

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM
BOARD OF ADMINISTRATION
2012 Legislative Year
Legislative Program Update**

Status as of October 1, 2012

A – CalPERS-Sponsored Bills

Bill Number/Author

AB 2142 (Furutani) Chaptered: 9/22/2012 Board Position: Sponsor

CalPERS Wellness and Risk Adjustment Programs. Authorizes CalPERS to implement risk adjustment procedures that adjust and redistribute payments across its health plans based on rules and regulations established by the CalPERS Board of Administration (Board). It also allows the Board to adjust premiums as part of health promotion and disease management programs. Finally, it makes changes to the Health Care Fund (HCF) that are necessary to manage the risk adjustment program.

Status: 9/22/2012-Chaptered by the Secretary of State, Chapter Number 445, Statutes of 2012

SB 987 (Negrete McLeod) Chaptered: 9/30/2012 Board Position: Sponsor

CalPERS 2012 Omnibus Bill. Makes minor policy and technical changes to the Public Employees' Retirement Law (PERL).

Status: 9/30/2012-Chaptered by the Secretary of State, Chapter Number 833, Statutes of 2012

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM
BOARD OF ADMINISTRATION
2012 Legislative Year**

Status as of October 1, 2012

B – Other Bills

Bill Number/Author

AB 52 (Feuer) As Amended: 6/1/2011 Board Position: Oppose, Unless Amended

Health Care Coverage: Rate Approval. Would have provided the Department of Managed Health Care (DMHC) and the Department of Insurance (CDI) with regulatory authority to approve, deny or modify excessive rate changes requests by health plans and insurers. It also would have required plans and insurers to submit explanatory information, allows the departments to hold public hearings and receive public comment on proposed rate changes, in addition to prohibiting insurers from implementing rate changes on any product more than once a year.

Status: 9/1/2012-S. DEAD

AB 154 (Beall) As Amended: 1/23/2012

Health Care Coverage: Mental Health Services. Would have expanded coverage for certain health plans and health insurance policies which are issued, amended, or renewed on or after January 1, 2013, to include the diagnosis and treatment of mental illness as defined in the "Diagnostic and Statistical Manual of Mental Disorders IV" (including substance abuse but excluding nicotine dependence and other specified diagnoses). This requirement would not have applied to CalPERS health plans, contracts, or health insurance policies unless the Board elected to purchase a plan/contract/policy providing mental health coverage.

Status: 7/6/2012-S. DEAD

AB 171 (Beall) As Amended: 1/23/2012

Health Care Coverage: Pervasive Developmental Disorder or Autism. Would have required health care service plan contracts and health insurance policies to provide coverage for the screening, diagnosis, and treatment, other than behavioral health treatment, of pervasive developmental disorder or autism.

Status: 7/6/2012-S. DEAD

AB 197 (Buchanan) Chaptered: 9/12/2012

Public Employees' Retirement. Makes technical and conforming changes to AB 340 (Furutani), the California Public Employees' Pension Reform Act of 2013.

Status: 9/12/2012-Chaptered by Secretary of State, Chapter Number 297, Statutes of 2012

Bill Number/Author

AB 276 (Alejo) Chaptered: 9/28/2012

Central Coast Hospital Authority. Allows Monterey County to establish the Central Coast Hospital Authority (Authority) to assume management of the Natividad Medical Center (NMC), a hospital under the management and control of Monterey County, and requires the Monterey County Board of Supervisors to reach an agreement with at least one other health care facility to merge into, or affiliate with, the Authority. Among other things, it requires the Authority to become a contracting agency of CalPERS in order to maintain retirement benefits for NMC employees who are currently members of the System.

Status: 9/28/2012-Chaptered by the Secretary of State, Chapter Number 686, Statutes of 2012

AB 340 (Furutani) Chaptered: 9/12/2012

California Public Employees' Pension Reform Act of 2013. Establishes the California Public Employees' Pension Reform Act of 2013 (PEPRA) to change public employee retirement benefits for the State and most local government employees and employers. For public employees hired on and after January 1, 2013, it provides reduced defined benefit pension formulas with increased normal retirement ages, establishes a new definition of pensionable compensation, imposes a three-year final compensation period, caps pension benefits and requires equal sharing of the normal cost of pension benefits. For existing and future employees, the bill prohibits retroactive benefit increases, imposes benefit forfeiture for employees convicted of job-related felonies, prohibits nonqualified service credit purchases, and requires strict adherence to federal contribution and benefit limits for public pensions. In addition, the bill closes the Legislators' Retirement System (LRS) to new members, requires equal retiree health benefit vesting periods for non-represented and represented employees, prohibits employer pension contribution holidays, and imposes limitations on public employment for retired annuitants. The bill also exempts charter cities and charter counties that operate their own public retirement systems, as well as the University of California, from the provisions of the PEPRA.

