

AMENDED IN ASSEMBLY AUGUST 25, 2003

AMENDED IN ASSEMBLY JUNE 18, 2003

SENATE BILL

No. 85

Introduced by Senator Torlakson

January 23, 2003

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

LEGISLATIVE COUNSEL'S DIGEST

SB 85, as amended, Torlakson. County employees' retirement: death benefits.

Under the County Employees Retirement Law of 1937, any death benefits, optional retirement allowances, or survivor's allowances accorded to a spouse, as specified, may be accorded to a domestic partner in San Mateo County, Los Angeles County, Santa Barbara County, and Marin County, subject to approval by the county board of supervisors and other limitations, including, but not limited to, the accordance of those benefits and allowances to a surviving dependent child, if any, until 19 years of age or until married, or 22 years of age if attending an educational institution.

This bill would instead accord those benefits and allowances to a domestic partner when the surviving dependent child, if any, turns 18 years of age, or 22 years of age if ~~attending~~ *enrolled as a full-time student in an accredited* educational institution. The bill would also make those provisions listed above applicable to all counties in California, *and would authorize the San Mateo County Board of Supervisors to implement those benefits in a specified manner.*

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

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

31 (c) This section is not operative unless and until the county
32 board of supervisors, by resolution adopted by a majority vote,
33 makes this section operative in the county. *In a county of the 10th*
34 *class, as defined in Sections 28020 and 28031, the county board*
35 *of supervisors may implement the benefits described in this section*



- 1 *as determined through the collective bargaining process and based*
- 2 *on actuarial cost estimates.*

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