

Assembly Constitutional Amendment

No. 12

Introduced by Assembly Member Papan

June 6, 2001

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4.5 of Article IV, relating to the Legislature.

LEGISLATIVE COUNSEL'S DIGEST

ACA 12, as introduced, Papan. Legislature: retirement.

The California Constitution prohibits the accrual of pension or retirement benefits as a result of service in the Legislature, other than federal social security benefits, by Members of the Legislature elected or serving after November 1, 1990.

This measure would make that prohibition inapplicable with respect to any Member of the Legislature who was a member of a public retirement system prior to his or her election to the Legislature.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2001–02 Regular
3 Session commencing on the fourth day of December 2000,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended by amending Section 4.5 of
7 Article IV thereof, to read:

1 SEC. 4.5. Notwithstanding any other provision of this
2 Constitution or existing law, a person elected to or serving in the
3 Legislature on or after November 1, 1990, shall participate in the
4 Federal Social Security (Retirement, Disability, Health Insurance)
5 Program and the State shall pay only the employer's share of the
6 ~~contribution~~ *contributions* necessary ~~to—such~~ *for that*
7 participation. No other pension or retirement benefit shall accrue
8 as a result of service in the Legislature, ~~such that~~ *that* service not being
9 intended as a career occupation. This ~~Section~~ *section* shall not be
10 construed to abrogate or diminish any vested pension or retirement
11 benefit ~~which~~ *that* may have accrued under an existing law to a
12 person holding or having held office in the Legislature, but upon
13 adoption of this ~~Act~~ *section* no further entitlement to nor vesting
14 in any existing program shall accrue to any such person, other than
15 Social Security to the extent herein provided. *Notwithstanding the*
16 *foregoing, this section shall not prohibit a person holding or*
17 *having held office in the Legislature from accruing pension or*
18 *retirement benefits as a result of his or her service in the*
19 *Legislature if the person was a member of a public retirement*
20 *system prior to his or her election to the Legislature.*