Status: 9/12/2012-Chaptered by Secretary of State, Chapter Number 296, Statutes of 2012

AB 369 (Huffman) Vetoed: 9/30/2012

Health Care Coverage: Prescription Drugs. Would have imposed specified requirements on health care service plans or health insurers that restrict medications for the treatment of pain pursuant to step therapy or fail first protocol. The bill would also have authorized the duration of any step therapy or fail first protocol to be determined by the prescribing provider and prohibited a health care service plan or health insurer from requiring that a patient try and fail on more than two pain medications before allowing the patient access to other pain medication prescribed by the prescribing provider, as specified.

Status: 9/30/2012-Vetoed by the Governor

Bill Number/Author

AB 666 (Jeffries) As Amended: 5/9/2012

Special Death Benefit. Would have authorized the Special Death Benefit be payable to the qualifying survivor of a Riverside County Sheriff's Department Correctional Deputy or a Correctional Corporal, if the member's death occurred as a direct result of the performance of his or her official duties.

Status: 7/6/2012-S. DEAD

AB 1184 (Gatto) As Amended: 8/22/2011

Board Position: Neutral

Contracting Agency Liability for Excessive Compensation and Closure of the Replacement Benefits Plan for New Employees. Would have required CalPERS to develop guidelines and implement program changes to ensure that a contracting agency that created a significant increase in actuarial liability for another contracting agency or agencies due to increased compensation it paid to a nonrepresented employee would bear the associated liability, regardless of when the increase in compensation occurred. It also expressed legislative intent in this regard and would have required CalPERS to report to the Legislature on its implementation efforts. In addition, the bill would have prohibited the CalPERS Board from administering an Internal Revenue Code Section 415 Replacement Benefits Plan for a person who first became a CalPERS member on or after January 1, 2013.

Status: 9/1/2012-A. DEAD

AB 1203 (Mendoza) Chaptered: 9/30/2012

Public Employee Organization Members: Paid Leave of Absence. Requires school and community college districts to grant leaves of absence to eligible unelected classified school employee to attend member organization activities. It also requires these organizations to reimburse an employer for the associated salary and benefit costs, including pensions.

Status: 9/30/2012-Chaptered by Secretary of State, Chapter Number 804, Statutes of 2012

AB 1633 (Wagner) As Introduced: 2/9/2012

Retirement Benefit Limits for New Public Employees. Would have prohibited public employees first hired on or after January 1, 2013, from receiving benefits from a public retirement system in excess of \$100,000 annually, if the benefits were not coordinated with Social Security, or from receiving benefits in excess of \$80,000 annually, if they were coordinated with Social Security. These amounts would have been adjusted annually based on the Consumer Price Index.

Status: 5/25/2012-A. DEAD

Bill Number/Author

AB 1639 (Hill) As Introduced: 2/13/2012

Retirement: Employer Contribution Limits. Among other things, would have required all public retirement systems in California to adhere to the federal compensation limit under Internal Revenue Code, Section 401(a)(17) when calculating retirement benefits for members who first join the retirement system on or after January 1, 2013. It would also have prohibited a public employer from making contributions to any qualified public retirement plan based on any portion of compensation that exceeded the limit.

Status: 5/25/2012-A. DEAD

AB 1641 (Lowenthal, Bonnie) As Introduced: 2/13/2012

Health Care Coverage: Durable Medical Equipment. Would have required health care service plan contracts and health insurance policies to provide coverage for durable medical equipment.

Status: 4/27/2012-A. DEAD

AB 1649 (Smyth) As Amended: 3/29/2012

Benefit Forfeiture: Public Employees. Would have required current and future public employees and officials convicted of specified violent and serious felonies relating to their employment to forfeit all rights and benefits in a public retirement system from the earliest date of the commission of the crime, with the member contributions returned, without interest.

