

AMENDED IN ASSEMBLY AUGUST 25, 2000

AMENDED IN ASSEMBLY AUGUST 7, 2000

AMENDED IN SENATE MAY 3, 2000

**SENATE BILL**

**No. 1692**

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**Introduced by Senator Ortiz**

(Coauthor: Assembly ~~Member~~ *Members Shelley and Torlakson*)

February 22, 2000

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An act to add 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 prescribe enhanced service retirement allowances for members who retired for service 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 *subdivision (a) of*  
21 *Section 24209 and subdivision (d) of Section 24204, and*  
22 *exclusive of any amounts payable pursuant to Section*  
23 *22714 or 22715, a member who retired for service and*  
24 ~~*reinstates as an active member and performs credited*~~  
25 *who reinstates and performs creditable* service, as  
26 defined in Section 22119.5, after the most recent ~~*service*~~  
27 ~~*retirement reinstatement*~~ *reinstatement* in an amount equal to one year  
28 (1.000) of credited service or more, whether  
29 accumulated over a semester, calendar year, or period of  
30 years, shall, upon retirement for service on ~~*and after*~~  
31 ~~*January 1, 2001, and following termination of the prior*~~  
32 ~~*service retirement, or after the effective date of this*~~  
33 *section, receive a service retirement allowance equal to*  
34 *the sum of both of the following:*

35 (1) An amount calculated pursuant to Section 24202,  
36 24202.5, 24203, 24203.5, or 24206 on service performed  
37 prior to reinstatement, the member's age at the  
38 subsequent retirement, from which age shall be deducted



1 the total time during which the member was retired for  
2 service.

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

8 (b) Upon retirement for service following  
9 reinstatement, a member who retired pursuant to  
10 Section 24213, and received the terminated disability  
11 allowance for the prior retirement, shall receive a service  
12 retirement allowance equal to the sum of the following:

13 (1) An amount based on the service credit accrued  
14 prior to the effective date of the disability allowance, the  
15 member's age at the subsequent retirement from which  
16 age shall be deducted the total time during which the  
17 member was retired for service, and projected final  
18 compensation.

19 (2) An amount calculated pursuant to Section 24202,  
20 24202.5, 24203, 24203.5, or 24206 on service credited  
21 subsequent to the reinstatement; *and* the member's age  
22 at retirement.

23 (c) If the total amount of credited service, other than  
24 that accrued pursuant to Sections 22714, 22715, 22717, and  
25 22826, is equal to or greater than 30 years, the amounts  
26 identified in paragraphs (1) and (2) of subdivision (a)  
27 shall be calculated pursuant to Section 24203.5.

28 (d) *For members receiving an allowance pursuant to*  
29 *Section 24410.5, the amount payable pursuant to this*  
30 *section shall not be less than the amount payable to the*  
31 *member as of the effective date of reinstatement.*

32 (e) *For purposes of determining an allowance*  
33 *increase pursuant to Sections 24415 and 24417, the*  
34 *calendar year of retirement shall be the year of the*  
35 *subsequent retirement if the final compensation used to*  
36 *calculate the allowance pursuant to this section is higher*  
37 *than the final compensation used to calculate the*  
38 *allowance for the prior retirement.*

39 SEC. 3. This act is an urgency statute necessary for the  
40 immediate preservation of the public peace, health, or



1 safety within the meaning of Article IV of the  
2 Constitution and shall go into immediate effect. The facts  
3 constituting the necessity are:

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

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