

## Senate Bill No. 860

### CHAPTER 850

An act to amend Sections 20017.81, 20038.5, 20950.1, 21101, 21251.13, 21251.147, 21296, 21364, 21373, 21382.5, 21404, and 21411 of, to add Sections 20017.791 and 20038.4 to, and to repeal Section 21406 of, the Government Code, relating to public employees.

[Approved by Governor October 12, 1995. Filed  
with Secretary of State October 13, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 860, Alquist. Public employees retirement.

(1) The Public Employees' Retirement Law prescribes increased benefits for employees classified as safety members.

This bill would include specified employees within the state safety member category.

(2) The Public Employees' Retirement Law provides that members who retire for industrial disability receive a percentage of final compensation regardless of their amount of service credit.

This bill would allow those members to cancel their purchase of elective service credit.

(3) The Public Employees' Retirement Law requires the board of administration to annually extend the group term life insurance benefits for state and university employees each fiscal year unless the Governor directs that the extension not be made.

This bill would delete that provision and make a technical correction in a related provision.

(4) The Public Employees' Retirement Law prescribes increased industrial death and disability benefits for state miscellaneous members injured at certain state hospitals on or after specified dates.

This bill would make technical clarifying changes in that provision.

(5) The Public Employees' Retirement Law prescribes benefits under the First Tier and Second Tier benefit formulas.

This bill would make technical clarifying changes in those provisions.

(6) The Public Employees' Retirement Law prescribes alternative preretirement special death benefits.

This bill would make technical clarifying changes in those provisions.

(7) The Public Employees' Retirement Law requires persons who reinstate from retirement to submit proof that they are medically fit.

This bill would delete that requirement.

(8) The Public Employees' Long-Term Care Act provides long-term care insurance and health care service plans for active and



retired members and annuitants of the Public Employees' Retirement System, the County Employees Retirement Law of 1937, and the State Teachers' Retirement System.

This bill would make that program available to active and retired members and annuitants of the Judges' Retirement System, the Judges' Retirement System II, the Legislators' Retirement System, Members of the Assembly and Senate, and other public retirement systems and employers.

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

SECTION 1. Section 20017.791 is added to the Government Code, to read:

20017.791. Notwithstanding Section 20017.79, "state safety member" shall include officers and employees of the Board of Prison Terms, the Department of Corrections, The Department of the Youth Authority, or the Prison Industry Authority in the following classifications:

| Classification Code | Classification                                      |
|---------------------|---|
| 7972                | Podiatrist<br>(correctional facility)               |
| 7560                | Tractor Operator-Laborer<br>(correctional facility) |
| 7562                | Sheet Metal Worker<br>(correctional facility)       |

SEC. 2. Section 20017.81 of the Government Code is amended to read:

20017.81. "State safety member" also includes officers and employees with the State Department of Mental Health and the Department of Corrections in the following classifications:

| Classification Code | Classification Title                                      |
|---------------------|---|
| 8254                | Prelicensed Psychiatric Technician<br>(forensic facility) |
| 8253                | Psychiatric Technician<br>(forensic facility)             |
| 8252                | Senior Psychiatric Technician<br>(forensic facility)      |



“State safety member” also includes an officer or employee of the State Department of Mental Health at Patton State Hospital or Atascadero State Hospital, the State Department of Mental Health Psychiatric Program of California Medical Facility at Vacaville, or any other state hospital which is deemed a forensic facility, who either is excluded from the definition of state employee in subdivision (c) of Section 3513 or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service. An officer or employee may be a state safety member under this paragraph only if the person has responsibility for the direct supervision of state safety personnel specified in the classifications listed in this section and if the State Personnel Board determines that these officers and employees meet the state safety membership criteria established pursuant to Section 18717. The Department of Personnel Administration shall determine which classes meet the above conditions and report its findings to the Public Employees’ Retirement System, whereupon the change in membership categories shall take effect.

Any person so designated pursuant to this section may elect, within 90 days of notification by the board, to remain subject to the miscellaneous service retirement benefit and contribution rate by filing an irrevocable notice of election with the board. A member who so elects shall be subject to the reduced benefit factors specified in Section 21251.13 only for service also included in the federal system.