Status: 5/25/2012-A. DEAD

AB 1653 (Cook) As Amended: 4/9/2012

Benefit Forfeiture: At-Will Employees. Would have required any at-will employee of an elected public officer who is convicted of any felony involving public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes arising directly out of his or her official duties, to forfeit all rights and benefits under, and membership in, any public retirement system in which he or she is was member, effective on the date of final conviction. This would have applied to any at-will employee that provided services to an elected public officer who took public office, or was reelected to public office, on or after January 1, 2013.

Status: 5/25/2012-A. DEAD

Bill Number/Author

AB 1738 (Huffman) As Introduced: 2/16/2012

Health Care Coverage: Tobacco Cessation. Would have required health plan contracts and health insurance policies issued, amended, renewed, or delivered on or after January 1, 2013, to provide coverage for two courses of treatment in a 12-month period for tobacco cessation preventive services rated “A” or “B” by the U.S. Preventive Services Task Force, and prohibited health plans and insurers from charging a copayment, coinsurance, or deductible for those services. It also would have prohibited health plans and insurers from requiring enrollees or insureds to enter counseling in order to receive tobacco cessation medications, or from imposing prior authorization or stepped-care requirements for tobacco cessation treatment.

Status: 4/27/2012-A. DEAD

AB 1742 (Pan) As Amended: 3/19/2012

Health Care Coverage: Payment of Benefits. Would have required group or individual health care service plans, except specialized health care service plans, as defined, to permit an enrollee’s assignment of benefits for services rendered by a provider to be paid directly to the provider. It also would have required the provider to supply a plan with specified information in order to receive reimbursement.

Status: 4/27/2012-A. DEAD

AB 1787 (Portantino) As Amended: 3/21/2012

State Employment Salary Freeze. Would have prohibited State employees whose annual base salary was over \$100,000 and whose terms and conditions of employment were not subject to collective bargaining from receiving a salary increase or a bonus until January 1, 2015, if they remained in their current positions or job classifications. It also would have required a sum equal to the savings realized from the freeze to be credited annually to the General Fund and, upon appropriation by the Legislature, used to administer the AIDS Drug Assistance Program (ADAP) administered by the State Department of Public Health. Its provisions would not have applied to those State Officials whose salaries were set pursuant to the California Constitution.

Status: 4/27/2012-A. DEAD

AB 1819 (Ammiano) As Amended: 7/2/2012

Board Position: Neutral

Charter School Participation in CalPERS. Would have required charter schools to provide retirement benefits to their eligible employees under the California Public Employees’ Retirement System (CalPERS) or the California State Teachers’ Retirement System (CalSTRS).

Status: 8/17/2012-S. DEAD

Bill Number/Author

AB 1861 (Olsen) As Amended: 4/10/2012

Benefit Forfeiture: Teachers and School Employees. Would have established a felony crime for a teacher or employee of a K-12 public or private school to engage in a sexual relationship or inappropriate communication with a student of any age attending that school. It also would have required any current or future teacher or employee of a K-12 public school convicted of that crime to forfeit all rights and benefits under, and membership in, any public retirement system in which he or she was a member, effective on the date of conviction, and that all member contributions be returned without interest.

Status: 4/27/2012-A. DEAD

AB 1874 (Mansoor) As Amended: 4/30/2012

Closure of the Legislators' Retirement System to New Members. Would have prohibited a legislative statutory officer, the Insurance Commissioner or other elective officer of the State elected by the voters or appointed by the Governor first elected or appointed to office on or after January 1, 2013, from becoming a member of the Legislators' Retirement System (LRS). It would have instead required all legislative statutory officers first elected on or after January 1, 2013 to become optional CalPERS members. It would have also excluded the Insurance Commissioner and other elective officers of the State from CalPERS membership.

Status: 5/25/2012-A. DEAD

AB 2053 (Allen) Vetoed: 9/29/2012

Post-employment Health Benefits: San Francisco Bay Area Rapid Transit District. Would have authorized the San Francisco Bay Area Rapid Transit District to make contributions for post-retirement health benefits for all members of its governing body, its unrepresented employees, and for any unit of employees whose terms and conditions of employment are determined through collective bargaining, that are first hired on or after July 1, 2013, or a date specified in a bargaining agreement. Specifically, it would have authorized a partial employer contribution for those new employees that perform at least 10 years of credited service with the District, required a full employer contribution for those employees that perform 15 years of service, and authorized employer contributions for employees that retire for disability with lesser years of service. It also would have prohibited different eligibility criteria for represented and non-represented employees.

