

AMENDED IN ASSEMBLY JANUARY 24, 2002

AMENDED IN ASSEMBLY JUNE 6, 2001

AMENDED IN ASSEMBLY APRIL 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1190

Introduced by Assembly Member Papan

February 23, 2001

~~An act to amend Sections 20352, 20638, 31461.3, 31700, 31831, 31831.1, 31831.2, 31833, 31834, 31835, 31835.02, 31837, and 31837.1 of, and to repeal Sections 20355, 20356, 31840.4, 31840.6, and 31840.7—An act to amend Sections 20638, 31461.3, 31835, and 31835.02 of, the Government Code, relating to public retirement systems.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1190, as amended, Papan. Public retirement systems: reciprocity.

Existing law provides that the average monthly salary during any period of service as a member of a county retirement system shall be considered compensation earnable by a member of the Public Employees' Retirement System for purposes of computing the member's final compensation if, among other things, the period between membership in the 2 systems did not exceed 90 days.

This bill would provide that the compensation earnable during any period of service as a member of a reciprocal retirement system shall be considered compensation earnable as a member of PERS for purposes of computing final compensation for the member, as specified.

Existing law provides that when a member of a county retirement system retires concurrently under another system that has established reciprocity with the county system, as specified, the average compensation of the member during any period of service as a member of the reciprocal system shall be considered for purposes of calculating the member's retirement allowance, provided that the period intervening between memberships in the 2 systems does not exceed 1 of 2 specified periods.

This bill would provide that the average compensation of the member during any period of service as a member of the reciprocal system shall be considered for purposes of calculating the member's service retirement allowance, irrespective of the intervening period between memberships.

~~Existing law provides for reciprocity of retirement benefits, as specified, for members of the Public Employees' Retirement System or a retirement system established under the County Employees Retirement Law of 1937 who retire concurrently under one of those retirement systems and another specified public retirement system, provided that the period of time between the discontinuance of employment subject to the first system and the entry into employment subject to the 2nd system does not exceed 6 months or, in some cases, one year.~~

~~This bill would eliminate those requirements regarding the periods of time between the discontinuance of the first employment and the entry into the 2nd employment for purposes of eligibility for those reciprocal benefits.~~

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 20352 of the Government Code is~~
- 2 *SECTION 1. Section 20638 of the Government Code is*
- 3 *amended to read:*
- 4 ~~20638. The average monthly salary compensation earnable~~
- 5 *during any period of service as a member of a county reciprocal*
- 6 *retirement system shall be considered compensation earnable by*
- 7 *as a member of this system for purposes of computing final*
- 8 ~~compensation for the member provided.~~



1 ~~(a) (1) Entry into employment in which he or she became a~~
2 ~~member in one system occurred on or after October 1, 1957, and~~
3 ~~within 90 days of discontinuance of employment as a member of~~
4 ~~the other system.~~

5 ~~(2) This subdivision shall not deny the benefit of this section to~~
6 ~~any person retiring after October 1, 1963, who entered~~
7 ~~membership prior to October 1, 1957, if he or she entered the~~
8 ~~employment in which he or she became a member within 90 days~~
9 ~~of termination of employment in which he or she was a member~~
10 ~~of the other system, and he or she became a member within seven~~
11 ~~months of entry into employment, or, if an employee of a district~~
12 ~~as defined in Section 31468, became a member at the time the~~
13 ~~district was included in a county retirement system.~~

14 ~~(b) He, if he or she retires concurrently under both systems and~~
15 ~~is credited with the period of service under the county reciprocal~~
16 ~~system at the time of retirement.~~

17 *SEC. 2. Section 31461.3 of the Government Code is amended*
18 *to read:*

19 31461.3. ~~(a) The average compensation during any period of~~
20 ~~service as a member of the Public Employees' Retirement System,~~
21 ~~a member of a retirement system established under this chapter in~~
22 ~~another county, a member the Defined Benefit Program of the~~
23 ~~State Teachers' Retirement System Plan, or a member of a~~
24 ~~retirement system of any other public agency of the state that has~~
25 ~~established reciprocity with the Public Employees' Retirement~~
26 ~~System retirement systems established under this chapter subject~~
27 ~~to the conditions of Section 31840.2 shall be considered~~
28 ~~compensation earnable by a the member for purposes of~~
29 ~~computing final compensation for that member provided:~~