SEC. 4. Section 20038.4 is added to the Government Code, to read:

20038.4. “Industrial” with respect to state miscellaneous members also means death or disability on or after January 1, 1995, resulting from an injury that is a direct consequence of a violent act perpetrated on his or her person by a patient or client of the State Department of Mental Health at Metropolitan State Hospital or Napa State Hospital if:

- (a) The member was performing his or her duties within a treatment ward at the time of the injury, or
- (b) The member was not within a treatment ward but was acting within the scope of his or her employment at the hospital and is regularly and substantially as part of his or her duties in contact with the patients or clients, and
- (c) The member at the time of injury was employed in a state bargaining unit for which a memorandum of understanding has been agreed to by the state employer and the recognized employee organization to become subject to this section, or
- (d) The member was either excluded from the definition of state employee in subdivision (c) of Section 3513 or was a nonelected officer or employee of the executive branch of government who was not a member of the civil service.



SEC. 5. Section 20038.5 of the Government Code is amended to read:

20038.5. "Industrial" with respect to state miscellaneous members also means death or disability after January 1, 1993, resulting from an injury that is a direct consequence of a violent act perpetrated on his or her person by a patient or client of the State Department of Mental Health at Patton State Hospital or Atascadero State Hospital, an inmate at the Department of Mental Health Psychiatric Program at California Medical Facility at Vacaville, or a patient at any other state hospital which is deemed a forensic facility if:

(a) The member was performing his or her duties within a treatment ward at the time of the injury, or

(b) The member was not within a treatment ward but was acting within the scope of his or her employment at the hospital and is regularly and substantially as part of his or her duties in contact with the patients or clients, and

(c) The member at the time of injury was employed in a state bargaining unit for which a memorandum of understanding has been agreed to by the state employer and the recognized employee organization to become subject to this section, or

(d) The member was either excluded from the definition of state employee in subdivision (c) of Section 3513 or was a nonelected officer or employee of the executive branch of government who was not a member of the civil service.

SEC. 6. Section 20950.1 of the Government Code is amended to read:

20950.1. (a) A state member who became subject to the Second Tier upon election or upon membership in the Second Tier on or after January 1, 1985, shall be retired for service upon his or her written application to the board if he or she has attained age 55 and is credited with 10 years of state service.

(b) A state member who elected coverage under Section 21251.13 for service rendered on or after the effective date of the election, as authorized by subdivision (c) of Section 20013.7 during the period between November 1, 1988, and October 31, 1989, and who would otherwise be subject to Section 21251.146 or 21251.147, shall be retired for service upon his or her written application to the board if he or she has attained age 50 and is credited with five years of state service. No benefit shall be payable for service rendered under the Second Tier retirement formula unless the member has rendered 10 years of state service except as provided in subdivision (c).

(c) Notwithstanding subdivision (a) or (b), a state member in the Second Tier who is credited with five years of state service prior to January 1, 1985, may retire with less than 10 years of state service upon his or her written application to the board if he or she has attained age 50.



SEC. 7. Section 21101 of the Government Code is amended to read:

21101. The board may reinstate a person from retirement upon (a) his or her application to the board for reinstatement and (b) the determination of the board, the determination of the board that his or her age at the date of application for reinstatement is at least six months less than the age of compulsory retirement for service applicable to members of the class or category in which it is proposed to employ him or her. The provisions of clause (b) of this section shall apply only to patrol, state peace officer/firefighters, and safety members. The effective date of such reinstatement for purposes of this article shall be the first day of compensated employment following approval of reinstatement.

SEC. 8. Section 21251.13 of the Government Code is amended to read:

21251.13. The combined current and prior service pensions for a local miscellaneous member, a school member, and for a state miscellaneous member, is a pension derived from the contributions of the employer sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of retirement, to equal the fraction of one-fiftieth of the member's final compensation set forth opposite the member's age at retirement, taken to the preceding completed quarter year, in the following table, multiplied by the number of years of current and prior service except service in a category of membership other than that of state miscellaneous member or local miscellaneous member or school member or service covered under the First Tier retirement formula, with which the member is entitled to be credited at retirement:

| Age of Retirement                    | Fraction |
|--------------------------------------|----------|
| 50 .....                             | .546     |
| 50 <sup>1</sup> / <sub>4</sub> ..... | .554     |
| 50 <sup>1</sup> / <sub>2</sub> ..... | .562     |
| 50 <sup>3</sup> / <sub>4</sub> ..... | .570     |
| 51 .....                             | .578     |
| 51 <sup>1</sup> / <sub>4</sub> ..... | .586     |
| 51 <sup>1</sup> / <sub>2</sub> ..... | .595     |
| 51 <sup>3</sup> / <sub>4</sub> ..... | .603     |
| 52 .....                             | .612     |
| 52 <sup>1</sup> / <sub>4</sub> ..... | .621     |
| 52 <sup>1</sup> / <sub>2</sub> ..... | .630     |
| 52 <sup>3</sup> / <sub>4</sub> ..... | .639     |



