

SENATE BILL REPORT

HB 1649

As of March 16, 2011

Title: An act relating to giving legal effect to domestic partnerships.

Brief Description: Concerning reciprocity and statutory construction with regard to domestic partnerships.

Sponsors: Representatives Jinkins, Pedersen, Kenney, Pettigrew, Ladenburg, Lytton, Stanford, Billig, Ryu, Lias, Seaquist, Darneille, Dickerson, Dunshee, Fitzgibbon, Upthegrove, Reykdal, Finn, Moscoso, Takko, Rolfes, Clibborn, Jacks, Morris, Cody, Roberts, Orwall, Green, Van De Wege, Ormsby, Hudgins, Sells, Kelley, Blake, Appleton, Kagi, Santos, Hurst, Kirby, Eddy, Probst, Springer, Miloscia, Maxwell, Sullivan, Goodman, Frockt, Carlyle, Haigh, Moeller, Hunter, Tharinger, Hunt, McCoy and Hasegawa.

Brief History: Passed House: 3/04/11, 58-39.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/15/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: To enter into a state-registered domestic partnership, the two individuals involved must:

- share a common residence;
- be at least 18 years of age;
- not be married to someone other than the other person and not be in a state-registered domestic partnership with another person;
- be capable of consenting to the domestic partnership;
- not be nearer of kin to each other than second cousins or be related in other ways; and
- either be members of the same sex or at least one of the persons must be 62 years of age or older.

A legal union of two persons of the same sex, except for a same-sex marriage, that is validly formed in another jurisdiction and that is substantially the same as a state-registered domestic partnership is recognized as a domestic partnership in this state.

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.

In the Revised Code of Washington, a specific section addressing rules of construction provides that for the purposes of interpreting the code, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family must be interpreted as applying equally to domestic partnerships, to the extent the interpretation does not conflict with federal law.

Summary of Bill: A legal union of two persons, including a marriage, that was validly formed in another jurisdiction and that is substantially equivalent to a Washington State-registered domestic partnership must be recognized as a valid domestic partnership in this state.

The statutory interpretation provision is amended to explicitly state that this applies to any legislation hereafter enacted by the Legislature or by the people unless the legislation expressly states otherwise.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a bill about protecting families. This bill will allow same sex couples who are married in other states to have their union recognized in Washington State. Same sex families are required to travel with documentation to show they have a recognized legal union, have adoption papers for their children, and power of attorney forms to make decisions in unfortunate circumstances. This bill will provide a degree of protection for our families. Washington voters have shown that they want this protection and that they support domestic partnerships. My partner collapsed in front of our children when we were vacationing in another state. The state of Florida did not recognize our family. I was unable to be with my partner of 18 years when she died. Our children were not able to say goodbye to their mother. No family should ever be treated as we were treated that day. I should have been able to be with my partner, comfort her and make decisions about her care. Don't let Washington become another Florida.

OTHER: This bill is not a technical bill. This bill makes a huge policy change. This bill is concerning because it equates a domestic partnership with marriage. The two institutions are not the same and should not be given equal standing in law. This is not the direction we should move in as a state.

Persons Testifying: PRO: Janice K. Langbehn, citizen; Sara Aisnworth, Legal Voice.

OTHER: Rebecca Foust, citizen.