

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-114

"Health Care Benefits Expansion Act
of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-162 on first and second readings, March 3, 1992, and April 7, 1992, respectively. Following the signature of the Mayor on April 15, 1992, this legislation was assigned Act No. 9-188, published in the April 24, 1992, edition of the D.C. Register, (Vol. 39 page 2861) and transmitted to Congress on April 28, 1992 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-114, effective June 11, 1992.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

April 28,29,30

May 1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,26,27,28,29

June 1,2,3,4,5,8,9,10

IN THE COUNCIL OF THE DISTRICT OF

APRIL 15, 1992

To expand access to health insurance coverage offered both in the public and private sectors, reduce discrimination, and provide other benefits and rights to domestic partners and their family members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Care Benefits Expansion Act of 1992".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Committed relationship" means a familial relationship between 2 individuals characterized by mutual caring and the sharing of a mutual residence.

New Section
36-1401;
Note, Section
1-622.2

(2) "District government employee" means any employee eligible for the District of Columbia Employees Health Benefits Program.

(3) "Domestic partner" means a person with whom an individual maintains a committed relationship as defined in subsection (1) of this section and who has registered under section 3(a). Each partner shall:

- (A) Be at least 18 years old and competent to contract;
- (B) Be the sole domestic partner of the other person;

and

(C) Not be married.

(4) "Domestic partnership" means the relationship between 2 persons who become domestic partners by registering in accordance with section 3.

(5) "Employee" means any individual employed by an employer.

(6) "Employer" means any individual, firm, partnership, mutual company, joint stock company, association, corporation, unincorporated organization, incorporated society, labor union, receiver, trustee, agent or representative of any of the foregoing, and the District of Columbia government which, for compensation, employs an individual.

(7) "Family member" means:

(A) A domestic partner; or

(B) A dependent child of a domestic partner, which shall include, for the purposes of this section, an unmarried person under 22 years of age, an unmarried person under 25 years of age who is a full-time student, or an unmarried person regardless of age who is incapable of self-support because of a mental or physical disability that existed before age 22. A dependent child of a domestic partner shall

include a natural child, adopted child, stepchild, foster child, or child in the legal custody of a domestic partner.

Sec. 3. Domestic partnership registration and termination procedures.

New Section
36-1402;
Note, Section
1-622.2

(a) To establish the existence of a domestic partnership and to qualify for benefits under sections 4, 5, 6, and 7, persons shall register as domestic partners by executing a declaration of domestic partnership to be filed with the Mayor. For the purposes of this section, the declaration shall be signed by the domestic partners and shall affirm under penalty of perjury that each domestic partner:

- (1) Is at least 18 years old and competent to contract;
- (2) Is the sole domestic partner of the other person; and
- (3) Is not married.

(b) Before accepting a declaration of domestic partnership, the Mayor may examine any applicant under oath to ascertain the names and ages of the persons desiring to register as domestic partners and any other information as required by section 3(a).

(c) All information contained in a declaration of domestic partnership, except the address of the partners, shall be open to inspection as a public record.

(d) A domestic partner may terminate the domestic partnership by filing a termination statement with the Mayor. The person filing the termination statement shall declare that:

- (1) The domestic partnership is to be terminated; and
- (2) A copy of the termination statement has been served on the other domestic partner if the termination statement is not signed by both domestic partners.

(e) A termination statement filed pursuant to subsection (d) of this section shall take effect 6 months after the statement is filed. During this period, benefits shall continue to accrue.

(f) A District government employee who is separated from service, or an employee's dependent child who ceases to be a dependent, may be eligible for extended health benefits coverage in accordance with the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Employee Benefits Amendment Act of 1990, effective March 6, 1991 (D.C. Law 8-190; D.C. Code §1-622.14).

(g) In accordance with the rules issued pursuant to section 9, the Mayor may charge a fee for filing a declaration of domestic partnership, a domestic partnership termination statement, and for filing any amendments to the declaration or termination statement.

(h) Private sector employees may register as domestic partners by executing a declaration of domestic partnership to be filed with the Mayor in accordance with subsections (a) through (g) of this section.

Sec. 4. Enforcement by civil action.

New Section
36-1403

Any person or employer may bring a civil action in any court of competent jurisdiction against the appropriate domestic partner(s) to recover damages as a result of:

- (1) A false statement in a declaration of domestic partnership or a false assertion of family membership; or
- (2) A failure to notify the Mayor or the employer of a change in the status of the domestic partnership or family membership.

Enrolled Original

Sec. 5. Domestic partnership benefits.

All health care facilities, including hospitals, convalescent facilities, or other long term care facilities, shall allow a patient's family member as defined in section 2(7) to visit the patient.

New Section
36-1404

Sec. 6. District government employees - domestic partnership and family member benefits.

(a) A District government employee shall be granted sick leave when needed to care for a family member as defined in section 2(7), subject to the same guidelines and restrictions in section 3 of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Code §36-1302).

(b) A District government employee shall be granted sick leave to care for a minor child of either domestic partner or to care for the employee's domestic partner who is on maternity or paternity leave, subject to the same guidelines and restrictions in section 3 of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Code §36-1302).

(c) A District government employee shall be granted funeral leave or annual leave when needed to make arrangements for or attend a funeral or memorial service for a family member as defined in section 2(7), subject to the same guidelines and restrictions in section 1203(n) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code §1-613.3(n)).

(d) A District government employee who is adopting or whose domestic partner is adopting a child shall be granted annual leave or leave without pay to make necessary family arrangements, subject to the same guidelines and restrictions in section 3 of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Code §36-1302).