|                                      |       |
|--------------------------------------|-------|
| 53 .....                             | .648  |
| 53 <sup>1</sup> / <sub>4</sub> ..... | .658  |
| 53 <sup>1</sup> / <sub>2</sub> ..... | .668  |
| 53 <sup>3</sup> / <sub>4</sub> ..... | .678  |
| 54 .....                             | .688  |
| 54 <sup>1</sup> / <sub>4</sub> ..... | .698  |
| 54 <sup>1</sup> / <sub>2</sub> ..... | .709  |
| 54 <sup>3</sup> / <sub>4</sub> ..... | .719  |
| 55 .....                             | .730  |
| 55 <sup>1</sup> / <sub>4</sub> ..... | .741  |
| 55 <sup>1</sup> / <sub>2</sub> ..... | .753  |
| 55 <sup>3</sup> / <sub>4</sub> ..... | .764  |
| 56 .....                             | .776  |
| 56 <sup>1</sup> / <sub>4</sub> ..... | .788  |
| 56 <sup>1</sup> / <sub>2</sub> ..... | .800  |
| 56 <sup>3</sup> / <sub>4</sub> ..... | .813  |
| 57 .....                             | .825  |
| 57 <sup>1</sup> / <sub>4</sub> ..... | .839  |
| 57 <sup>1</sup> / <sub>2</sub> ..... | .852  |
| 57 <sup>3</sup> / <sub>4</sub> ..... | .865  |
| 58 .....                             | .879  |
| 58 <sup>1</sup> / <sub>4</sub> ..... | .893  |
| 58 <sup>1</sup> / <sub>2</sub> ..... | .908  |
| 58 <sup>3</sup> / <sub>4</sub> ..... | .923  |
| 59 .....                             | .937  |
| 59 <sup>1</sup> / <sub>4</sub> ..... | .953  |
| 59 <sup>1</sup> / <sub>2</sub> ..... | .969  |
| 59 <sup>3</sup> / <sub>4</sub> ..... | .985  |
| 60 .....                             | 1.000 |
| 60 <sup>1</sup> / <sub>4</sub> ..... | 1.017 |
| 60 <sup>1</sup> / <sub>2</sub> ..... | 1.034 |
| 60 <sup>3</sup> / <sub>4</sub> ..... | 1.050 |
| 61 .....                             | 1.067 |
| 61 <sup>1</sup> / <sub>4</sub> ..... | 1.084 |
| 61 <sup>1</sup> / <sub>2</sub> ..... | 1.101 |
| 61 <sup>3</sup> / <sub>4</sub> ..... | 1.119 |
| 62 .....                             | 1.136 |
| 62 <sup>1</sup> / <sub>4</sub> ..... | 1.154 |
| 62 <sup>1</sup> / <sub>2</sub> ..... | 1.173 |



|                                      |       |
|--------------------------------------|-------|
| 62 <sup>3</sup> / <sub>4</sub> ..... | 1.191 |
| 63 and over .....                    | 1.209 |

The fractions specified in the above table shall be reduced by one-third as applied to that part of final compensation which does not exceed four hundred dollars (\$400) per month for all service of a member any of whose service has been included in the federal system. This reduction shall not apply to a member employed by a contracting agency which enters into a contract after July 1, 1971, and elects not to be subject to this paragraph or with respect to service rendered after the termination of coverage under the federal system with respect to the coverage group to which the member belongs.

This section shall apply only to members whose retirement is effective on or after July 1, 1971.

The improved retirement allowance provided by this section is granted subject to future reduction prior to a member's retirement, by offset of federal system benefits or otherwise, as the Legislature may from time to time deem appropriate because of changes in such federal system benefits.

SEC. 9. Section 21251.147 of the Government Code is amended to read:

21251.147. The service retirement allowance for a state miscellaneous or state industrial member who elects to be subject to this section shall be: the sum of the allowance for service rendered under the Second Tier retirement formula, computed pursuant to Section 21251.146, added to the allowance for service rendered as a state miscellaneous or state industrial member covered under the First Tier formula, computed pursuant to Section 21251.13.

