
1973-74
SECOND EXTRAORDINARY SESSION

PROCLAMATION BY THE GOVERNOR

Convening the Legislature in Second Extraordinary Session

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened in extraordinary session; now, therefore,

I, Ronald Reagan, Governor of the State of California, by virtue of the power and authority in me vested by Section 3 (b) of Article IV of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the 25th day of September, 1974, at 12:00 o'clock noon of said day for the following purpose and to legislate upon the following subject:

To consider and act upon legislation relative to the Legislators' Retirement System.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 23rd day of September, 1974.

[SEAL]

RONALD REAGAN
Governor of California

Attest: EDMUND G. BROWN JR.
Secretary of State
By MARY ANN MILLER
Deputy Secretary of State

STATUTES OF CALIFORNIA

Passed at the 1973-74 Second Extraordinary Session of the Legislature

CHAPTER 1

An act to amend Sections 9359.1, 9360.7, and 9360.9 of, to add Section 9360.11 to, and to repeal Sections 9356.7, 9359.01, 9359.02, and 9359.04 of the Government Code, relating to the Legislators' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 7, 1974 Filed with
Secretary of State October 7, 1974]

The people of the State of California do enact as follows:

- SECTION 1. Section 9356.7 of the Government Code is repealed.
SEC. 2. Section 9359.01 of the Government Code is repealed.
SEC. 3. Section 9359.02 of the Government Code is repealed.
SEC. 4. Section 9359.04 of the Government Code is repealed.
SEC. 5. Section 9359.1 of the Government Code is amended to read:

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly except as provided in subdivision (d) is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member who serves more than 15 years shall be increased by an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year in excess of 15 years.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the state whose office is provided for by the constitution other than a judge (and other than a Member of the Senate or Assembly) the sum of (1) is an annual amount equal to five percent (5%) of the highest compensation received by the officer while serving in such office, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years, plus, if the member is credited with 24 or more years of service, (2) one and two-thirds percent (1 $\frac{2}{3}$ %) of the compensation to which the

five percent (5%) rate is applicable under subparagraph (1) of this subdivision for his first eight years of credited service, multiplied by the number of years of service in excess of eight years with which the member is entitled to be credited at the time of his retirement, not to exceed 12 years of such credited service in excess of the eight years of service referred to in subparagraph (1) of this subdivision.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the state whose office is provided for by the Constitution, other than a judge (and other than a Member of the Senate or Assembly) is the sum of (1) an annual amount equal to five percent (5%) of all the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years, plus, if the member is credited with 24 or more years of service, (2) one and two-thirds percent (1⅔%) of the compensation to which the five percent (5%) rate is applicable under subparagraph (1) of this subdivision for his first eight years of credited service, multiplied by the number of years of service rendered as an elective officer of the state whose office is provided for by the Constitution, other than a judge and other than a Member of the Senate or Assembly, with which the member is entitled to be credited at the time of his retirement, not to exceed 12 years of such credited service in excess of the eight years referred to in subparagraph (1) of this subdivision. If, however, the member would be entitled to receive a greater allowance under subdivision (a), (b), or (d) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the state whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly), then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a), (b), or (d) of this section, whichever is greater.

(d) The retirement allowance for a member, all of whose service was rendered as a Member of the Senate or Assembly, who is the surviving widow of a deceased Member of the Senate or Assembly and who becomes the immediate successor in office of such deceased Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time the payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of retirement plus the number of years of service as a Member of the Senate or Assembly rendered by the member's deceased husband plus any

period in the term, for which the deceased member was elected, following his death, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member, whose total service creditable under this subdivision is in excess of fifteen (15) years, shall be increased by an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year in excess of fifteen (15) years. This same computation of total service creditable shall be used as a basis in determining eligibility for retirement, under Sections 9359 and 9359.16, of a member described in this subdivision. Any member to whom this subdivision applies shall redeposit an amount equal to the contributions which were required to be contributed by her deceased spouse while he was a member of the system for his service, computed on the basis of the salary and rate of contribution in effect at the time such service was rendered, or would have been rendered, in the Legislators' Retirement Fund on account of the service of her deceased husband in order to use such service for the purposes of this section and Sections 9359 and 9359.16.

The amendments to this section enacted at the 1969 Regular Session shall apply with respect to any member who retired or retires, or died or dies while eligible to retire on or after May 1, 1969, and any allowance payable with respect to such a member who retired or died prior to the effective date of such amendment, shall be adjusted effective from the date of retirement or death to the amount it would have been had such amendment been in effect on such date.