Status: 9/29/2012-Vetoed by the Governor

AB 2140 (Lara) Chaptered: 9/7/2012

State Bargaining Unit 5 Retirement Contribution Rates. Reduces CalPERS member contribution rates by three percent for State miscellaneous and industrial members of State Bargaining Unit 5.

Status: 9/7/2012-Chaptered by Secretary of State, Chapter Number 249, Statutes of 2012

Bill Number/Author

AB 2224 (Smyth) As Introduced: 2/24/2012

Pension Reform. Would have made various statutory changes necessary to require all State and local government employers to offer public employees first hired on or after July 1, 2013, a hybrid pension plan that provides a combined defined benefit (DB) and defined contribution (DC) retirement benefit, or a specified alternative pension plan option. It also would have established a minimum normal retirement age for safety employees of 57 years old with 30 years of service, and an early retirement age of 52, and for all other employees, established a minimum normal retirement age of 67 years old with 35 years of service, and an early retirement age of 57. In addition, the bill would have prohibited additional retirement service credit purchases, prohibited retroactive pension benefit increases, imposed specified cost-sharing requirements on both employees and employers, required annual normal costs to be paid in each fiscal year, prohibited employers from paying any portion of required employee contributions, imposed benefit forfeiture for job-related felony convictions, imposed limitations on the employment of retired annuitants, increased the retiree health benefit vesting period for State employees, required State retirees to pay a specified portion of retiree health benefits, and added two members to the CalPERS Board of Administration. These statutory changes would have become operative January 1, 2013, only if a companion constitutional amendment was approved by voters statewide on the November 2012 General Election ballot.

Status: 9/1/2012-A. DEAD

AB 2416 (Mansoor) As Introduced: 2/24/2012

Public Retirement Systems Reserve Accounts. Would have required any public retirement system that does not maintain a reserve fund to create such a fund, and deposit any excess funds, after payment of unfunded liabilities each fiscal year, in the reserve fund to be used against deficiencies in other fiscal years. It also would have prohibited funds in the reserve fund from being used for the payment of benefits.

Status: 5/11/2012-A. DEAD

AB 2428 (Hagman) As Introduced: 2/24/2012

CalPERS Membership Ban for Local Elected Officials. Would have prohibited a person elected to a local office of any kind, or a person appointed to fill an elected local office, on or after January 1, 2013, from becoming a member of the California Public Employees' Retirement System or acquiring any retirement right or benefit under the System for serving in that office. The prohibition would not have applied to an elected local official who held office prior to January 1, 2013, and remained in, or was reelected to that office.

Status: 4/27/2012-A. DEAD

Bill Number/Author

AB 2429 (Hagman) As Introduced: 2/24/2012

Pension and Benefits Ban for Part-time Local Elected Officials. Except as required or permitted by the California Constitution, this bill would have prohibited a person appointed or publicly elected to a local public office of any kind that is less than full time, as defined, on or after January 1, 2013, from becoming a member of any public retirement system by virtue of that service, from acquiring any retirement right or benefit, or from receiving health benefits or other specified benefits for serving in that elective office. This prohibition would not have applied to a local official who held office prior to January 1, 2013, and remained in, or was reappointed or reelected to that office.

Status: 5/25/2012-A. DEAD

AB 2437 (Jeffries) As Amended: 4/23/2012

Special Death Benefit. Would have authorized the Special Death Benefit be payable to the qualifying survivor of a Riverside County Sheriff's Department Correctional Deputy or a Correctional Corporal, if the member's death occurred as a direct result of the performance of his or her official duties.

Status: 4/27/2012-A. DEAD

AB 2606 (Mendoza) As Amended: 4/17/2012

School Member Post-retirement Death Benefits. Current law requires a \$2,000 death benefit be paid to the designated beneficiary of a retired school member, and allows school employers to elect to provide a higher benefit of \$3,000, \$4,000 or \$5,000, with the additional employer contributions required to fund the benefit computed as a level percentage of member compensation. This bill would have eliminated these contract options and raised the required benefit to \$4,000 for school member deaths occurring during 2013, and increased the benefit each year by \$500 until it reached \$6,000, whereupon it would have been adjusted annually in the same manner as retiree COLA payments. It would also have allowed school employers the ability to contract to pay a \$5,000 benefit until the mandatory benefit level reached that amount.

