

# HOUSE BILL REPORT

## HB 1649

---

### As Passed Legislature

**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, Liias, 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:**

##### **Committee Activity:**

Judiciary: 2/16/11, 2/17/11 [DP].

##### **Floor Activity:**

Passed House: 3/4/11, 58-39.

Passed Senate: 3/30/11, 28-19.

Passed Legislature.

#### **Brief Summary of Bill**

- Provides that validly formed same-sex marriages from other jurisdictions will be recognized as state-registered domestic partnerships.
- Amends the statutory interpretation provision to explicitly state that it applies to any future legislation, unless the legislation expressly states otherwise.

---

### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 7 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Eddy, Frockt, Kirby, Orwall and Roberts.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Klippert, Nealey and Rivers.

---

*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.*

**Staff:** Trudes Tango (786-7384).

**Background:**

To enter into a state-registered domestic partnership, the two persons involved must: (1) share a common residence; (2) be at least 18 years old; (3) not be married to someone other than the other person and not be in a state-registered domestic partnership with another person; (4) be capable of consenting to the domestic partnership; (5) not be nearer of kin to each other than second cousins or be related in other ways; and (6) either be members of the same sex or at least one of the persons must be 62 years old 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.

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 it 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.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The voters have already decided how they want gay and lesbian families to be treated in this state. There are five states in the country and about 10 other countries that allow same-sex marriages. This bill assures that marriages created in other places will be recognized as domestic partnerships when they are traveling in this state. Families travel with a lot of documents, like adoption paperwork, domestic partnership registration cards, and wills, especially if they are going to a state that does not have legal recognition of domestic partnerships. If a couple is traveling and they have a legal marriage recognized in

their state, their relationship is currently not recognized in Washington, but a couple traveling here from a state that has domestic partnerships would be protected.

(Opposed) None.

**Persons Testifying:** Representative Jinkins, prime sponsor; Carey Morris, Equal Rights Washington; and David Ward, Legal Voice.

**Persons Signed In To Testify But Not Testifying:** None.