SEC. 10. Section 21296 of the Government Code is amended to read:

21296. The disability retirement pension, for service subject to Section 21251.13, for a member whose effective date of retirement is on or after the operative date of the amendments to this section at the 1972 Regular Session shall be such an amount as with that portion of his or her annuity provided by his or her accumulated normal contributions, will make his or her disability retirement allowance equal:

(a) Ninety percent of one-fiftieth of his or her final compensation multiplied by the number of years of service credited to him or her.

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-third of his or her final compensation, 90 percent of one-fiftieth of his final compensation multiplied by the number of years of service which would be creditable to him or her were his or her service to continue until attainment by him or her of age 60, but in that case the retirement allowance shall not exceed one-third of final compensation.



Subdivision (b) is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service.

SEC. 11. Section 21364 of the Government Code is amended to read:

21364. The special death benefit consists of the following:

(a) An amount equal to and derived from the same source as the basic death benefit exclusive of the contributions from which the annuity provided under subdivision (d) is paid.

(b) An amount sufficient, when added to the amount provided under subdivision (a), to provide, when applied according to tables adopted by the board, a monthly death allowance equal to one-half of his or her final compensation in the membership category applicable to him or her at the time of the injury or the onset of the disease causing death, payable to the surviving spouse to whom he or she was married either continuously for at least one year prior to death, or prior to sustaining the injury or disease resulting in death, as long as the surviving spouse lives or until his or her remarriage; or, if there is no surviving spouse or if the spouse dies or remarries before all children of the deceased member attain age 22, to his or her children under 22 collectively until every child shall have died, married, or attained age 22. However, no child shall receive any part of the allowance after marrying or attaining age 22.

(c) During the lifetime of the surviving spouse or until the spouse remarries, an additional percentage of the death benefit allowed by this section, exclusive of the annuity under subdivision (d), shall be paid to the spouse of a member who is killed in the performance of his or her duty or who dies as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his or her duty, for each of his or her children during the lifetime of the child, or until the child marries or reaches the age of 22, as follows: for one child, 25 percent; for two children, 40 percent; and for three or more children, 50 percent.

(d) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving spouse, of the deceased's accumulated additional contributions at the date of his or her death, plus his or her accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him or her at the time of the injury or the onset of the disease causing death.

If the surviving spouse does not have custody of the member's children, the additional amount payable pursuant to this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 22.

The computation for time prior to entering the membership category applicable to the deceased at the time of the injury or the



onset of the disease causing death shall be based on the compensation earnable by him or her in the position first held by him or her in that category.

“Spouse,” for purposes of this section, means a wife or husband.

(e) On and after October 1, 1965, this section shall apply to all contracting agencies and to the employees of all contracting agencies whether or not the agencies have previously elected to be subject to this section.

Any child whose eligibility for an allowance pursuant to this section, commenced on or after October 1, 1965, shall lose that eligibility effective on the date of his adoption.

SEC. 12. Section 21373 of the Government Code is amended to read:

21373. Notwithstanding any other provisions of this part, the benefits payable to a surviving spouse pursuant to Sections 21364, 21365.5, 21365.55, 21365.6, and Article 6 (commencing with Section 21380), shall be paid as follows:

(a) Any surviving spouse who remarries on or after the operative date of the statute adding this section shall continue to receive the lifetime allowance to which he or she is entitled, without reduction. However, pursuant to Section 22811.5, the surviving spouse who remarries on or after that date may not enroll his or her new spouse or stepchildren as family members under the continued health benefits coverage of the surviving spouse.

(b) Any surviving spouse who elected the reduction specified in Section 21372 shall be restored to the lifetime allowance to which he or she was originally entitled, for all benefits payable on or after the operative date of the statute adding this section.

This section shall not apply to any contracting agency, unless and until the agency elects to be subject to this section by amendment to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the operative date of the statute adding this section by express provision in the contract making the contracting agency subject to this section. This section shall only apply to a surviving spouse of a local member employed by the contracting agency whose remarriage occurred on or after the date the agency elects to be subject to this section. Any surviving spouse of a local member of the contracting agency, who elected the reduction specified in Section 21372, shall be restored to the lifetime allowance to which he or she was originally entitled, for all benefits payable on or after the election by the contracting agency to be subject to this section.

This section shall apply to a surviving spouse of a school member employed by a school district whose remarriage occurred on or after January 1, 1991. Any surviving spouse of a school member, who elected the reduction specified in Section 21372, shall be restored to



the lifetime allowance to which he or she was originally entitled, for all benefits payable on or after January 1, 1991.

The employer is not required to meet and confer with an employee organization regarding the subject matter of this section, and the subject matter shall not be included within the scope of representation pursuant to Section 3504.