30 ~~(1) The period intervening between active memberships in the~~
31 ~~respective systems does not exceed 90 days, or six months if~~
32 ~~Section 31840.4 applies.~~

33 ~~(2) He, if he or she retires concurrently under both systems and~~
34 ~~is credited with that period of service under the other system at the~~
35 ~~time of retirement.~~

36 ~~(b) This section shall be applied retroactively under this~~
37 ~~chapter in favor of any member whose membership in the Public~~
38 ~~Employees' Retirement System or in a retirement system~~
39 ~~established under this chapter in any county terminated prior to~~
40 ~~October 1, 1957, provided that he or she was eligible to and elected~~



1 ~~deferred retirement therein within 90 days after eligibility for~~
2 ~~reciprocity, the period intervening between active memberships in~~
3 ~~the respective systems did not exceed 90 days, or six months if~~
4 ~~Section 31840.4 applies, and he or she retires concurrently under~~
5 ~~both systems and is credited with that period of service under the~~
6 ~~other system at the time of retirement. The limitation of the 90-day~~
7 ~~or six-month period between the active membership in the two~~
8 ~~retirement systems shall not apply to an employee who entered the~~
9 ~~employment in which he or she became a member of the State~~
10 ~~Employees' Retirement System prior to July 18, 1961; provided~~
11 ~~he or she entered that employment within 90 days, or six months~~
12 ~~if Section 31840.4 applies, after the termination of employment~~
13 ~~in the county system, whether that employment is with the state or~~
14 ~~with a county, a city, or other public agency that contracts with the~~
15 ~~Public Employees' Retirement System, the State Teachers'~~
16 ~~Retirement System, or a retirement system of any other public~~
17 ~~agency of the state that has established reciprocity with the Public~~
18 ~~Employees' Retirement System subject to the conditions of~~
19 ~~Section 31840.2.~~

20 *SEC. 3. Section 31835 of the Government Code is amended to*
21 *read:*

22 31835. The average compensation during any period of
23 service as a member of the Public Employees' Retirement System,
24 ~~a member of the Judges' Retirement System or Judges' Retirement~~
25 ~~System II, a member of a retirement system established under this~~
26 ~~chapter in another county, a member of the Defined Benefit~~
27 ~~Program of the State Teachers' Retirement System Plan, or a~~
28 ~~member of a retirement system of any other public agency of the~~
29 ~~state that has established reciprocity with the Public Employees'~~
30 ~~Retirement System~~ *retirement systems established under this*
31 *chapter* subject to the conditions of Section 31840.2, shall be
32 considered compensation earnable by *a the* member for purposes
33 of computing final compensation for that member ~~provided:~~

34 ~~(1) The period intervening between active memberships in the~~
35 ~~respective systems does not exceed 90 days, or 6 months if Section~~
36 ~~31840.4 applies. That period shall not include any time during~~
37 ~~which the member was prohibited by law from becoming a~~
38 ~~member of the system of another county.~~

39 ~~Notwithstanding anything in this chapter to the contrary, the~~
40 ~~90-day or 6-month restriction referred to in this section or any~~



1 ~~other provision of this chapter effecting deferred retirement shall~~
2 ~~not be applicable to any members who left county or district~~
3 ~~service prior to October 1, 1949, and subsequently redeposited.~~

4 (2) ~~He, if he or she retires concurrently under both systems and~~
5 ~~is credited with the that period of service under that the other~~
6 ~~system at the time of retirement.~~

7 The provisions of this section shall be applicable to all members
8 and beneficiaries of the system.

9 *SEC. 4. Section 31835.02 of the Government Code is*
10 *amended to read:*

11 31835.02. (a) Notwithstanding any other provision of this
12 part, Section 31835 shall also apply to any member who was a
13 member of a retirement system established under this chapter and
14 who subsequently becomes a member of the Public Employees'
15 Retirement System, a retirement system established under this
16 chapter in another county, *the Defined Benefit Program of the State*
17 *Teachers' Retirement System Plan*, or a retirement system of any
18 other public agency of the state that has established reciprocity
19 with the ~~Public Employees' Retirement System~~ *retirement systems*
20 *established under this chapter* subject to the conditions of Section
21 31840.2, ~~providing the period intervening between the periods for~~
22 ~~which active service was credited does not exceed 90 days, or six~~
23 ~~months if Section 31840.2 applies, and the if the member retires~~
24 ~~concurrently under both systems and is credited with the periods~~
25 ~~of service at the time of retirement.~~

26 (b) This section shall only be operative in any county of the
27 fourth class as described in Sections 28020 and 28025 if it is
28 adopted by a majority vote of the board of supervisors.

