

CHAPTER 267

GOVERNMENT - STATE

SENATE BILL 09-088

BY SENATOR(S) Veiga, Bacon, Boyd, Carroll M., Foster, Gibbs, Groff, Heath, Hodge, Hudak, Keller, Morse, Newell, Romer, Sandoval, Shaffer B., Tapia, Williams;
also REPRESENTATIVE(S) Ferrandino, Court, Frangas, Green, Hullinghorst, Judd, Kagan, Kerr A., Labuda, Levy, McCann, Miklosi, Pommer, Ryden, Schafer S., Carroll T.

AN ACT**CONCERNING THE EXTENSION OF STATE EMPLOYEE GROUP BENEFITS TO DOMESTIC PARTNERS OF STATE EMPLOYEES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and determines that:

(a) Most nonelderly adults in the United States receive health care coverage through their own employment or through the employment-based coverage of a family member, typically a spouse;

(b) As a matter of customary compensation practice, many employers offer employment-based health insurance to spouses of employees;

(c) Same-sex couples are at a significant disadvantage, however, because they cannot legally marry in Colorado and are unable to claim benefits for a same-sex domestic partner from many employers;

(d) The exclusion of domestic partners as dependents under an employer-sponsored health insurance plan makes unmarried couples and their children more likely to be uninsured than the average nonelderly person;

(e) More and more employers are recognizing this inequity and are starting to offer health benefits to their employees' domestic partners, including many local governments and higher education institutions in Colorado;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(f) Employers who offer domestic partner benefits are at a competitive advantage over those employers who do not offer such benefits as they are able to offer a more comprehensive benefits package, as part of the overall compensation, to recruit and retain skilled employees;

(g) The state must remain a competitive employer in the market, recruiting and retaining the best employees for state government positions by offering an attractive and comprehensive compensation and benefits package; and

(h) It is therefore important for the state to offer domestic partner benefits to its state employees in order to give the state a competitive edge in attracting and retaining qualified individuals for employment with the state.

SECTION 2. 24-50-603 (5), Colorado Revised Statutes, is amended, and the said 24-50-603 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-50-603. Definitions. As used in this part 6, unless the context otherwise requires:

(5) "Dependent" means:

(a) An employee's legal spouse; each unmarried child, including adopted children, stepchildren, and foster children, through the end of the month in which the child turns nineteen years of age, for whom the employee is the major source of financial support or for whom the employee is directed by court order to provide coverage; each unmarried child nineteen years of age, through the end of the month in which that child is no longer a full-time student in an educational or vocational institution, but no longer than through the end of the month in which the full-time student turns twenty-four years of age, and for whom the employee is the major source of financial support or for whom the employee is directed by court order to provide coverage; or an unmarried child of any age who has either a physical or mental disability, as defined by the carrier, not covered under other government programs, and for whom the employee is the major source of financial support or for whom the employee is directed by court order to provide coverage;

(b) Any person authorized by the director to be a dependent in response to statutory changes made to mandated coverage for group benefits insurance pursuant to title 10, C.R.S.; ~~The director shall specify~~

(c) AN EMPLOYEE'S DOMESTIC PARTNER, AS AUTHORIZED BY THE DIRECTOR BY RULE ADOPTED IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE, WHO HAS SUBMITTED DOCUMENTATION DEMONSTRATING A DOMESTIC PARTNERSHIP WITH AN EMPLOYEE AS REQUIRED BY SUCH RULES;

(d) Any additional ~~dependants~~ DEPENDENTS SPECIFIED BY THE DIRECTOR by rule adopted in accordance with article 4 of this title.

(6.5) "DOMESTIC PARTNER" MEANS AN ADULT, AT LEAST EIGHTEEN YEARS OF AGE:

(a) WHO IS OF THE SAME GENDER AS THE EMPLOYEE;

(b) WITH WHOM THE EMPLOYEE HAS SHARED AN EXCLUSIVE, COMMITTED RELATIONSHIP FOR AT LEAST ONE YEAR WITH THE INTENT FOR THE RELATIONSHIP TO LAST INDEFINITELY;

(c) WHO IS NOT RELATED TO THE EMPLOYEE BY BLOOD TO A DEGREE THAT WOULD PROHIBIT MARRIAGE PURSUANT TO SECTION 14-2-110, C.R.S.; AND

(d) WHO IS NOT MARRIED TO ANOTHER PERSON.

SECTION 3. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to group benefit plans issued or renewed on or after July 1, 2010.

Approved: May 18, 2009