SEC. 13. Section 21382.5 of the Government Code is amended to read:

21382.5. (a) In lieu of benefits provided in Section 21382, 21382.2, or 21382.4, if the death benefit provided by Section 21361 is payable on account of a local member's death that occurs under circumstances other than those described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 21360, or if an allowance under Section 21365.5 is payable, the payment pursuant to subdivision (b) shall be made in the following order of priority:

(1) The surviving spouse of the member, who has the care of unmarried children, including stepchildren, of the member who are under 22 years of age, or are incapacitated because of disability which began before and has continued without interruption after the attainment of that age.

(2) The guardian of surviving unmarried children, including stepchildren, of the member who are 22 years of age or are so incapacitated.

(3) The surviving spouse of the member, who does not qualify under paragraph (1).

(4) Each surviving parent of the member.

(b) Regardless of the benefit provided by Section 21361 and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21365.5, the following applicable 1959 survivor allowance, under the conditions stated and from contributions of the contracting agency, shall be paid:

(1) A surviving spouse who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, shall be paid one thousand nine hundred dollars (\$1,900) per month if there is one child or two thousand two hundred eighty dollars (\$2,280) per month if there are two or more children. If there also are children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of nine hundred fifty dollars (\$950) per month, shall be divided equally among all those children and payments made to the spouse and other children, as the case may be.



(2) If there is no surviving spouse, or if the surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member who are under 22 years of age or are so incapacitated, or if there are children not in the care of the spouse, the children shall be paid an allowance as follows:

(A) If there is only one child, the child shall be paid nine hundred fifty dollars (\$950) per month.

(B) If there are two children, the children shall be paid one thousand nine hundred dollars (\$1,900) per month divided equally between them.

(C) If there are three or more children, the children shall be paid two thousand two hundred eighty dollars (\$2,280) per month divided equally among them.

(3) A surviving spouse who has attained or attains the age of 60 years, and who was either continuously married to the member for at least one year prior to death, or was married to the member prior to the occurrence of the injury or onset of the illness which resulted in death and has not remarried subsequent to the member's death, shall be paid nine hundred fifty dollars (\$950) per month. No allowance shall be paid under paragraph (1), or while an allowance is being paid under subparagraph (C) of paragraph (2). The allowance paid under this paragraph shall be three hundred eighty dollars (\$380) per month while an allowance is being paid under subparagraph (B) of paragraph (2).

(4) If there is no surviving spouse or surviving child who qualifies for the 1959 survivor allowance, or if the surviving spouse dies or remarries and there is no surviving child, or if the surviving spouse dies or remarries and the children die or marry or, if not incapacitated, reach 22 years of age, each of the member's dependent parents who has attained or attains the age of 60 years, and who received at least one-half of his or her support from the member at the time of the member's death, shall be paid nine hundred fifty dollars (\$950) per month.

(c) "Stepchildren," for purposes of this section, shall include only stepchildren of the member living with the member in a regular parent-child relationship at the time for the death of the member.

(d) This section shall only apply to members of a contracting agency, which by amending its contract, first elects effective on or after January 1, 1994, to make this section applicable to local members employed by the agency. On and after January 1, 1994, contracting agencies already subject to Section 21382, 21382.2, or 21382.4 may elect by contract amendment to be subject to this section. Notwithstanding Section 21382.4, a public agency first contracting with the board on and after January 1, 1994, may include this section in its contract. All assets and liabilities of all contracting agencies subject to this section, and their employees, on account of benefits provided under this article shall be pooled into a single account, and



a single employer rate shall be established to provide benefits under this section on account of members employed by a contracting agency which is subject to this section.

(e) The rate of contribution of an employer subject to this section shall be calculated using the term insurance valuation method. If a contracting agency which is subject to this section has a surplus in its 1959 survivor benefit account as of the date the contracting agency becomes subject to this section, the surplus shall be applied to reduce its rate of contribution. If a contracting agency which is subject to this section has a deficit in its 1959 survivor benefit account as of the date the contracting agency becomes subject to this section, its rate of contribution shall be increased until the deficit is paid.

SEC. 14. Section 21404 of the Government Code is amended to read:

21404. The insurance benefit shall be paid upon death of an insured member of this system to the beneficiary entitled to receive the basic or special death benefit if all of the following conditions occur:

(a) Death occurs either:

- (1) While in state service; or
- (2) While absent from state service on military service or on approved leave of absence; or
- (3) Within four months of discontinuance of state service; or
- (4) While physically or mentally incapacitated for performance of duty continuously from discontinuance of state service.

