

AMENDED IN ASSEMBLY MAY 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 266

Introduced by Assembly Member Mullin

February 4, 2003

An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 266, as amended, Mullin. County employees' retirement: San Mateo County.

Existing law authorizes the San Mateo County Board of Supervisors, among others, to provide specified benefits to the surviving domestic partner of a member of the county's retirement system.

This bill would authorize that board of supervisors to ~~elect to phase-in~~ *implement* those benefits through collective bargaining and based on actuarial cost estimates.

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 31780.2 of the Government Code is
2 amended to read:
3 31780.2. (a) In a county of the 1st class, the 10th class, the
4 16th class, or the 18th class, as defined in Sections 28020, 28022,
5 28031, 28037, and 28039, any benefits accorded to a spouse
6 pursuant to this article and Article 11 (commencing with Section

1 31760), Article 15.5 (commencing with Section 31841), Article
 2 15.6 (commencing with Section 31855), and Article 16
 3 (commencing with Section 31861), or any of them, may be
 4 accorded to a domestic partner, as defined in Section 297 of the
 5 Family Code, who is registered with the Secretary of State
 6 pursuant to Division 2.5 (commencing with Section 297) of the
 7 Family Code. The county may also require the member and the
 8 member’s domestic partner to have a current Affidavit of
 9 Domestic Partnership, in the form adopted by the county board of
 10 supervisors, on file with the county for at least one year prior to the
 11 member’s retirement or death prior to retirement.

12 (b) If a member has a domestic partner described in
 13 subdivision (a) and has a surviving dependent child, the surviving
 14 dependent child shall receive the death and survivor’s allowance
 15 until the age of 19 years or until married, whichever occurs earlier,
 16 or until the age of 22 years if attending an educational institution.
 17 When the member’s surviving dependent child reaches the age of
 18 19 years or is no longer a dependent, whichever occurs earlier, or
 19 reaches the age of 22 years if attending an educational institution,
 20 then the benefits accorded to a spouse, as specified in subdivision
 21 (a), may be accorded to the member’s domestic partner pursuant
 22 to this section. However, if a surviving dependent child elects to
 23 receive a lump-sum payment, the lump-sum payment shall be
 24 shared among any surviving dependent children and the domestic
 25 partner, pursuant to this section, in a proportional manner.

26 (c) This section is not operative unless and until the county
 27 board of supervisors, by resolution adopted by a majority vote,
 28 makes this section operative in the county. In a county of the 10th
 29 class, as defined in Sections 28020 and 28031, the county board
 30 of supervisors may ~~also elect to phase in~~ *implement* the benefits
 31 described in this section ~~over a reasonable period of time~~, as
 32 determined through the collective bargaining process and based on
 33 actuarial cost estimates.

O

