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SB-671 County employees' retirement: retirement funds: transfers. (2017-2018)

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Senate Bill No. 671

CHAPTER 76

An act to amend Section 31582 of the Government Code, relating to county employees' retirement.

[Approved by Governor July 17, 2017. Filed with Secretary of State July 17, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 671, Moorlach. County employees' retirement: retirement funds: transfers.

The County Employees Retirement Law of 1937 (CERL) authorizes counties to establish retirement systems pursuant to its provisions in order to provide pension benefits to county and district employees. CERL requires a county auditor to certify to the retirement board, at the end of each month or pay period, the compensation earnable paid to members of the retirement association and to transfer the applicable percentage of the county's annual contribution to the retirement fund, as specified. CERL authorizes the board of supervisors to authorize the county auditor to make an advance payment of all or part of the county's estimated annual contribution if the payment is made within 30 days after the county's fiscal year begins. Existing law also authorizes a district that is a member of the retirement system in the County of San Bernardino to make advance payments, as described above.

This bill would specify that the authority to make advance payments, described above, does not prevent the board of supervisors or governing body of a district from making advance payments for the estimated annual county or district contributions for an additional year or partial year if certain requirements are satisfied. The bill would revise the provisions currently applicable to a district that is a member of the retirement system in the County of San Bernardino to make them applicable to districts that are members of county retirement systems generally. The bill would make a variety of technical and conforming changes.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 31582 of the Government Code is amended to read:

31582. (a) The county auditor shall certify to the board at the end of each month or at the end of each pay period the compensation earnable, as defined in Section 31461, and the pensionable compensation, as defined in Section 7522.34, paid to all members of the retirement association and the auditor shall thereupon transfer from the appropriation to the retirement fund the applicable percentage of this amount determined pursuant to Sections 31453, 31453.5, and 31454. Until that determination, the amount of the transfer shall be 23.77 percent of the compensation earnable, as defined in Section 31461, and the pensionable compensation, as defined in Section 7522.34, paid to all safety members and 8.85 percent of the compensation earnable, as defined in Section 31461, and the pensionable compensation, as defined in Section 7522.34, paid to all other members.

(b) The board of supervisors may authorize the county auditor to make an advance payment of all or part of the county's estimated annual contribution to the retirement fund, provided that the payment is made no later than 30 days after the commencement of the county's fiscal year. This subdivision does not prevent the board of supervisors from authorizing the county auditor to make an advance payment for the estimated annual county contributions for an additional year or partial year if the advance payment is made no later than 30 days after the commencement of the county fiscal year for which the advance payment is made. If the advance is only a partial payment of the county's estimated annual contribution, remaining transfers to the retirement fund shall be made at the end of each month or at the end of each pay period until the total amount required for the year is contributed. Transfers shall be adjusted at the end of the fiscal year to reflect the actual contribution required for that year.

(c) A district subject to Section 31585 may also authorize an advance payment of all or part of the district's estimated annual contribution to the retirement fund, provided that the payment is made no later than 30 days after the commencement of the district's fiscal year. This subdivision does not prevent the governing body of a district from authorizing the district to make an advance payment for the estimated annual district contributions for an additional year or partial year if the advance payment is made no later than 30 days after the commencement of the district fiscal year for which the advance payment is made. If the advance is only a partial payment of the district's estimated annual contribution, payments to the retirement fund shall be made at the end of each month or at the end of each pay period until the total amount required for the year is contributed. This amount shall be adjusted at the end of the fiscal year to reflect the actual contribution required for that year.