Status: 5/25/2012-A. DEAD

Bill Number/Author

ACA 22 (Smyth) As Introduced: 2/22/2012

Pension Reform. This measure would have amended the State Constitution, upon voter approval, to require all State and local government employers to offer public employees first hired on or after July 1, 2013, a hybrid pension plan that provides a combined defined benefit (DB) and defined contribution (DC) retirement benefit, or a specified alternative pension plan option. It also would have established a minimum normal retirement age for safety employees of 57 years old with 30 years of service, and an early retirement age of 52, and for all other employees, established a minimum normal retirement age of 67 years old with 35 years of service, and an early retirement age of 57. In addition, the bill would have prohibited additional retirement service credit purchases, prohibited retroactive pension benefit increases, imposed specified cost-sharing requirements on both employees and employers, required annual normal costs be paid in each fiscal year, prohibited employers from paying any portion of required employee contributions, imposed benefit forfeiture for job-related felony convictions, imposed limitations on the employment of retired annuitants, increased the retiree health benefit vesting period for State employees, required State retirees to pay a specified portion of retiree health benefits, and added two members to the CalPERS Board of Administration.

Status: 9/1/2012-A. DEAD

ACA 26 (Smyth) As Introduced: 3/6/2012

Public Pension: Felony Forfeiture. Upon approval by voters on a statewide ballot, would have amended the State Constitution to require a public employee or official to forfeit retirement benefits if he or she was convicted of specified violent and serious felonies related to his or her public employment. The measure would have applied to current and future public employees, and required forfeiture of benefits from the earliest date of the commission of the felony for which the employee was convicted.

Status: 9/1/2012-A. DEAD

SB 27 (Simitian) As Amended: 8/15/2011

Board Position: Support, with Suggested
Amendments

Pension Spiking and Return to Work Limits. Among other things, would have provided, effective July 1, 2012, that any change in salary, compensation, or remuneration principally for the purpose of enhancing the benefits of a CalPERS or CalSTRS member would not be included in the calculation of the member's final compensation for purposes of determining their defined benefit. It also would have prohibited any CalPERS or CalSTRS member that retired on or after January 1, 2013, from performing services for any employer covered by their retirement system until the member had been separated from service for at least 180 days.

Status: 8/17/2012-A. DEAD

Bill Number/Author

SB 46 (Correa) As Amended: 6/2/2011

Compensation Disclosure for Public Officials. Would have required State and local public officials, except for candidates for public office, to file annual compensation disclosure forms when filing their required Form 700 Statement of Economic Interests, detailing all forms of compensation and benefits received from their employing government agency, and required that agency to post the information on its Internet Web site, beginning January 1, 2013. It also would have required the State Controller's Office (SCO) to adopt emergency regulations for the implementation of these requirements by March 1, 2013, to develop the format of the compensation disclosure form, as specified, and to recommend methods for compiling the compensation information on publicly accessible databases to the Governor and Legislature by July 1, 2013. The provisions of the bill would have sunsetted on January 1, 2019. This bill would have taken effect immediately as an urgency statute.

Status: 9/1/2012-A. DEAD

SB 71 (Leno) Chaptered: 9/28/2012

Elimination of Legislative Mandated Reports. Eliminates various state agency legislative mandated reports and modifies other reporting requirements. Specifically, it eliminates the requirement that CalPERS provide to the Legislature annually, a Retiree Cost of Living Report, Annual Report on New State Retirees, and a State Employers Industrial Disability Cost Report.

Status: 9/28/2012-Chaptered by Secretary of State, Chapter Number 728, Statutes of 2012

SB 770 (Steinberg) As Amended: 8/31/2011

Health Care Coverage: Developmental Disorder and Autism. Would have required health care service plan contracts and health insurance policies to provide coverage for behavioral health treatment, as defined, for pervasive developmental disorder (PDD) or autism. However, it would not have required any benefits be provided that exceeded the essential health benefits (EHB) required under the federal Patient Protection and Affordable Care Act (PPACA).

Status: 8/17/2012-A. DEAD

SB 827 (Simitian) As Amended: 9/7/2011

Public Employees' Retirement. Stated legislative intent to convene a Conference Committee to craft responsible, comprehensive legislation to reform State and local pension systems in a manner that reflects both the legitimate needs of public employees and the fiscal circumstances of State and local governments.

