

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 3076

Introduced by ~~Committee on Public Employees, Retirement and Social Security (Negrete McLeod (Chair), Levine (Vice Chair), Chan, Correa, and Kehoe) Assembly Member Mullin~~

March 11, 2004

An act to amend ~~Section~~ Sections 22003, 22502, and 22601.5 of the Education Code, relating to state teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 3076, as amended, ~~Committee on Public Employees, Retirement and Social Security—Mullin~~. State Teachers' Retirement Law: *part-time community college faculty*.

~~The State Teachers' Retirement Law establishes a comprehensive system of retirement benefits for members of that system and their beneficiaries. Existing law provides that specified revisions to that law are not to be construed to affect the benefits of persons retired prior to July 1, 1972, or their beneficiaries.~~

Existing law requires any person who performs creditable service, as defined, on a part-time basis to become a member of the Defined Benefit Program of the Teachers' Retirement Plan if the person is not already a member and is employed to perform 50% or more of the full-time equivalent for the position. Existing law provides that persons who teach adult or community college classes for not more than 60% of the full-time assignment are classified as temporary employees.

This bill would exclude community college faculty members from mandatory membership in the Defined Benefit Program so long as they are classified as temporary employees.

This bill would also make a technical, nonsubstantive ~~change~~ changes to ~~that provision~~ the State Teachers' Retirement Law.

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

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

1 SECTION 1. Section 22003 of the Education Code is
2 amended to read:

3 22003. The revision of the State Teachers' Retirement Law,
4 enacted at the 1971 and 1972 Regular Sessions of the Legislature,
5 may not be construed to affect benefits of persons retired prior to
6 July 1, 1972, or their beneficiaries, except as specifically provided.

7 SEC. 2. Section 22502 of the Education Code is amended to
8 read:

9 22502. (a) Any person employed by a school district or
10 county office of education to perform creditable service on a
11 part-time basis, who is not already a member of the Defined
12 Benefit Program, shall become a member as of the first day of
13 subsequent employment to perform creditable service for 50
14 percent or more of the full-time equivalent for the position, unless
15 excluded from membership pursuant to Section 22601.

16 (b) Any person employed by a community college district to
17 perform creditable service on a part-time basis, who is not already
18 a member of the Defined Benefit Program, shall become a member
19 as of the first day of subsequent employment to perform creditable
20 service that is not subject to Section 87482.5, unless excluded from
21 membership pursuant to Section 22601.

22 (c) This section shall apply to persons who perform service
23 subject to coverage under this part and to persons who are
24 employed by employers who provide benefits for their employees
25 under Part 14 (commencing with Section 26000).

26 ~~(e)~~

27 (d) This section shall be deemed to have become operative on
28 July 1, 1996.

29 SEC. 3. Section 22601.5 of the Education Code is amended to
30 read:



1 22601.5. (a) Any person employed *by a school district or*
2 *county office of education* to perform creditable service who is not
3 already a member in the Defined Benefit Program and whose basis
4 of employment is less than 50 percent of the full-time equivalent
5 for the position is excluded from mandatory membership in the
6 Defined Benefit Program.

7 (b) *Any person employed by a community college district to*
8 *perform creditable service pursuant to Section 87482.5 who is not*
9 *already a member in the Defined Benefit Program is excluded from*
10 *mandatory membership in the Defined Benefit Program.*

11 (c) This section shall apply to persons who perform service
12 subject to coverage under this part and to persons who are
13 employed by employers who provide benefits for their employees
14 under Part 14 (commencing with Section 26000).

15 ~~(e)~~

16 (d) This section shall be deemed to have become operative on
17 July 1, 1996.

