29 subject to this section, upon retirement after attaining the  
30 age of 55 years, is a pension derived from contributions of  
31 an employer sufficient, when added to that portion of the  
32 service retirement annuity that is derived from the  
33 accumulated normal contributions of the member at the  
34 date of his or her retirement, to equal one-fiftieth of his  
35 or her final compensation multiplied by the number of  
36 years of state safety, police, fire, or county peace officer  
37 service that is credited to him or her as a state safety  
38 member or a local safety member subject to this section  
39 at retirement. Notwithstanding the preceding sentence,  
40 this section shall apply to the current and prior service



1 pension for any other state safety member based on  
2 service to which it would have applied had the member,  
3 on July 1, 1971, been in employment described in Section  
4 20403 or 20404.

5 (b) Upon retirement for service prior to attaining the  
6 age of 55 years, the percentage of final compensation  
7 payable for each year of credited service that is subject to  
8 this section shall be the product of 2 percent multiplied  
9 by the factor set forth in the following table for his or her  
10 actual age at retirement:

| 11 | 12 | 13 | 14 | 15                               | 16     | 17    | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 |
|----|----|----|----|----------------------------------|--------|-------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
|    |    |    |    | If the retirement age occurs at: |        |       |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 50     | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 50 1/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 50 1/2 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 50 3/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 51     | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 51 1/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 51 1/2 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 51 3/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 52     | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 52 1/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 52 1/2 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 52 3/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 53     | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 53 1/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 53 1/2 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 53 3/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 54     | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 54 1/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 54 1/2 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|    |    |    |    |                                  | 54 3/4 | ..... |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

36  
37 (c) In no event shall the total pension for all service  
38 under this section exceed an amount that, when added to  
39 the service retirement annuity related to that service,  
40 equals 75 percent of final compensation. For state



1 members who retire on or after January 1, 1995, and with  
2 respect to service for all state employers under this  
3 section, the benefit shall not exceed 80 percent of final  
4 compensation. If the pension relates to service to more  
5 than one employer and would otherwise exceed that  
6 maximum, the pension payable with respect to each  
7 employer shall be reduced in the same proportion as the  
8 allowance based on service to that employer bears to the  
9 total allowance computed as though there were no limit,  
10 so that the total of those pensions shall equal the  
11 maximum. Where a state member retiring on or after  
12 January 1, 1995, has service under this section with both  
13 state and local agency employers, the 80-percent limit  
14 shall apply and the additional benefit shall be funded by  
15 increasing the member's pension payable with respect to  
16 the state employer.

17 (d) This section shall not apply to a person whose  
18 effective date of retirement is prior to July 1, 1971.

19 (e) The Legislature reserves, with respect to any  
20 member subject to this section, the right to provide for  
21 the adjustment of industrial disability retirement  
22 allowances because of earnings of a retired person and  
23 modification of the conditions and qualifications required  
24 for retirement for disability as it may find appropriate  
25 because of the earlier age of service retirement made  
26 possible by the benefits under this section.

27 (f) The percentage of final compensation provided in  
28 this section shall be reduced by one-third as applied to  
29 that part of the member's final compensation that does  
30 not exceed four hundred dollars (\$400) per month for  
31 service after the effective date of coverage of a member  
32 under the federal system. This subdivision shall not apply  
33 to a member who retires after the date upon which  
34 coverage under the federal system of persons in his or her  
35 employment terminates. It shall not apply to a local safety  
36 member employed by a contracting agency electing to be  
37 subject to this section after March 7, 1973, unless the  
38 agency elects to be subject to this paragraph by  
39 amendment to its contract or by appropriate provision of  
40 a contract entered into after this provision is effective and



1 as to any member, the reduction in the percentage of final  
2 compensation shall apply to all local safety service to the  
3 agency, if any of the local safety service has been included  
4 in the federal system.

5 (g) *With the exception of state safety members for*  
6 *service rendered for the California State University, this*  
7 *section shall apply to state safety members who are not*  
8 *employed by the state on or after January 1, 2000.*

9 (h) This section shall not apply to a contracting agency  
10 nor its employees until the agency elects to be subject to  
11 it by amendment to its contract made in the manner  
12 prescribed for approval of contracts or in the case of a  
13 new contract, by express provision of the contract. The  
14 operative date of this section with respect to a local safety  
15 member shall be the effective date of the amendment to  
16 his or her employer's contract electing to be subject to  
17 this section.

18 ~~(h) This section shall not apply to a state safety~~  
19 ~~member who retires after December 31, 1999.~~

20 ~~SEC. 36.~~

21 *SEC. 39.5. Section 21369 of the Government Code is*  
22 *amended to read:*

23 21369. (a) The combined prior and current service  
24 pension for a state safety member, and a local safety  
25 member with respect to service to a contracting agency  
26 subject to this section, upon retirement after attaining  
27 *the age of 55 years*, is a pension derived from  
28 contributions of an employer sufficient, when added to  
29 that portion of the service retirement annuity that is  
30 derived from the accumulated normal contributions of  
31 the member at the date of his or her retirement, to equal  
32 one-fiftieth of his or her final compensation multiplied by  
33 the number of years of state safety, police, fire, or county  
34 peace officer service that is credited to him or her as a  
35 state safety member or a local safety member subject to  
36 this section at retirement. Notwithstanding the  
37 preceding sentence, this section shall apply to the current  
38 and prior service pension for any other state safety  
39 member based on service to which it would have applied



1 had the member, on July 1, 1971, been in employment  
2 described in Section 20403 or 20404.

3 (b) Upon retirement for service prior to attaining *the*  
4 *age of 55 years*, the percentage of final compensation  
5 payable for each year of credited service that is subject to  
6 this section shall be the product of 2 percent multiplied  
7 by the factor set forth in the following table for his or her  
8 actual age at retirement:

| 9  |                                      | The percent for  |
|----|--------------------------------------|------------------|
| 10 |                                      | each year of     |
| 11 |                                      | credited service |
| 12 |                                      | is:              |
| 13 | If the retirement age occurs at:     |                  |
| 14 | 50 .....                             | 0.713            |
| 15 | 50 <sup>1</sup> / <sub>4</sub> ..... | 0.725            |
| 16 | 50 <sup>1</sup> / <sub>2</sub> ..... | 0.737            |
| 17 | 50 <sup>3</sup> / <sub>4</sub> ..... | 0.749            |
| 18 | 51 .....                             | 0.761            |
| 19 | 51 <sup>1</sup> / <sub>4</sub> ..... | 0.775            |
| 20 | 51 <sup>1</sup> / <sub>2</sub> ..... | 0.788            |
| 21 | 51 <sup>3</sup> / <sub>4</sub> ..... | 0.801            |
| 22 | 52 .....                             | 0.814            |
| 23 | 52 <sup>1</sup> / <sub>4</sub> ..... | 0.828            |
| 24 | 52 <sup>1</sup> / <sub>2</sub> ..... | 0.843            |
| 25 | 52 <sup>3</sup> / <sub>4</sub> ..... | 0.857            |
| 26 | 53 .....                             | 0.871            |
| 27 | 53 <sup>1</sup> / <sub>4</sub> ..... | 0.886            |
| 28 | 53 <sup>1</sup> / <sub>2</sub> ..... | 0.902            |
| 29 | 53 <sup>3</sup> / <sub>4</sub> ..... | 0.917            |
| 30 | 54 .....                             | 0.933            |
| 31 | 54 <sup>1</sup> / <sub>4</sub> ..... | 0.950            |
| 32 | 54 <sup>1</sup> / <sub>2</sub> ..... | 0.966            |
| 33 | 54 <sup>3</sup> / <sub>4</sub> ..... | 0.983            |

34  
35 (c) In no event shall the total pension for all service  
36 under this section exceed an amount that, when added to  
37 the service retirement annuity related to that service,  
38 equals 75 percent of final compensation. For state  
39 members who retire on or after January 1, 1995, and with  
40 respect to service for all state employers under this



1 section, the benefit shall not exceed 80 percent of final  
2 compensation. *For local members who retire on or after*  
3 *January 1, 2000, the benefit shall not exceed 85 percent of*  
4 *final compensation.* If the pension relates to service to  
5 more than one employer and would otherwise exceed  
6 that maximum, the pension payable with respect to each  
7 employer shall be reduced in the same proportion as the  
8 allowance based on service to that employer bears to the  
9 total allowance computed as though there were no limit,  
10 so that the total of those pensions shall equal the  
11 maximum. Where a state *or local* member retiring on or  
12 after January 1, 1995, has service under this section with  
13 both state and local agency employers, the ~~80 percent~~  
14 ~~limit~~ *higher maximum* shall apply and the additional  
15 benefit shall be funded by increasing the member's  
16 pension payable with respect to the ~~state~~ employer *for*  
17 *whom the member performed the service subject to the*  
18 *higher maximum.*

19 (d) This section shall not apply to a person whose  
20 effective date of retirement is prior to July 1, 1971.

21 (e) The Legislature reserves, with respect to any  
22 member subject to this section, the right to provide for  
23 the adjustment of industrial disability retirement  
24 allowances because of earnings of a retired person and  
25 modification of the conditions and qualifications required  
26 for retirement for disability as it may find appropriate  
27 because of the earlier age of service retirement made  
28 possible by the benefits under this section.

29 (f) The percentage of final compensation provided in  
30 this section shall be reduced by one-third as applied to  
31 that part of the member's final compensation that does  
32 not exceed four hundred dollars (\$400) per month for  
33 service after the effective date of coverage of a member  
34 under the federal system. This ~~paragraph~~ *subdivision*  
35 shall not apply to a member who retires after the date  
36 upon which coverage under the federal system of persons  
37 in his or her employment terminates. It shall not apply to  
38 a local safety member employed by a contracting agency  
39 electing to be subject to this section after March 7, 1973,  
40 unless the agency elects to be subject to this paragraph by



1 amendment to its contract or by appropriate provision of  
2 a contract entered into after this provision is effective and  
3 as to any member, the reduction in the percentage of final  
4 compensation shall apply to all local safety service to the  
5 agency, if any of the local safety service has been included  
6 in the federal system.

7 (g) *With the exception of state safety members for*  
8 *service rendered for the California State University, this*  
9 *section shall apply to state safety members who are not*  
10 *employed by the state on or after January 1, 2000.*

11 (h) This section shall not apply to a contracting agency  
12 nor its employees until the agency elects to be subject to  
13 it by amendment to its contract made in the manner  
14 prescribed for approval of contracts or in the case of a  
15 new contract, by express provision of the contract. The  
16 operative date of this section with respect to a local safety  
17 member shall be the effective date of the amendment to  
18 his or her employer's contract electing to be subject to  
19 this section.