The provisions of Sections 9359.11 and 9359.12 of this code shall control over any conflicting provisions of this section.

The amendments to this section during the 1973-74 Second Extraordinary Session shall not be applicable to members who are retired on the effective date of such amendments.

SEC. 6. Section 9360.7 of the Government Code is amended to read:

9360.7. Any Member of the Senate or Assembly who after the effective date of this section retires for service or disability shall receive the retirement allowance provided by this chapter unmodified by any optional settlement elected pursuant to Article 7 (commencing with Section 9361) of this chapter.

The surviving spouse of such a member who dies after retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the retirement allowance, unmodified by any optional settlement which would be payable to the member were he living and retired under this chapter.

The surviving spouse of a member who is a Member of the Senate

or Assembly and who dies before retirement but after becoming eligible for retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the amount of the retirement allowance, unmodified by any optional settlement, that would be payable to the member were he living and retired under this chapter. If there is no surviving spouse, or if such spouse dies or remarries, then the allowance payable under this paragraph shall be payable to the children of such member under the same conditions and qualifications as provided for the allowances of children under Article 8 (commencing with Section 9371) of this chapter.

The election provided for in this section shall be made by a writing filed with the board within 60 days after the death of the member.

The allowance to a surviving spouse provided by this section is payable commencing upon the death of the member and continuing until the death or remarriage of the surviving spouse. If pursuant to this section, an allowance is paid to a surviving spouse, no payment shall be made pursuant to Section 9359.8 or pursuant to Article 7 (commencing with Section 9361) of this chapter.

The provisions of this section shall be applicable to the surviving spouse of any Member of the Senate or Assembly who was credited with 20 or more years of service at the time of his retirement and regardless of the date of retirement.

SEC. 7. Section 9360.9 of the Government Code is amended to read:

9360.9. Notwithstanding any other provisions of this chapter the provisions of this section shall be applicable to all allowances granted by this chapter commencing with each installment paid or payable on or after January 1, 1964, with respect to Members of the Senate or the Assembly not having service in such office during or after the term commencing in 1967 and members who are elective officers of the state whose offices are provided by the Constitution and who were first elected to any such office prior to January 1, 1966.

On or before January 1, 1964, the board shall adjust the amount of the allowances payable during the 1964 calendar year to reflect any increase in cost of living occurring between the 1963 calendar year and the 1955 calendar year, inclusive, and any increase resulting from such adjustment shall be payable commencing with each installment of allowances paid or payable on or after January 1, 1964. On or before January 15, 1965, and, on or before January 15 of each year thereafter, the amount of the allowances provided by this chapter shall be adjusted by the board to reflect any increase in cost of living occurring after January 1 of the immediately preceding calendar year. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living. The cost-of-living increase shall equal or exceed 1 percent before any adjustment is made in the allowance. The calendar year 1954 shall be used as the base year in computing

any annual adjustment. The annual adjustment made on or before January 15, 1965 and made on or before January 15 of each calendar year thereafter shall correspond to the average annual change in the calendar year immediately preceding the year during which the adjustment shall be effective. The adjustment made on or before January 1, 1964, shall correspond to the total of the average annual changes in each calendar year from the 1955 calendar year to the 1963 calendar year, inclusive.

The adjustment provided by this section shall be made only if it operates to effect an increase over the allowance payable for the calendar year immediately preceding.

SEC. 8. Section 9360.11 is added to the Government Code, to read:

9360.11. Notwithstanding any other provisions of this chapter, any member who would have been eligible to retire under Section 9359.01 had it not been repealed because he did not return to office or who would have been eligible to retire under such section had it not been repealed and had he chosen not to run or not been returned to office following the reapportionment of his district shall be deemed eligible for retirement for purposes of Sections 9360.7 and 9361.1 at any time thereafter.

SEC. 8. The repeal of Sections 9356.7, 9359.01, and 9359.02 of the Government Code during the 1973-74 Second Extraordinary Session shall not be construed to affect the benefits of members of the Legislators' Retirement System who retired pursuant to the provisions of those sections prior to January 3, 1967.

SEC. 9. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act will be applicable to members of the Legislators' Retirement System who leave office during 1974, this act must take effect immediately.

CONCURRENT RESOLUTIONS

Adopted at the 1973–74 Second Extraordinary Session of the Legislature

RESOLUTION CHAPTER 1

Senate Concurrent Resolution No. 1—Relative to the Temporary Joint Rules of the Senate and Assembly.

