

AMENDED IN ASSEMBLY APRIL 21, 2004

AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2033**

**Introduced by Assembly Member Nakano**

February 17, 2004

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*An act to amend Section 22825.15 of, and to add Section 22754.11 to, the Government Code, and to add Section 328 to the Military and Veterans Code, relating to ~~the military~~ military benefits, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2033, as amended, Nakano. Military service: health care benefits.

**Existing**

*(1) The Public Employees' Medical and Hospital Care Act authorizes the Board of Administration of the Public Employees' Retirement System to provide health benefits to state and local public employees and annuitants and their family members. Employer and employee contributions for health care benefits and administrative costs under the act are deposited into one of 2 continuously appropriated special funds.*

*This bill would include qualifying members of the California National Guard, State Military Reserve, or Naval Militia in the definition of "employee" for the purposes of that act. By increasing the contributions to a continuously appropriated special fund, the bill would make an appropriation.*

(2) Existing law specifies the pay and allowances for members of the California National Guard, the State Military Reserve, and Naval Militia. Existing law provides that officers, warrant officers, and enlisted men and women on active duty in the service of the state are eligible for health care benefits 30 days after being called to active duty.

This bill would provide that as of January 1, 2005, for the 2004–05 fiscal year and each fiscal year thereafter, qualifying members of the California National Guard, State Military Reserve, or Naval Militia shall be eligible for ~~the same health and dental care benefits as personnel serving on active duty in the service of the state for a period exceeding 30 days~~ provided pursuant to the *Public Employees’ Medical and Hospital Care Act* and dental care benefits provided pursuant to the *State Employees’ Dental Care Act*.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California National Guard, State Military Reserve, and
- 4 Naval Militia provide military organization in California, and
- 5 routinely support local authorities in protecting the lives and
- 6 property of the people of the state during periods of natural disaster
- 7 and civil disturbance, and provide homeland security.
- 8 (b) The California National Guard, State Military Reserve, and
- 9 Naval Militia perform other functions required by the Military and
- 10 Veterans Code or as directed by the Governor.
- 11 (c) The California National Guard, State Military Reserve, and
- 12 Naval Militia serve the essential public purpose of protecting the
- 13 health, safety, and property of California’s citizens.
- 14 (d) Many “traditional” or part-time members of the California
- 15 National Guard, State Military Reserve, and Naval Militia lack
- 16 adequate health and dental care coverage, which puts at risk their
- 17 ability to serve if called to duty by the Governor or the President
- 18 of the United States.
- 19 (e) It is the intent of the Legislature to further the public
- 20 purposes served by the California National Guard, State Military
- 21 Reserve, and the Naval Militia, as well as to establish a positive
- 22 example to private-sector employers, by providing assistance to



1 these qualifying part-time members of the California National  
2 Guard, State Military Reserve, and Naval Militia in covering a  
3 portion of premiums for selected health and dental care plans.

4 *SEC. 2. Section 22754.11 is added to the Government Code,*  
5 *to read:*

6 *22754.11. (a) In addition to subdivision (b) of Section 22754,*  
7 *as used in this part, “employee” also means any qualifying*  
8 *member of the California National Guard, State Military Reserve,*  
9 *or Naval Militia, as provided by Section 328 of the Military and*  
10 *Veterans Code.*

11 *(b) “Employer” with respect to any qualifying member of the*  
12 *California National Guard, State Military Reserve, or Naval*  
13 *Militia enrolled in a health benefit plan shall mean the state.*

14 *SEC. 3. Section 22825.15 of the Government Code is*  
15 *amended to read:*

16 *22825.15. (a) Notwithstanding Section 22825.1, the*  
17 *employer’s contribution with respect to each excluded employee*  
18 *as defined by subdivision (b) of Section 3527, or each employee*  
19 *as defined by Section 22754.11, who is otherwise eligible, shall be*  
20 *determined by the Department of Personnel Administration*  
21 *subject to the appropriation of funds by the Legislature in the*  
22 *Budget Act.*

23 *(b) Notwithstanding Section 22825.1 or any other provision of*  
24 *law, the employer’s contribution with respect to each state*  
25 *employee, as defined by subdivision (c) of Section 3513 who is*  
26 *otherwise eligible, shall be determined through the collective*  
27 *bargaining process subject to the appropriation of funds by the*  
28 *Legislature in the Budget Act.*

29 *SEC. 4. Section 328 is added to the Military and Veterans*  
30 *Code, to read:*

31 *328. (a) “Qualifying member,” for purposes of this section,*  
32 *means a person who meets each of the following:*

33 *(1) Is an active member of the California National Guard, State*  
34 *Military Reserve, or Naval Militia who has maintained*  
35 *satisfactory attendance, as defined by the Military Department, for*  
36 *a least the previous 12 months.*

37 *(2) Maintains satisfactory service, as defined by the Military*  
38 *Department, throughout the period in which benefits are provided.*

39 *(3) Is not currently on orders exceeding 29 days to perform*  
40 *active duty special work, full-time National Guard duty, or state*



1 active duty as defined by Titles 10 and 32 of the United States Code  
2 and this code.

3 (4) Has a current physical examination in accordance with the  
4 appropriate military regulations or policies that indicate the person  
5 is qualified for accession or retention in his or her branch of  
6 military service or appropriate state military department.

7 (5) Is not covered by any other health or dental care program  
8 directly or as a spouse or dependent.

9 (b) Commencing on January 1, 2005, for the 2004–05 fiscal  
10 year and each fiscal year thereafter, qualifying members of the  
11 California National Guard, State Military Reserve, or Naval  
12 Militia shall be eligible for ~~the same health and dental care~~  
13 ~~program benefits as personnel serving on active duty in the service~~  
14 ~~of the state for a period exceeding 30 days.~~ *health care benefits*  
15 *provided pursuant to Part 5 (commencing with Section 22751) of*  
16 *Division 5 of Title 2 of the Government Code and dental care*  
17 *benefits provided pursuant to Part 6 (commencing with Section*  
18 *22950) of Division 5 of Title 2 of the Government Code.*

