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**ACA-2 Legislature: retirement.** (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY  
AMENDMENT**

**CONSTITUTIONAL**

**NO. 2**

Introduced by Assembly Member Jackson

December 02, 2024

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding Section 4.5 of Article IV thereof, relating to the Legislature.

**LEGISLATIVE COUNSEL'S DIGEST**

ACA 2, as introduced, Jackson. Legislature: retirement.

The California Constitution prohibits Members of the Legislature from accruing any pension or retirement benefit other than participation in the federal Social Security program as a result of legislative service.

This measure, the Legislative Diversification Act, would repeal that prohibition and instead require the Legislature to establish a retirement system for Members elected to or serving in the Legislature on or after November 1, 2010. The measure would require a Member to serve at least 10 years in the Legislature to be eligible to receive benefits under the retirement system. The measure would authorize a Member who serves fewer than 10 years to transfer the service credit earned as a result of service in the Legislature to any other public employees' pension or retirement system in which the Member participates.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2025–26 Regular Session commencing on the second day of December 2024, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

**First—** (a) This measure shall be known, and may be cited, as the Legislative Diversification Act.

(b) The Legislature finds and declares all of the following:

(1) In 1990, the California Constitution was amended to prohibit state lawmakers from earning pension benefits during their tenure in the Legislature. While this policy was established to address specific concerns at the time, it has had unintended

consequences that limit opportunities for public service and disproportionately affect individuals from lower- and middle-income backgrounds.

(2) California state lawmakers may dedicate up to 12 years to representing their constituents and shaping critical public policies that impact the lives of all Californians. These individuals are among the state's most committed public servants, and they should have the opportunity to earn pension credit for their years of service, as is afforded to most other state officials and employees.

(3) Retirement planning is a significant consideration for many Californians, and the absence of pension benefits may discourage qualified individuals, particularly those without substantial personal financial resources, from pursuing service in the Legislature. This lack of equitable access undermines the diversity and representativeness of the Legislature, to the detriment of the people of California.

(c) It is the intent of the Legislature to address this inequity by amending existing laws to allow state lawmakers to earn pension benefits for their years of legislative service, ensuring that all Californians, regardless of economic background, have the opportunity to serve in elected office and contribute to the democratic process.

**Second—** That Section 4.5 of Article IV thereof is repealed.

~~SEC. 4.5. Notwithstanding any other provision of this Constitution or existing law, a person elected to or serving in the Legislature on or after November 1, 1990, shall participate in the Federal Social Security (Retirement, Disability, Health Insurance) Program and the State shall pay only the employer's share of the contribution necessary to such participation. No other pension or retirement benefit shall accrue as a result of service in the Legislature, such service not being intended as a career occupation. This Section shall not be construed to abrogate or diminish any vested pension or retirement benefit which may have accrued under an existing law to a person holding or having held office in the Legislature, but upon adoption of this Act no further entitlement to nor vesting in any existing program shall accrue to any such person, other than Social Security to the extent herein provided.~~

**Third—** That Section 4.5 is added to Article IV thereof, to read:

**SEC. 4.5.** (a) The Legislature shall establish a retirement system for Members of the Legislature.

(b) A person elected to or serving in the Legislature on or after November 1, 2010, may participate in the retirement system if the person is eligible pursuant to subdivision (c).

(c) (1) To be eligible to receive retirement benefits under the retirement system established pursuant to subdivision (a), a Member of the Legislature shall serve at least 10 years in the Legislature.

(2) A Member of the Legislature who serves fewer than 10 years may elect to transfer the service credit earned as a result of the Member's service in the Legislature to any other public employees' pension or retirement system in which the Member participates.