[Filed with Secretary of State September 26, 1974.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Regular Session, except for Joint Rule 55, be, and the same are hereby, adopted as the Temporary Joint Rules of the Senate and Assembly for the 1973–74 Second Extraordinary Session.

RESOLUTION CHAPTER 2

Senate Concurrent Resolution No. 2—Approving amendments to the Charter of the City of Mountain View, State of California, ratified by the qualified electors of the city at a special municipal charter election held therein on the ninth day of April, 1974.

[Filed with Secretary of State October 4, 1974.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MOUNTAIN VIEW OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF MOUNTAIN VIEW

State of California	}	ss
County of Santa Clara		
City of Mountain View		

We, the undersigned, Joseph Cusimano, Mayor of the City of Mountain View, and Jean Hixson, City Clerk of the City of Mountain View, do hereby certify and declare as follows:

That the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, now is and at all times

herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the sixth day of March, 1952, has been and is now organized, existing and acting under a Freeholders Charter adopted under and by virtue of Section 3 of Article XI of the Constitution of the State of California, which Charter was duly ratified by qualified electors of said City of Mountain View at an election held for that purpose on the 15th day of January, 1952, and approved by the Legislature of the State of California by Concurrent Resolution No. 3, on March 5, 1952, and filed with the Secretary of State on March 6, 1952.

That in accordance with the provisions of Section 3 of said Article XI of the Constitution of the State of California, the City Council of the City of Mountain View by its Resolution No. 9958, adopted on the 28th day of January, 1974, duly and regularly submitted to the qualified electors of said City of Mountain View certain proposals to amend the Charter of the City of Mountain View and to be voted upon by said qualified electors at a special municipal charter amendment election by said resolution called for said purpose in said City on the 9th day of April, 1974.

That pursuant to the provisions of Section 22932.5 of the Elections Code of the State of California, the City Council of the City of Mountain View did, on the 14th day of January, 1974, duly pass and adopt Resolution No. 9948 ordering the canvass of said special municipal election to be made by the City Clerk of the City of Mountain View.

That the City Clerk did in the manner provided by law duly and regularly canvass the returns of said consolidated elections and certified the results thereof to the City Council of the City of Mountain View.

That the City Council of the City of Mountain View did, by Resolution No. 10039, duly passed and adopted on the 16th day of April, 1974, duly find and declare that a majority of the qualified electors voting on said proposed charter amendments voted in favor of same and said proposals to amend the Charter of said City were ratified.

That said proposed charter amendments so ratified by the majority of the qualified electors of said City voting at said special municipal charter amendment are as follows:

City of Mountain View Charter Amendment
Proposal No. 1

Shall the Charter of the City of Mountain View be amended by amending Section 501 of Article V thereof to provide as follows:

“No person shall be eligible to be nominated for or to hold office as a member of the council unless he is and shall have been for at least one year next preceding his election or appointment, a resident and qualified elector of the City of Mountain View or of territory annexed thereto.”

City of Mountain View Charter Amendment
Proposal No. 2

Shall the Charter of the City of Mountain View be amended by amending Section 1003 of Article X thereof to provide as follows:

“No employee of the city shall, while in uniform or during his city working hours, take an active part in any municipal or other political campaign, nor seek or accept contributions for or against any candidate or issue therein, nor seek or accept signatures to any petition for or against any such candidate or issue. Nothing in this section shall be construed to prevent any such persons from seeking election or appointment to public office.”

City of Mountain View Charter Amendment
Proposal No. 3

Shall the Charter of the City of Mountain View be amended by amending Section 1107 of Article XI thereof to increase from \$3,000 to \$5,000 the maximum amount of public monies which may be expended for a public works project without the requirement that the project be let by contract to the lowest responsible bidder, the text of which is set forth in Section 3 of Resolution No. 9958 adopted by the council of said city on Monday, January 28, 1974 and on file in the office of the City Clerk?

City of Mountain View Charter Amendment
Proposal No. 4

Shall the Charter of the city of Mountain View be amended by amending Section 1603 of Article XVI thereof to add a subsection (f) thereto to provide that the term “councilman” includes the term “councilwoman”, the text of which is set forth in Section 3 of Resolution No. 9958 adopted by the Council of said city on Monday, January 28, 1974, and on file in the office of the City Clerk?

We, and each of us, further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Mountain View with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments as proposed and ratified.

