

AMENDED IN SENATE MAY 6, 1999  
AMENDED IN SENATE APRIL 15, 1999  
AMENDED IN SENATE APRIL 5, 1999

**SENATE BILL**

**No. 833**

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**Introduced by Senators Ortiz and Speier**  
**(Coauthors: Senators Baca and Karnette, Karnette, and**  
**O'Connell)**  
(Coauthors: Assembly Members Alquist, Papan, and  
Torlakson)

February 25, 1999

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An act to ~~add Sections 24203.7 and 24209.5 to~~ amend Section 24209 of, and to add Sections 24203.7, 24209.5, and 24209.7 to, the Education Code, relating to the State Teachers' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

SB 833, as amended, Ortiz. State Teachers' Retirement System: benefits.

The State Teachers' Retirement Law prescribes the method of determining the retirement benefits of members who reinstate and are eligible to receive multiple service or disability allowances.

This bill would prescribe the method of determining the benefits of (1) those members who first retired in 1998 and reinstated prior to July 1, 1999, and (2) those members ~~with service after~~ who first retired prior to January 1, ~~1999~~ 1998, who reinstated for at least one year, and whose credited service equals or exceeds 30 years.

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

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

1 SECTION 1. Section 24203.7 is added to the  
2 Education Code, to read:  
3 24203.7. A member who retired for service with an  
4 effective date for which the first allowance was payable  
5 on or after January 1, 1998, but with an effective date prior  
6 to January 1, 1999, shall, effective July 1, 1999, have the  
7 allowance increased to the level that would have been  
8 received if Section 22717, as amended by Chapter 1006,  
9 Statutes of 1998, and Sections 24202.5 and 24203.5 had  
10 been in effect on the effective date of retirement.

11 SEC. 2. ~~Section 24209.5~~ *Section 24209 of the*  
12 *Education Code is amended to read:*  
13 24209. (a) Upon retirement for service following  
14 ~~termination of a prior service retirement reinstatement,~~  
15 the member shall receive a service retirement allowance  
16 equal to the sum of both of the following:  
17 (a)  
18 (1) An amount equal to the monthly allowance the  
19 member was receiving immediately preceding ~~the most~~  
20 ~~recent termination of retirement allowance~~  
21 ~~reinstatement,~~ exclusive of any amounts payable  
22 pursuant to Section 22714 or 22715, increased by the  
23 improvement factor that would have been applied to the  
24 allowance if the member had not ~~terminated the~~  
25 ~~retirement allowance reinstated.~~

26 (b)  
27 (2) An amount calculated pursuant to Section 24202,  
28 24202.5, 24203, 24203.5, or 24206 on service credited  
29 subsequent to the ~~most recent termination of retirement~~  
30 ~~allowance reinstatement,~~ the member's age at  
31 retirement, and final compensation.

32 (b) *If the total amount of credited service, other than*  
33 *that accrued pursuant to Sections 22714, 22715, 22717, and*  
34 *22826, is equal to or greater than 30 years, the amounts*



1 identified in paragraphs (1) and (2) of subdivision (a)  
2 shall be calculated pursuant to Section 24203.5.

3 SEC. 3. Section 24209.5 is added to the Education  
4 Code, to read:

5 24209.5. (a) Notwithstanding Section 24209, a  
6 member who retired for service with an effective date for  
7 which the first allowance was payable on or after January  
8 1, 1998, but with an effective date prior to January 1, 1999,  
9 and who reinstated prior to July 1, 1999, shall, upon  
10 retirement for service but no earlier than July 1, 1999,  
11 receive a service retirement allowance equal to the sum  
12 of the following:

13 (1) An amount equal to the monthly allowance the  
14 member would have been receiving immediately  
15 preceding the most recent reinstatement if Section 22717,  
16 as amended by Chapter 1006, Statutes of 1998, and  
17 Sections 24202.5 and 24203.5 had been in effect on the  
18 effective date of retirement, and exclusive of any  
19 amounts payable pursuant to Section 22714 or 22715,  
20 increased by the improvement factor that would have  
21 been applied to the allowance if the member had not  
22 reinstated.

23 (2) An amount calculated pursuant to Sections  
24 24202.5, 24203, 24203.5, and 24206 on service credited  
25 subsequent to the reinstatement, the member's age at  
26 retirement, and final compensation.

27 (b) If the total amount of credited service, other than  
28 that accrued pursuant to Sections 22714, 22715, 22717, and  
29 22826, is equal to or greater than 30 years, the amounts  
30 identified in paragraphs (1) and (2) of subdivision (a)  
31 shall be calculated pursuant to Section 24203.5.

32 SEC. 4. Section 24209.7 is added to the Education  
33 Code, to read:

34 ~~24209.5.—(a)~~

35 24209.7. Notwithstanding Section 24209, a member  
36 who (1) retires for service on or after January 1, 1999, (2)  
37 had retired for service prior to January 1, 1998,  
38 subsequently reinstated to active status, and earned at  
39 least one year of credited service after reinstating to  
40 active status, ~~(3) and~~ and (3) had earned a total amount



1 of credited service, other than pursuant to Sections 22714,  
2 22715, 22717, and 22826, equal to or greater than 30 years,  
3 shall receive a service retirement allowance equal to the  
4 sum of both of the following:

5 (1)

6 (a) An amount equal to the monthly allowance the  
7 member would have been receiving immediately  
8 preceding the most recent ~~termination of the retirement~~  
9 ~~allowance reinstatement~~ if Section 24203.5 had been in  
10 effect on the effective date of the retirement and, for  
11 purposes of Section 24203.5 only, the member had 30 or  
12 more years of credited service on the effective date of the  
13 retirement, and ~~inclusive~~ *exclusive* of any amounts  
14 payable pursuant to Section 22714 or 22715, increased by  
15 the improvement factor that would have been applied to  
16 the allowance if the member had not ~~terminated the~~  
17 ~~retirement allowance reinstated~~.

18 (2)

19 (b) An amount calculated pursuant to Sections  
20 24202.5, 24203, 24203.5, and 24206 on service credited  
21 subsequent to the most recent ~~termination of the~~  
22 ~~retirement allowance reinstatement~~, the member's age  
23 at retirement, and final compensation.

24 ~~(b) The total amount of credited service accrued~~  
25 ~~while a member, other than that accrued pursuant to~~  
26 ~~Sections 22714, 22715, 22717, and 22826, shall be used to~~  
27 ~~determine whether the member meets the credited~~  
28 ~~service requirements of Section 24203.5 for purposes of~~  
29 ~~this section.~~

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