(b) If either:

- (1) Death occurs while a member and before the effective date of retirement; or
- (2) If an optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of the beneficiary has not been elected and if an allowance under Section 21263, 21263.2, 21263.4, or 21263.5 is not payable, and death occurs on or after the effective date of retirement and before the mailing of a retirement allowance warrant.

(c) Death occurs during a period of insurance.

(d) Death occurs under circumstances other than those described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 21360.

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that, if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

SEC. 15. Section 21406 of the Government Code is repealed.



SEC. 15. Section 21411 of the Government Code is amended to read:

21411. (a) The board shall contract with carriers offering long-term care insurance plans and enter into health care service plan contracts covering long-term care.

The long-term care insurance plans and health care service plan contracts covering long-term care shall be made available periodically during open enrollment periods determined by the board.

(b) The board shall award contracts to carriers who are qualified to provide long-term care benefits, and may develop and administer self-funded long-term care insurance plans. The board may offer one or more long-term care insurance plans or health care service plan contracts covering long-term care and may offer service or indemnity-type plans.

(c) The long-term care insurance plans and health care service plan contracts covering long-term care shall include home, community, and institutional care and shall, to the extent determined by the board, provide substantially equivalent coverage to that required under Chapter 2.6 (commencing with Section 10230) of Part 2 of Division 2 of the Insurance Code, if the carrier has been approved by the Department of Corporations pursuant to the Knox-Keene Health Care Service Plan Act (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code).

(d) The classes of persons who shall be eligible to enroll are:

(1) Active and retired members and annuitants of the Public Employees' System, and their spouses, their parents, and their spouses' parents.

(2) Active and retired members and annuitants of any county or district subject to the County Employees Retirement Law of 1937, and their spouses, their parents, and their spouses' parents.

(3) Active and retired members and annuitants of the State Teachers' Retirement System, and their spouses, their parents, and their spouses' parents.

(4) Active employees and retirees and annuitants of any public agency that is a contracting agency under this part or Part 5 (commencing with Section 22751), and their spouses, their parents, and their spouses' parents.

(5) Active and retired members and annuitants of the Judges' Retirement System, and their spouses, their parents, and their spouses' parents.

(6) Active and retired members and annuitants of the Judges' Retirement System II, and their spouses, their parents, and their spouses' parents.



(7) Active and retired members and annuitants of the Legislators' Retirement System, and their spouses, their parents, and their spouses' parents.

(8) Members of the California Assembly and Senate and their spouse, their parents and their spouse's parents.

(9) Active and retired members and annuitants, and other classes of employees of other public employee retirement systems or public employers as the board determines may be eligible under the standards the board may prescribe, and their spouses, their parents, and their spouses' parents.

(10) Active employees and retirees and annuitants of any agency specified in paragraphs (1) through (9) who reside in the United States, its territories and possessions, or in a country in which a provider network can be established comparable in quality and effectiveness to those established in the United States.

(e) Any California public agency or retirement system may contract with the board to extend the provisions of this article to its active and retired employees and annuitants.

(f) Irrespective of paragraphs (1) through (10) of subdivision (d), no person shall be enrolled unless he or she meets the eligibility and underwriting criteria established by the board.

(g) Irrespective of paragraphs (1) through (10) of subdivision (d), enrollment of active employees of the State of California shall be subject to Section 19867.

(h) The board shall establish eligibility criteria for enrollment, establish appropriate underwriting criteria for potential enrollees, define the scope of covered benefits, define the criteria to receive benefits, and set any other standards as needed.

(i) The full cost of enrollment in a long-term care insurance plan or in health care service plan contracts covering long-term care shall be paid by the enrollees.

(j) The long-term care insurance plans and health care service plan contracts covering long-term care shall not become part of, or subject to, the retirement or health benefits programs administered by the system.

(k) For any self-funded long-term care plan developed by the board, the premiums shall be deposited in the Public Employees' Long-term Care Fund.

SEC. 16. It is the intent of the Legislature in amending Section 20038.5 of the Government Code during the 1995-96 Regular Session to clarify the application of its provisions. Accordingly, the amendments shall not be construed to affect any claim respecting any injuries at Patton State Hospital or Atascadero State Hospital prior to January 1, 1993, or to affect any claim respecting any injuries



at Metropolitan State Hospital or Napa State Hospital prior to January 1, 1995.

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