20 SEC. 40. Section 21369.1 is added to the Government  
21 Code, to read:

22 21369.1. (a) ~~The combined prior and current service~~  
23 ~~pension for state safety members, who are subject to the~~  
24 ~~provisions of this section, upon retirement after attaining~~  
25 ~~the age of 56 years, is a pension derived from~~  
26 ~~contributions of an employer sufficient, when added to~~  
27 ~~that portion of the service retirement annuity that is~~  
28 ~~derived from the accumulated normal contributions of~~  
29 ~~the member at the date of his or her retirement, to equal~~  
30 ~~2.35 percent of his or her final compensation multiplied~~  
31 ~~by the number of years of state safety service that is~~  
32 ~~credited to him or her as a state safety member at~~  
33 ~~retirement.~~

34 (b) ~~Upon retirement for service prior to attaining the~~  
35 ~~age of 56 years, the percentage of final compensation~~  
36 ~~payable for each year of credited service that is subject to~~  
37 ~~this section shall be the product of 2 percent multiplied~~  
38 ~~by the factor set forth in the following table for his or her~~  
39 ~~actual age at retirement:~~

40





| 1  |                                  | The percent for  |
|----|----------------------------------|------------------|
| 2  |                                  | each year of     |
| 3  |                                  | credited service |
| 4  | If the retirement age occurs at: | is:              |
| 5  | — 50 .....                       | 0.8565           |
| 6  | — 50 1/4 .....                   | 0.8650           |
| 7  | — 50 1/2 .....                   | 0.8740           |
| 8  | — 50 3/4 .....                   | 0.8830           |
| 9  | — 51 .....                       | 0.8920           |
| 10 | — 51 1/4 .....                   | 0.9020           |
| 11 | — 51 1/2 .....                   | 0.9120           |
| 12 | — 51 3/4 .....                   | 0.9222           |
| 13 | — 52 .....                       | 0.9330           |
| 14 | — 52 1/4 .....                   | 0.9410           |
| 15 | — 52 1/2 .....                   | 0.9490           |
| 16 | — 52 3/4 .....                   | 0.9570           |
| 17 | — 53 .....                       | 0.9650           |
| 18 | — 53 1/4 .....                   | 0.9675           |
| 19 | — 53 1/2 .....                   | 0.9700           |
| 20 | — 53 3/4 .....                   | 0.9725           |
| 21 | — 54 .....                       | 0.9750           |
| 22 | — 54 1/4 .....                   | 0.9810           |
| 23 | — 54 1/2 .....                   | 0.9870           |
| 24 | — 54 3/4 .....                   | 0.9935           |
| 25 | — 55 .....                       | 1.0000           |
| 26 | — 55 1/4 .....                   | 1.0435           |
| 27 | — 55 1/2 .....                   | 1.0870           |
| 28 | — 55 3/4 .....                   | 1.1310           |
| 29 | — 56 .....                       | 1.1750           |

30

31 ~~(e) In no event shall the current service pension~~  
32 ~~exceed an amount that, when added to the service~~  
33 ~~retirement annuity related to that service, equals 80~~  
34 ~~percent of final compensation. If the pension relates to~~  
35 ~~service to more than one employer, or this section and~~  
36 ~~Section 21363 and would otherwise exceed that~~  
37 ~~maximum, the pension payable with respect to each~~  
38 ~~section or employer shall be reduced in the same~~  
39 ~~proportion as the allowance bears to the total allowance~~  
40 ~~computed as though there were no limit, so that the total~~



1 of the pension shall equal the maximum. Where a state  
2 member retiring on or after January 1, 2000, has service  
3 under this section with the state and other local agency  
4 service pursuant to Section 21363, the 80 percent limit  
5 shall apply and the additional benefit shall be funded by  
6 increasing the member's pension payable with respect to  
7 the state employer.

8 (d) Notwithstanding anything in this section to the  
9 contrary, this section shall apply to the current and prior  
10 service pension for any other state safety member based  
11 on service to which it would have applied had the  
12 member, on July 1, 1971, been in employment described  
13 in Section 20403 or 20404.

14 (e) This section shall apply to state safety members  
15 who retire on or after January 1, 2000.

16 (f) The Legislature reserves, with respect to any  
17 member subject to this section, the right to provide for  
18 the adjustment of industrial disability retirement  
19 allowances because of earnings of a retired person and  
20 modification of the conditions and qualifications required  
21 for retirement for disability as it may find appropriate  
22 because of the earlier age of service retirement made  
23 possible by the benefits under this section.

24 (g) The percentage of final compensation provided in  
25 this section shall be reduced by one-third as applied to  
26 that part of the member's final compensation that does  
27 not exceed four hundred dollars (\$400) per month for  
28 service after the effective date of coverage of a member  
29 under the federal system. This subdivision shall not apply  
30 to a member who retires after the date upon which  
31 coverage under the federal system of persons in his or her  
32 employment terminates.

33 ~~SEC. 37.~~

34 *21369.1 (a) The combined current and prior service*  
35 *pensions for state safety members subject to this section*  
36 *with respect to state safety service that is subject to this*  
37 *section is a pension derived from the contributions of the*  
38 *employer sufficient when added to the service*  
39 *retirement annuity that is derived from the accumulated*  
40 *normal contributions of the state safety member at the*



1 date of his or her retirement to equal the fraction of  
 2 one-fiftieth of his or her final compensation set forth  
 3 opposite his or her age at retirement taken to the  
 4 preceding completed quarter-year, in the following  
 5 table, multiplied by the number of years of state safety  
 6 service subject to this section with which he or she is  
 7 credited at retirement.

| 8  | 9     Age at      |  | 10     Fraction |
|----|-------------------|--|-----------------|
| 11 | 12     Retirement |  |                 |
| 11 | 50 .....          |  | 0.8500          |
| 12 | 50 1/4 .....      |  | 0.8625          |
| 13 | 50 1/2 .....      |  | 0.8750          |
| 14 | 50 3/4 .....      |  | 0.8875          |
| 15 | 51 .....          |  | 0.9000          |
| 16 | 51 1/4 .....      |  | 0.9125          |
| 17 | 51 1/2 .....      |  | 0.9250          |
| 18 | 51 3/4 .....      |  | 0.9375          |
| 19 | 52 .....          |  | 0.9500          |
| 20 | 52 1/4 .....      |  | 0.9625          |
| 21 | 52 1/2 .....      |  | 0.9750          |
| 22 | 52 3/4 .....      |  | 0.9875          |
| 23 | 53 .....          |  | 1.0000          |
| 24 | 53 1/4 .....      |  | 1.0320          |
| 25 | 53 1/2 .....      |  | 1.0630          |
| 26 | 53 3/4 .....      |  | 1.0940          |
| 27 | 54 .....          |  | 1.1250          |
| 28 | 54 1/4 .....      |  | 1.1570          |
| 29 | 54 1/2 .....      |  | 1.1880          |
| 30 | 54 3/4 .....      |  | 1.2190          |
| 31 | 55 and over ..... |  | 1.2500          |

32  
 33 (b) For state safety members with respect to service  
 34 for all state employers under this section, the benefit shall  
 35 not exceed 80 percent of final compensation. If the  
 36 pension relates to service to more than one employer, and  
 37 would otherwise exceed that maximum, the pension  
 38 payable with respect to each section or employer shall be  
 39 reduced in the same proportion as the allowance based on  
 40 service to that employer bears to the total allowance



1 *computed as though there were no limit, so that the total*  
2 *of the pensions shall equal the maximum. Where a state*  
3 *safety member employed by the state on or after January*  
4 *1, 2000, has service with both state and local agency*  
5 *employers and other local agency service, the 80 percent*  
6 *limit shall apply and the additional benefit shall be funded*  
7 *by increasing the member's pension payable with respect*  
8 *to the state employer.*

9 *(c) This section shall supersede Section 21369 for state*  
10 *safety members with respect to service rendered for the*  
11 *California State University.*

12 *(d) This section shall also supersede Section 21369 for*  
13 *state safety members, for service not subject to*  
14 *subdivision (c), who are employed by the state on or after*  
15 *January 1, 2000.*

16 *(e) The Legislature reserves, with respect to any*  
17 *member subject to this section, the right to provide for*  
18 *the adjustment of industrial disability retirement*  
19 *allowances because of earnings of a retired person and*  
20 *modification of the conditions and qualifications required*  
21 *for retirement for disability as it may find appropriate*  
22 *because of the earlier age of service retirement made*  
23 *possible by the benefits under this section.*

24 *(f) The Legislature reserves the right to subsequently*  
25 *modify or amend this part in order to completely*  
26 *effectuate the intent and purposes of this section and the*  
27 *right to not provide any new comparable advantages if*  
28 *disadvantages to employees result from any modification*  
29 *or amendment.*

30 *(g) Operation and application of this section are*  
31 *subject to the limitations set forth in Section 21251.13*

32 *SEC. 41. Section 21372 of the Government Code is*  
33 *amended to read:*

34 *21372. The combined current and prior service*  
35 *pensions of a state safety member who on March 31, 1973,*  
36 *was a forestry member not subject to former Section*  
37 *21252.3, as added by Chapter 131 of the Statutes of 1970,*  
38 *shall be determined in accordance with this part as it read*  
39 *and applied to him or her on March 31, 1973, and the*  
40 *member shall not become subject to Section 21369 or*



1 21369.1 unless he or she thereafter accepts appointment  
2 to a position in another state department in which he or  
3 she is a state safety member, and in that event he or she  
4 shall be subject to Section ~~21369.1~~ 21369 or 21369.1, as  
5 applicable, with respect to all of his or her state safety  
6 service.

7 ~~SEC. 38.~~

8 SEC. 42. Section 21373 of the Government Code is  
9 amended to read:

10 21373. The combined current and prior service  
11 pensions for a state safety member who on March 31, 1973,  
12 was a law enforcement member not subject to Section  
13 21369, shall be determined in accordance with this part as  
14 it read and applied to him or her on March 31, 1973, rather  
15 than Section 21369 if under those provisions he or she is  
16 entitled to a retirement allowance exceeding 2 percent of  
17 final compensation per year of his or her law enforcement  
18 service, unless he or she elects in writing to be subject to  
19 Section 21369 and the election is filed in the office of the  
20 board within 30 calendar days following April 1, 1973. Any  
21 member who does not so elect and thereafter accepts  
22 appointment to a position in another state department in  
23 which he or she is a state safety member shall become  
24 subject, upon that acceptance, to Section ~~21369.1~~ 21369 or  
25 21369.1, as applicable, with respect to all of his or her state  
26 safety service.

27 ~~SEC. 39.~~

28 SEC. 43. Section 21374 of the Government Code is  
29 amended to read:

30 21374. The combined current and prior service  
31 pensions for a state safety member who on March 31, 1973,  
32 was a warden member shall be determined in accordance  
33 with this part as it read and applied to him or her on  
34 March 31, 1973, if on March 31, 1973, he or she was either:  
35 (a) in compensated employment in which he or she was  
36 a warden member, or (b) on leave of absence from that  
37 employment and who either: (1) has attained the age of  
38 55 years, or (2), if on that date he or she was subject to  
39 former Section 21252.2, as amended by Chapter 752 of the  
40 Statutes of 1969, he or she entered warden service after



1 attaining the age of 35 years, unless he or she elects in  
2 writing to be subject to Section 21369 and the election is  
3 filed in the office of the board within 30 calendar days  
4 following April 1, 1973.

5 Any member who thereafter accepts an appointment  
6 to a position in another state department in which he or  
7 she is a state safety member shall become subject to  
8 Section ~~21369.1~~ 21369 or 21369.1, as applicable, with  
9 respect to all of his or her state safety service.

10 ~~SEC. 40.~~

11 ~~SEC. 44.~~ Section 21403 of the Government Code is  
12 amended to read:

13 ~~21403. Prior to January 1, 2000, upon retirement for~~

14 ~~21403. Upon retirement for~~ nonindustrial disability, a  
15 patrol member or local safety member subject to Section  
16 ~~21362 or 21363, 21362.2, 21363, or 21363.1~~ or a state peace  
17 officer/firefighter member who has attained the age of  
18 50 years, or a state safety member who has attained the  
19 age of 55 years shall receive his or her service retirement  
20 allowance. ~~This section shall not apply to patrol~~  
21 ~~members, state peace officer/firefighter members, or~~  
22 ~~state safety members who retire on or after January 1,~~  
23 ~~2000.~~

24 ~~SEC. 41.~~ Section ~~21403.1~~ is added to the Government  
25 Code, to read:

26 ~~21403.1. Upon retirement, on or after January 1, 2000,~~  
27 ~~for nonindustrial disability, a patrol member subject to~~  
28 ~~Section 21362.2 or a state peace officer/firefighter~~  
29 ~~member who has attained the age of 50 years, or a state~~  
30 ~~safety member who has attained the age of 55 years, shall~~  
31 ~~receive his or her service retirement allowance.~~

32 ~~SEC. 42.~~

33 ~~SEC. 45.~~ Section 21407 of the Government Code is  
34 amended to read:

35 21407. Upon retirement of a state peace  
36 officer/firefighter member ~~subject to Section 21363 or~~  
37 ~~21363.1,~~ or a local safety member subject to Section 21363  
38 or 21363.1 for industrial disability, the member shall  
39 receive a disability allowance of 50 percent of his or her  
40 final compensation plus an annuity purchased with his or



1 her accumulated additional contributions, if any, or, if  
2 qualified for service retirement, the member shall  
3 receive his or her service retirement allowance if the  
4 allowance, after deducting the annuity, is greater.

