

ASSEMBLY BILL

No. 1082

Introduced by Assembly Member Laird

February 20, 2003

An act to amend Sections 22869 and 22872 of the Government Code, relating to public employee health care benefits, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1082, as introduced, Laird. Public employees' health care benefits: domestic partners.

Existing law authorizes public agencies that contract with the Public Employees' Retirement System for employee and annuitant health care benefits to provide those benefits to domestic partners. For these purposes, a domestic partnership is defined according to existing state law. Employer, employee, and annuitant contributions for health care benefits are deposited in one of 2 continuously appropriated funds.

This bill would authorize a contracting agency, that adopted a local definition of domestic partnership and that provided health care benefits for members of those domestic partnerships before contracting with the system, to provide health care benefits to those domestic partners after contracting with the system. By expanding the eligibility for benefits, the bill would increase the contributions that are deposited into a continuously appropriated fund and, thereby, make an appropriation.

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 22869 of the Government Code is
2 amended to read:

3 22869. For purposes of this part, a “domestic partnership”
4 shall be ~~two~~ *either of the following:*

5 (a) *Two people who meet all of the criteria set forth in Section*
6 *297 of the Family Code.*

7 (b) *Two people who meet all of the criteria of a ‘domestic*
8 *partnership,’ as defined by the governing board of a contracting*
9 *agency, if the contracting agency adopted that definition and*
10 *provided health care benefits coverage for members of those*
11 *domestic partnerships before the contracting agency elected to be*
12 *or otherwise became subject to this part.*

13 SEC. 2. Section 22872 of the Government Code is amended
14 to read:

15 22872. (a) In order to receive any benefit provided by this
16 article, an employee or annuitant shall present the board with proof
17 in a manner designated by the board that the employee or annuitant
18 and his or her domestic partner have filed a valid Declaration of
19 Domestic Partnership pursuant to Division 2.5 (commencing with
20 Section 297) of the Family Code *or have established a valid*
21 *domestic partnership, as defined by his or her contracting agency*
22 *in accordance with subdivision (b) of Section 22869.*

23 (b) The employee or annuitant shall also provide a signed
24 statement indicating that the employee or annuitant agrees that he
25 or she may be required to reimburse the employer, their designated
26 health services plan, and the system, for any expenditures made by
27 the employer, their designated health services plan, and the
28 system, for medical claims, processing fees, administrative
29 charges, costs, and attorney’s fees on behalf of the domestic
30 partner if any of the submitted documentation is found to be
31 incomplete, inaccurate, or fraudulent.

32 (c) The employee or annuitant shall notify the employer or
33 ~~CalPERS~~ *the board* when a domestic partnership has terminated,
34 as required by subdivision (c) of Section 299 of the Family Code
35 *or as required by his or her contracting agency in accordance with*
36 *subdivision (b) of Section 22869.*

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