

ASSEMBLY BILL

No. 1267

Introduced by Assembly Member Eng

February 27, 2009

An act to amend Section 24203.6 of the Education Code, relating to state teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1267, as introduced, Eng. State teachers' retirement system.

The Teachers' Retirement Law provides that members with 30 or more years of credited service receive increases in their retirement allowance. Existing law provides additional increases for those members who have 30 or more years of credited service prior to 2011 and who retire for service on or after January 1, 2001.

This bill would delete that date thereby permitting any member who retires and has 30 or more years of credited service to receive those additional increases.

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 24203.6 of the Education Code is
- 2 amended to read:
- 3 24203.6. (a) In addition to the amount otherwise payable
- 4 pursuant to Sections 24202.5, 24203, 24203.5, 24205, 24209,
- 5 24209.3, 24210, 24211, and 24212, a member shall receive an
- 6 increase in the monthly allowance, prior to any modification
- 7 pursuant to Sections 24300, 24300.1, and 24309, in the amount

1 identified in subdivision (b), if the member meets all of the
2 following criteria:

3 (1) The member retires for service on or after January 1, 2001.

4 (2) ~~Prior to January 1, 2011, the~~ The member has 30 or more
5 years of credited service, including any credited service that a court
6 has ordered be awarded to a nonmember spouse pursuant to Section
7 22652, but excluding service credited pursuant to the following:

8 (A) Section 22714.

9 (B) Section 22714.5.

10 (C) Section 22715.

11 (D) Section 22717, except as provided in subdivision (b) of
12 Section 22121.

13 (E) Section 22717.5.

14 (F) Section 22826.

15 (3) The member is receiving an allowance subject to Section
16 24203.5.

17 (b) The amount of the increase in the monthly allowance shall
18 be based on the member's years of credited service at the time of
19 retirement as follows:

20		
21	30 years of credited service.....	\$200
22	31 years of credited service.....	\$300
23	32 or more years of credited service.....	\$400
24		

25 (c) This section also applies to a nonmember spouse, if all of
26 the following conditions are satisfied:

27 (1) The member is eligible for the allowance increase pursuant
28 to subdivisions (a) and (b) upon his or her retirement for service.

29 (2) On the date the parties separated, as established in the
30 judgment or court order pursuant to Section 22652, the member
31 had at least 30 years of credited service, excluding service credited
32 pursuant to the following:

33 (A) Section 22714.

34 (B) Section 22714.5.

35 (C) Section 22715.

36 (D) Section 22717, except as provided in subdivision (b) of
37 Section 22121.

38 (E) Section 22717.5.

39 (F) Section 22826.

- 1 (3) The service credit of the member was divided into separate
2 accounts in the name of the member and the nonmember spouse
3 by a court pursuant to Section 22652. The amount identified in the
4 schedule in subdivision (b) and payable pursuant to this section,
5 that is based on the service credited during the marriage, shall be
6 divided and paid to the member and the nonmember spouse
7 proportionately according to the respective percentages of the
8 member's service credit that were allocated to the member and the
9 nonmember spouse in the court's order.
- 10 (d) The allowance increase provided under this section is not
11 subject to Sections 24415 and 24417, but is subject to Section
12 22140.