New Section
36-1405;
Note, Section
1-622.2

Sec. 7. Optional self-financed coverage: District of Columbia Employees Health Benefits Program.

(a) District government employees enrolled in the District of Columbia Employees Health Benefits Program shall be allowed to purchase family health insurance coverage that would cover the employee's family members as defined in section 2(7) in accordance with sections 2105, 2106, and 2107 (a), (c), and (d) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 Employee Benefits Amendment Act of 1987, effective October 1, 1987 (D.C. Law 7-27; D.C. Code §§1-622.5, 1-622.6, and 1-622.7 (a), (c), and (d)). A domestic partner shall not simultaneously be enrolled for individual and family member coverage. The employee shall assume the total additional cost of the family health insurance coverage for the domestic partner or family members as defined in section 2(7).

New Section
36-1406;
Note, Section
1-622.2

Sec. 8. Feasibility study: Federal Employees Health Benefits Program.

(a) The Mayor shall conduct a study on the feasibility of offering to employees enrolled in the Federal Employees Health Benefits Program a supplemental health insurance program for their domestic partners and their family members who are not already covered in accordance with section 2101 of the District of Columbia Government Comprehensive Merit

Note, Section
1-622.1

Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code §1-622.1.).

(b) The Mayor shall transmit the results of the study to the Council within 10 days of completion.

(c) The study shall:

(1) Include estimated fiscal impact, proposed funding sources, and suggested levels of employee contributions;

(2) Analyze potential tax impacts or complications; and

(3) Identify insurance carriers who would be willing to offer the supplemental health insurance program.

Sec. 9. Recordkeeping requirements.

(a) The Mayor shall maintain adequate records of declarations of domestic partnership, termination statements, and amendments to declarations of domestic partnership and termination statements.

(b) The Mayor shall report annually to the Council on:

(1) The number of domestic partnerships declared and terminated; and

(2) Utilization of domestic partnership benefits by District government employees.

New Section
36-1407;
Note, Section
1-622.2

Sec. 10. Rulemaking.

(a) The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code §1-1501 *et seq.*), issue rules to implement the provisions of this act.

(b) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code §1-1501 *et seq.*).

Note, New
Section
36-1401

Sec. 11. Tax deduction for employers offering health insurance coverage for domestic partners and family members.

Section 3(a) of title III of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 337; D.C. Code §47-1803.3 is amended by adding a new paragraph 15 to read as follows:

"(15) All health insurance premium expenditures for domestic partners and family members of employees if offered to all of its full-time employees who are District of Columbia residents."

Section
47-1803.3

Sec. 12. Effect on existing rights and benefits.

(a) Nothing in this act shall supersede any provision of law that provides more generous rights or benefits than the domestic partnership or family membership rights and benefits provided pursuant to this act.

(b) Nothing in this act shall be construed to discourage an employer from providing more generous rights or benefits than the domestic partnership or family membership rights or benefits provided pursuant to this act.

New Section
36-1408

Enrolled Original

(c) Nothing in this act shall diminish an employer's obligation to comply with a collective bargaining agreement or an employment benefits program or plan that provides more generous rights or benefits than the domestic partnership or family membership rights or benefits provided pursuant to this act.

(d) The domestic partnership or family membership rights or benefits provided pursuant to this act shall not be diminished by a collective bargaining agreement or an employment benefit program or plan, except that this act shall not supersede any clause on domestic partnership or family membership rights or benefits in a collective bargaining agreement in force on the effective date of this act for the then current term, excluding any extension or renewal after such date, that the collective bargaining agreement is in effect.

(e) No provision of this act shall exempt or relieve, or be construed to exempt or relieve, any person from any duty, liability, penalty, or obligation to provide relief under the District of Columbia Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code §1-2500 *et seq.*).

(f) This act provides registration and other mechanisms to reduce discrimination prohibited under the District of Columbia Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code §1-2500 *et seq.*).

Sec. 13. Applicability.

(a) The provisions of section 5 shall apply 60 days after the effective date of this act.

(b) The provisions of section 11 shall apply the first tax year beginning more than 30 days after the effective date of this act.

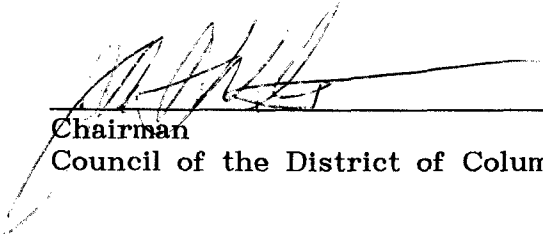
Note, New
Section
36-1404
Note, Section
47-1803.3

Sec. 14. Effective Date.

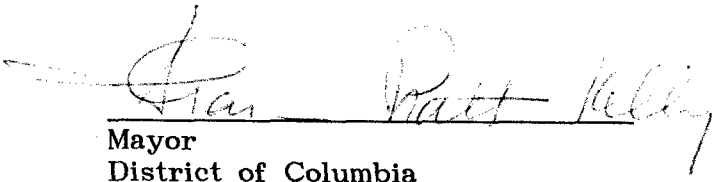
This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and

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publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: April 15, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B9-162

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 3-3-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Phyllis Jones Secretary to the Council

4-9-92 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 4-7-92

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: RESULT Passed (10 1 2 0)

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR. with X marks in AYE columns.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Phyllis Jones Secretary to the Council

4-9-92 Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date