

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 345**

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**Introduced by Senator Negrete McLeod**

February 25, 2009

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An act to add Section 31787.65 to the Government Code, relating to death benefits.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Negrete McLeod. Government of counties: death benefits.

Existing law prescribes special death benefits that are payable to the surviving spouse and children of a safety member of a county retirement system, ~~who is killed in the performance of duty or who dies as a result of an accident or injury incurred in the performance of his or her duty~~ *would have been entitled to retirement as a result of a service-connected disability, but dies prior to retirement, as provided.*

This bill would require the special death benefit payable to the surviving spouse *or eligible children* of a safety member, employed by San Bernardino County, to increase at any time and to the extent the compensation is increased for then-active members, as specified.

This bill also requires that this section will not become operative until adopted by resolution by the Board of Supervisors of a county of the seventh class.

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

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

1 SECTION 1. Section 31787.65 is added to the Government  
2 Code, to read:

3 31787.65. (a) For purposes of ~~Sections 31787.5 and 31787.6,~~  
4 *Section 31787, the final compensation upon which the special*  
5 *death benefit is calculated* for the eligible surviving spouse *or*  
6 *eligible children* of a safety member killed in the performance of  
7 ~~duty or who dies as a result of an accident or injury caused by~~  
8 ~~external violence or physical force, incurred in the performance~~  
9 ~~of his or her duty, shall be deemed to increase at any time~~ *his or*  
10 *her duty, shall be increased at any time the increase is effective*  
11 and to the extent the compensation is increased for then-active  
12 members employed in the job classification and membership  
13 category that was applicable to the deceased member at the time  
14 of the injury, or the onset of the disease, causing death. The  
15 deceased member's final compensation shall be deemed to be  
16 subject to further increases hereunder only until the earlier of (1)  
17 the death of the ~~surviving spouse~~ *eligible beneficiary* or (2) the  
18 date that the deceased member would have attained the age of 50  
19 years.

20 (b) This section applies only to a county of the seventh class,  
21 as defined by Sections 28020 and 28028, as amended by Chapter  
22 1204 of the Statutes of 1971, and shall not be operative until the  
23 Board of Supervisors, by resolution, makes this section applicable  
24 in the county. A resolution to make this section operative in the  
25 county shall specify whether these provisions apply retroactively  
26 or prospectively only.

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