5 ~~SEC. 43.~~

6 *SEC. 46.* Section 21572 of the Government Code is  
7 amended to read:

8 21572. (a) In lieu of benefits provided in Section  
9 21571, if the death benefit provided by Section 21532 is  
10 payable on account of a state member's death that occurs  
11 under circumstances other than those described in  
12 subparagraph (F) of paragraph (1) of subdivision (a) of  
13 Section 21530, or if an allowance under Section 21546 is  
14 payable, the payment pursuant to subdivision (b) shall be  
15 made, in the following order of priority:

16 (1) The surviving wife or surviving husband of the  
17 member, who has the care of unmarried children,  
18 including stepchildren, of the member who are under 22  
19 years of age, or are incapacitated because of a disability  
20 that began before and has continued without  
21 interruption after attainment of that age.

22 (2) The guardian of surviving unmarried children,  
23 including stepchildren, of the member who are under 22  
24 years of age or are so incapacitated.

25 (3) The surviving wife or surviving husband of the  
26 member, who does not qualify under paragraph (1).

27 (4) Each surviving parent of the member.

28 (b) Regardless of the benefit provided by Section  
29 21532 and of the beneficiary designated by the member  
30 under that section, or regardless of the allowance  
31 provided under Section 21546, the following applicable  
32 1959 survivor allowance, under the conditions stated and  
33 from contributions of the state, shall be paid:

34 (1) A surviving spouse who was either continuously  
35 married to the member for at least one year prior to  
36 death, or was married to the member prior to the  
37 occurrence of the injury or onset of the illness that  
38 resulted in death, and has the care of unmarried children,  
39 including stepchildren, of the deceased member who are  
40 under 22 years of age or are so incapacitated, shall be paid



1 four hundred fifty dollars (\$450) per month if there is one  
2 child or five hundred thirty-eight dollars (\$538) per  
3 month if there are two or more children. If there also are  
4 children who are not in the care of the surviving spouse,  
5 the portion of the allowance payable under this  
6 paragraph, assuming that these children were in the care  
7 of the surviving spouse, that is in excess of two hundred  
8 twenty-five dollars (\$225) per month, shall be divided  
9 equally among all those children and payments made to  
10 the spouse and other children, as the case may be.

11 (2) If there is no surviving spouse, or if the surviving  
12 spouse dies or remarries, and if there are unmarried  
13 children, including stepchildren, of the deceased  
14 member who are under 22 years of age or are so  
15 incapacitated, or if there are children not in the care of  
16 the spouse, the children shall be paid an allowance as  
17 follows:

18 (A) If there is only one child, the child shall be paid two  
19 hundred twenty-five dollars (\$225) per month.

20 (B) If there are two children, the children shall be paid  
21 four hundred fifty dollars (\$450) per month divided  
22 equally between them.

23 (C) If there are three or more children, the children  
24 shall be paid five hundred thirty-eight dollars (\$538) per  
25 month divided equally among them.

26 (3) A surviving spouse who has attained or attains the  
27 age of 62 years and, with respect to that surviving spouse,  
28 who was either continuously married to the member for  
29 at least one year prior to death, or was married to the  
30 member prior to the occurrence of the injury or onset of  
31 the illness that resulted in death and has not remarried  
32 subsequent to the member's death, shall be paid two  
33 hundred twenty-five dollars (\$225) per month. No  
34 allowance shall be paid under this paragraph while the  
35 surviving spouse is receiving an allowance under  
36 paragraph (1) or while an allowance is being paid under  
37 subparagraph (C) of paragraph (2). The allowance paid  
38 under this paragraph shall be eighty-eight dollars (\$88)  
39 per month while an allowance is being paid under  
40 subparagraph (B) of paragraph (2).





1 (4) If there is no surviving spouse or surviving child  
2 who qualifies for a 1959 survivor allowance, or if the  
3 surviving spouse dies or remarries and there is no  
4 surviving child, or if the surviving spouse dies or  
5 remarries and the children die or marry or, if not  
6 incapacitated, reach 22 years of age, each of the member's  
7 dependent parents who has attained or attains the age of  
8 62, and who received at least one-half of his or her support  
9 from the member at the time of the member's death, shall  
10 be paid two hundred twenty-five dollars (\$225) per  
11 month.

12 (c) "Stepchildren," for purposes of this section, shall  
13 include only stepchildren of the member living with him  
14 or her in a regular parent-child relationship at the time  
15 of his or her death.

16 (d) This section shall apply to beneficiaries receiving  
17 1959 survivor allowances on July 1, 1975, as well as to  
18 beneficiaries with respect to the death of a state member  
19 occurring on or after July 1, 1975.

20 (e) This section shall apply, with respect to benefits  
21 payable on and after July 1, 1981, to all members  
22 employed by a school employer, and school safety  
23 members employed with a school district or community  
24 college district as defined in subdivision (i) of Section  
25 20057, except that it shall not apply, without contract  
26 amendment, with respect to safety members who  
27 became members after July 1, 1981. All assets and  
28 liabilities of all school employers, and their employees, on  
29 account of benefits provided under this article shall be  
30 pooled into a single account, and a single employer rate  
31 shall be established to provide benefits under this section  
32 on account of all miscellaneous members employed by a  
33 school employer and all safety members who are  
34 members on July 1, 1981.

35 (f) This section shall not apply to any member in the  
36 employ of an employer not subject to this section on  
37 January 1, 1994.

38 (g) A contracting agency may, by amending its  
39 contract, elect to make this section applicable to local  
40 members employed by the agency.

1 (h) On and after January 1, 2000, and until January 1,  
2 2010, all state members covered by this section shall be  
3 covered by the benefit provided under Section 21574.7.  
4 On and after January 1, 2010, all state members not  
5 covered by Section 21573 or 21574.7 shall be covered by  
6 this section.

7 ~~SEC. 44.~~

8 *SEC. 46.5. Section 21572 of the Government Code is*  
9 *amended to read:*

10 21572. (a) In lieu of benefits provided in Section  
11 21571, if the death benefit provided by Section 21532 is  
12 payable on account of a state member's death that occurs  
13 under circumstances other than those described in  
14 subparagraph (F) of paragraph (1) of subdivision (a) of  
15 Section 21530, or if an allowance under Section 21546 is  
16 payable, the payment pursuant to subdivision (b) shall be  
17 made, in the following order of priority:

18 (1) The surviving wife or surviving husband of the  
19 member, who has the care of unmarried children,  
20 including stepchildren, of the member who are under 22  
21 years of age, or are incapacitated because of a disability  
22 that began before and has continued without  
23 interruption after attainment of that age.

24 (2) The guardian of surviving unmarried children,  
25 including stepchildren, of the member who are under 22  
26 years of age or are so incapacitated.

27 (3) The surviving wife or surviving husband of the  
28 member, who does not qualify under paragraph (1).

29 (4) Each surviving parent of the member.

30 (b) Regardless of the benefit provided by Section  
31 21532 and of the beneficiary designated by the member  
32 under that section, or regardless of the allowance  
33 provided under Section 21546, the following applicable  
34 1959 survivor allowance, under the conditions stated and  
35 from contributions of the state, shall be paid:

36 (1) A surviving spouse who was either continuously  
37 married to the member for at least one year prior to  
38 death, or was married to the member prior to the  
39 occurrence of the injury or onset of the illness that  
40 resulted in death, and has the care of unmarried children,



1 including stepchildren, of the deceased member who are  
2 under 22 years of age or are so incapacitated, shall be paid  
3 four hundred fifty dollars (\$450) *per month* if there is one  
4 child or five hundred thirty-eight dollars (\$538) per  
5 month if there are two or more children. If there also are  
6 children who are not in the care of the surviving spouse,  
7 the portion of the allowance payable under this  
8 paragraph, assuming that these children were in the care  
9 of the surviving spouse, that is in excess of two hundred  
10 twenty-five dollars (\$225) per month, shall be divided  
11 equally among all those children and payments made to  
12 the spouse and other children, as the case may be.

13 (2) If there is no surviving spouse, or if the surviving  
14 spouse dies ~~or remarries~~, and if there are unmarried  
15 children, including stepchildren, of the deceased  
16 member who are under 22 years of age or are so  
17 incapacitated, or if there are children not in the care of  
18 the spouse, the children shall be paid an allowance as  
19 follows:

20 (A) If there is only one child, the child shall be paid two  
21 hundred twenty-five dollars (\$225) per month.

22 (B) If there are two children, the children shall be paid  
23 four hundred fifty dollars (\$450) per month divided  
24 equally between them.

25 (C) If there are three or more children, the children  
26 shall be paid five hundred thirty-eight dollars (\$538) per  
27 month divided equally among them.

28 (3) A surviving spouse who has attained or attains the  
29 age of 62 years and, with respect to that surviving spouse,  
30 who was either continuously married to the member for  
31 at least one year prior to death, or was married to the  
32 member prior to the occurrence of the injury or onset of  
33 the illness ~~which~~ *that* resulted in death ~~and has not~~  
34 ~~remarried subsequent to the member's death~~, shall be  
35 paid two hundred twenty-five dollars (\$225) per month.  
36 No allowance shall be paid under this paragraph, while  
37 the surviving spouse is receiving an allowance under  
38 paragraph (1), or while an allowance is being paid under  
39 subparagraph (C) of paragraph (2). The allowance paid  
40 under this paragraph shall be eighty-eight dollars (\$88)



1 per month while an allowance is being paid under  
2 subparagraph (B) of paragraph (2).

3 (4) If there is no surviving spouse or surviving child  
4 who qualifies for a 1959 survivor allowance, or if the  
5 surviving spouse dies ~~or remarries~~ and there is no  
6 surviving child, or if the surviving spouse dies ~~or~~  
7 ~~remarries~~ and the children die or marry or, if not  
8 incapacitated, reach *age 22 years of age*, each of the  
9 member's dependent parents who has attained or attains  
10 the age of 62, and who received at least one-half of his or  
11 her support from the member at the time of the  
12 member's death, shall be paid two hundred twenty-five  
13 dollars (\$225) per month.

14 (c) "Stepchildren," for purposes of this section, shall  
15 include only stepchildren of the member living with him  
16 or her in a regular parent-child relationship at the time  
17 of his or her death.

18 (d) This section shall apply to beneficiaries receiving  
19 1959 survivor allowances on July 1, 1975, as well as to  
20 beneficiaries with respect to the death of a state member  
21 occurring on or after July 1, 1975.

22 (e) This section shall apply, with respect to benefits  
23 payable on and after July 1, 1981, to all members  
24 employed by a school employer, and school safety  
25 members employed with a school district or community  
26 college district as defined in subdivision (i) of Section  
27 20057, except that it shall not apply, without contract  
28 amendment, with respect to safety members who  
29 became members after July 1, 1981. All assets and  
30 liabilities of all school employers, and their employees, on  
31 account of benefits provided under this article shall be  
32 pooled into a single account, and a single employer rate  
33 shall be established to provide benefits under this section  
34 on account of all miscellaneous members employed by a  
35 school employer and all safety members who are  
36 members on July 1, 1981.

