



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code: Section:

[Up^](#) [Add To My Favorites](#)

GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 5. PERSONNEL [18000 - 22980] (Division 5 added by Stats. 1945, Ch. 123.)

PART 3. PUBLIC EMPLOYEES' RETIREMENT SYSTEM [20000 - 21716] (Part 3 repealed and added by Stats. 1995, Ch. 379, Sec. 2.)

CHAPTER 2. Administration of System [20090 - 20260] (Chapter 2 added by Stats. 1995, Ch. 379, Sec. 2.)

ARTICLE 2. Powers and Duties of the Board [20120 - 20140] (Article 2 added by Stats. 1995, Ch. 379, Sec. 2.)

[20120.](#) The management and control of this system is vested in the board.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20121.](#) The board may make such rules as it deems proper.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20122.](#) Each member and each person retired is subject to this part and the rules adopted by the board.

(Added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20123.](#) Subject to this part and its rules, the board shall determine and may modify benefits for service and disability.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20124.](#) The board shall adjust the payment of benefits payable pursuant to this part, as necessary, in order to maximize the benefits available to members who are subject to the limits of Section 415 of Title 26 of the United States Code. Those adjustments shall include, but are not limited to, cost-of-living adjustments, cost-of-living banks, temporary annuities, survivor continuance benefits, or any combinations thereof.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20125.](#) The board shall determine who are employees and is the sole judge of the conditions under which persons may be admitted to and continue to receive benefits under this system.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20126.](#) Refusal by this system to admit liability pursuant to any provision of this part shall not be considered arbitrary or capricious action or conduct within the meaning of Section 800, or any other provision of law.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20127.](#) The board may require a member to provide evidence of his or her entitlement to benefits under the federal system.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20128.](#) Notwithstanding any other provision of law, the board may require a member or beneficiary to provide information it deems necessary to determine this system's liability with respect to, and an individual's entitlement to, benefits prescribed by this part.

(Added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

[20129.](#) The board shall secure and pay reasonable compensation for medical service and advice necessary to discharge its duties respecting matters involving disability or death, or both.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

20130. The board may enter into an agreement with the State Compensation Insurance Fund under which the latter shall represent this system, as its agent, or the Attorney General under which the latter shall represent this system, in proceedings instituted or to be instituted before the Workers' Compensation Appeals Board as may be referred to it by the board to determine whether the death or disability of a member is industrial. The agreed cost of this service and the expenses incidental thereto shall be paid from the retirement fund, except that there shall be no charge to this system by the Attorney General in cases involving members of this system who are employees of the General Fund state agencies.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

20131. The board shall keep in convenient form data necessary for the actuarial valuation of this system.

(Added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

20132. (a) Upon the basis of any investigation, valuation, or determination, or all of these, the board shall adopt mortality, service and other tables and annual and actuarial interest rates it deems necessary.

(b) A change in interest rate adopted by the board shall not apply to any election of a member to deposit or redeposit contributions, including interest, filed prior to the date the change was placed into effect.

(Added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

20133. As of June 30, 1991, and thereafter at the end of periods not to exceed four years, the actuary shall make an actuarial investigation into the mortality, service, and compensation experience of members and persons receiving benefits and an actuarial valuation of the assets and liabilities of this system. From time to time, the actuary shall determine the rate of interest being earned on the retirement fund after deducting from earnings amounts applied to costs of administration of this system.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

20134. The board may, in its discretion, hold a hearing for the purpose of determining any question presented to it involving any right, benefit, or obligation of a person under this part. Where a hearing is held, the proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3, and the board shall have all of the powers granted therein; except that Section 11508 shall not apply, and the hearing shall be held at the time and place determined by the board.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

20135. To the extent possible, the board shall resolve conflicts between retirement systems applicable to state hospital employees transferred to county or local mental health programs as a result of state hospital closures or scheduled state hospital closures.

(Repealed and added by Stats. 1995, Ch. 379, Sec. 2. Effective January 1, 1996.)

20136. (a) Commencing March 1, 2023, and annually thereafter, the board shall submit a report to the Legislature on the status of achieving appropriate objectives and initiatives, as defined by the board, regarding participation of emerging and diverse managers responsible for asset management within its portfolio of investments. The report shall be based on contracts that the system enters into on and after January 1, 2022.

(b) The report shall also identify and include both of the following:

(1) The name of each emerging and diverse manager providing investment portfolio or asset management services at the end of the prior fiscal year, including, but not limited to, fund of funds contracts, for all asset classes, as applicable. The board shall also report the year the emerging or diverse manager was first engaged or contracted to provide investment portfolio or asset management services.

(2) The amount managed by each emerging and diverse manager by asset class at the end of the prior fiscal year, as well as the total amount allocated by the system in the applicable asset class during the year and the total amount of the asset class in the system's investment portfolio.

(c) The board shall define the term "emerging and diverse manager" for purposes of this section.

(d) The report required by this section shall be submitted in compliance with Section 9795.

(e) Nothing in this section shall require the board to take action unless the board determines in good faith that the action described in this section is consistent with the fiduciary responsibilities of the board as described in Section 17 of Article XVI of the California Constitution.

(f) This section shall not require the board to disclose information that is excepted from disclosure under Section 7928.710.

(g) This section shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2028, deletes or extends that date.

(Amended by Stats. 2022, Ch. 28, Sec. 70. (SB 1380) Effective January 1, 2023. Repealed as of January 1, 2028, by its own provisions.)

20138. (a) Notwithstanding any other provisions of law, the board shall provide by rule for conducting education, including, but not limited to, structured preretirement information seminars, for the benefit of all members.

(b) The board shall devise plans for, and in cooperation with appointing powers, design structured educational offerings to enhance awareness of the features, benefits, and services of this system. The educational offerings shall also include information to assist members to gain awareness of the importance of financial and estate planning and how choices and options offered by this system may impact retirement security.

(Amended by Stats. 2017, Ch. 241, Sec. 3. (SB 525) Effective January 1, 2018.)

20139. The board shall have the power to administer funds in the California Secure Choice Retirement Savings Trust pursuant to a contract with the California Secure Choice Retirement Savings Investment Board as provided in Title 21 (commencing with Section 100000) and to help all California workers to plan and save for retirement.

(Added by Stats. 2012, Ch. 734, Sec. 2. (SB 1234) Effective January 1, 2013.)

20140. (a) The board shall require fingerprint images and related information from any employee or prospective employee while a conditional offer is still pending whose duties include or would include access to any of the following:

- (1) Confidential data filed with the board as described in Section 20230.
- (2) Personal information as defined in subdivision (v) of Section 1798.140 of the Civil Code.
- (3) Sensitive personal information as defined in subdivision (ae) of Section 1798.140 of the Civil Code.
- (4) Protected health information as described in the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- (5) Actuarial, investment, audit, accounting, and financial information, required to meet fiduciary responsibilities, as described in Article 3 (commencing with Section 20150).
- (6) Cash and checks.

(b) This system shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of each employee and prospective employee described in subdivision (a) in accordance with subdivision (u) of Section 11105 of the Penal Code.

(c) The Department of Justice shall provide a state- or federal-level response to this system pursuant to subdivision (p) of Section 11105 of the Penal Code.

(d) This system shall use the records and information received from the Department of Justice pursuant to subdivisions (b) and (c) exclusively for the purposes of employment subject to Section 19572 of the Government Code and to screen prospective employees while a conditional offer is still pending with this system.

(Added by Stats. 2024, Ch. 997, Sec. 13. (AB 179) Effective September 30, 2024.)