Status: 9/1/2012-S. DEAD

Bill Number/Author

SB 903 (Anderson) As Amended: 7/1/2011

Board Position: Oppose

Fiduciary Determinations for Iran Divestment. Existing law allows the CalPERS Board of Administration to suspend action as described in the California Public Divest from Iran Act (Act) if it determines such action would be inconsistent with its fiduciary duties as described in the California Constitution. This bill would have replaced that authorization with the requirement that the Board determine in a properly noticed public meeting that a specific action described in the Act would be a breach of its fiduciary responsibilities in order to suspend action. This bill would not have become effective unless AB 1151 (2011) was also enacted on or before January 1, 2012.

Status: 8/17/2012-A. DEAD

SB 955 (Pavley) Chaptered: 9/29/2012

Public Retirement Systems: In-State Infrastructure Projects. Expresses Legislative intent that public retirement boards with specifically targeted infrastructure investment policies prioritize investments in projects located in California. It also authorizes the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS) to prioritize investment in an in-state infrastructure project over a comparable out-of-state project.

Status: 9/29/2012-Chaptered by Secretary of State, Chapter Number 760, Statutes of 2012

SB 957 (Leno) As Introduced: 1/10/2012

2012-13 Budget Act. Would have made appropriations for support of State government for the 2012-13 fiscal year. As a budget bill, it would have taken effect immediately.

Status: 9/1/2012-S. DEAD

SB 1006 (Committee on Budget and Fiscal Review)

Chaptered: 6/27/2012

State Government Budget Trailer Bill. Among other things, establishes from July 1, 2012, to June 30, 2013, the Personal Leave Program 2012 (PLP 2012) that reduces State employee compensation and provides up to eight hours of leave credit per month. The terms of the PLP 2012 for represented State employees are established in ratified MOU addenda, and the Department of Human Resources establishes the PLP 2012 terms for excluded employees. It also imposes a one-day per month unpaid furlough on employees in Bargaining Units that do not participate in the PLP 2012.

Status: 6/27/2012-Chaptered by the Secretary of State, Chapter Number 32, Statutes of 2012

Bill Number/Author

SB 1021 (Committee on Budget and Fiscal Review) Chaptered: 6/28/2012

Public Safety Budget Trailer Bill. Among other things, clarifies the retired annuitant provisions in the PERL to require that an appointment of a retired CalPERS member by a CalPERS employer, including any made concurrently, shall not exceed a combined total of 960 hours each fiscal year, eliminates extensions to the 960-hour limit for a retired member appointed to a vacant position by a contracting agency, and limits the rate of pay and additional benefits allowed to be provided to specified retired annuitants.

Status: 6/28/2012-Chaptered by the Secretary of State, Chapter Number 41, Statutes of 2012

SB 1057 (Huff) As Amended: 3/22/2012

Benefit Forfeiture: School Employees. Would have required an employee of a school district, county office of education, or charter school to forfeit his or her retirement benefits if convicted of any State or federal felony crime related to his or her employment. The bill also would have required current and future employees to forfeit all rights and benefits in any public retirement system from the earliest date of the commission of the crime, with the member contributions returned, without interest.

Status: 4/27/2012-S. DEAD

SB 1141 (Walters) As Introduced: 2/21/2012

Post-employment Health Care Benefits: Collective Bargaining. Would have prohibited public employers from entering into a memorandum of understanding or other collective bargaining agreement that provided for defined post-employment health care benefits unless each employee first hired on or after January 1, 2013, paid at least 50 percent of the actuarially required contributions necessary to prefund those defined health benefits.

Status: 4/27/2012-S. DEAD

SB 1142 (Walters) As Amended: 4/9/2012

Post-employment Health Care Benefits: Full Funding. Would have prohibited all State and local public employers, except the University of California, from providing retiree health benefits to employees first hired on or after January 1, 2012, unless it pre-funded those benefits as determined by an actuary. It also would have required these employers to pre-fund retiree health benefits for all current and future employees in accordance with Government Accounting Standards and amortize unfunded liabilities over periods that do not exceed the remaining service lives of current employees, with a five-year phase-in.

