

Senate Bill No. 996

Passed the Senate April 16, 2012

Secretary of the Senate

Passed the Assembly August 22, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 31720.5 of the Government Code, relating to the County Employees Retirement Law of 1937.

LEGISLATIVE COUNSEL'S DIGEST

SB 996, Committee on Public Employment and Retirement. County Employees Retirement Law of 1937: heart trouble presumption.

The County Employees Retirement Law of 1937 prescribes the rights, benefits, and duties of members of the retirement systems established pursuant to its provisions. Existing law also provides that if a safety member, a fireman member, or a member in active law enforcement who has completed 5 years or more of service develops heart trouble, that heart trouble shall be presumed to arise out of and in the course of employment.

This bill would clarify that the existing presumption is rebuttable, and would state findings and declarations and the intent of the Legislature in this regard. The bill would make additional nonsubstantive, technical changes.

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

SECTION 1. (a) It is the intent of the Legislature in enacting this measure amending Section 31720.5 of the Government Code to restate existing law without substantive change, for purposes of clarification.

(b) The Legislature finds and declares that Section 31720.5 of the Government Code establishes a rebuttable presumption regarding heart trouble, and in addition, that the presumption was held to be rebuttable by the Fifth District Court of Appeals in *Pellerin v. Kern County Employees' Retirement Association* (2006) 145 Cal.App.4th 1099.

SEC. 2. Section 31720.5 of the Government Code is amended to read:

31720.5. (a) If a safety member, a fireman member, or a member in active law enforcement who has completed five years or more of service under a pension system established pursuant to

Chapter 4 (commencing with Section 31900) or under a pension system established pursuant to Chapter 5 (commencing with Section 32200) or both or under this retirement system or under the State Employees' Retirement System or under a retirement system established under this chapter in another county, and develops heart trouble, that heart trouble developing or manifesting itself in those cases shall be presumed to arise out of and in the course of employment. That heart trouble developing or manifesting itself in those cases shall in no case be attributed to any disease existing prior to such development or manifestation.

(b) The presumption described in subdivision (a) is rebuttable by other evidence. Unless so rebutted, the board is bound to find in accordance with the presumption.

(c) As used in this section, "fireman member" includes a member engaged in active fire suppression who is not classified as a safety member.

(d) As used in this section, "member in active law enforcement" includes a member engaged in active law enforcement who is not classified as a safety member.

Approved _____, 2012

Governor