

# Exhibit A: Page 1



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## 2020 SACRS LEGISLATIVE PLATFORM WORKSHEET PLEASE COMPLETE AND RETURN

Title of Issue: Continuance Payments to Children Over 18

Association: SBCERA

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Please answer the following questions as fully as possible:

### 1. Description of issue.

Government Code sections 31760.1, 31760.2, 31765, 31765.1, 31781.1, 31781.2, 31785, 31785.1, 31786, 31786.1, 31787, and 31787.5 all contain the same language regarding requirements for a child who is over 18 years of age to receive a survivor's continuance due to the death of an active or retired member. The language is ambiguous in that it states the child shall be paid the continuance through the age of 21 if certain criteria are met. The statutes are not clear as to whether through the age of 21 is up to the child's 21<sup>st</sup> birthday or up to the child's 22<sup>nd</sup> birthday.

Adding to the ambiguity, Government Code section 31855.3 defines a child as "between 18 and 22 years of age" as long as other criteria are met. It is unclear whether the benefit related to this section is to be paid to the child up to the child's 22<sup>nd</sup> birthday or up to the child's 23<sup>rd</sup> birthday.

### 2. Recommended solution.

Amend the relevant sections of CERL to clarify that the continuation benefits are to be paid to a child over 18 up to the child's 22<sup>nd</sup> birthday as long as the other criteria are met.

### 3. Specific language that you would like changed in, or added to, '37 Act Law, and suggested code section numbers.

Amend the relevant subsections of Government Code sections 31760.1, 31760.2, 31765, 31765.1, 31781.1, 31781.2, 31785, 31785.1, 31786, 31786.1, 31787, and 31787.5 to read:

## Exhibit A: Page 2

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to those children up to the 22<sup>nd</sup> birthday of the children if the children remain unmarried and are regularly enrolled as full-time students in and accredited school as determined by the board.

And, amend section 31855.3 (c) to read:

Over age 18 but under age 22, and enrolled as a full-time student in an accredited school, as determined by the board.

4. Why should the proposed legislation be sponsored by SACRS rather than by your individual retirement association?

This is an issue that affects all CERL retirement systems. This change will clarify the CERL so that it is easier to administer.

5. Do you anticipate that the proposed legislation would create any major problems such as conflicting with Proposition 162 or create a problem with any of the other 19 SACRS retirement associations?

No. The changes are consistent with practices of most systems.

6. Who will support or oppose this proposed change in the law?

CERL systems should support the clarifying amendments. It is unknown whether anyone will oppose the changes.

7. Who will be available from your association to testify before the Legislature?

David Lantzer

Email or mail your legislative proposals to:

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