37 (f) This section shall not apply to any member in the  
38 employ of an employer not subject to this section on  
39 January 1, 1994.



1 (g) A contracting agency may, by amending its  
2 contract, elect to make this section applicable to local  
3 members employed by the agency.

4 (h) *On and after January 1, 2000, and until January 1,*  
5 *2010, all state members covered by this section shall be*  
6 *covered by the benefit provided under Section 21574.7.*  
7 *On and after January 1, 2010, all state members not*  
8 *covered by Section 21573 or 21574.7 shall be covered by*  
9 *this section.*

10 SEC. 47. Section 21573 of the Government Code is  
11 amended to read:

12 21573. (a) In lieu of benefits provided in Section  
13 21571 or Section 21572, if the death benefit provided by  
14 Section 21532 is payable on account of a state member's  
15 death that occurs under circumstances other than those  
16 described in subparagraph (F) of paragraph (1) of  
17 subdivision (a) of Section 21530, or if an allowance under  
18 Section 21546 is payable, the payment pursuant to  
19 subdivision (b) shall be made in the following order of  
20 priority:

21 (1) The surviving wife or surviving husband of the  
22 member, who has the care of unmarried children,  
23 including stepchildren, of the member who are under 22  
24 years of age, or are incapacitated because of a disability  
25 that began before and has continued without  
26 interruption after attainment of that age.

27 (2) The guardian of surviving unmarried children,  
28 including stepchildren, of the member who are under 22  
29 years of age or are so incapacitated.

30 (3) The surviving wife or surviving husband of the  
31 member, who does not qualify under paragraph (1).

32 (4) Each surviving parent of the member.

33 (b) Regardless of the benefit provided by Section  
34 21532 and of the beneficiary designated by the member  
35 under that section, or regardless of the allowance  
36 provided under Section 21546, the following applicable  
37 1959 survivor allowance, under the conditions stated and  
38 from contributions of the state, shall be paid:

39 (1) A surviving spouse who was either continuously  
40 married to the member for at least one year prior to



1 death, or who was married to the member prior to the  
2 occurrence of the injury or onset of the illness that  
3 resulted in death, and has the care of unmarried children,  
4 including stepchildren, of the deceased member who are  
5 under 22 years of age or are so incapacitated, shall be paid  
6 seven hundred dollars (\$700) per month if there is one  
7 child, or eight hundred forty dollars (\$840) per month if  
8 there are two or more children. If there also are children  
9 who are not in the care of the surviving spouse, the  
10 portion of the allowance payable under this paragraph,  
11 assuming that these children were in the care of the  
12 surviving spouse, that is in excess of three hundred fifty  
13 dollars (\$350) per month, shall be divided equally among  
14 all those children and payments made to the spouse and  
15 other children, as the case may be.

16 (2) If there is no surviving spouse, or if the surviving  
17 spouse dies or remarries, and if there are unmarried  
18 children, including stepchildren, of the deceased  
19 member who are under 22 years of age or are so  
20 incapacitated, or if there are children not in the care of  
21 the spouse, the children shall be paid an allowance as  
22 follows:

23 (A) If there is only one child, the child shall be paid  
24 three hundred fifty dollars (\$350) per month.

25 (B) If there are two children, the children shall be paid  
26 seven hundred dollars (\$700) per month divided equally  
27 between them.

28 (C) If there are three or more children, the children  
29 shall be paid eight hundred forty dollars (\$840) per  
30 month divided equally among them.

31 (3) A surviving spouse who has attained or attains the  
32 age of 62 years, and, with respect to that surviving spouse,  
33 who was either continuously married to the member for  
34 at least one year prior to death, or who was married to the  
35 member prior to the occurrence of the injury or onset of  
36 the illness that resulted in death and has not remarried  
37 subsequent to the member's death, shall be paid three  
38 hundred fifty dollars (\$350) per month. No allowance  
39 shall be paid under this paragraph while the surviving  
40 spouse is receiving an allowance under paragraph (1) or



1 while an allowance is being paid under subparagraph (C)  
2 of paragraph (2). The allowance paid under this  
3 paragraph shall be one hundred forty dollars (\$140) per  
4 month while an allowance is being paid under  
5 subparagraph (B) of paragraph (2).

6 (4) If there is no surviving spouse or surviving child  
7 who qualifies for the 1959 survivor allowance, or if the  
8 surviving spouse dies or remarries and there is no  
9 surviving child, or if the surviving spouse dies or  
10 remarries and the children die or marry or, if not  
11 incapacitated, reach 22 years of age, each of the member's  
12 dependent parents who has attained or attains the age of  
13 62 years, and who received at least one-half of his or her  
14 support from the member at the time of the member's  
15 death, shall be paid three hundred fifty dollars (\$350) per  
16 month.

17 (c) "Stepchildren," for purposes of this section, shall  
18 include only stepchildren of the member living with the  
19 member in a regular parent-child relationship at the time  
20 of the death of the member.

21 (d) This section shall apply to beneficiaries of state  
22 members whose death occurred before January 1, 1985.  
23 Where a surviving spouse attained the age of 62 years  
24 prior to January 1, 1987, entitlement shall exist retroactive  
25 to January 1, 1985, or to his or her 62nd birthday,  
26 whichever is later. All assets and liabilities of all state  
27 agencies and their employees on account of benefits  
28 provided to beneficiaries specified in this subdivision  
29 shall be pooled into a single account. The board shall  
30 transfer from the reserve for 1959 survivor contributions  
31 retained in the retirement fund, an amount sufficient to  
32 pay the cost of the increased benefits provided by this  
33 subdivision for beneficiaries of members who died on or  
34 before December 31, 1984.

35 (e) This section shall not apply to beneficiaries with  
36 respect to the death of a state member, except as  
37 provided in subdivision (i), occurring on or after January  
38 1, 1985, unless provided for in a memorandum of  
39 understanding reached pursuant to Section 3517.5, or  
40 authorized by the Director of Personnel Administration



1 for classifications of state employees that are excluded  
2 from, or not subject to, collective bargaining. The  
3 memorandum of understanding adopting this section  
4 shall be controlling without further legislative action,  
5 except that if those provisions of a memorandum of  
6 understanding require the expenditure of funds, those  
7 provisions shall not become effective unless approved by  
8 the Legislature as provided by law.

9 (f) This section shall apply, with respect to benefits  
10 payable on and after January 1, 1985, to school members  
11 and to school safety members, as defined in Section 20444.  
12 All assets and liabilities of all school employers, and their  
13 employees, on account of benefits provided under this  
14 article shall be pooled into a single account, and a single  
15 employer rate shall be established to provide benefits  
16 under this section on account of school members  
17 employed by a school employer.

18 (g) This section shall apply to members of a  
19 contracting agency that, in its original contract or by  
20 amending its contract, first elects effective on or after  
21 January 1, 1985, to make this article applicable to local  
22 members employed by the agency. On and after January  
23 1, 1985, contracting agencies already subject to Section  
24 21571 or Section 21572 may elect by contract amendment  
25 to be subject to this section. All assets and liabilities of all  
26 contracting agencies subject to this section, and their  
27 employees, on account of benefits provided under this  
28 article shall be pooled into a single account, and a single  
29 employer rate shall be established to provide benefits  
30 under this section on account of members employed by  
31 a contracting agency that is subject to this section. Any  
32 public agency first contracting with the board on and  
33 after January 1, 1994, or any contracting agency  
34 amending its contract to remove exclusions of member  
35 classifications on or after January 1, 1994, that has not,  
36 pursuant to Section 418 of Title 42 of the United States  
37 Code, entered into an agreement with the federal  
38 government for the coverage of its employees under the  
39 federal system, shall be subject to this section.





1 (h) The rate of contribution of an employer subject to  
2 this section shall be figured using the term insurance  
3 valuation method. If a contracting agency that is subject  
4 to this section has a surplus in its 1959 survivor benefit  
5 account as of the date the contracting agency becomes  
6 subject to this section, the surplus shall be applied to  
7 reduce its rate of contribution. If a contracting agency  
8 that is subject to this section has a deficit in its 1959  
9 survivor benefit account as of the date the contracting  
10 agency becomes subject to this section, its rate of  
11 contribution shall be increased until the deficit is paid.

12 (i) This section shall not apply to beneficiaries with  
13 respect to the death of a state member employed by the  
14 California State University occurring on or after January  
15 1, 1988, unless provided for in a memorandum of  
16 understanding reached pursuant to Chapter 12  
17 (commencing with Section 3560) of Division 4 of Title 1,  
18 or authorized by the Trustees of the California State  
19 University for employees excluded from collective  
20 bargaining. The memorandum of understanding shall be  
21 controlling without further legislative action, except that  
22 if the provisions of a memorandum of understanding  
23 require the expenditure of funds, the provisions shall not  
24 become effective unless approved by the Legislature in  
25 the annual Budget Act.

26 (j) On and after January 1, 2000, and until January 1,  
27 2010, all state and school members covered by this section  
28 shall be covered by the benefit provided under Section  
29 21574.7. On and after January 1, 2010, all state and school  
30 members not covered by Section 21572 or 21574.7 shall be  
31 covered by this section.

32 ~~SEC. 45.~~

33 *SEC. 47.2. Section 21573 of the Government Code is*  
34 *amended to read:*

35 21573. (a) In lieu of benefits provided in Section  
36 21571 or Section 21572, if the death benefit provided by  
37 Section 21532 is payable on account of a state member's  
38 death that occurs under circumstances other than those  
39 described in subparagraph (F) of paragraph (1) of  
40 subdivision (a) of Section 21530, or if an allowance under



1 Section 21546 is payable, the payment pursuant to  
2 subdivision (b) shall be made in the following order of  
3 priority:

4 (1) The surviving wife or surviving husband of the  
5 member, who has the care of unmarried children,  
6 including stepchildren, of the member who are under 22  
7 years of age, or are incapacitated because of a disability  
8 that began before and has continued without  
9 interruption after attainment of that age.

10 (2) The guardian of surviving unmarried children,  
11 including stepchildren, of the member who are under 22  
12 years of age or are so incapacitated.

13 (3) The surviving wife or surviving husband of the  
14 member, who does not qualify under paragraph (1).

15 (4) Each surviving parent of the member.

16 (b) Regardless of the benefit provided by Section  
17 21532 and of the beneficiary designated by the member  
18 under that section, or regardless of the allowance  
19 provided under Section 21546, the following applicable  
20 1959 survivor allowance, under the conditions stated and  
21 from contributions of the state, shall be paid:

22 (1) A surviving spouse who was either continuously  
23 married to the member for at least one year prior to  
24 death, or who was married to the member prior to the  
25 occurrence of the injury or onset of the illness ~~which~~ *that*  
26 resulted in death, and has the care of unmarried children,  
27 including stepchildren, of the deceased member who are  
28 under 22 years of age or are so incapacitated, shall be paid  
29 seven hundred dollars (\$700) per month if there is one  
30 child, or eight hundred forty dollars (\$840) per month if  
31 there are two or more children. If there also are children  
32 who are not in the care of the surviving spouse, the  
33 portion of the allowance payable under this paragraph,  
34 assuming that these children were in the care of the  
35 surviving spouse, that is in excess of three hundred fifty  
36 dollars (\$350) per month, shall be divided equally among  
37 all those children and payments made to the spouse and  
38 other children, as the case may be.

39 (2) If there is no surviving spouse, or if the surviving  
40 spouse dies or remarries, and if there are unmarried



1 children, including stepchildren, of the deceased  
2 member who are under 22 years of age or are so  
3 incapacitated, or if there are children not in the care of  
4 the spouse, the children shall be paid an allowance as  
5 follows:

6 (A) If there is only one child, the child shall be paid  
7 three hundred fifty dollars (\$350) per month.