Status: 4/27/2012-S. DEAD

Bill Number/Author

SB 1143 (Walters) As Amended: 4/9/2012

Post-employment Benefit Modification. Would have required public employers to reserve the right to modify retirement and other post-employment benefits provided to employees first hired on or after January 1, 2013, and without providing any comparable benefit in return. It also would have allowed public employers to change benefit formulas, employee contribution rates and vesting for these employees, except as prohibited by federal law. The bill would have specified that these employees have no implied right to future post-employment benefits, and that accrued benefits earned for prior service may be reduced without written consent if authorized by law.

Status: 4/27/2012-S. DEAD

SB 1176 (Huff) As Introduced: 2/22/2012

Pension Reform. Would have made various statutory changes necessary to require all State and local employers to offer public employees first hired on or after July 1, 2013, a hybrid pension plan that provides a combined defined benefit (DB) and defined contribution (DC) retirement benefit, or a specified alternative pension plan option. It also would have established a minimum normal retirement age for safety employees of 57 years old with 30 years of service, and an early retirement age of 52, and for all other employees, established a minimum normal retirement age of 67 years old with 35 years of service, and an early retirement age of 57. In addition, the bill would have prohibited additional retirement service credit purchases, prohibited retroactive pension benefit increases, imposed specified cost-sharing requirements on both employees and employers, required annual normal costs to be paid in each fiscal year, prohibited employers from paying any portion of required employee contributions, imposed benefit forfeiture for job related felony convictions, imposed limitations on the employment of retired annuitants, increased the retiree health benefit vesting period for State employees, required State retirees to pay a specified portion of retiree health benefits, and added two members to the CalPERS Board of Administration. These statutory changes would have become operative January 1, 2013, only if a companion constitutional amendment was approved by voters statewide on the November 2012 General Election ballot.

Status: 4/27/2012-S. DEAD

SB 1195 (Price) Chaptered: 9/28/2012

Pharmacy Benefit Audit Procedures. Requires a contract between a pharmacy and an insurer, health plan, or pharmacy benefit manager for the provision of pharmacy services to health plan participants that is issued, amended, or renewed on or after January 1, 2013, to include specified policies and procedures related to audits conducted under the contract. It also prohibits specified methods of cost recovery and limits disclosure of audit results.

Status: 9/28/2012-Chaptered by the Secretary of State, Chapter Number 706, Statutes of 2012

Bill Number/Author

SB 1196 (Hernandez) Chaptered: 9/30/2012

Board Position: Support

Health Care Coverage: Transparency. Prohibits any health plan contract in existence or issued, amended, or renewed on or after January 1, 2013, between a health care service plan or health insurer, and a provider or supplier, from prohibiting, conditioning, or in any way restricting the disclosure of claims data related to health care services provided to enrollees, or subscriber of the health plan or carrier, or beneficiaries of any self-funded health coverage arrangement administered by the carrier to a qualified entity, as defined. It also requires a health care service plan or health insurer to comply with all state and federal laws and implementing regulations for the protection of data privacy and security. The bill further requires a qualified entity to comply with specific requirements for error correction for all claims data received, including data from sources other than Medicare.

Status: 9/30/2012-Chaptered by Secretary of State, Chapter Number 869, Statutes of 2012

SB 1234 (De León) Chaptered: 9/28/2012

California Secure Choice Retirement Savings Trust Act. Contingent on the availability of sufficient funds, establishes a retirement plan for California's private sector workers that do not have access to a retirement plan through their employer, administered by a seven member Board chaired by the State Treasurer and operating under the auspices of the Treasurer's Office. It requires employers with five or more employees that do not offer an employer-sponsored payroll deposit retirement plan, and authorizes all other employers, to enroll their eligible employees, as defined, into the California Secure Choice Retirement Savings Trust (CSCRST). The bill also requires the Employment Development Department (EDD) to create an opt-out and default contribution adjustment process for participating employees, and authorizes EDD to assess a penalty on employers that fail to comply. Finally, it authorizes, but does not require, the Treasurer, CalPERS Board of Administration, and private sector investment managers to invest CSCRST funds.

Status: 9/28/2012-Chaptered by the Secretary of State, Chapter Number 734, Statutes of 2012

SB 1285 (Hernandez) As Amended: 8/7/2012

Board Position: Support

Hospital Emergency Services and Care. Would have required hospitals with an out-of-network emergency utilization rate of greater than 50 percent to adjust charges for out-of-network emergency care so that the expected reimbursement did not exceed 150 percent of the amount the hospital could reasonably expect Medicare to pay for the care.