The foregoing proposed and ratified amendments to the Charter of the City of Mountain View are hereby submitted to the Legislature of the State of California for approval without change in accordance with the provisions of Section 3 of Article XI of the Constitution of the State of California. As to said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Mountain View to be affixed hereto this 10th

day of September, 1974.

(SEAL)

JOSEPH CUSIMANO
Mayor, City of Mountain View
JEAN HIXSON
City Clerk, City of Mountain View

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 3 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the Members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Mountain View, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Mountain View.

RESOLUTION CHAPTER 3

Senate Concurrent Resolution No. 3—Relative to final adjournment of the 1973–74 Second Extraordinary Session of the Legislature.

[Filed with Secretary of State October 4, 1974.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1973–74 Second Extraordinary Session of the Legislature of the State of California shall adjourn sine die on adjournment on Wednesday, October 2, 1974.

1973-74
SECOND EXTRAORDINARY SESSION

BILL CHAPTERS

Ch. 1 (AB 7) Wilson. Legislators' Retirement System.

The Legislators' Retirement Law presently provides that Members of the Legislature with four or more years of service are eligible to retire regardless of age under conditions of reapportionment if the member was first elected prior to December 31, 1969, and that such retirement allowance commence at the conclusion of the member's term of office or at a future unspecified date if a member serves in office after the reapportionment term.

The present provisions also provide benefits for the surviving spouse of any Member of the Assembly or Senate who dies before becoming eligible to retire and who would have been eligible to retire under conditions of reapportionment.

The present provisions also provide that elective officers of the state whose offices are provided by the Constitution shall have the retirement allowance based upon the compensation payable at the time payments fall due to the officer holding the office which the retired member last held prior to his retirement and provide that such officers shall have a cost-of-living adjustment included in the computation of their retirement allowance based upon the annual increase in cost of living from the 1954 calendar year.

This bill would repeal the provisions of the Legislators' Retirement Law with respect to retirement regardless of age under conditions of reapportionment. The repeal would not be applicable to persons who retired under such conditions prior to January 3, 1967.

This bill provides that the retirement allowance of elective officers of the state whose offices are provided by the Constitution shall be based upon the highest compensation received by the officer while serving in such office and that such change shall not be applicable to members who are retired on the effective date of the bill.

This bill provides benefits for the surviving spouse or children of any member who would have been eligible to retire under conditions of reapportionment if the provisions permitting such retirement had not been repealed.

This bill also provides that the cost-of-living adjustment provision shall be applicable only to elective officers of the state whose offices are provided by the Constitution if they were first elected prior to January 1, 1966, thereby making a person subsequently elected to such office subject to provisions for postretirement cost-of-living adjustments.

The bill provides that the provisions of the act are severable.

The act would take effect immediately as an urgency statute in order to be applicable to retirements during 1974.

RESOLUTION CHAPTERS

Res. Ch. 1 (SCR 1) Kennick. Joint Rules.

Adopts Temporary Joint Rules of Senate and Assembly for 1973-74 Regular Session, except Joint Rule 55, as Temporary Joint Rules of Senate and Assembly for 1973-74 Second Extraordinary Session.

Res. Ch. 2 (SCR 2) Bradley. City charters.

Approves amendments to Charter of City of Mountain View.

Res. Ch. 3 (SCR 3) Mills. 1973-74 Second Extraordinary Session: adjournment.

Provides that the 1973-74 Second Extraordinary Session shall adjourn sine die on adjournment on Wednesday, October 2, 1974.

CROSS REFERENCE TABLES

ASSEMBLY BILLS

Assembly Bill	Chapter
7	1

SENATE CONCURRENT RESOLUTIONS

Resolution	Chapter
1	1
2	2
3	3

BILLS VETOED BY GOVERNOR

None

STATUTORY RECORD

Sections affected by statutes enacted at the 1973-74 Second Extraordinary Session are included in the 1969-1974 Statutory Record, beginning on page 307

INDEX

C

charters city: Mountain View, *2*
constitutional officers: retirement allowances, 1

L

legislature adjournment sine die, *3*
legislators' retirement system: benefits constitutional officers, 1
legislators' retirement system: benefits reapportionment, retirement under conditions
of, 1
legislature: rules, joint: adoption, *1*

M

Mountain View, City of: charter amendments, *2*

Note: Citations are to chapter numbers; resolution chapters are indicated in italics.

Photoelectronic composition by
CALIFORNIA OFFICE OF STATE PRINTING

VC4211-100 10-74 2,200 LDA