

Introduced by Senator Ortiz

February 22, 2000

An act to amend Section 22508 of the Education Code and to amend Section 20309 of the Government Code, relating to retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1694, as introduced, Ortiz. Public employees' retirement: membership election.

Under existing law, members of the State Teachers' Retirement System or the Public Employees' Retirement System, who become employed by any of a list of other public employers to perform service that requires membership in a different public retirement system, may elect to be excluded from membership in that different system and continue to have their service subject to their existing system.

This bill would make this election available to (1) members of the State Teachers' Retirement System who become employed by the state and (2) members of the Public Employees' Retirement System employed by the state who are subsequently employed to perform service subject to coverage by the State Teachers' Retirement System.

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 22508 of the Education Code is
2 amended to read:



1 22508. (a) A member who becomes employed by the
2 same or a different school district, *or* community college
3 district, ~~or~~ a county superintendent, *or the state* to
4 perform service that requires membership in a different
5 public retirement system, may elect to have that service
6 subject to coverage by the Defined Benefit Program of
7 this plan and excluded from coverage by the other public
8 retirement system. The election shall be made in writing
9 on a form prescribed by this system within 60 days from
10 the date of hire in the position requiring membership in
11 the other public retirement system. If that election is
12 made, the service performed for the employer after the
13 date of hire shall be considered creditable service for
14 purposes of this part.

15 (b) A member of the Public Employees' Retirement
16 System who is employed by a school district, community
17 college district, ~~or~~ a county superintendent, *or the state*
18 and who is subsequently employed to perform creditable
19 service subject to coverage by the Defined Benefit
20 Program of this plan may elect to have that *subsequent*
21 service subject to coverage by the Public Employees'
22 Retirement System and excluded from coverage by the
23 Defined Benefit Program *pursuant to Section 20309 of*
24 *the Government Code.* ~~The election shall be made in~~
25 ~~writing on a form prescribed by this system within 60 days~~
26 ~~from the date of hire to perform creditable service. If that~~
27 ~~election is made, creditable service performed for the~~
28 ~~employer after the date of hire shall be subject to~~
29 ~~coverage by the Public Employees' Retirement System.~~

30 (c) An election made by a member pursuant to this
31 section shall be irrevocable.

32 SEC. 2. Section 20309 of the Government Code is
33 amended to read:

34 20309. (a) A member of the ~~Public Employees'~~
35 ~~Retirement System~~ *system* who is employed by a *school*
36 *district, community college district, a county*
37 *superintendent,* the Board of Governors of the California
38 Community Colleges, *or the state* and who subsequently
39 is employed ~~by a community college district~~ to perform
40 service subject to coverage by the *Defined Benefit*



1 *Program of the State Teachers' Retirement System Plan,*
2 may elect to retain coverage by ~~the Public Employees'~~
3 ~~Retirement System~~ *this system* for that *subsequent*
4 service. An election to retain coverage under ~~the Public~~
5 ~~Employees' Retirement System~~ *this system* shall be
6 submitted in writing by the member to the ~~Public~~
7 ~~Employees' Retirement System~~ *system* on a form
8 prescribed by the system, and a copy of the election shall
9 be submitted to the State Teachers' Retirement System,
10 within 60 days of the date the member's change in
11 employment is effective.

12 (b) ~~(1) A member who had been a member of the~~
13 ~~State Teachers' Retirement System and who changed~~
14 ~~employment and became a member of the Public~~
15 ~~Employees' Retirement System on or after July 1, 1991,~~
16 ~~but before January 1, 1998, may elect to return to~~
17 ~~coverage under the State Teachers' Retirement System~~
18 ~~if an election to do so is made in writing to each system~~
19 ~~on or before March 1, 1998. Members who elect to transfer~~
20 ~~to the State Teachers' Retirement System shall pay, prior~~
21 ~~to retirement, all contributions with respect to service in~~
22 ~~the Public Employees' Retirement System at the~~
23 ~~contribution rate for additional service credit in effect at~~
24 ~~the time of the transfer to the State Teachers' Retirement~~
25 ~~System.~~

26 ~~(2) The Public Employees' Retirement System shall~~
27 ~~transfer the actuarial present value of the assets of a~~
28 ~~person who makes an election pursuant to this subdivision~~
29 ~~to the State Teachers' Retirement System.~~

30 ~~(3) The Public Employees' Retirement System is not~~
31 ~~required to identify and notify members who may be~~
32 ~~eligible for the election allowed by this section.~~

33 ~~(c) Subdivision (a) shall apply to changes in~~
34 ~~employment effective on or after January 1, 1998. Any~~
35 ~~election made pursuant to this section shall become~~
36 ~~effective as of the first day of employment in the position~~
37 ~~that qualified the member to make an election.~~

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