

AMENDED IN SENATE JUNE 13, 2002
AMENDED IN ASSEMBLY MAY 9, 2002
AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2059

**Introduced by Assembly Members Rod Pacheco, Bogh, and
Cohn
(Coauthors: Assembly Members Havice, Negrete McLeod,
Pescetti, Reyes, and Strom-Martin)**

February 19, 2002

An act to add Section 22821.3 to the Government Code, *and to amend Section 13600 of the Probate Code*, relating to public employee health benefits, ~~and~~ making an appropriation therefor, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2059, as amended, Rod Pacheco. Public employee health benefits: survivors of firefighters and peace officers.

(1) The Public Employees' Medical and Hospital Care Act provides that, upon the death of a specified firefighter or peace officer from injury or disease relating to his or her official duties, the uninsured surviving spouse, as defined, and uninsured family members may enroll in an approved health benefits plan and a portion of the cost of that enrollment is paid by the state. Employer and employee contributions for health benefits are deposited into one of 2 continuously appropriated funds.

Under this bill, if the eligible family members of a deceased firefighter or peace officer, as specified, employed by a contracting agency were validly enrolled in an approved health benefits plan on the date of the employee’s death, the contracting agency would be required to continue to pay the employer’s contribution for the continued enrollment of those family members for a specified period. By increasing the contributions to a continuously appropriated fund, the bill would make an appropriation.

(2) Existing law limits the amount of money that a surviving spouse, or the guardian or conservator of the estate of the surviving spouse, may collect in salary or compensation owed from the employers of his or her deceased spouse to no more than \$5,000, as specified, without procuring letters of administration or awaiting probate of the deceased’s will.

This bill would exempt from that provision the surviving spouse or the guardian or conservator of the estate of the surviving spouse of specified firefighters or peace officers subject to the Public Employees’ Medical and Hospital Care Act.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 22821.3 is added to the Government
- 2 Code, to read:
- 3 22821.3. (a) Subject to subdivisions (b) and (c), if the
- 4 eligible family members of a deceased peace officer or firefighter
- 5 of a contracting agency, as described in subdivision (a) of Section
- 6 22821.2, are validly enrolled under this part on the date of the
- 7 employee’s death, the contracting agency shall continue to pay the
- 8 employer contribution applicable to active employees for the
- 9 continued enrollment of those eligible family members for a
- 10 period not to exceed 120 days, beginning in the month of the
- 11 employee’s death.
- 12 (b) A contracting agency shall remit the amounts required
- 13 under paragraph (2) of Section 22826 and Section 22831 as well
- 14 as the total amount of premium required from the employer under
- 15 this part in accordance with regulations of the board. Enrollment



1 of the eligible family members shall be continuous following the
2 death of the employee.

3 (c) Notwithstanding subdivision (a), the contracting agency's
4 obligation to pay the employer's contribution pursuant to this
5 section shall terminate upon either of the following:

6 (1) Enrollment of the eligible family members pursuant to
7 Section 22821.2.

8 (2) A final determination of the board that the deceased
9 employee's family members are not eligible to enroll or continue
10 enrollment under this part.

11 (d) During the period that enrollment is continued pursuant to
12 this section, the surviving spouse or eldest eligible family member
13 shall retain the rights and obligations that otherwise would be
14 applicable to the employee under this part.

15 *SEC. 2. Section 13600 of the Probate Code is amended to*
16 *read:*

17 13600. (a) At any time after a husband or wife dies, the
18 surviving spouse or the guardian or conservator of the estate of the
19 surviving spouse may, without procuring letters of administration
20 or awaiting probate of the will, collect salary or other
21 compensation owed by an employer for personal services of the
22 deceased spouse, including compensation for unused vacation, not
23 in excess of five thousand dollars (\$5,000) net.

24 (b) Not more than five thousand dollars (\$5,000) net in the
25 aggregate may be collected by or for the surviving spouse under
26 this chapter from all of the employers of the decedent.

27 (c) For the purposes of this chapter, a guardian or conservator
28 of the estate of the surviving spouse may act on behalf of the
29 surviving spouse without authorization or approval of the court in
30 which the guardianship or conservatorship proceeding is pending.

31 (d) *This section does not apply to the surviving spouse or the*
32 *guardian or conservator of the estate of the surviving spouse of a*
33 *firefighter or peace officer described in subdivision (a) of Section*
34 *22821.2 of the Government Code.*

35 *SEC. 3. This act is an urgency statute necessary for the*
36 *immediate preservation of the public peace, health, or safety*
37 *within the meaning of Article IV of the Constitution and shall go*
38 *into immediate effect. The facts constituting the necessity are:*

39 *To ensure that the families of specified firefighters and peace*
40 *officers maintain their health benefits following the death of a*



- 1 *firefighter or peace officer, it is necessary that this act take effect*
- 2 *immediately.*

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