

AMENDED IN ASSEMBLY AUGUST 7, 2000

AMENDED IN SENATE MAY 3, 2000

SENATE BILL

No. 1692

Introduced by Senator Ortiz
(*Coauthor: Assembly Member Torlakson*)

February 22, 2000

An act to add ~~and repeal Section 24209.3 of~~ *Section 24209.3* to the Education Code, relating to state teachers' retirement, and declaring the urgency thereof to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1692, as amended, Ortiz. State teachers' retirement: reinstatement.

The State Teachers' Retirement Law prescribes service retirement allowances for members who retire for service following termination of a prior service retirement and reinstatement.

This bill would, ~~until January 1, 2005,~~ prescribe enhanced service retirement allowances for members who retired for service ~~prior to January 1, 1999,~~ and who reinstate and perform at least one year of creditable service, as specified. The bill would make related findings and declarations.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) There is a shortage of qualified teachers in grades
4 K-12.

5 (b) California is expected to need 130,000 additional
6 teachers in grades K-12 and 5,000 additional full-time
7 teachers in community colleges over the next five years.

8 (c) More than 7,200 members of the State Teachers'
9 Retirement System retired in fiscal year 1998-1999.

10 (d) Reinstatement by members of the State Teachers'
11 Retirement System who are retired for service would
12 help address the teacher shortage.

13 (e) Providing an incentive for currently retired
14 members of the State Teachers' Retirement System to
15 reinstate would further state policy of encouraging
16 teacher recruitment and help to remedy current teacher
17 shortages.

18 SEC. 2. Section 24209.3 is added to the Education
19 Code, to read:

20 ~~24209.3. (a) Notwithstanding Section 24209, a~~
21 ~~member who retired for service prior to January 1, 1999,~~
22 ~~and who reinstates as an active member and performs~~
23 ~~credited service, as defined in Section 22119.5, in an~~
24 ~~amount equal to one year of full-time equivalent or more,~~
25 ~~whether accumulated over a semester, calendar year, or~~
26 ~~period of years, shall, upon retirement for service~~
27 ~~following termination of the prior service retirement,~~
28 ~~receive a service retirement allowance equal to the sum~~
29 ~~of both of the following:~~

30 ~~(1) An amount calculated pursuant to Section 24202,~~
31 ~~24202.5, 24203, 24203.5, or 24206 on service rendered prior~~
32 ~~to reinstatement, but on the basis of the member's age at~~
33 ~~the preceding completed quarter year, from which age~~
34 ~~shall be deducted the total time during which the~~
35 ~~member was retired for service.~~

36 ~~(2) An amount calculated pursuant to Section 24202,~~
37 ~~24202.5, 24203, 24203.5, or 24206 on service credited~~
38 ~~subsequent to the most recent termination of retirement~~



1 allowance, using the member's age at the subsequent
2 retirement, and the member's final compensation at the
3 time of the member's pre-January 1, 1999, retirement for
4 service.

5 ~~(b) This section shall remain in effect only until~~
6 ~~January 1, 2005, and as of that date is repealed, unless a~~
7 ~~later enacted statute, that is enacted before January 1,~~
8 ~~2005, deletes or extends that date.~~

9 24209.3. (a) Notwithstanding Section 24209 and
10 subdivision (d) of Section 24204, and exclusive of any
11 amounts payable pursuant to Section 22714 or 22715, a
12 member who retired for service and reinstates as an
13 active member and performs credited service, as defined
14 in Section 22119.5, after the most recent service
15 retirement in an amount equal to one year (1.000) of
16 credited service or more, whether accumulated over a
17 semester, calendar year, or period of years, shall, upon
18 retirement for service on and after January 1, 2001, and
19 following termination of the prior service retirement,
20 receive a service retirement allowance equal to the sum
21 of both of the following:

22 (1) An amount calculated pursuant to Section 24202,
23 24202.5, 24203, 24203.5, or 24206 on service performed
24 prior to reinstatement, the member's age at the
25 subsequent retirement, from which age shall be deducted
26 the total time during which the member was retired for
27 service.

28 (2) An amount calculated pursuant to Section 24202,
29 24202.5, 24203, 24203.5, or 24206 on service credited
30 subsequent to the most recent termination of retirement
31 allowance, using the member's age at the subsequent
32 retirement.

33 (b) Upon retirement for service following
34 reinstatement, a member who retired pursuant to
35 Section 24213, and received the terminated disability
36 allowance for the prior retirement, shall receive a service
37 retirement allowance equal to the sum of the following:

38 (1) An amount based on the service credit accrued
39 prior to the effective date of the disability allowance, the
40 member's age at the subsequent retirement from which



1 age shall be deducted the total time during which the
2 member was retired for service, and projected final
3 compensation.

4 (2) An amount calculated pursuant to Section 24202,
5 24202.5, 24203, 24203.5, or 24206 on service credited
6 subsequent to the reinstatement, the member's age at
7 retirement.

8 (c) If the total amount of credited service, other than
9 that accrued pursuant to Sections 22714, 22715, 22717, and
10 22826 is equal to or greater than 30 years, the amounts
11 identified in paragraphs (1) and (2) of subdivision (a)
12 shall be calculated pursuant to Section 24203.5.

13 SEC. 3. This act is an urgency statute necessary for the
14 immediate preservation of the public peace, health, or
15 safety within the meaning of Article IV of the
16 Constitution and shall go into immediate effect. The facts
17 constituting the necessity are:

18 In order to hire a sufficient number of qualified
19 teachers for the upcoming academic year, it is necessary
20 that this act take effect immediately.

