

Assembly Constitutional Amendment

No. 2

Introduced by Assembly Member Jackson

December 2, 2024

Assembly Constitutional Amendment No. 2—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: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

- 1 *Resolved by the Assembly, the Senate concurring,* That the
- 2 Legislature of the State of California at its 2025–26 Regular
- 3 Session commencing on the second day of December 2024,

1 two-thirds of the membership of each house concurring, hereby
2 proposes to the people of the State of California that the
3 Constitution of the State be amended as follows:

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

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

7 (1) In 1990, the California Constitution was amended to prohibit
8 state lawmakers from earning pension benefits during their tenure
9 in the Legislature. While this policy was established to address
10 specific concerns at the time, it has had unintended consequences
11 that limit opportunities for public service and disproportionately
12 affect individuals from lower- and middle-income backgrounds.

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

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

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

32 Second—That Section 4.5 of Article IV thereof is repealed.

33 ~~SEC. 4.5. Notwithstanding any other provision of this~~
34 ~~Constitution or existing law, a person elected to or serving in the~~
35 ~~Legislature on or after November 1, 1990, shall participate in the~~
36 ~~Federal Social Security (Retirement, Disability, Health Insurance)~~
37 ~~Program and the State shall pay only the employer's share of the~~
38 ~~contribution necessary to such participation. No other pension or~~
39 ~~retirement benefit shall accrue as a result of service in the~~
40 ~~Legislature, such service not being intended as a career occupation.~~

1 This Section shall not be construed to abrogate or diminish any
2 vested pension or retirement benefit which may have accrued under
3 an existing law to a person holding or having held office in the
4 Legislature, but upon adoption of this Act no further entitlement
5 to nor vesting in any existing program shall accrue to any such
6 person, other than Social Security to the extent herein provided.

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

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

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

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

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