8 (B) If there are two children, the children shall be paid  
9 seven hundred dollars (\$700) per month divided equally  
10 between them.

11 (C) If there are three or more children, the children  
12 shall be paid eight hundred forty dollars (\$840) per  
13 month divided equally among them.

14 (3) A surviving spouse who has attained or attains the  
15 age of 62 years, and, with respect to that surviving spouse,  
16 who was either continuously married to the member for  
17 at least one year prior to death, or who was married to the  
18 member prior to the occurrence of the injury or onset of  
19 the illness—~~which~~ *that* resulted in death and has not  
20 remarried subsequent to the member's death, shall be  
21 paid three hundred fifty dollars (\$350) per month. No  
22 allowance shall be paid under *this paragraph while the*  
23 *surviving spouse is receiving an allowance under*  
24 *paragraph (1), or while an allowance is being paid under*  
25 *subparagraph (C) of paragraph (2).* The allowance paid  
26 under this paragraph shall be one hundred forty dollars  
27 (\$140) per month while an allowance is being paid under  
28 subparagraph (B) of paragraph (2).

29 (4) If there is no surviving spouse or surviving child  
30 who qualifies for the 1959 survivor allowance, or if the  
31 surviving spouse dies or remarries and there is no  
32 surviving child, or if the surviving spouse dies or  
33 remarries and the children die or marry or, if not  
34 incapacitated, reach 22 years of age, each of the member's  
35 dependent parents who has attained or attains the age of  
36 62 years, and who received at least one-half of his or her  
37 support from the member at the time of the member's  
38 death, shall be paid three hundred fifty dollars (\$350) per  
39 month.



1 (c) "Stepchildren," for purposes of this section, shall  
2 include only stepchildren of the member living with the  
3 member in a regular parent-child relationship at the time  
4 of the death of the member.

5 (d) This section shall apply to beneficiaries of state  
6 members whose death occurred before January 1, 1985.  
7 Where a surviving spouse attained *the age of 62 years*  
8 prior to January 1, 1987, entitlement shall exist retroactive  
9 to January 1, 1985, or to his or her 62nd birthday,  
10 whichever is later. All assets and liabilities of all state  
11 agencies and their employees on account of benefits  
12 provided to beneficiaries specified in this subdivision  
13 shall be pooled into a single account. The board shall  
14 transfer from the reserve for 1959 survivor contributions  
15 retained in the retirement fund, an amount sufficient to  
16 pay the cost of the increased benefits provided by this  
17 subdivision for beneficiaries of members who died on or  
18 before December 31, 1984.

19 (e) This section shall not apply to beneficiaries with  
20 respect to the death of a state member, except as  
21 provided in subdivision (i), occurring on or after January  
22 1, 1985, unless provided for in a memorandum of  
23 understanding reached pursuant to Section 3517.5, or  
24 authorized by the Director of Personnel Administration  
25 for classifications of state employees that are excluded  
26 from, or not subject to, collective bargaining. The  
27 memorandum of understanding adopting this section  
28 shall be controlling without further legislative action,  
29 except that if those provisions of a memorandum of  
30 understanding require the expenditure of funds, those  
31 provisions shall not become effective unless approved by  
32 the Legislature as provided by law.

33 (f) This section shall apply, with respect to benefits  
34 payable on and after January 1, 1985, to school members  
35 and to school safety members, as defined in Section 20444.  
36 All assets and liabilities of all school employers, and their  
37 employees, on account of benefits provided under this  
38 article shall be pooled into a single account, and a single  
39 employer rate shall be established to provide benefits



1 under this section on account of school members  
2 employed by a school employer.

3 (g) This section shall apply to members of a  
4 contracting agency that, ~~by~~, in its original contract, or *by*  
5 amending its contract, first elects effective on or after  
6 January 1, 1985, to make this article applicable to local  
7 members employed by the agency. On and after January  
8 1, 1985, contracting agencies already subject to Section  
9 21571 or Section 21572 may elect by contract amendment  
10 to be subject to this section. All assets and liabilities of all  
11 contracting agencies subject to this section, and their  
12 employees, on account of benefits provided under this  
13 article shall be pooled into a single account, and a single  
14 employer rate shall be established to provide benefits  
15 under this section on account of members employed by  
16 a contracting agency ~~which~~ *that* is subject to this section.  
17 Any public agency first contracting with the board on and  
18 after January 1, 1994, or any contracting agency  
19 amending its contract to remove exclusions of member  
20 classifications on or after January 1, 1994, that has not,  
21 pursuant to Section 418 of Title 42 of the United States  
22 Code, entered into an agreement with the federal  
23 government for the coverage of its employees under the  
24 federal system, shall be subject to this section.

25 (h) The rate of contribution of an employer subject to  
26 this section shall be figured using the term insurance  
27 valuation method. If a contracting agency that is subject  
28 to this section has a surplus in its 1959 survivor benefit  
29 account as of the date the contracting agency becomes  
30 subject to this section, the surplus shall be applied to  
31 reduce its rate of contribution. If a contracting agency  
32 that is subject to this section has a deficit in its 1959  
33 survivor benefit account as of the date the contracting  
34 agency becomes subject to this section, its rate of  
35 contribution shall be increased until the deficit is paid.

36 (i) This section shall not apply to beneficiaries with  
37 respect to the death of a state member employed by the  
38 California State University occurring on or after January  
39 1, 1988, unless provided for in a memorandum of  
40 understanding reached pursuant to Chapter 12



1 (commencing with Section 3560) of Division 4 of Title 1,  
2 or authorized by the Trustees of the California State  
3 University for employees excluded from collective  
4 bargaining. The memorandum of understanding shall be  
5 controlling without further legislative action, except that  
6 if the provisions of a memorandum of understanding  
7 require the expenditure of funds, the provisions shall not  
8 become effective unless approved by the Legislature in  
9 the annual Budget Act.

10 *(j) On and after January 1, 2000, and until January 1,*  
11 *2010, all state and school members covered by this section*  
12 *shall be covered by the benefit provided under Section*  
13 *21574.7. On and after January 1, 2010, all state and school*  
14 *members not covered by Section 21572 or 21574.7 shall be*  
15 *covered by this section.*

16 *(k) This section shall not apply to any member in the*  
17 *employ of a contracting agency not subject to this section*  
18 *on and after January 1, 2000.*

19 *SEC. 47.4. Section 21573 of the Government Code is*  
20 *amended to read:*

21 21573. (a) In lieu of benefits provided in Section  
22 21571 or Section 21572, if the death benefit provided by  
23 Section 21532 is payable on account of a state member's  
24 death that occurs under circumstances other than those  
25 described in subparagraph (F) of paragraph (1) of  
26 subdivision (a) of Section 21530, or if an allowance under  
27 Section 21546 is payable, the payment pursuant to  
28 subdivision (b) shall be made in the following order of  
29 priority:

30 (1) The surviving wife or surviving husband of the  
31 member, who has the care of unmarried children,  
32 including stepchildren, of the member who are under 22  
33 years of age, or are incapacitated because of a disability  
34 that began before and has continued without  
35 interruption after attainment of that age.

36 (2) The guardian of surviving unmarried children,  
37 including stepchildren, of the member who are under 22  
38 years of age or are so incapacitated.

39 (3) The surviving wife or surviving husband of the  
40 member, who does not qualify under paragraph (1).



1 (4) Each surviving parent of the member.

2 (b) Regardless of the benefit provided by Section  
3 21532 and of the beneficiary designated by the member  
4 under that section, or regardless of the allowance  
5 provided under Section 21546, the following applicable  
6 1959 survivor allowance, under the conditions stated and  
7 from contributions of the state, shall be paid:

8 (1) A surviving spouse who was either continuously  
9 married to the member for at least one year prior to  
10 death, or who was married to the member prior to the  
11 occurrence of the injury or onset of the illness ~~which~~ *that*  
12 resulted in death, and has the care of unmarried children,  
13 including stepchildren, of the deceased member who are  
14 under 22 years of age or are so incapacitated, shall be paid  
15 seven hundred dollars (\$700) per month if there is one  
16 child, or eight hundred forty dollars (\$840) per month if  
17 there are two or more children. If there also are children  
18 who are not in the care of the surviving spouse, the  
19 portion of the allowance payable under this paragraph,  
20 assuming that these children were in the care of the  
21 surviving spouse, that is in excess of three hundred fifty  
22 dollars (\$350) per month, shall be divided equally among  
23 all those children and payments made to the spouse and  
24 other children, as the case may be.

25 (2) If there is no surviving spouse, or if the surviving  
26 spouse dies ~~or remarries~~, and if there are unmarried  
27 children, including stepchildren, of the deceased  
28 member who are under 22 years of age or are so  
29 incapacitated, or if there are children not in the care of  
30 the spouse, the children shall be paid an allowance as  
31 follows:

32 (A) If there is only one child, the child shall be paid  
33 three hundred fifty dollars (\$350) per month.

34 (B) If there are two children, the children shall be paid  
35 seven hundred dollars (\$700) per month divided equally  
36 between them.

37 (C) If there are three or more children, the children  
38 shall be paid eight hundred forty dollars (\$840) per  
39 month divided equally among them.



1 (3) A surviving spouse who has attained or attains the  
2 age of 62 years, and, with respect to that surviving spouse,  
3 who was either continuously married to the member for  
4 at least one year prior to death, or who was married to the  
5 member prior to the occurrence of the injury or onset of  
6 the illness ~~which~~ *that* resulted in death ~~and has not~~  
7 ~~remarried subsequent to the member's death~~, shall be  
8 paid three hundred fifty dollars (\$350) per month. No  
9 allowance shall be paid under *this paragraph while the*  
10 *surviving spouse is receiving an allowance under*  
11 *paragraph (1), or while an allowance is being paid under*  
12 *subparagraph (C) of paragraph (2).* The allowance paid  
13 under this paragraph shall be one hundred forty dollars  
14 (\$140) per month while an allowance is being paid under  
15 subparagraph (B) of paragraph (2).

16 (4) If there is no surviving spouse or surviving child  
17 who qualifies for the 1959 survivor allowance, or if the  
18 surviving spouse dies ~~or remarries~~ and there is no  
19 surviving child, or if the surviving spouse dies ~~or~~  
20 ~~remarries~~ and the children die or marry or, if not  
21 incapacitated, reach 22 years of age, each of the member's  
22 dependent parents who has attained or attains the age of  
23 62 years, and who received at least one-half of his or her  
24 support from the member at the time of the member's  
25 death, shall be paid three hundred fifty dollars (\$350) per  
26 month.

27 (c) "Stepchildren," for purposes of this section, shall  
28 include only stepchildren of the member living with the  
29 member in a regular parent-child relationship at the time  
30 of the death of the member.

31 (d) This section shall apply to beneficiaries of state  
32 members whose death occurred before January 1, 1985.  
33 Where a surviving spouse attained *the age of 62 years*  
34 prior to January 1, 1987, entitlement shall exist retroactive  
35 to January 1, 1985, or to his or her 62nd birthday,  
36 whichever is later. All assets and liabilities of all state  
37 agencies and their employees on account of benefits  
38 provided to beneficiaries specified in this subdivision  
39 shall be pooled into a single account. The board shall  
40 transfer from the reserve for 1959 survivor contributions





1 retained in the retirement fund, an amount sufficient to  
2 pay the cost of the increased benefits provided by this  
3 subdivision for beneficiaries of members who died on or  
4 before December 31, 1984.

5 (e) This section shall not apply to beneficiaries with  
6 respect to the death of a state member, except as  
7 provided in subdivision (i), occurring on or after January  
8 1, 1985, unless provided for in a memorandum of  
9 understanding reached pursuant to Section 3517.5, or  
10 authorized by the Director of Personnel Administration  
11 for classifications of state employees that are excluded  
12 from, or not subject to, collective bargaining. The  
13 memorandum of understanding adopting this section  
14 shall be controlling without further legislative action,  
15 except that if those provisions of a memorandum of  
16 understanding require the expenditure of funds, those  
17 provisions shall not become effective unless approved by  
18 the Legislature as provided by law.