29 (c) *The amendments to this section adopted during the second*
30 *year of the 2001–2002 Regular Session shall be operative, without*
31 *any further action by the board of supervisors, in any county of the*
32 *fourth class, as described in Sections 28020 and 28025, that has*
33 *adopted this section by a majority vote of the board of supervisors.*

34 ~~amended to read:~~

35 ~~20352. The provisions of this part extending rights to a~~
36 ~~member of this system or subjecting him or her to any limitation,~~
37 ~~by reason of his or her membership in a county retirement system~~
38 ~~shall also apply to members who terminated state employment and~~
39 ~~became an employee of a fire district, and who were employees of~~



1 ~~the district at the time that the district became subject to the county~~
2 ~~retirement system.~~

3 ~~This section shall only be operative with respect to a county~~
4 ~~where the board of supervisors has made Section 31840.5~~
5 ~~applicable in that county.~~

6 ~~SEC. 2.—Section 20355 of the Government Code is repealed.~~

7 ~~SEC. 3.—Section 20356 of the Government Code is repealed.~~

8 ~~SEC. 4.—Section 20638 of the Government Code is amended~~
9 ~~to read:~~

10 ~~20638.—The average monthly salary during any period of~~
11 ~~service as a member of a county retirement system shall be~~
12 ~~considered compensation earnable by a member of this system for~~
13 ~~purposes of computing final compensation for the member if he or~~
14 ~~she retires concurrently under both systems and is credited with the~~
15 ~~period of service under the county system at the time of retirement.~~

16 ~~SEC. 5.—Section 31461.3 of the Government Code is amended~~
17 ~~to read:~~

18 ~~31461.3.—(a) The average compensation during any period of~~
19 ~~service as a member of the Public Employees' Retirement System,~~
20 ~~a member of a retirement system established under this chapter in~~
21 ~~another county, a member of the Defined Benefit Program of the~~
22 ~~State Teachers' Retirement Plan, or a member of a retirement~~
23 ~~system of any other public agency of the state that has established~~
24 ~~reciprocity with the Public Employees' Retirement System~~
25 ~~subject to the conditions of Section 31840.2 shall be considered~~
26 ~~compensation earnable by a member for purposes of computing~~
27 ~~final compensation for that member if he or she retires~~
28 ~~concurrently under both systems and is credited with that period~~
29 ~~of service under the other system at the time of retirement.~~

30 ~~(b) This section shall be applied retroactively under this~~
31 ~~chapter in favor of any member whose membership in the Public~~
32 ~~Employees' Retirement System or in a retirement system~~
33 ~~established under this chapter in any county terminated prior to~~
34 ~~October 1, 1957, provided that he or she was eligible to and elected~~
35 ~~deferred retirement therein within 90 days after eligibility for~~
36 ~~reciprocity, and he or she retires concurrently under both systems~~
37 ~~and is credited with that period of service under the other system~~
38 ~~at the time of retirement.~~

39 ~~SEC. 6.—Section 31700 of the Government Code is amended~~
40 ~~to read:~~



1 ~~31700. (a) Any member, whether over or under the minimum~~
 2 ~~age of voluntary service retirement, who leaves county service~~
 3 ~~after completing five years of service or who leaves county service~~
 4 ~~and becomes a member of the Public Employees' Retirement~~
 5 ~~System, a retirement system established under this chapter in~~
 6 ~~another county, the Defined Benefit Program of the State~~
 7 ~~Teachers' Retirement Plan, or a retirement system of any other~~
 8 ~~public agency of the state that has established reciprocity with the~~
 9 ~~Public Employees' Retirement System subject to the conditions of~~
 10 ~~Section 31840.2, may elect in writing, within 90 days after~~
 11 ~~establishing eligibility for reciprocity, to leave his or her~~
 12 ~~accumulated contributions in the retirement fund and be granted~~
 13 ~~a deferred retirement allowance to become effective either:~~

14 ~~(1) Upon the option of the member, at any time at which he or~~
 15 ~~she could have retired had he or she remained in county service in~~
 16 ~~a full-time position.~~

17 ~~(2) Not later than the first day of the month following that in~~
 18 ~~which he or she attains the applicable compulsory retirement age,~~
 19 ~~if any.~~

