

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1380

Introduced by Committee on Public Employees, Retirement and Social Security (Bonta (Chair), Jones-Sawyer, Mullin, Rendon, and Wieckowski)

February 26, 2013

An act to amend Sections 31663.25 and 31672 of, and to add Section 31672.3 to, the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 1380, as amended, Committee on Public Employees, Retirement and Social Security. County employees' retirement.

The California Public Employees' Pension Reform Act of 2013 (PEPRA) requires a public retirement system, as defined, to modify its pension plan or plans to comply with the act and, among other provisions, generally prohibits a public employer that offers a defined benefit plan from offering new employees defined benefit retirement formulas other than those established by the act.

Under the County Employees Retirement Law of 1937, a safety member of a county retirement system who has reached the applicable compulsory retirement age, if any, has completed 10 years of continued service and reached 50 years of age, or who has completed 20 years of service, may retire after filing a written application with the board of retirement, except as specified. The law authorizes a member of a county retirement system who has reached 70 years of age, has completed 10 years of services and has reached 55 years of age, or has completed 30 years of service, to retire after filing a written application with the board.

This bill would prohibit the application of the above-described authorizations to a member who is subject to the PEPRA for that member’s membership in the county retirement system. The bill would also authorize a member who is subject to the PEPRA and has completed 5 years of service and has reached the minimum retirement age applicable to that member, or has reached 70 years of age, to retire upon filing a written application with the board, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 31663.25 of the Government Code is
2 amended to read:

3 31663.25. (a) Except as provided in Section 31663.26, a safety
4 member who has reached the applicable compulsory age of
5 retirement, if any, or a safety member who has completed 10 years
6 of continuous service and who has reached the age of 50, or a
7 safety member who has completed 20 years of service regardless
8 of age, may be retired upon filing with the board a written
9 application setting forth the date upon which the ~~number~~ member
10 desires his or her retirement to become effective which shall be
11 not more than 60 days after the date of filing the application.

12 (b) This section shall not apply to any member who is subject
13 to the provisions of the California Public Employees’ Pension
14 Reform Act of 2013 (Article 4 (commencing with Section 7522)
15 of Chapter 21 of Division 7 of Title 1) for all or any portion of that
16 member’s membership in the county retirement system.

17 SEC. 2. Section 31672 of the Government Code is amended
18 to read:

19 31672. (a) ~~Except as provided in Section 31672.3, a~~ A member
20 who has reached 70 years of age or a member who has completed
21 10 years of service and who has reached 55 years of age, or a
22 member who has completed 30 years of service regardless of age,
23 may be retired upon filing with the board a written application,
24 setting forth the date upon which he or she desires his or her
25 retirement to become effective not earlier than the date the
26 application is filed with the board and not more than 60 days after
27 the date of filing the application. Fifty-five years of age in the

1 preceding sentence may be reduced to 50 years of age in a county
2 by resolution of the board of supervisors.

3 *(b) This section shall not apply to any member who is subject*
4 *to the provisions of the California Public Employees' Pension*
5 *Reform Act of 2013 (Article 4 (commencing with Section 7522) of*
6 *Chapter 21 of Division 7 of Title 1) for all or any portion of that*
7 *member's membership in the county retirement system.*

8 SEC. 3. Section 31672.3 is added to the Government Code, to
9 read:

10 31672.3. A member of a county retirement system who is
11 subject to the California Public Employees' Pension Reform Act
12 of 2013 (Article 4 (commencing with Section 7522) of Chapter
13 21 of Division 7 of Title 1) for all or a portion of the member's
14 membership in the county retirement system; *who* has completed
15 five years of service; and has reached the minimum retirement age
16 applicable to that member under the ~~act~~ *act*, or has reached 70
17 years of age, may be retired upon filing with the board a written
18 application, setting forth the date upon which the member desires
19 his or her retirement to become effective which shall be not more
20 than 60 days after the date of filing the application.