19 (f) This section shall apply, with respect to benefits  
20 payable on and after January 1, 1985, to school members  
21 and to school safety members, as defined in Section 20444.  
22 All assets and liabilities of all school employers, and their  
23 employees, on account of benefits provided under this  
24 article shall be pooled into a single account, and a single  
25 employer rate shall be established to provide benefits  
26 under this section on account of school members  
27 employed by a school employer.

28 (g) This section shall apply to members of a  
29 contracting agency that, ~~by~~, in its original contract, or *by*  
30 amending its contract, first elects effective on or after  
31 January 1, 1985, to make this article applicable to local  
32 members employed by the agency. On and after January  
33 1, 1985, contracting agencies already subject to Section  
34 21571 or Section 21572 may elect by contract amendment  
35 to be subject to this section. All assets and liabilities of all  
36 contracting agencies subject to this section, and their  
37 employees, on account of benefits provided under this  
38 article shall be pooled into a single account, and a single  
39 employer rate shall be established to provide benefits  
40 under this section on account of members employed by



1 a contracting agency ~~which~~ *that* is subject to this section.  
2 Any public agency first contracting with the board on and  
3 after January 1, 1994, or any contracting agency  
4 amending its contract to remove exclusions of member  
5 classifications on or after January 1, 1994, that has not,  
6 pursuant to Section 418 of Title 42 of the United States  
7 Code, entered into an agreement with the federal  
8 government for the coverage of its employees under the  
9 federal system, shall be subject to this section.

10 (h) The rate of contribution of an employer subject to  
11 this section shall be figured using the term insurance  
12 valuation method. If a contracting agency that is subject  
13 to this section has a surplus in its 1959 survivor benefit  
14 account as of the date the contracting agency becomes  
15 subject to this section, the surplus shall be applied to  
16 reduce its rate of contribution. If a contracting agency  
17 that is subject to this section has a deficit in its 1959  
18 survivor benefit account as of the date the contracting  
19 agency becomes subject to this section, its rate of  
20 contribution shall be increased until the deficit is paid.

21 (i) This section shall not apply to beneficiaries with  
22 respect to the death of a state member employed by the  
23 California State University occurring on or after January  
24 1, 1988, unless provided for in a memorandum of  
25 understanding reached pursuant to Chapter 12  
26 (commencing with Section 3560) of Division 4 of Title 1,  
27 or authorized by the Trustees of the California State  
28 University for employees excluded from collective  
29 bargaining. The memorandum of understanding shall be  
30 controlling without further legislative action, except that  
31 if the provisions of a memorandum of understanding  
32 require the expenditure of funds, the provisions shall not  
33 become effective unless approved by the Legislature in  
34 the annual Budget Act.

35 (j) *On and after January 1, 2000, and until January 1,*  
36 *2010, all state and school members covered by this section*  
37 *shall be covered by the benefit provided under Section*  
38 *21574.7. On and after January 1, 2010, all state and school*  
39 *members not covered by Section 21572 or 21574.7 shall be*  
40 *covered by this section.*



1 SEC. 47.6. Section 21573 of the Government Code is  
2 amended to read:

3 21573. (a) In lieu of benefits provided in Section  
4 21571 or Section 21572, if the death benefit provided by  
5 Section 21532 is payable on account of a state member's  
6 death that occurs under circumstances other than those  
7 described in subparagraph (F) of paragraph (1) of  
8 subdivision (a) of Section 21530, or if an allowance under  
9 Section 21546 is payable, the payment pursuant to  
10 subdivision (b) shall be made in the following order of  
11 priority:

12 (1) The surviving wife or surviving husband of the  
13 member, who has the care of unmarried children,  
14 including stepchildren, of the member who are under 22  
15 years of age, or are incapacitated because of a disability  
16 that began before and has continued without  
17 interruption after attainment of that age.

18 (2) The guardian of surviving unmarried children,  
19 including stepchildren, of the member who are under 22  
20 years of age or are so incapacitated.

21 (3) The surviving wife or surviving husband of the  
22 member, who does not qualify under paragraph (1).

23 (4) Each surviving parent of the member.

24 (b) Regardless of the benefit provided by Section  
25 21532 and of the beneficiary designated by the member  
26 under that section, or regardless of the allowance  
27 provided under Section 21546, the following applicable  
28 1959 survivor allowance, under the conditions stated and  
29 from contributions of the state, shall be paid:

30 (1) A surviving spouse who was either continuously  
31 married to the member for at least one year prior to  
32 death, or who was married to the member prior to the  
33 occurrence of the injury or onset of the illness ~~which~~ that  
34 resulted in death, and has the care of unmarried children,  
35 including stepchildren, of the deceased member who are  
36 under 22 years of age or are so incapacitated, shall be paid  
37 seven hundred dollars (\$700) per month if there is one  
38 child, or eight hundred forty dollars (\$840) per month if  
39 there are two or more children. If there also are children  
40 who are not in the care of the surviving spouse, the



1 portion of the allowance payable under this paragraph,  
2 assuming that these children were in the care of the  
3 surviving spouse, that is in excess of three hundred fifty  
4 dollars (\$350) per month, shall be divided equally among  
5 all those children and payments made to the spouse and  
6 other children, as the case may be.

7 (2) If there is no surviving spouse, or if the surviving  
8 spouse dies ~~or remarries~~, and if there are unmarried  
9 children, including stepchildren, of the deceased  
10 member who are under 22 years of age or are so  
11 incapacitated, or if there are children not in the care of  
12 the spouse, the children shall be paid an allowance as  
13 follows:

14 (A) If there is only one child, the child shall be paid  
15 three hundred fifty dollars (\$350) per month.

16 (B) If there are two children, the children shall be paid  
17 seven hundred dollars (\$700) per month divided equally  
18 between them.

19 (C) If there are three or more children, the children  
20 shall be paid eight hundred forty dollars (\$840) per  
21 month divided equally among them.

22 (3) A surviving spouse who has attained or attains the  
23 age of 62 years, and, with respect to that surviving spouse,  
24 who was either continuously married to the member for  
25 at least one year prior to death, or who was married to the  
26 member prior to the occurrence of the injury or onset of  
27 the illness ~~which that~~ resulted in death ~~and has not~~  
28 ~~remarried subsequent to the member's death~~, shall be  
29 paid three hundred fifty dollars (\$350) per month. No  
30 allowance shall be paid under *this paragraph while the*  
31 *surviving spouse is receiving an allowance under*  
32 *paragraph (1), or while an allowance is being paid under*  
33 *subparagraph (C) of paragraph (2).* The allowance paid  
34 under this paragraph shall be one hundred forty dollars  
35 (\$140) per month while an allowance is being paid under  
36 subparagraph (B) of paragraph (2).

37 (4) If there is no surviving spouse or surviving child  
38 who qualifies for the 1959 survivor allowance, or if the  
39 surviving spouse dies ~~or remarries~~ and there is no  
40 surviving child, or if the surviving spouse dies ~~or~~



1 remarries and the children die or marry or, if not  
2 incapacitated, reach 22 years of age, each of the member's  
3 dependent parents who has attained or attains the age of  
4 62 years, and who received at least one-half of his or her  
5 support from the member at the time of the member's  
6 death, shall be paid three hundred fifty dollars (\$350) per  
7 month.

8 (c) "Stepchildren," for purposes of this section, shall  
9 include only stepchildren of the member living with the  
10 member in a regular parent-child relationship at the time  
11 of the death of the member.

12 (d) This section shall apply to beneficiaries of state  
13 members whose death occurred before January 1, 1985.  
14 Where a surviving spouse attained *the age of 62 years*  
15 prior to January 1, 1987, entitlement shall exist retroactive  
16 to January 1, 1985, or to his or her 62nd birthday,  
17 whichever is later. All assets and liabilities of all state  
18 agencies and their employees on account of benefits  
19 provided to beneficiaries specified in this subdivision  
20 shall be pooled into a single account. The board shall  
21 transfer from the reserve for 1959 survivor contributions  
22 retained in the retirement fund, an amount sufficient to  
23 pay the cost of the increased benefits provided by this  
24 subdivision for beneficiaries of members who died on or  
25 before December 31, 1984.

26 (e) This section shall not apply to beneficiaries with  
27 respect to the death of a state member, except as  
28 provided in subdivision (i), occurring on or after January  
29 1, 1985, unless provided for in a memorandum of  
30 understanding reached pursuant to Section 3517.5, or  
31 authorized by the Director of Personnel Administration  
32 for classifications of state employees that are excluded  
33 from, or not subject to, collective bargaining. The  
34 memorandum of understanding adopting this section  
35 shall be controlling without further legislative action,  
36 except that if those provisions of a memorandum of  
37 understanding require the expenditure of funds, those  
38 provisions shall not become effective unless approved by  
39 the Legislature as provided by law.



1 (f) This section shall apply, with respect to benefits  
2 payable on and after January 1, 1985, to school members  
3 and to school safety members, as defined in Section 20444.  
4 All assets and liabilities of all school employers, and their  
5 employees, on account of benefits provided under this  
6 article shall be pooled into a single account, and a single  
7 employer rate shall be established to provide benefits  
8 under this section on account of school members  
9 employed by a school employer.

10 (g) This section shall apply to members of a  
11 contracting agency that, ~~by~~, in its original contract, or *by*  
12 amending its contract, first elects effective on or after  
13 January 1, 1985, to make this article applicable to local  
14 members employed by the agency. On and after January  
15 1, 1985, contracting agencies already subject to Section  
16 21571 or Section 21572 may elect by contract amendment  
17 to be subject to this section. All assets and liabilities of all  
18 contracting agencies subject to this section, and their  
19 employees, on account of benefits provided under this  
20 article shall be pooled into a single account, and a single  
21 employer rate shall be established to provide benefits  
22 under this section on account of members employed by  
23 a contracting agency ~~which~~ *that* is subject to this section.  
24 Any public agency first contracting with the board on and  
25 after January 1, 1994, or any contracting agency  
26 amending its contract to remove exclusions of member  
27 classifications on or after January 1, 1994, that has not,  
28 pursuant to Section 418 of Title 42 of the United States  
29 Code, entered into an agreement with the federal  
30 government for the coverage of its employees under the  
31 federal system, shall be subject to this section.

32 (h) The rate of contribution of an employer subject to  
33 this section shall be figured using the term insurance  
34 valuation method. If a contracting agency that is subject  
35 to this section has a surplus in its 1959 survivor benefit  
36 account as of the date the contracting agency becomes  
37 subject to this section, the surplus shall be applied to  
38 reduce its rate of contribution. If a contracting agency  
39 that is subject to this section has a deficit in its 1959  
40 survivor benefit account as of the date the contracting



1 agency becomes subject to this section, its rate of  
2 contribution shall be increased until the deficit is paid.

3 (i) This section shall not apply to beneficiaries with  
4 respect to the death of a state member employed by the  
5 California State University occurring on or after January  
6 1, 1988, unless provided for in a memorandum of  
7 understanding reached pursuant to Chapter 12  
8 (commencing with Section 3560) of Division 4 of Title 1,  
9 or authorized by the Trustees of the California State  
10 University for employees excluded from collective  
11 bargaining. The memorandum of understanding shall be  
12 controlling without further legislative action, except that  
13 if the provisions of a memorandum of understanding  
14 require the expenditure of funds, the provisions shall not  
15 become effective unless approved by the Legislature in  
16 the annual Budget Act.

