
Judiciary Committee

HB 1727

Title: An act relating to further expanding the rights and responsibilities of state registered domestic partners.

Brief Description: Expanding the rights and responsibilities of state registered domestic partners.

Sponsors: Representatives Pedersen, Walsh, Moeller, Johnson, Carlyle, Quall, Sullivan, Maxwell, Roberts, Chase, Upthegrove, White, Conway, Nelson, Cody, Hudgins, Morris, Eddy, Liias, Kagi, Ormsby, Rolfes, Clibborn, Dunshee, Pettigrew, Springer, Hunter, Williams, Blake, Darneille, Goodman, Dickerson, Hasegawa, Linville, Kenney, Appleton, Van De Wege, Kessler, Santos, Sells, O'Brien, Ericks, Wallace, McCoy, Kirby, Haigh, Takko, Hurst, Seaquist, Wood, Flannigan, Orwall, Jacks, Finn, Hunt, Simpson and Driscoll.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides that for all purposes under state law, state registered domestic partners shall be treated the same as married spouses and that provisions of the act shall be liberally construed to achieve equal treatment, to the extent not in conflict with federal law.

Hearing Date: 2/5/09

Staff: Trudes Tango (786-7384)

Background:

In 2007, the Legislature created the domestic partnership registry in the Office of the Secretary of the State (OSOS). Couples may register as domestic partners if they meet certain criteria and if the parties are the same sex or one of the parties is at least 62 years old. At the time the registry was created, state registered domestic partnerships could be terminated by either party by filing a notice of termination with the OSOS.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The 2007 legislation extended to domestic partners certain rights and responsibilities that are granted to or imposed on spouses. Those rights and responsibilities generally involved areas of law dealing with health care decision-making, hospital visitation, powers of attorney, and death and burial issues. In addition, the 2007 legislation provided that a certificate of domestic partnership issued by the OSOS fulfills the eligibility requirements for a same-sex partner of a public employee to receive benefits under the Public Employees Benefits Board.

In 2008, the Legislature extended more rights and responsibilities to state registered domestic partners. The legislation amended statutes related to dissolutions, community property, estate planning, taxes, court process, service to indigent veterans and other public assistance, conflicts of interest for public officials, and guardianships. The legislation limited the nonjudicial process for terminating a domestic partnership to those domestic partners meeting certain criteria, including: neither partner has minor children or is pregnant; the domestic partnership is not more than five years in duration; the partners do not own property over a certain dollar amount; and the partners both agree to the termination. Domestic partners not meeting the criteria must file a dissolution with the court to terminate their domestic partnership.

Summary of Bill:

It is the Legislature's intent that for all purposes under state law, state registered domestic partners shall be treated the same as married spouses. Any privilege, immunity, right, benefit, or responsibility granted or imposed by statute, administrative or court rule, policy, common law or any other law to a person because he or she is a spouse, shall also be granted or imposed on equivalent terms, substantive and procedural, to a person because he or she is in a state registered domestic partnership.

Agencies must amend their rules to reflect the Legislature's intent. Language is added to numerous chapters of the Revised Code of Washington stating that the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted to apply equally to state registered domestic partners and married persons, to the extent such interpretation does not conflict with federal law.

The nonjudicial termination process available to domestic partners is repealed. To terminate a domestic partnership, the parties must file for dissolution. A certificate of domestic partnership issued by the OSOS to different-sex couples fulfills eligibility requirements for the domestic partner of a public employee to receive benefits.

Appropriation: None.

Fiscal Note: Requested on January 27, 2009.

Effective Date: Sections 3 through 6, 67, 73, 81, 83 through 99, 103, 167, 169, and 184 through 186 take effect January 1, 2012. Section 160 and 161 take effect August 1, 2009. All other sections of the bill take effect 90 days after adjournment of the session in which the bill is passed.