

AMENDED IN ASSEMBLY MARCH 10, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 107**

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**Introduced by Assembly ~~Member Knox~~ Members *Knox and Villaraigosa***

December 22, 1998

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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 amended, 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

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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.



1 (e) The two persons are not related by blood in a way  
2 that would prevent them from being married to each  
3 other in this state.

4 (f) Both persons are at least 18 years of age.

5 (g) Both persons file a certificate of eligibility  
6 pursuant to Section 22872.

7 22870. (a) For the purposes of this part only, a  
8 domestic partnership shall terminate when any of the  
9 following occurs:

10 (1) One partner gives or sends to the other partner a  
11 notarized, written notice that he or she is terminating the  
12 partnership.

13 (2) One of the domestic partners dies.

14 (3) One of the domestic partners marries.

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

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

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

35 22871. Notwithstanding any other provision of law, a  
36 domestic partner shall be included in the definition of a  
37 family member for purposes of Sections 22777, 22778,  
38 subdivision (a) of Section 22791, Sections 22811, 22811.5,  
39 22811.6, 22812, 22813, 22815, subdivision (c) of Section  
40 22816, Sections 22816.3, 22816.35, 22817, 22819, 22823,



1 subdivision (a) of Section 22825, subdivision (a) of  
2 Section 22825.1, Section 22825.7, paragraph (1) of  
3 subdivision (b) of Section 22840.2, subdivision (f) of  
4 Section 22840.2, subdivision (b) of Section 22856, and  
5 Section 22859.

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

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

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

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

33 22873. (a) Any employer may, at its option, offer  
34 health benefits pursuant to this article, to the domestic  
35 partners of all of its employees and annuitants.

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



1 (c) The employer shall provide to the system any  
2 information deemed necessary by the board to determine  
3 eligibility under this article.

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

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

20 ~~22876. Notwithstanding Section 22875, this article~~

21 22875. *This article* shall apply to members of the  
22 Public Employees' Retirement System who are  
23 employed by the Assembly, the Senate, the Judicial  
24 Council, and the California State University only if the  
25 Assembly Rules Committee, the Senate Rules  
26 Committee, the Judicial Council, and the Board of  
27 Trustees of the California State University, respectively,  
28 make this section applicable to their employees.

29 SEC. 2. No reimbursement is required by this act  
30 pursuant to Section 6 of Article XIII B of the California  
31 Constitution because the only costs that may be incurred  
32 by a local agency or school district will be incurred  
33 because this act creates a new crime or infraction,  
34 eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section  
36 17556 of the Government Code, or changes the definition  
37 of a crime within the meaning of Section 6 of Article  
38 XIII B of the California Constitution.

39 ~~Notwithstanding Section 17580 of the Government~~  
40 ~~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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