
Judiciary Committee

E2SSB 5688

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: Senate Committee on Ways & Means (originally sponsored by Senators Murray, McDermott, Kohl-Welles, Fairley, Hobbs, Ranker, Pridemore, Kauffman, Kline, Keiser, Regala, Fraser, Prentice, Oemig, Franklin, McAuliffe, Jarrett, Brown, Kilmer and Tom).

<p style="text-align: center;">Brief Summary of Engrossed Second Substitute 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: 3/23/09

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.

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

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.

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 relating 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, which include: 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.

Subject to available funds, agencies must amend their rules to reflect the Legislature's intent. Language is added to the Revised Code of Washington stating that, except for chapter 26.04 RCW (marriage), 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.

Appropriation: None.

Fiscal Note: Requested.

Effective Date: Sections 5 through 8 (judicial retirement system), 79 (local improvements and guaranty funds), 87 through 103 (pensions for public employees), 107 (pensions for Washington State Patrol), 151 (Basic Health Plan), 173 through 175 (public assistance), and 190 through 192 (estate tax) of this act take effect January 1, 2014. Sections 167 and 168 (Department of Corrections) 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.