

FINAL BILL REPORT

E2SSB 5688

C 521 L 09
Synopsis as Enacted

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).

Senate Committee on Government Operations & Elections
Senate Committee on Ways & Means
House Committee on Judiciary
House Committee on Ways & Means

Background: In 2007 the Legislature created a domestic partnership registry in the Office of the Secretary of State (OSOS). The legislation allows individuals to enter into a state-registered domestic partnership so long as the individuals meet certain criteria, such as sharing a common residence; being at least 18 years of age; being members of the same sex; or one person being at least 62 years of age. At the time the registry was created, state-registered domestic partnerships could be terminated by either party filing a notice of termination with the OSOS and paying the accompanying filing fee. The termination was effective after 90 days.

The 2007 legislation extended certain powers and rights available to spouses to domestic partners, such as health care facility visitation rights; ability to grant informed consent for health care for a patient who is not competent; title and rights to cemetery plots; and automatic termination of power of attorney upon termination of the partnership.

Same-sex domestic partners of public employees are eligible to participate in Public Employees Benefits Board (PEBB) insurance coverage. A certificate of domestic partnership issued to a same sex couple by the OSOS fulfills eligibility requirements for the same sex partner of the public employee to receive benefits.

In 2008 the Legislature enacted 2SHB 3104 which expanded the rights and responsibilities of 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.

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.

Additionally, the termination process available to domestic partners was modified. To terminate a domestic partnership, a domestic partner must file a petition for dissolution in superior court and follow the same procedures applicable to dissolution of marriage. Parties may use a non-judicial termination process by filing a notice of termination with the OSOS if, at the time of filing notice, certain criteria are met, including neither party has minor children and neither party is pregnant; the domestic partnership is not more than five years in duration; the total fair market value of community assets is less than \$25,000 and neither party has separate property assets in excess of \$25,000.

Summary: It is the intent of the Legislature that for all purposes under state law, state-registered domestic partners must be treated the same as married spouses.

Agencies must amend their rules to reflect the intent of the Legislature to ensure that all privileges, immunities, rights, benefits, or responsibilities granted or imposed by statute to an individual because that individual is or was a spouse in a marital relationship are granted or imposed on equivalent terms to an individual because that individual is or was in a state-registered domestic partnership.

The terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family are interpreted as applying equally to state-registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage apply equally to state-registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law.

Gender specific terms such as husband and wife used in any statute, rule, or other law are construed to be gender neutral, and applicable to individuals in state-registered domestic partnerships.

The non-judicial termination process available to domestic partners is repealed.

Votes on Final Passage:

Senate	30	18
House	62	35

Effective: July 26, 2009

August 1, 2009 (Sections 165 and 166)

January 1, 2014 (Sections 5 - 8, 79, 87 -103, 107, 151, 173 - 175, and 190 - 192)