Status: 8/17/2012-A. DEAD

Bill Number/Author

SB 1294 (Berryhill) Chaptered: 9/30/2012

Board Position: Neutral

Mariposa County: Employer Contribution for Retiree Health Benefits. The PEMHCA requires contracting agencies to provide a minimum employer contribution for employee and retiree health benefits, and requires these contributions to be equal, unless the employer elects a statutory schedule that allows its contributions to retiree health benefits to gradually increase until they ultimately equal the contributions made for active employees. This bill allows Mariposa County to provide a higher employer contribution for its retirees than for its active employees, and requires the change be executed through a memorandum of understanding (MOU), which is agreed upon through collective bargaining, or by a resolution adopted by a majority of the county's Board of Supervisors. Its provisions do not apply to annuitants that retire before enactment of the bill, or to annuitants that retire before the effective date of the MOU or the date a resolution is adopted or MOU is signed.

Status: 9/30/2012-Chaptered by Secretary of State, Chapter Number 836, Statutes of 2012

SB 1308 (Committee on Public Employment and Retirement) Chaptered: 9/27/2012

State Department of Human Resources. Makes the statutory changes necessary to transfer the duties and functions of the Department of Personnel Administration and State Personnel Board to the newly established State Department of Human Resources.

Status: 9/27/2012-Chaptered by the Secretary of State, Chapter Number 665, Statutes of 2012

SB 1321 (Harman) As Amended: 5/30/2012

Essential Health Benefits. Would have required the California Health Benefit Exchange's board to determine the average premium per enrollee or insured for each health plan listed as an optional benchmark plan in regulations adopted pursuant to the Patient Protection and Affordability Care Act (PPACA). It also would have required that the plan with the lowest average premium per enrollee or insured, set the benchmark for items and services to be included in the definition of essential health benefits under PPACA.

Status: 9/1/2012-S. DEAD

SB 1368 (Anderson) As Amended: 4/19/2012

State Officer and Employee Salary Limit. Except for elected State officers whose salary is set by the Citizens Compensation Commission, this bill would have prohibited the annual salary of a State officer or employee, on or after January 1, 2013, from exceeding the annual salary of the Governor as established by the Commission. Its provisions would not have affected State officers or employees subject to a memorandum of understanding (MOU) or having an employment contract in place prior to January 1, 2013, until that MOU or contract had expired. The bill also would not have applied to specified exempt public safety officers under certain conditions, and would have allowed the Governor to suspend its annual salary limitations upon declaring a state of emergency.

Status: 4/27/2012-S. DEAD

Bill Number/Author

SCA 13 (Cannella) As Amended: 1/11/2012

Pension Reform. Among other things, it would have, for employees first hired on or after January 1, 2013, only allowed defined benefit (DB) plans to be provided as part of a hybrid retirement plan, allowed retirement benefits to be altered on a prospective basis, and imposed limits on pension benefits. For all public employees, it would have allowed or required increases in employee contributions for both pension and retirement health benefits, and generally prohibited employer contribution holidays or the payment of member contributions. It also would have replaced retirement boards' authority over actuarial functions with an independent plan actuary appointed to a 12-year term and imposed additional qualification requirements on board members.

Status: 9/1/2012-S. DEAD

SCA 18 (Huff) As Introduced: 2/22/2012

Pension Reform. Would have amended the State Constitution, upon voter approval, to require all State and local government employers to offer public employees first hired on or after July 1, 2013, a hybrid pension plan that provided a combined defined benefit (DB) and defined contribution (DC) retirement benefit, or a specified alternative pension plan option. It also would have established a minimum normal retirement age for safety employees of 57 years old with 30 years of service, and an early retirement age of 52, and for all other employees, established a minimum normal retirement age of 67 years old with 35 years of service, and an early retirement age of 57. In addition, the bill would have prohibited additional retirement service credit purchases, prohibited retroactive pension benefit increases, imposed specified cost-sharing requirements on both employees and employers, required annual normal costs to be paid in each fiscal year, prohibited employers from paying any portion of required employee contributions, imposed benefit forfeiture for job-related felony convictions, imposed limitations on the employment of retired annuitants, increased the retiree health benefit vesting period for State employees, required State retirees to pay a specified portion of retiree health benefits, and added two members to the CalPERS Board of Administration.

Status: 9/1/2012-S. DEAD