20 ~~(b) Any member who is eligible to be granted a deferred~~
 21 ~~retirement allowance under subdivision (a) because he or she has~~
 22 ~~completed five years of service but who fails to so elect, shall be~~
 23 ~~deemed to have elected a deferred retirement.~~

24 ~~(c) Any member, regardless of service, whose retirement~~
 25 ~~system coverage ceases but who does not terminate employment~~
 26 ~~shall leave his or her accumulated contributions in the retirement~~
 27 ~~fund, and interest shall continue to be credited pursuant to Section~~
 28 ~~31591, until the member retires or terminates employment.~~

29 ~~SEC. 7. Section 31831 of the Government Code is amended~~
 30 ~~to read:~~

31 ~~31831. Any member, whether over or under the minimum age~~
 32 ~~of service retirement, who leaves county service and thereafter~~
 33 ~~becomes a member of the Public Employees' Retirement System,~~
 34 ~~a retirement system established under this chapter in another~~
 35 ~~county, a member of the Defined Benefit Program of the State~~
 36 ~~Teachers' Retirement Plan, or a member of a retirement system of~~
 37 ~~any other public agency of the state that has established reciprocity~~
 38 ~~with the Public Employees' Retirement System subject to the~~
 39 ~~conditions of Section 31840.2, regardless of the amount of county~~
 40 ~~service, may elect deferred retirement pursuant to Article 9 of this~~



1 chapter, except that he or she may not, after that election, rescind
2 the election or withdraw any of his or her accumulated
3 contributions while a member of the other system.

4 SEC. 8.—Section 31831.1 of the Government Code is amended
5 to read:

6 31831.1.—(a) Any member who left county or district service
7 on or before December 31, 1971, and became a member of a
8 retirement system established under this chapter in another county
9 or of the Public Employees' Retirement System, who did not elect
10 to, or was not eligible to, leave his contributions on deposit
11 pursuant to Article 9 (commencing with Section 31700) may now
12 elect to leave his or her accumulated contributions on deposit
13 pursuant to Article 9 (commencing with Section 31700) by
14 redepositing in the retirement fund of the county or district he or
15 she left the amount of accumulated contributions and interest he
16 or she withdrew from that retirement fund plus regular interest
17 thereon from the date of separation.

18 (b) Any member whose accumulated contributions are on
19 deposit as provided in this section and any other member who left
20 county or district service on or before December 31, 1971, who
21 became a member of a retirement system established under this
22 chapter in another county or of the Public Employees' Retirement
23 System and who elected to leave his or her accumulated
24 contributions on deposit pursuant to Article 9 (commencing with
25 Section 31700) shall be eligible for the benefits provided in this
26 article. The deferred retirement allowance for that member shall
27 be determined in accordance with the provisions of this chapter
28 applicable to members retiring directly from county employment
29 on the date of his or her retirement. Any member who qualifies for
30 a reduced age at entry pursuant to this section shall be entitled to
31 use that age only from and after the date he or she completes the
32 redeposit as provided in this section or, if he or she elected to leave
33 his or her accumulated contributions on deposit pursuant to Article
34 9 (commencing with Section 31700), from and after the date he or
35 she notifies the board in writing that he or she desires the benefits
36 of this section. This section shall not apply to members who are
37 retired or who are not in service of an employer making him or her
38 a member of a retirement system established under this chapter or
39 of the Public Employees' Retirement System.



1 ~~(c) Unless this chapter expressly provides to the contrary, the~~
2 ~~retirement allowance received by a member pursuant to this~~
3 ~~section shall be calculated based upon the laws pertaining to the~~
4 ~~retirement system of the district or county as of the date of~~
5 ~~retirement and not the laws pertaining to that system as of the date~~
6 ~~the member first left county or district service.~~

7 ~~(d) This section shall not be applicable to any member entering~~
8 ~~service after December 31, 1977.~~

9 ~~SEC. 9. Section 31831.2 of the Government Code is amended~~
10 ~~to read:~~

11 ~~31831.2. (a) Any member who left county or district service~~
12 ~~on or before December 31, 1974, and became a member of a~~
13 ~~retirement system established under this chapter in another county~~
14 ~~or of the Public Employees' Retirement System, who did not elect~~
15 ~~to, or was not eligible to, leave his or her contributions on deposit~~
16 ~~pursuant to Article 9 (commencing with Section 31700) may now~~
17 ~~elect to leave his or her accumulated contributions on deposit~~
18 ~~pursuant to Article 9 (commencing with Section 31700) by~~
19 ~~redepositing in the retirement fund of the county or district he or~~
20 ~~she left the amount of accumulated contributions and interest he~~
21 ~~or she withdrew from the retirement fund plus regular interest~~
22 ~~thereon from the date of separation.~~

