

AMENDED IN ASSEMBLY MARCH 26, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 663

Introduced by Assembly Member Vargas
(Coauthors: Assembly Members Bates, Kehoe, La Suer,
***Strom-Martin, Wayne, and Zettel*)**
(Coauthor: Senator Alpert)

February 22, 2001

An act to add Section 3212.10 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 663, as amended, Vargas. Workers' compensation: lifeguards.

Under existing law, a person injured in the course of employment is generally entitled to receive workers' compensation benefits on account of that injury. Existing law provides that, in the case of certain law enforcement officers and firefighters, the term "injury" includes heart trouble, hernia, pneumonia, and other diseases.

This bill would extend those provisions to lifeguards employed by a *certain public-agency agencies* and would define the term "injury" to include cancer, leukemia, hernia, heart trouble, pneumonia, tuberculosis, hepatitis, or meningitis that develops or manifests itself during the period of the lifeguard's employment.

This bill would further create a rebuttable presumption that the above injuries arise out of the lifeguard's employment if they develop or manifest during the period of the employment. ~~Since the bill would require the payment of additional benefits by local agencies, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: ~~yes~~ no.

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

1 SECTION 1. Section 3212.10 is added to the Labor Code, to
2 read:
3 3212.10. This section applies to active lifeguards of ~~all of the~~
4 ~~following:~~ (1) a city, county, city and county, district, or other
5 public or municipal corporation or political subdivision, ~~and~~ (2)
6 ~~state lifeguards working for the Department of Parks and~~
7 ~~Recreation.~~ The term “injury,” as used in this division, includes
8 cancer, leukemia, hernia, heart trouble, pneumonia, tuberculosis,
9 hepatitis, or meningitis that develops or manifests itself during the
10 period of the lifeguard’s employment. The compensation awarded
11 for such injury shall include full hospital, surgical, and medical
12 treatment, disability indemnity, and death benefits, as provided by
13 the provisions of this division.
14 Cancer, leukemia, hernia, heart trouble, pneumonia,
15 tuberculosis, hepatitis, or meningitis so developing or manifesting
16 itself shall be presumed to arise out of and in the course of the
17 employment. This presumption is disputable and may be
18 controverted by other evidence, but unless so controverted, the
19 appeals board shall find in accordance with it. This presumption
20 shall be extended to a lifeguard following termination of service
21 for a period of three calendar months for each full year of the
22 requisite service, but not to exceed 60 months in any circumstance,
23 commencing with the last date actually worked in the specified
24 capacity.



1 Cancer, leukemia, hernia, heart trouble, pneumonia,
2 tuberculosis, hepatitis, or meningitis so developing or manifesting
3 itself in these cases shall not be attributed to any disease existing
4 prior to such development or manifestation.

5 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
6 ~~Code, if the Commission on State Mandates determines that this~~
7 ~~act contains costs mandated by the state, reimbursement to local~~
8 ~~agencies and school districts for those costs shall be made pursuant~~
9 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
10 ~~2 of the Government Code. If the statewide cost of the claim for~~
11 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
12 ~~reimbursement shall be made from the State Mandates Claims~~
13 ~~Fund.~~

