

AMENDED IN ASSEMBLY MARCH 30, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2342

Introduced by Assembly Member Cunneen

February 20, 1998

~~An act to amend Section 4707 of the Labor Code, relating to workers' compensation. An act to amend Sections 21552 and 21553 of the Government Code, relating to public employee retirement.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2342, as amended, Cunneen. ~~Workers' Compensation: death benefits: public employees~~ *Public employees: retirement benefits.*

The Public Employees' Retirement Law provides that survivor continuance allowances and special death benefits to surviving spouses of deceased local safety members who were firefighters or peace officers who died in the line of duty shall not cease upon remarriage.

This bill would delete the death in the line of duty requirement from those provisions.

~~Under existing law, persons injured in the course of employment are generally entitled to workers' compensation which, in the case of the death of an employee, includes a death benefit. Existing law provides, however, no benefits, except reasonable expenses of burial not exceeding \$1,000, shall be awarded under the workers' compensation laws on account of the death of an employee who is an active member~~

~~of the Public Employees' Retirement System unless it is determined that certain benefits under the Public Employees' Retirement Law will not be paid. However, under existing law, this limitation does not apply to local safety members of the Public Employees' Retirement System.~~

~~This bill would also provide that the limitation does not apply to state safety members of the California Highway Patrol.~~

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

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

1 SECTION 1. Section 4707 of the Labor Code is
2 amended to read:

3 4707. (a) Except as provided in subdivision (b), no
4 benefits, except reasonable expenses of burial not
5 exceeding one thousand dollars (\$1,000), shall be
6 awarded under this division on account of the death of an
7 employee who is an active member of the Public
8 Employees' Retirement System unless it is determined
9 that a special death benefit, as defined in the Public
10 Employees' Retirement Law, or the benefit provided in
11 lieu of the special death benefit in Section 21365.6 of the
12 Government Code, will not be paid by the Public
13 Employees' Retirement System to the surviving spouse or
14 children under 18 years of age, of the deceased, on
15 account of the death, but if the total death allowance paid
16 to the surviving spouse and children is less than the
17 benefit otherwise payable under this division the
18 surviving spouse and children are entitled, under this
19 division, to the difference.

20 The amendments to this section during the 1977-78
21 Regular Session shall be applied retroactively to July 1,
22 1976.

23 (b) The limitation prescribed by subdivision (a) shall
24 not apply to local safety members of the Public
25 Employees' Retirement System or state safety members
26 of the California Highway Patrol.



1 SECTION 1. Section 21552 of the Government Code
2 is amended to read:

3 21552. Notwithstanding any other provision of this
4 part, on and after ~~the effective date of this section~~ January
5 1, 1998, the remarriage of any surviving spouse of any
6 deceased local safety member who was a firefighter, or
7 peace officer as described in Chapter 4.5 (commencing
8 with Section 830) of Title 3 of Part 2 of the Penal Code;
9 ~~who died in the line of duty~~, shall not result in the
10 reduction or cessation of any monthly allowance the
11 spouse was receiving pursuant to Section 21541 and
12 Article 3 (commencing with Section 21570).

13 SEC. 2. Section 21553 of the Government Code is
14 amended to read:

15 21553. (a) The monthly allowance pursuant to
16 Section 21541 and Article 3 (commencing with Section
17 21570), paid to the surviving spouse of any deceased local
18 safety member who was a firefighter, or peace officer as
19 described in Chapter 4.5 (commencing with Section 830)
20 of Title 3 of Part 2 of the Penal Code, ~~who died in the line~~
21 ~~of duty~~, shall be restored if that allowance has been
22 reduced or discontinued upon the spouse's remarriage.
23 The allowance shall be resumed on the effective date of
24 this section, or the first of the month, following receipt by
25 the board of a written application from the spouse for
26 resumption of the allowance, whichever is later.

27 (b) The amount of the benefits due shall be calculated
28 as though the allowance had never been reduced or
29 discontinued because of remarriage, and shall not be
30 payable for the period between the date of reduction or
31 discontinuance and the effective date of resumption.

32 (c) The board has no duty to identify, locate, or notify
33 a spouse who previously had his or her allowance reduced
34 or discontinued because of remarriage.

35 (d) Any surviving spouse shall be entitled to
36 restoration of terminated or diminished benefits upon
37 application to the system if he or she previously qualified



- 1 for special death benefits because his or her spouse died
- 2 in the line of duty.

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