23 ~~(b) Any member whose accumulated contributions are on~~
24 ~~deposit as provided in this section and any other member who left~~
25 ~~county or district service on or before December 31, 1974, who~~
26 ~~became a member of a retirement system established under this~~
27 ~~chapter in another county or of the Public Employees' Retirement~~
28 ~~System and who elected to leave his or her accumulated~~
29 ~~contributions on deposit pursuant to Article 9 (commencing with~~
30 ~~Section 31700) shall be eligible for the benefits provided in this~~
31 ~~article. The deferred retirement allowance for the member shall be~~
32 ~~determined in accordance with the provisions of this chapter~~
33 ~~applicable to members retiring directly from county employment~~
34 ~~on the date of his or her retirement. Any member who qualifies for~~
35 ~~a reduced age at entry pursuant to this section shall be entitled to~~
36 ~~use that age only from and after the date he or she completes the~~
37 ~~redeposit as provided in this section or, if he or she elected to leave~~
38 ~~his or her accumulated contributions on deposit pursuant to Article~~
39 ~~9 (commencing with Section 31700), from and after the date he or~~
40 ~~she notifies the board in writing that he or she desires the benefits~~



1 of this section. This section shall not apply to members who are
2 retired or who are not in service of an employer making him or her
3 a member of a retirement system established under this chapter or
4 of the Public Employees' Retirement System.

5 (e) Unless this chapter expressly provides to the contrary, the
6 retirement allowance received by a member pursuant to this
7 section shall be calculated based upon the laws pertaining to the
8 retirement system of the district or county as of the date of
9 retirement and not the laws pertaining to the system as of the date
10 the member first left county or district service.

11 (d) This section shall not be applicable to any member entering
12 service after December 31, 1979.

13 (e) This section shall apply only in a county of the first class,
14 as described in Sections 28020 and 28022, but shall not be
15 operative in a county until adopted by resolution of the board of
16 supervisors.

17 (f) The amendments to this section adopted during the first year
18 of the 2001-02 Regular Session shall be operative, without any
19 further action by the board of supervisors, in a county of the first
20 class, as described in Sections 28020 and 28022, that has adopted
21 this section by resolution of the board of supervisors.

22 SEC. 10. Section 31833 of the Government Code is amended
23 to read:

24 31833. For the purpose of this article and Articles 6 and 6.8
25 of this chapter, age at time of entrance into the retirement system
26 for a person who enters county service after rendering service as
27 a member of the Public Employees' Retirement System, another
28 retirement system established under this chapter, the Defined
29 Benefit Program of the State Teachers' Retirement Plan, or a
30 retirement system of any other public agency of the state that has
31 established reciprocity with the Public Employees' Retirement
32 System subject to the conditions of Section 31840.2, and who
33 retains his or her membership in that other system or systems, shall
34 be his or her age at entry into the first system.

35 SEC. 11. Section 31834 of the Government Code is amended
36 to read:

37 31834. Notwithstanding Section 31558 and regardless of age
38 at entry into the system in counties subject to the provisions of
39 Section 31676.1 and in counties electing pursuant to Section
40 31695.1, a person shall become a safety member on the first day



1 of the calendar month following his entrance into service in a
2 position the principal duties of which are defined in Sections
3 31470.2, 31470.4, or 31470.6, if that person previously performed
4 active police or fire suppression or lifeguard work as a member of
5 the Public Employees' Retirement System or a retirement system
6 established under this chapter in another county, the Defined
7 Benefit Program of the State Teachers' Retirement Plan, or a
8 retirement system of any other public agency of the state that has
9 established reciprocity with the Public Employees' Retirement
10 System subject to the conditions of Section 31840.2, and the
11 person retains his or her membership in the other system.

12 SEC. 12. Section 31835 of the Government Code is amended
13 to read:

14 31835. The average compensation during any period of
15 service as a member of the Public Employees' Retirement System,
16 a member of a retirement system established under this chapter in
17 another county, a member of the Defined Benefit Program of the
18 State Teachers' Retirement Plan, or a member of a retirement
19 system of any other public agency of the state that has established
20 reciprocity with the Public Employees' Retirement System
21 subject to the conditions of Section 31840.2, shall be considered
22 compensation earnable by a member for purposes of computing
23 final compensation for that member if he or she retires
24 concurrently under both systems and is credited with that period
25 of service under the other system at the time of retirement.