17 (j) *On and after January 1, 2000, and until January 1,*  
18 *2010, all state and school members covered by this section*  
19 *shall be covered by the benefit provided under Section*  
20 *21574.7. On and after January 1, 2010, all state and school*  
21 *members not covered by Section 21572 or 21574.7 shall be*  
22 *covered by this section.*

23 (k) *This section shall not apply to any member in the*  
24 *employ of a contracting agency not subject to this section*  
25 *on and after January 1, 2000.*

26 *SEC. 48. Section 21573.5 of the Government Code is*  
27 *repealed.*

28 ~~21573.5. (a) In lieu of benefits provided in Section~~  
29 ~~21571, 21572, or 21573, if the death benefit provided by~~  
30 ~~Section 21532 is payable on account of a state member's~~  
31 ~~death that occurs under circumstances other than those~~  
32 ~~described in subparagraph (F) of paragraph (1) of~~  
33 ~~subdivision (a) of Section 21530, or if an allowance under~~  
34 ~~Section 21546 is payable, the payment pursuant to~~  
35 ~~subdivision (b) shall be made in the following order of~~  
36 ~~priority:~~

37 ~~(1) The surviving spouse of the member who has the~~  
38 ~~care of unmarried children, including stepchildren, of the~~  
39 ~~member who are under age 22 years of age, or are~~  
40 ~~incapacitated because of disability that began before and~~



1 ~~has continued without interruption after the attainment~~  
2 ~~of that age.~~

3 ~~(2) The guardian of surviving unmarried children,~~  
4 ~~including stepchildren, of the member who are 22 years~~  
5 ~~of age or are so incapacitated.~~

6 ~~(3) The surviving spouse of the member, who does not~~  
7 ~~qualify under paragraph (1).~~

8 ~~(4) Each surviving parent of the member.~~

9 ~~(b) Regardless of the benefit provided by Section~~  
10 ~~21532 and of the beneficiary designated by the member~~  
11 ~~under that section, or regardless of the allowance~~  
12 ~~provided under Section 21546, the following applicable~~  
13 ~~1959 survivor allowance, under the conditions stated and~~  
14 ~~from contributions of the employer, shall be paid:~~

15 ~~(1) A surviving spouse who was either continuously~~  
16 ~~married to the member for at least one year prior to~~  
17 ~~death, or was married to the member prior to the~~  
18 ~~occurrence of the injury or onset of the illness that~~  
19 ~~resulted in death, and has the care of unmarried children,~~  
20 ~~including stepchildren, of the deceased member who are~~  
21 ~~under 22 years of age or are so incapacitated, shall be paid~~  
22 ~~one thousand five hundred dollars (\$1,500) per month is~~  
23 ~~there is one child or one thousand eight hundred dollars~~  
24 ~~(\$1,800) per month if there are two or more children. If~~  
25 ~~there also are children who are not in the care of the~~  
26 ~~surviving spouse, the portion of the allowance payable~~  
27 ~~under this paragraph, assuming that these children were~~  
28 ~~in the care of the surviving spouse, that is in excess of~~  
29 ~~seven hundred fifty dollars (\$750) per month, shall be~~  
30 ~~divided equally among all those children and payments~~  
31 ~~made to the spouse and other children, as the case may~~  
32 ~~be.~~

33 ~~(2) If there is no surviving spouse, or if the surviving~~  
34 ~~spouse dies, and if there are unmarried children,~~  
35 ~~including stepchildren of the deceased member who are~~  
36 ~~under age 22 years of age or are so incapacitated, or if~~  
37 ~~there are children not in the care of the spouse, the~~  
38 ~~children shall be paid an allowance as follows:~~

39 ~~(A) If there is only one child, the child shall be paid~~  
40 ~~seven hundred fifty dollars (\$750) per month.~~





1 ~~(B) If there are two children, the children shall be paid~~  
2 ~~one thousand five hundred dollars (\$1,500) per month~~  
3 ~~divided equally between them.~~

4 ~~(C) If there are three or more children, the children~~  
5 ~~shall be paid one thousand eight hundred dollars (\$1,800)~~  
6 ~~per month divided equally among them.~~

7 ~~(3) A surviving spouse who has attained or attains the~~  
8 ~~age of 62 years, and who was either continuously married~~  
9 ~~to the member for at least one year prior to death, or was~~  
10 ~~married to the member prior to the occurrence of the~~  
11 ~~injury or onset of the illness that resulted in death, shall~~  
12 ~~be paid seven hundred fifty dollars (\$750) per month. No~~  
13 ~~allowance shall be paid under paragraph (1), or while an~~  
14 ~~allowance is being paid under subparagraph (C). No~~  
15 ~~allowance shall be paid of paragraph (2). The allowance~~  
16 ~~paid under this paragraph shall be three hundred dollars~~  
17 ~~(\$300) per month while an allowance is being paid under~~  
18 ~~subparagraph (B) of paragraph (2).~~

19 ~~(4) If there is no surviving spouse or surviving child~~  
20 ~~who qualifies for the 1959 survivor allowance, or if the~~  
21 ~~surviving spouse dies and there is no surviving child, or~~  
22 ~~if the surviving spouse dies and the children die or marry~~  
23 ~~or, if not incapacitated, reach 22 years of age, each of the~~  
24 ~~member's dependent parents who has attained or attains~~  
25 ~~the age of 62 years, and who received at least one-half of~~  
26 ~~his or her support from the member at the time of the~~  
27 ~~member's death shall be paid seven hundred fifty dollars~~  
28 ~~(\$750) per month.~~

29 ~~(e) "Stepchildren" for purposes of this section shall~~  
30 ~~include only stepchildren of the member living with the~~  
31 ~~member in a regular parent-child relationship at the time~~  
32 ~~of the death of the member.~~

33 ~~(d) This section shall apply to beneficiaries of state~~  
34 ~~members whose death occurred before January 1, 1999,~~  
35 ~~as well as to a surviving spouse who has attained age 62~~  
36 ~~prior to January 1, 1999. All assets and liabilities of all state~~  
37 ~~agencies and their employees on account of benefits~~  
38 ~~provided to beneficiaries specified in the subdivision shall~~  
39 ~~be pooled into a single account. The board shall transfer~~  
40 ~~from the reserve for 1959 survivor contributions retained~~



1 in the retirement fund, an amount sufficient to pay the  
2 cost of the increased benefits provided by this subdivision  
3 for beneficiaries of members who died on or before  
4 December 31, 1998.

5 (e) This section shall not apply to beneficiaries with  
6 respect to the death of a state member occurring on or  
7 after January 1, 1999, unless provided for in a  
8 memorandum of understanding reached pursuant to  
9 Section 3517.5, or authorized by the Director of Personnel  
10 Administration for classifications of state employees that  
11 are excluded from, or not subject to, collective  
12 bargaining. The memorandum of understanding  
13 adopting this section shall be controlling without further  
14 legislation, except that if those provisions of a  
15 memorandum of understanding require the expenditure  
16 of funds, those provisions shall not become effective  
17 unless approved by the Legislature as provided by law.

18 (f) The rate of contribution for the state employer  
19 shall be calculated using a method determined by the  
20 board. Surplus assets shall be applied to reduce the rate  
21 of the employer contribution. Once the surplus assets  
22 have been fully utilized, under a uniform amortization  
23 schedule to be established by the board, and the total  
24 required amount exceeds a monthly premium of four  
25 dollars (\$4), including the amount required of the  
26 member under Section 21581, the member and employer  
27 shall thereafter evenly share the required monthly  
28 premium.

29 *SEC. 49.* Section 21574.7 is added to the Government  
30 Code, to read:

31 21574.7. (a) In lieu of benefits provided in Section  
32 21571, 21572, 21573, or 21574, if the death benefit provided  
33 by Section 21532 is payable on account of a state  
34 member's death that occurs under circumstances other  
35 than those described in subparagraph (F) of paragraph  
36 (1) of subdivision (a) of Section 21530, or if an allowance  
37 under Section 21546 is payable, the payment pursuant to  
38 subdivision (b) shall be made in the following order of  
39 priority:



1 (1) The surviving spouse of the member, who has the  
2 care of unmarried children, including stepchildren, of the  
3 member who are under 22 years of age, or are  
4 incapacitated because of a disability that began before  
5 and has continued without interruption after the  
6 attainment of that age.

7 (2) The guardian of surviving unmarried children,  
8 including stepchildren, of the member who are 22 years  
9 of age or are so incapacitated.

10 (3) The surviving spouse of the member, who does not  
11 qualify under paragraph (1).

12 (4) Each surviving parent of the member.

13 (b) Regardless of the benefit provided by Section  
14 21532 and of the beneficiary designated by the member  
15 under that section, or regardless of the allowance  
16 provided under Section 21546, the following applicable  
17 1959 survivor allowance, under the conditions stated and  
18 from contributions of the employer, shall be paid:

19 (1) A surviving spouse who was either continuously  
20 married to the member for at least one year prior to  
21 death, or was married to the member prior to the  
22 occurrence of the injury or onset of the illness that  
23 resulted in death, and has the care of unmarried children,  
24 including stepchildren, of the deceased member who are  
25 under 22 years of age or are so incapacitated, shall be paid  
26 one thousand five hundred dollars (\$1,500) per month if  
27 there is one child or one thousand eight hundred dollars  
28 (\$1,800) per month if there are two or more children. If  
29 there also are children who are not in the care of the  
30 surviving spouse, the portion of the allowance payable  
31 under this paragraph, assuming that these children were  
32 in the care of the surviving spouse, that is in excess of  
33 seven hundred fifty dollars (\$750) per month, shall be  
34 divided equally among all those children and payments  
35 made to the spouse and other children, as the case may  
36 be.

37 (2) If there is no surviving spouse, or if the surviving  
38 spouse dies, and if there are unmarried children,  
39 including stepchildren, of the deceased member who are  
40 under 22 years of age or are so incapacitated, or if there



1 are children not in the care of the spouse, the children  
2 shall be paid an allowance as follows:

3 (A) If there is only one child, the child shall be paid  
4 seven hundred fifty dollars (\$750) per month.

5 (B) If there are two children, the children shall be paid  
6 one thousand five hundred dollars (\$1,500) per month  
7 divided equally between them.

8 (C) If there are three or more children, the children  
9 shall be paid one thousand eight hundred dollars (\$1,800)  
10 per month divided equally among them.

11 (3) A surviving spouse who has attained or attains the  
12 age of 60 years, and who was either continuously married  
13 to the member for at least one year prior to death, or was  
14 married to the member prior to the occurrence of the  
15 injury or onset of the illness that resulted in death, shall  
16 be paid seven hundred fifty dollars (\$750) per month. No  
17 allowance shall be paid under this paragraph while the  
18 surviving spouse is receiving an allowance under  
19 paragraph (1) or while an allowance is being paid under  
20 subparagraph (C) of paragraph (2). The allowance paid  
21 under this paragraph shall be three hundred dollars  
22 (\$300) per month while an allowance is being paid under  
23 subparagraph (B) of paragraph (2).

24 (4) If there is no surviving spouse or surviving child  
25 who qualifies for the 1959 survivor allowance, or if the  
26 surviving spouse dies and there is no surviving child, or  
27 if the surviving spouse dies and the children die or marry  
28 or, if not incapacitated, reach 22 years of age, each of the  
29 member's dependent parents who has attained or attains  
30 the age of 60 years, and who received at least one-half of  
31 his or her support from the member at the time of the  
32 member's death, shall be paid seven hundred fifty dollars  
33 (\$750) per month.

34 (c) "Stepchildren," for purposes of this section, shall  
35 include only stepchildren of the member living with the  
36 member in a regular parent-child relationship at the time  
37 of the death of the member.

