

**ASSEMBLY BILL**

**No. 2383**

**Introduced by Assembly Member Keeley**

February 24, 2000

An act to amend Section 22754 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2383, as introduced, Keeley. Public Employees' Medical and Hospital Care Act: covered employees.

Existing law, the Public Employees' Medical and Hospital Care Act, defines "employee" for purposes of the act and excludes from that definition specified local agency officers and employees who are employed less than half time.

This bill would delete that exclusion.

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

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

- 1 SECTION 1. Section 22754 of the Government Code
- 2 is amended to read:
- 3 22754. As used in this part the following definitions,
- 4 unless the context otherwise requires, shall govern the
- 5 interpretation of terms:
- 6 (a) "Board" means the Board of Administration of the
- 7 Public Employees' Retirement System.
- 8 (b) "Employee" means:



1 (1) Any officer or employee of the State of California  
2 or of any agency, department, authority, or  
3 instrumentality of the state including the University of  
4 California, or any officer or employee who is a local or  
5 school member of the Public Employees' Retirement  
6 System employed by a contracting agency that has  
7 elected to be or otherwise has become subject to this part,  
8 or who is a member or retirant of the State Teachers'  
9 Retirement System employed by an employer who has  
10 elected to become subject to this part, or who is an  
11 employee or annuitant of a special district or county  
12 subject to the County Employees Retirement Law of 1937  
13 (Chapter 3 (commencing with Section 31450) of Part 3 of  
14 Division 4 of Title 3) that has elected to become subject  
15 to this part, or who is an employee or annuitant of a  
16 special district, as defined in subdivision (i), that has  
17 elected to become subject to this part, except persons  
18 employed on an intermittent, irregular or less than  
19 half-time basis, or employees similarly situated, or  
20 employees in respect to whom contributions by the state  
21 for any type of plan or program offering prepaid hospital  
22 and medical care are otherwise authorized by law.

23 (2) Any officer or employee who participates in the  
24 retirement system of a contracting agency as defined in  
25 paragraph (2) of subdivision (g) that has elected to  
26 become subject to this part, except persons ~~employed less~~  
27 ~~than half time~~ or who are otherwise determined to be  
28 ineligible.

29 (3) Any annuitant of the Public Employees'  
30 Retirement System employed by a contracting agency as  
31 defined in subdivision (g) that has elected to become  
32 subject to this part who is a person retired under Section  
33 21228.

34 (c) "Carrier" means a private insurance company  
35 holding a valid outstanding certificate of authority from  
36 the Insurance Commissioner of the state, a medical  
37 society or other medical group, a nonprofit hospital  
38 service plan qualifying under Chapter 11A (commencing  
39 with Section 11491) of Part 2 of Division 2 of the Insurance  
40 Code, or nonprofit membership corporation lawfully



1 operating under Section 9200 or Section 9201 of the  
2 Corporations Code, or a health care service plan as  
3 defined under subdivision (f) of Section 1345 of the  
4 Health and Safety Code, or a health maintenance  
5 organization approved under Title XIII of the federal  
6 Public Health Services Act, that is lawfully engaged in  
7 providing, arranging, paying for, or reimbursing the cost  
8 of personal health services under insurance policies or  
9 contracts, medical and hospital service agreements,  
10 membership contracts, or the like, in consideration of  
11 premiums or other periodic charges payable to it.

12 (d) "Health benefits plan" means any program or  
13 entity that provides, arranges, pays for, or reimburses the  
14 cost of health benefits.

15 (e) "Annuitant" means:

16 (1) Any person who has retired within 120 days of  
17 separation from employment and who receives any  
18 retirement allowance under any state or University of  
19 California retirement system to which the state was a  
20 contributing party.

21 (2) A family member receiving an allowance as the  
22 survivor of an annuitant who has retired as provided in  
23 paragraph (1), or as the survivor of a deceased employee  
24 under Section 21541, 21546, or 21547 or similar provisions  
25 of any other state retirement system.

26 (3) Any employee who has retired under the  
27 retirement system provided by a contracting agency as  
28 defined in paragraph (2) of subdivision (g) and who  
29 receives a retirement allowance from that retirement  
30 system, or a surviving family member who receives the  
31 retirement allowance in place of the deceased.

32 (4) Any person who was a state member for 30 years  
33 or more and who, at the time of retirement, was a local  
34 member employed by a contracting agency.

35 (f) "Family member" means an employee's or  
36 annuitant's spouse and any unmarried child (including an  
37 adopted child, a stepchild, or recognized natural child  
38 who lives with the employee or annuitant in a regular  
39 parent-child relationship). The board shall, by regulation,



1 prescribe age limits and other conditions and limitations  
2 pertaining to unmarried children.

3 (g) “Contracting agency” means:

4 (1) Any contracting agency as defined in Section  
5 20022, any county or special district subject to the County  
6 Employees Retirement Law of 1937 (Chapter 3  
7 (commencing with Section 31450) of Part 3 of Division 4  
8 of Title 3), and any special district, school district, county  
9 board of education, personnel commission of a school  
10 district or a county superintendent of schools.

11 (2) Any public body or agency of, or within California  
12 not covered by the Public Employees’ Retirement  
13 System or subject to the County Employees Retirement  
14 Law of 1937 (Chapter 3 (commencing with Section  
15 31450) of Part 3 of Division 4 of Title 3), that provides a  
16 retirement system for its employees funded wholly or in  
17 part by public funds.

18 (h) “Employer” means the state, any contracting  
19 agency employing an employee, and any agency that has  
20 elected to become subject to this part pursuant to Section  
21 22856.

22 (i) “Special district” means a nonprofit, self-governed  
23 public agency, within the State of California and  
24 comprised solely of public employees, performing a  
25 governmental rather than proprietary function.

