



San Bernardino County Employees'
Retirement Association

California Legislation 2019 - 2020 Legislative Term

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Background

The legislative session ended on August 31, 2020. The Governor has until September 30, 2020 to sign or veto bills. If the Governor does not take any action, the bill is automatically vetoed.

The Legislature's focus has been on COVID-19 response and recovery. Therefore, the number of bills passed is greatly reduced from a normal year.

The following bills affect SBCERA.



California Legislation

2019 -2020 Legislative Term

AB 992

Open Meetings: Social Media


- Amends Government Code section 54952.2
- Permits Board member, without violating the meeting requirements under the Brown Act, to engage in separate conversations or communication on an internet- based social media platform to:
 1. Answer questions
 2. Provide information to the public, or
 3. Solicit info from the public regarding a matter within the subject matter jurisdiction of the Board.

AB 992

Open Meetings: Social Media

Prohibits Board members to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board.

Prohibits a Board member from responding directly to any communication on a internet based social medial platform that is made, posted, or shared by any other member of the legislative body if the matter is within the subject matter of the Board.



AB 2151


Political Reform Act – Online Filing Disclosure


- Adds Government Code section 84616 (Political Reform Act of 1974)
- Requires SBCERA to post on its website a copy of any statement, report, or other document required by section 84100 within 72 hours of the applicable deadline.
- Form 700, Form 825,



SB 1159

Workers' Comp – COVID 19 Critical Workers

- Defines “injury” for an employee to include illness or death resulting from COVID-19
 - Creates a disputable presumption, that the injury arose out of and in the course of employment, and is compensable.
 - Allows for a presumption of injury for all employees whose fellow employees at their place of employment experience specified levels of positive testing.
 - Adds Labor Code 3212.87 - lists critical workers the presumption applies to - active fire fighting members, law enforcement, registered nurse.
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AB 2101 CERL Clean Up Bill

Includes PERL and STRL changes

AB 2101

Non-substantive Changes

Removes the use of pronouns, such as “his” or “him” and replaces it with the term “the member.”

Gov. Code secs. 31627.1, 31627.2, 31641.45


Cleans up wrong cross-references and typos

Gov. Code secs. 31465, 31627.1, 31627.2,
31631.5, 31641.45




AB 2101

Withdrawing Employers

- Adds Government Code section 31454.7
 - Affirms *Mijares v. Orange CERS* (2019) 32 Cal.App.5th 316
 - Employers that effectively withdraw due to shrinking payroll must still contribute UAAL payments even if they have no active employees
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AB 2101

Purchase of Uncompensated Parental Leave

- Amends Government Code section 31646
 - Permits a member, following an uncompensated leave of absence on account of parental leave, to purchase the period of absence.
 - Member must pay EE and ER contributions plus interest.
 - Applicable if adopted by Board of Supervisors.
 - Prospective only.
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AB 2101

Military Service Purchases

- Adds Government Code section 31649
- Repeals sections 31649.5, 31649.6, 31650, 31651
- Brings CERL into compliance with USERRA
- Purchases outside of USERRA are same as before.


AB 2101

Retirement of Member

- Amends Gov. Code sections 31662.2 and 31670 to address *Wilmot v. CCCERA (2018) 29 Cal.App.5th 846*.
- Currently, a member is not retired until the Board approves the retirement.
- BOR may Authorize the system administrator to exercise the board's power and perform its duty to retire a member.
- Administrator reports retirements at next meeting.

AB 2101

Effective Date of Retirement

- Amends Government Code sections 31672, 31672.1, 31672.2 and 31672.3
 - Currently, members cannot file a retirement application more than 60 days before retirement.
 - Allows filing more than 60 days before retirement as set by the BOR.
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AB 2101

Reinstatement from Involuntary Termination


- Adds Government Code section 31680.10
- Reinstatement to employment after final administrative or judicial action.
- Member service retired pending outcome.
- Allowance received must be repaid to receive credit.

AB 2101

Required Minimum Distribution – Age 72

- Amends Government Code sections 31706 and 31776.3.
 - Compliance with change in federal law.
 - Provides flexibility to pay lump sum if member was not eligible for deferred retirement allowance.
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AB 2101 – Survivor Benefit – Eligibility of Minor Child(ren)

- Amends Government Code sections 31760.1, 31760.2, 31765, 31765.1, 31781.1, 31782.2, 31785, 31785.1, 31786, 31786.1, 31787, 31787.5, 31853.3
 - Removes the use of pronouns “she or he” and replaces the pronouns with “surviving spouse.”
 - Clarifies that allowances are paid to surviving children up to 22nd birthday if criteria are met.
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