38 (d) This section shall only apply to state and school  
39 members effective on or after January 1, ~~1999~~ 2000. All  
40 assets and liabilities of employers subject to this section,



1 and their employees, on account of benefits provided  
2 under this article shall be pooled into a single account,  
3 and a single employer rate shall be established to provide  
4 benefits under this section on account of state and school  
5 members employed by the state or a school employer.

6 (e) The rate of contribution of an employer subject to  
7 this section shall be calculated using a method  
8 determined by the board. Surplus assets shall be applied  
9 to reduce the rate of contribution. If a deficit exists, the  
10 rate of contribution shall be increased until the deficit is  
11 paid.

12 (f) On and after January 1, 2000, and until January 1,  
13 2010, all state employees and school members shall be  
14 covered by this section.

15 (g) This section shall be repealed on January 1, 2010,  
16 unless a later enacted statute, that becomes effective on  
17 or before January 1, 2010, deletes or extends that date.

18 ~~SEC. 46.~~

19 *SEC. 50.* Section 21581 of the Government Code is  
20 amended to read:

21 21581. (a) The rate of contribution of a member  
22 subject to this article shall include, in addition to his or her  
23 normal rate, two dollars (\$2) per month or fraction  
24 thereof, or ninety-three cents (\$0.93) for each biweekly  
25 payroll period or fraction thereof, where salaries are paid  
26 on that basis. Those contributions shall not become a part  
27 of a member's accumulated contributions or be treated or  
28 administered as normal contributions and shall not be  
29 refundable to a member under any circumstances. Those  
30 contributions shall be available only for payment of 1959  
31 survivor allowances.

32 (b) Notwithstanding subdivision (a), the total  
33 monthly premium required for Section 21574.7, as  
34 determined by the board, shall be offset by the uniform  
35 amortization of surplus assets within this account.  
36 Member contributions shall be two dollars (\$2) per  
37 month until such time as the future required monthly  
38 premium exceeds four dollars (\$4), and the employer  
39 shall pay the difference between the total required  
40 monthly premium and the member's contribution. Once



1 the total required monthly premium exceeds four dollars  
2 (\$4), the member and the employer shall evenly share  
3 the required monthly premium.

4 *SEC. 50.5. Section 21581 of the Government Code is*  
5 *amended to read:*

6 21581. (a) The rate of contribution of a member  
7 subject to this article shall include, in addition to his or her  
8 normal rate, two dollars (\$2) per month or fraction  
9 thereof, or ninety-three cents (\$0.93) for each biweekly  
10 payroll period or fraction thereof, where salaries are paid  
11 on that basis. Those contributions shall not become a part  
12 of a member's accumulated contributions or be treated or  
13 administered as normal contributions and shall not be  
14 refundable to a member under any circumstances. Those  
15 contributions shall be available only for payment of 1959  
16 survivor allowances.

17 (b) *Notwithstanding subdivision (a), the total*  
18 *monthly premium required for Section 21574.5, as*  
19 *determined by the board, shall be offset by the uniform*  
20 *amortization of surplus assets within this account. If the*  
21 *total monthly premium is equal to, or less than, four*  
22 *dollars (\$4), the member contribution portion shall be*  
23 *two dollars (\$2) per month and the employer shall pay*  
24 *the difference, if any. If the total monthly premium*  
25 *required exceeds four dollars (\$4), the member and the*  
26 *employer shall evenly share the total required monthly*  
27 *premium.*

28 (c) *Notwithstanding subdivision (a), the total*  
29 *monthly premium required for Section 21574.7, as*  
30 *determined by the board, shall be offset by the uniform*  
31 *amortization of surplus assets within this account.*  
32 *Member contributions shall be two dollars (\$2) per*  
33 *month until such time as the future required monthly*  
34 *premium exceeds four dollars (\$4), and the employer*  
35 *shall pay the difference between the total required*  
36 *monthly premium and the member's contribution. Once*  
37 *the total required monthly premium exceeds four dollars*  
38 *(\$4), the member and the employer shall evenly share*  
39 *the required monthly premium.*



1 SEC. 51. Section 2.5 of this bill incorporates  
2 amendments to Section 20391 of the Government Code  
3 proposed by both this bill and AB 813. It shall only become  
4 operative if (1) both bills are enacted and become  
5 effective on or before January 1, 2000, (2) each bill  
6 amends Section 20391 of the Government Code, and (3)  
7 this bill is enacted after AB 813, in which case Section 2  
8 of this bill shall not become operative.

9 SEC. 52. Section 12.5 of this bill incorporates  
10 amendments to Section 20677 of the Government Code  
11 proposed by both this bill and SB 401. It shall only become  
12 operative if (1) both bills are enacted and become  
13 effective on or before January 1, 2000, (2) each bill  
14 amends Section 20677 of the Government Code, and (3)  
15 this bill is enacted after SB 401, in which case Section 12  
16 of this bill shall not become operative.

17 SEC. 53. Section 29.5 of this bill incorporates  
18 amendments to Section 21337 of the Government Code  
19 proposed by both this bill and SB 234. It shall only become  
20 operative if (1) both bills are enacted and become  
21 effective on or before January 1, 2000, (2) each bill affects  
22 Section 21337 of the Government Code, and (3) this bill  
23 is enacted after SB 234, in which case Section 29 of this bill  
24 shall not become operative.

25 SEC. 54. Section 33.5 of this bill incorporates  
26 amendments to Section 21362 of the Government Code  
27 proposed by both this bill and SB 339. Except as provided  
28 in Section 55, it shall only become operative if (1) both  
29 bills are enacted and become effective on or before  
30 January 1, 2000, (2) each bill amends Section 21362 of the  
31 Government Code, and (3) this bill is enacted after SB  
32 339, in which case Section 33 of this bill shall not become  
33 operative.

34 SEC. 55. Section 33.5 of this bill incorporates  
35 amendments to Section 21362 of the Government Code  
36 proposed by both this bill and SB 800. Except as provided  
37 in Section 54, it shall only become operative if (1) both  
38 bills are enacted and become effective on or before  
39 January 1, 2000, (2) each bill amends Section 21362 of the  
40 Government Code, and (3) this bill is enacted after SB



1 800, in which case Section 33 of this bill shall not become  
2 operative.

3 SEC. 56. (a) Section 35.2 of this bill incorporates  
4 amendments to Section 21363 of the Government Code  
5 proposed by both this bill and AB 813. It shall only become  
6 operative if (1) both bills are enacted and become  
7 effective on or before January 1, 2000, (2) each bill  
8 amends Section 21363 of the Government Code, and (3)  
9 SB 339 and SB 800 is not enacted or as enacted do not  
10 amend that section, and (4) this bill is enacted after AB  
11 813, in which case Sections 35, 35.4, and 35.6 of this bill  
12 shall not become operative.

13 (b) Section 35.4 of this bill incorporates amendments  
14 to Section 21363 of the Government Code proposed by  
15 both this bill and SB 800. Except as provided in  
16 subdivision (c), it shall only become operative if (1) both  
17 bills are enacted and become effective on or before  
18 January 1, 2000, (2) each bill amends Section 21363 of the  
19 Government Code, (3) AB 813 is not enacted or as  
20 enacted does not amend that section, and (4) this bill is  
21 enacted after SB 800 in which case Sections 35, 35.2, and  
22 35.6 of this bill shall not become operative.

23 (c) Section 35.4 of this bill incorporates amendments  
24 to Section 21363 of the Government Code proposed by  
25 this bill and SB 339. Except as provided in subdivision (b),  
26 it shall only become operative if (1) both bills are enacted  
27 and become effective on or before January 1, 2000, (2)  
28 each bill amends Section 21363 of the Government Code,  
29 (3) AB 813 is not enacted or as enacted does not amend  
30 that section, and (4) this bill is enacted after SB 339, in  
31 which case Sections 35, 35.2, and 35.6 of this bill shall not  
32 become operative.

33 (d) Section 35.6 of this bill incorporates amendments  
34 to Section 21363 of the Government Code proposed by  
35 this bill, AB 813, SB 339, and SB 800. It shall only become  
36 operative if (1) this bill and AB 813 and either SB 339 or  
37 SB 800, or both, are enacted and become effective on or  
38 before January 1, 2000, (2) all of the enacted bills amend  
39 Section 21363 of the Government Code, and (3) this bill





1 *is enacted last, in which case Sections 35, 35.2, and 35.4 of*  
2 *this bill shall not become operative.*

3 *SEC. 57. Section 39.5 of this bill incorporates*  
4 *amendments to Section 21369 of the Government Code*  
5 *proposed by both this bill and SB 339. Except as provided*  
6 *in Section 58, it shall only become operative if (1) both*  
7 *bills are enacted and become effective on or before*  
8 *January 1, 2000, (2) each bill amends Section 21369 of the*  
9 *Government Code, and (3) this bill is enacted after SB*  
10 *339, in which case Section 39 of this bill shall not become*  
11 *operative.*

12 *SEC. 58. Section 39.5 of this bill incorporates*  
13 *amendments to Section 21369 of the Government Code*  
14 *proposed by both this bill and SB 800. Except as provided*  
15 *in Section 57, it shall only become operative if (1) both*  
16 *bills are enacted and become effective on or before*  
17 *January 1, 2000, (2) each bill amends Section 21369 of the*  
18 *Government Code, and (3) this bill is enacted after SB*  
19 *800, in which case Section 39 of this bill shall not become*  
20 *operative.*

21 *SEC. 59. Section 46.5 of this bill incorporates*  
22 *amendments to Section 21572 of the Government Code*  
23 *proposed by both this bill and AB 232. It shall only become*  
24 *operative if (1) both bills are enacted and become*  
25 *effective on or before January 1, 2000, (2) each bill*  
26 *amends Section 21572 of the Government Code, and (3)*  
27 *this bill is enacted after AB 232, in which case Section 46*  
28 *of this bill shall not become operative.*

29 *SEC. 60. (a) Section 47.2 of this bill incorporates*  
30 *amendments to Section 21573 of the Government Code*  
31 *proposed by both this bill and AB 99. It shall only become*  
32 *operative if (1) both bills are enacted and become*  
33 *effective on or before January 1, 2000, (2) each bill*  
34 *amends Section 21573 of the Government Code, and (3)*  
35 *AB 232 is not enacted or as enacted does not amend that*  
36 *section, and (4) this bill is enacted after AB 99, in which*  
37 *case Sections 47, 47.4, and 47.6 of this bill shall not become*  
38 *operative.*

39 *(b) Section 47.4 of this bill incorporates amendments*  
40 *to Section 21573 of the Government Code proposed by*



1 both this bill and AB 232. It shall only become operative  
2 if (1) both bills are enacted and become effective on or  
3 before January 1, 2000, (2) each bill amends Section 21573  
4 of the Government Code, (3) AB 99 is not enacted or as  
5 enacted does not amend that section, and (4) this bill is  
6 enacted after AB 232 in which case Sections 47, 47.2, and  
7 47.6 of this bill shall not become operative.

8 (c) Section 47.6 of this bill incorporates amendments  
9 to Section 21573 of the Government Code proposed by  
10 this bill, AB 99, and AB 232. It shall only become operative  
11 if (1) all three bills are enacted and become effective on  
12 or before January 1, 2000, (2) all three bills amend Section  
13 21573 of the Government Code, and (3) this bill is  
14 enacted after AB 99 and AB 232, in which case Sections  
15 47, 47.2, and 47.4 of this bill shall not become operative.

16 SEC. 61. Section 50.5 of this bill incorporates  
17 amendments to Section 21581 of the Government Code  
18 proposed by both this bill and AB 99. It shall only become  
19 operative if (1) both bills are enacted and become  
20 effective on or before January 1, 2000, (2) each bill  
21 amends Section 21581 of the Government Code, and (3)  
22 this bill is enacted after AB 99, in which case Section 50  
23 of this bill shall not become operative.