26 The provisions of this section shall be applicable to all members
27 and beneficiaries of the system.

28 SEC. 13. Section 31835.02 of the Government Code is
29 amended to read:

30 31835.02. (a) Notwithstanding any other provision of this
31 part, Section 31835 shall also apply to any member who was a
32 member of a retirement system established under this chapter and
33 who subsequently becomes a member of the Public Employees'
34 Retirement System, a retirement system established under this
35 chapter in another county, the Defined Benefit Program of the
36 State Teachers' Retirement Plan, or a retirement system of any
37 other public agency of the state that has established reciprocity
38 with the Public Employees' Retirement System subject to the
39 conditions of Section 31840.2, providing the member retires



1 concurrently under both systems and is credited with the periods
2 of service at the time of retirement.

3 (b) This section shall only be operative in any county of the
4 fourth class, as described in Sections 28020 and 28025, if it is
5 adopted by a majority vote of the board of supervisors.

6 (c) The amendments to this section adopted during the first
7 year of the 2001–02 Regular Session shall be operative, without
8 any further action by the board of supervisors, in any county of the
9 fourth class, as described in Sections 28020 and 28025, that has
10 adopted this section by a majority vote of the board of supervisors.

11 SEC. 14. Section 31837 of the Government Code is amended
12 to read:

13 31837. Any member who elects, pursuant to Section 31700,
14 31831, 31831.1, or 31831.2, to leave his or her accumulated
15 contributions on deposit may be retired for disability, regardless
16 of age or length of service, and receive a disability retirement
17 allowance under this article based on the service credited to him
18 or her at the time of retirement during any period thereafter in
19 which he or she receives a disability retirement allowance under
20 the Public Employees' Retirement System or a retirement system
21 established under this chapter in another county, subject to the
22 following conditions:

23 (a) If the member is retiring for non-service connected
24 disability, and, if a safety member has not attained the age of 55
25 years, or if a nonsafety member has not attained the age of 65 years,
26 his or her retirement allowance shall be as calculated pursuant to
27 Section 31838.

28 (b) The allowance shall be an annuity that is the actuarial
29 equivalent of the member's accumulated contributions when
30 retirement under the other system is for disability arising out of and
31 in the course of employment subject to that other system.

32 SEC. 15. Section 31837.1 of the Government Code is
33 amended to read:

34 31837.1. Notwithstanding Sections 31837 and 31838, any
35 member covered under Section 31751 who elects, pursuant to
36 Section 31700, 31831, 31831.1, or 31831.2, to leave accumulated
37 contributions on deposit may be retired for disability and receive
38 a disability retirement allowance under this section during any
39 period hereafter in which the member receives a disability
40 retirement allowance under the Public Employees' Retirement



1 ~~System, a retirement system established under this chapter in~~
2 ~~another county, the Defined Benefit Program of the State~~
3 ~~Teachers' Retirement Plan or a retirement system of any other~~
4 ~~public agency of the state that has established reciprocity with the~~
5 ~~Public Employees' Retirement System subject to the conditions of~~
6 ~~Section 31840.2, subject to all of the following conditions:~~

7 ~~(a) If the member is retiring for non-service connected~~
8 ~~disability, the disability requirements shall be that of the other~~
9 ~~system and the member's retirement allowance shall be based on~~
10 ~~the other system's disability benefit formula. The disability benefit~~
11 ~~received in the county shall be calculated as if all the member's~~
12 ~~service was in the other system but then prorated using the ratio of~~
13 ~~service in this county to the total service in both systems.~~

14 ~~(b) If the member is retiring for disability arising out of and in~~
15 ~~the course of employment subject to the other system, the~~
16 ~~allowance to the member shall be an annuity that is the actuarial~~
17 ~~equivalent of the member's accumulated contributions at the time~~
18 ~~of retirement.~~

19 ~~SEC. 16. Section 31840.4 of the Government Code is~~
20 ~~repealed.~~

21 ~~SEC. 17. Section 31840.6 of the Government Code is~~
22 ~~repealed.~~

23 ~~SEC. 18. Section 31840.7 of the Government Code is~~
24 ~~repealed.~~

