

AMENDED IN SENATE MARCH 27, 2001

SENATE BILL

No. 1049

Introduced by Senator Speier

February 23, 2001

An act to add ~~Sections 31678.3 and~~ *Section 31780.2* to the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 1049, as amended, Speier. County employees' retirement: ~~benefits~~ *domestic partners: San Mateo County.*

~~(1) The existing County Employees Retirement Law of 1937 authorizes adoption of various formulae for calculation of retirement allowances, including a 2% at age 55¹/₂ formula, and provides that a member's allowance shall be calculated under any one formula only for the period of time that the formula was in effect in the county.~~

~~This bill would provide that in San Mateo County, subject to the approval of the board of supervisors, calculation of a member's allowance under the 2% at age 55¹/₂ formula shall be based on all of the member's eligible service credit, as defined.~~

~~(2) Under~~

~~Under the existing County Employees Retirement Law of 1937, death benefits and survivor's ~~allowance~~ allowances are payable to the surviving spouse or children of a deceased member, as specified.~~

~~This bill would provide that in San Mateo County, subject to the approval of the board of supervisors, death benefits and survivor's allowances may be payable to a member's surviving domestic partner, as specified.~~

~~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 31678.3 is added to the Government~~
2 ~~Code, to read:~~

3 ~~31678.3. (a) This section shall only be applicable in a county~~
4 ~~of the 10th class, as defined in Sections 28020 and 28031.~~

5 ~~(b) Notwithstanding Section 31678, benefits calculated in~~
6 ~~accordance with Section 31676.14 shall be based upon all eligible~~
7 ~~service credit earned by the member since becoming a member.~~

8 ~~(c) This section shall not be operative unless and until the~~
9 ~~county board of supervisors, by resolution adopted by a majority~~
10 ~~vote, makes this section operative in the county.~~

11 ~~(d) For purposes of this section, “eligible service credit”~~
12 ~~means the service credit earned as a member of the tier or tiers~~
13 ~~eligible for benefits under Section 31676.14, as specified in the~~
14 ~~resolution of the board of supervisors.~~

15 ~~(e) This section shall apply only to benefits payable to members~~
16 ~~who retire on or after the effective date specified in the resolution~~
17 ~~of the board of supervisors.~~

18 ~~SEC. 2.—~~

19 ~~SECTION 1. Section 31780.2 is added to the Government~~
20 ~~Code, to read:~~

21 ~~31780.2. (a) In a county of the 10th class, as defined in~~
22 ~~Sections 28020 and 28031, any benefits accorded to a spouse~~
23 ~~pursuant to this article and Article 11 (commencing with Section~~
24 ~~31760), Article 15.5 (commencing with Section 31841), Article~~
25 ~~15.6 (commencing with Section 31855), and Article 16~~
26 ~~(commencing with Section 31861), or any of them, may be~~
27 ~~accorded to a domestic partner, as defined in a resolution adopted~~
28 ~~by the county board of supervisors *consistent with the*~~
29 ~~*requirements of subdivision (b)*, provided that the member and the~~
30 ~~member’s domestic partner have a current Affidavit of Domestic~~
31 ~~Partnership, in the form adopted by the county board of~~
32 ~~supervisors, on file with the county for at least one year prior to the~~
33 ~~member’s retirement or death prior to retirement.~~

34 ~~(b) *For purposes of this section, a domestic partnership may be*~~
35 ~~*established between two adults of the same sex or, if both persons*~~
36 ~~*meet the eligibility criteria under Title II of the Social Security Act*~~
37 ~~*as defined in Section 402(a) of Title 42 of the United States Code*~~
38 ~~*for old-age insurance benefits, two persons of the opposite sex. In*~~



1 *no event may two persons of the opposite sex constitute a domestic*
2 *partnership unless both persons are over the age of 62 years.*
3 (c) This section shall not be operative unless and until the
4 county board of supervisors, by resolution adopted by a majority
5 vote, makes this section operative in the county.

O

