

AMENDED IN ASSEMBLY AUGUST 25, 2000

AMENDED IN ASSEMBLY JULY 15, 1999

AMENDED IN SENATE JUNE 24, 1999

AMENDED IN SENATE APRIL 15, 1999

SENATE BILL

No. 857

Introduced by Senator Peace

February 25, 1999

An act to add Sections 75059 and 75059.1 to the Government Code, relating to the Judges' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

SB 857, as amended, Peace. Judges' Retirement System: benefits.

The Judges' Retirement Law prescribes rights and benefits of a former spouse of a judge when the community property interests of the parties in the system are divided between them by the court in proceedings for legal separation or dissolution of marriage.

This bill would provide that, in dissolution or separation proceedings involving a retired judge, when the community property interests of the parties in the retirement allowance are divided as specified, the former spouse shall be entitled to receive a lifetime benefit, as specified, and to designate a beneficiary for any unpaid allowance payable at the time of his or her death. The bill would make those benefits available prospectively to a former spouse of a judge who retired or died

prior to January 1, ~~2000~~ 2001, if the former spouse notifies the system prior to January 1, ~~2001~~ 2002.

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 75059 is added to the
2 Government Code, to read:

3 75059. (a) Upon the legal separation or dissolution of
4 marriage of a retired member, the court shall include in
5 a judgment or court order the date on which the parties
6 separated.

7 (b) If the court orders the division of the community
8 property interest in the system pursuant to paragraph (4)
9 of subdivision (a) of Section 2610 of the Family Code, the
10 retirement allowance payable to the member
11 attributable to periods of service during the marriage
12 shall be irrevocably divided into two separate and distinct
13 payments in the names of the member and nonmember
14 former spouse, respectively. Benefits under this section
15 shall be based on the actuarial equivalent of the member's
16 retirement allowance as of the effective date of the order
17 dividing the benefit. The share of the actuarially reduced
18 monthly allowance payable to the former spouse
19 pursuant to that division shall be a lifetime benefit, and
20 the former spouse shall have the right to designate a
21 beneficiary for any unpaid allowance payable at the time
22 of his or her death.

23 (c) Any retirement allowance not explicitly awarded
24 by the judgment or court order shall be deemed the
25 exclusive property of the member.

26 (d) Any survivor benefits payable to any eligible
27 surviving spouse of a retired member whose allowance
28 was reduced under this section shall be based solely on the
29 reduced allowance.

30 SEC. 2. Section 75059.1 is added to the Government
31 Code, to read:

32 75059.1. (a) A former spouse of a judge retired or
33 deceased as of January 1, ~~2000~~ 2001, shall be eligible for the



1 benefits provided by this section if the community
2 property interest in the system was divided by court
3 order pursuant to paragraph (4) of subdivision (a) of
4 Section 2610 of the Family Code, the former spouse
5 retained an interest in the system, and the parties did not
6 divide the member's account pursuant to Section 75050.
7 The monthly allowance payable pursuant to that division
8 to the former spouse shall be a lifetime benefit and the
9 former spouse shall have the right to designate a
10 beneficiary for any unpaid allowance payable at the time
11 of his or her death.

12 (b) The section shall apply retroactively to establish
13 eligibility for a former spouse to the benefits provided by
14 this section, but any payment made to the former spouse
15 shall be prospective and shall commence no earlier than
16 (1) the first of the month in which the application was
17 received by the system in those cases where the member
18 is deceased, or (2) the first of the month in which a valid
19 court order is received in cases where the retired judge
20 is still living.

21 (c) The board has no duty to locate or notify the
22 members or former spouses who may be eligible to apply
23 for the benefits under this section.

24 (d) The benefits provided by this section shall be
25 applicable to persons otherwise eligible who notify the
26 system in writing prior to January 1, ~~2001~~ 2002.

