

Assembly Bill No. 266

CHAPTER 79

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

[Approved by Governor July 21, 2003. Filed with Secretary of State July 22, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 266, 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 implement those benefits through collective bargaining and based on actuarial cost estimates.

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

SECTION 1. Section 31780.2 of the Government Code is amended to read:

31780.2. (a) In a county of the 1st class, the 10th class, the 16th class, or the 18th class, as defined in Sections 28020, 28022, 28031, 28037, and 28039, any benefits accorded to a spouse pursuant to this article and Article 11 (commencing with Section 31760), Article 15.5 (commencing with Section 31841), Article 15.6 (commencing with Section 31855), and Article 16 (commencing with Section 31861), or any of them, may be accorded to a domestic partner, as defined in Section 297 of the Family Code, who is registered with the Secretary of State pursuant to Division 2.5 (commencing with Section 297) of the Family Code. The county may also require the member and the member's domestic partner to have a current Affidavit of Domestic Partnership, in the form adopted by the county board of supervisors, on file with the county for at least one year prior to the member's retirement or death prior to retirement.

(b) If a member has a domestic partner described in subdivision (a) and has a surviving dependent child, the surviving dependent child shall receive the death and survivor's allowance until the age of 19 years or until married, whichever occurs earlier, or until the age of 22 years if attending an educational institution. When the member's surviving

dependent child reaches the age of 19 years or is no longer a dependent, whichever occurs earlier, or reaches the age of 22 years if attending an educational institution, then the benefits accorded to a spouse, as specified in subdivision (a), may be accorded to the member's domestic partner pursuant to this section. However, if a surviving dependent child elects to receive a lump-sum payment, the lump-sum payment shall be shared among any surviving dependent children and the domestic partner, pursuant to this section, in a proportional manner.

(c) This section is not operative unless and until the county board of supervisors, by resolution adopted by a majority vote, makes this section operative in the county. In a county of the 10th class, as defined in Sections 28020 and 28031, the county board of supervisors may implement the benefits described in this section as determined through the collective bargaining process and based on actuarial cost estimates.

