

# HOUSE BILL ANALYSIS

## HB 2586

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**Title:** An act relating to prohibiting the state from granting domestic partner benefits.

**Brief Description:** Prohibiting domestic partner benefits.

**Sponsors:** Representatives Boldt, Sherstad, Mulliken, Carrell, Sump, Thompson, Lambert, Mielke, Smith, McCune, Bush and Koster.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Staff:** Edie Adams (786-7180).

**Background:** The state provides a number of benefits, rights, privileges, and entitlements to persons based on their status as spouses or family members. In the employment context, the state provides a number of benefits to the employee and the employee's spouse and other family members, including: health insurance, disability insurance, life insurance, and family and medical leave. The state also provides a number of benefits, rights, privileges, and entitlements for persons who are not state employees. Examples of some of these benefits that are spousal or family-related include: community property law, spousal privilege, the right to sue for wrongful death of a spouse or child, the law of intestate succession, and public assistance.

**Summary of Bill:** A legislative statement is made that marriage is a unique legal and social institution that is protected and supported by providing a unique set of benefits, privileges, advantages, entitlements, and rights on behalf of spouses and family members. A legislative statement is made that same-sex partnerships are not the legal equivalent of marriage and should not be treated the same as or similarly to legally married spouses.

A person living in a domestic relationship other than a valid marriage under Washington law may not be legally or otherwise recognized by the state as a legal spouse or as a family or marital community, for the purpose of qualifying for or receiving a spousal, familial, or marital benefit privilege, advantage, or entitlement. This prohibition applies whether state funds are used, either directly or indirectly, in whole or in part, or whether no state funds are used.

The state is prohibited from enacting, implementing, or enforcing any policy that legally or otherwise recognizes a person living in a domestic relationship, other than a valid marriage under Washington law, as a legal spouse, or as constituting a family or

marital community, for the purpose of being qualified for or granted a spousal, familial, or marital benefit, privilege, advantage, or entitlement. This prohibition applies whether state funds are used, either directly or indirectly, in whole or in part, or whether no state funds are used.

Current or potential status as a person residing or living in a domestic relationship other than a valid marriage under Washington law shall not be legally or otherwise considered, or used by the state as a basis for qualifying a person for, recognizing a person as qualified for, or for any person to receive or be granted any benefit, privilege, advantage, or entitlement. This prohibition applies whether state funds are used, either directly or indirectly, in whole or in part, or whether no state funds are used.

"Benefits, privileges, advantages, and entitlements" are defined to include, but not be limited to, housing, health care, and insurance.

The provisions of the act are remedial and apply retroactively in effect from July 31, 1997.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

Office of Program Research