

ASSEMBLY BILL

No. 107

Introduced by Assembly Member Knox

December 22, 1998

An act to add Article 9 (commencing with Section 22867) to Chapter 1 of Part 5 of Division 5 of Title 2 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

LEGISLATIVE COUNSEL'S DIGEST

AB 107, as introduced, Knox. Public employees' health benefits: domestic partners.

The existing Public Employees' Medical and Hospital Care Act authorizes the Board of Administration of the Public Employees' Retirement System to provide health benefits plan coverage to state and local public employees and annuitants and their family members.

This bill would authorize the state and local employers to elect to include within the definition of "family member," domestic partners, as defined, who have submitted certificates of eligibility to the board. This bill would require forms containing specified information to be filed under penalty of perjury, thereby extending the scope of the existing crime of perjury and imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Article 9 (commencing with Section
2 22867) is added to Chapter 1 of Part 5 of Division 5 of Title
3 2 of the Government Code, to read:

4
5 Article 9. Domestic Partners
6

7 22867. It is the purpose of this article to provide
8 employers the ability to offer health care coverage
9 through this part to the domestic partners of their
10 employees and annuitants.

11 22868. For this part only, and only for the purposes of
12 providing health care coverage pursuant to this part, a
13 domestic partner is an adult in a domestic partnership as
14 defined in Section 22869 who has submitted to the system
15 on a form designated by the board a certificate of
16 eligibility pursuant to Section 22872.

17 22869. For this part only, and only for the purposes of
18 providing health care coverage pursuant to this part, a
19 domestic partnership exists when all of the following
20 occur:

- 21 (a) Both persons have a common residence.
- 22 (b) One of the persons is enrolled as an employee or
23 annuitant of an employer contracting with the board for
24 health benefits coverage.
- 25 (c) Both persons share the common necessities of life
26 and agree to be jointly responsible for each other's basic
27 living expenses during the domestic partnership.
- 28 (d) Neither person is married nor a member of
29 another domestic partnership.
- 30 (e) The two persons are not related by blood in a way
31 that would prevent them from being married to each
32 other in this state.
- 33 (f) Both persons are at least 18 years of age.



1 (g) Both persons file a certificate of eligibility
2 pursuant to Section 22872.

3 22870. (a) For the purposes of this part only, a
4 domestic partnership shall terminate when any of the
5 following occurs:

6 (1) One partner gives or sends to the other partner a
7 notarized, written notice that he or she is terminating the
8 partnership.

9 (2) One of the domestic partners dies.

10 (3) One of the domestic partners marries.

11 (4) The domestic partners no longer have a common
12 residence. A temporary separation resulting from work-,
13 education-, or health-related requirements shall not
14 constitute the cessation of a common residence.

15 (b) Upon termination of the partnership, the
16 employee or annuitant shall notify the board by filing, on
17 a form designated by the board, a certification of
18 termination of eligibility. The form shall include a
19 statement whereby the employee or annuitant shall
20 certify under penalty of perjury, that he or she has
21 notified his or her domestic partner of the termination of
22 the partnership. All benefits provided by this article shall
23 cease as of the last day of the month following the receipt
24 of the certification of termination of eligibility.

25 (c) No person who was a member of a domestic
26 partnership that was terminated pursuant to this section
27 shall be eligible for health coverage pursuant to this
28 article until at least six months after the effective date of
29 the certification of termination of eligibility that
30 terminated the previous partnership.

31 22871. Notwithstanding any other provision of law, a
32 domestic partner shall be included in the definition of a
33 family member for purposes of Sections 22777, 22778,
34 subdivision (a) of Section 22791, Sections 22811, 22811.5,
35 22811.6, 22812, 22813, 22815, subdivision (c) of Section
36 22816, Sections 22816.3, 22816.35, 22817, 22819, 22823,
37 subdivision (a) of Section 22825, subdivision (a) of
38 Section 22825.1, Section 22825.7, paragraph (1) of
39 subdivision (b) of Section 22840.2, subdivision (f) of



1 Section 22840.2, subdivision (b) of Section 22856, and
2 Section 22859.

3 22871.1. Notwithstanding Section 22871 or any other
4 provision of law, a domestic partner shall not be included
5 in the definition of a family member for purposes of
6 subdivisions (e) and (f) of Section 22754, subdivision (a)
7 of Section 22811.6, and Section 22821.

8 22871.2. Notwithstanding subdivision (f) of Section
9 22754 or any other provision of law, a domestic partner
10 shall be considered to be a family member for purposes
11 of Section 22810 except that a domestic partner shall not
12 be considered a family member for purposes of continued
13 health coverage eligibility upon the death of the
14 employee or annuitant.

15 22872. (a) In order to receive any benefit provided
16 by this article, an employee or annuitant and his or her
17 domestic partner shall complete, have notarized, and file
18 on a form designated by the board, a certificate of
19 eligibility.

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

30 22873. (a) Any employer may, at its option, offer
31 health benefits pursuant to this article, to the domestic
32 partners of all of its employees and annuitants.

33 (b) The employer shall notify the board, in a manner
34 prescribed by the board, that it is electing to provide
35 health care coverage through this article to the domestic
36 partners of its employees and annuitants.

37 (c) The employer shall provide to the system any
38 information deemed necessary by the board to determine
39 eligibility under this article.



1 22874. Notwithstanding any other provision of law,
2 this article shall not be construed to extend any vested
3 rights to any person nor be construed to limit the right of
4 the Legislature to subsequently modify or repeal any
5 provision of this article.

6 22875. This article shall become applicable to state
7 members only if the Governor issues an executive order
8 authorizing coverage under this article or if every state
9 bargaining unit has signed a memorandum of
10 understanding to become subject to this article. The
11 memorandum of understanding shall be agreed to by the
12 state employer and the recognized employee
13 organization. Once the Governor has issued an executive
14 order or all the bargaining units have signed a
15 memorandum of understanding, this article shall become
16 applicable to all state members.

17 22876. Notwithstanding Section 22875, this article
18 shall apply to members of the Public Employees'
19 Retirement System who are employed by the Assembly,
20 the Senate, the Judicial Council, and the California State
21 University only if the Assembly Rules Committee, the
22 Senate Rules Committee, the Judicial Council, and the
23 Board of Trustees of the California State University,
24 respectively, make this section applicable to their
25 employees.

26 SEC. 2. No reimbursement is required by this act
27 pursuant to Section 6 of Article XIII B of the California
28 Constitution because the only costs that may be incurred
29 by a local agency or school district will be incurred
30 because this act creates a new crime or infraction,
31 eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section
33 17556 of the Government Code, or changes the definition
34 of a crime within the meaning of Section 6 of Article
35 XIII B of the California Constitution.

36 Notwithstanding Section 17580 of the Government
37 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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