

**HB**

**226**

V

CS FOR HOUSE BILL NO. 26(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES KELLY, Rokeberg

A BILL

FOR AN ACT ENTITLED

1 "An Act permitting the provision of different retirement and health benefits to  
2 employees based on marital status except to marital or domestic partners of  
3 employees."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 18.80.220(a) is amended to read:

6 (a) Except as provided in (c) of this section, it [IT] is unlawful for

7 (1) an employer to refuse employment to a person, or to bar a person  
8 from employment, or to discriminate against a person in compensation or in a term,  
9 condition, or privilege of employment because of the person's race, religion, color, or  
10 national origin, or because of the person's age, physical or mental disability, sex,  
11 marital status, changes in marital status, pregnancy, or parenthood when the reasonable  
12 demands of the position do not require distinction on the basis of age, physical or  
13 mental disability, sex, marital status, changes in marital status, pregnancy, or  
14 parenthood;

1 (2) a labor organization, because of a person's sex, marital status,  
2 changes in marital status, pregnancy, parenthood, age, race, religion, physical or mental  
3 disability, color, or national origin, to exclude or to expel a person from its  
4 membership, or to discriminate in any way against one of its members or an employer  
5 or an employee;

6 (3) an employer or employment agency to print or circulate or cause  
7 to be printed or circulated a statement, advertisement, or publication, or to use a form  
8 of application for employment or to make an inquiry in connection with prospective  
9 employment, that expresses, directly or indirectly, a limitation, specification, or  
10 discrimination as to sex, physical or mental disability, marital status, changes in marital  
11 status, pregnancy, parenthood, age, race, creed, color, or national origin, or an intent  
12 to make the limitation, unless based upon a bona fide occupational qualification;

13 (4) an employer, labor organization, or employment agency to  
14 discharge, expel, or otherwise discriminate against a person because the person has  
15 opposed any practices forbidden under AS 18.80.200 - 18.80.280 or because the person  
16 has filed a complaint, testified, or assisted in a proceeding under this chapter;

17 (5) an employer to discriminate in the payment of wages as between  
18 the sexes, or to employ a female in an occupation in this state at a salary or wage rate  
19 less than that paid to a male employee for work of comparable character or work in  
20 the same operation, business, or type of work in the same locality; or

21 (6) a person to print, publish, broadcast, or otherwise circulate a  
22 statement, inquiry, or advertisement in connection with prospective employment that  
23 expresses directly a limitation, specification, or discrimination as to sex, physical or  
24 mental disability, marital status, changes in marital status, pregnancy, parenthood, age,  
25 race, religion, color, or national origin, unless based upon a bona fide occupational  
26 qualification.

27 \* Sec. 2. AS 18.80.220 is amended by adding new subsections to read:

28 (c) Notwithstanding the prohibition against employment discrimination on the  
29 basis of marital status under (a) of this section,

30 ~~(1) an employer~~ <sup>(a public employer)</sup> may, without violating this chapter, refuse to provide  
31 benefits to a person based on marital status unless the person

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(A) is legally married to an employee; or

(B) is the domestic partner of an employee as established under

(d) of this section: and

*with respect to employees of a*

(2) a labor organization may, without violating this chapter, negotiate to preclude or may directly preclude the provision of benefit to a person based on marital status unless the person

*Public Employer*

(A) is legally married to an employee; or

(B) is the domestic partner of an employee as established under

(d) of this section.

(d) An employee may not establish a domestic partnership for purposes of this section unless both the employee and the individual with whom the domestic partnership is established are unmarried, at least 18 years of age, and mentally competent to consent to contract.

(e) In this section, "domestic partner" means an individual who

(1) is an employee's only domestic partner and who intends, and who is intended by the employee, to remain the employee's domestic partner indefinitely;

(2) is not related to the employee by blood to a degree that would prohibit legal marriage in the state;

(3) resides in the same residence as the employee and intends, and is intended by the employee, to do so indefinitely;

(4) is, as established by at least five of the ~~criteria~~ criteria set out in this paragraph, jointly responsible with the employee for the employee's common welfare and financial obligations and for whom the employee is jointly responsible in similar fashion: the criteria are

(A) having entered into a legally binding domestic partnership agreement with the employee;

(B) holding a joint deed, mortgage agreement, or lease of real property with the employee;

(C) holding joint ownership of a motor vehicle with the employee;

(D) having a joint bank account with the employee;

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(E) having a joint credit account or other joint liabilities with the employee:

(F) having a co-parenting agreement with the employee, having adopted a child of the employee, or being the natural parent of a child of the employee:

(G) being designated by the employee as primary beneficiary on the employee's life insurance:

(H) being designated by the employee as primary beneficiary of the employee's retirement benefits in case of the employee's death:

(I) being designated as the primary beneficiary under the employee's will: and

(J) being named by the employee under a durable health care or property power of attorney.

Amendment

Offered in the house

By: Representative Pete Kelly

To: CSHB 226 (HESS)  
or: HB 226

AS 18/80.210 is amended by adding the following:

A loss of civil rights on the basis of marital status arises when an individual is denied employment, credit and financing, public accommodations, housing accommodations, and other property through discriminatory actions because that individual is married, divorced, separated, or widowed.

Amendment

AS 18.80.200 is amended to include the following:

(c) Discrimination on the basis of marital status arises when an individual is denied employment, credit and financing, public accommodations, housing accommodations, and other property through discriminatory actions because that individual is married, divorced, separated, or widowed.

Amendment

AS 18.80.300 is amended by adding a new section:

(17) Marital status discrimination is defined as the denial of employment, credit and financing, public accommodations, housing accommodations, and other property because that individual is married, divorced, separated, or widowed.

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William B. Schendel  
Daniel L. Callahan

April 24, 1995

FAX: 465-2108

Rep. Robinson's Office  
ATTN: Carla

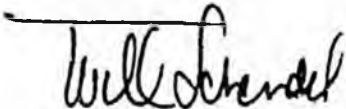
Re: HB 226

Dear Carla,

Mark Tumeo asked me to forward you this memo concerning ERISA pre-emption and HB 226. He advised you'd take care of distributing it appropriately.

Thank you very much for all the great work I've heard you've been doing. It's much appreciated.

Sincerely,



William B. Schendel  
Attorney at Law

WBS:dde  
Encl.

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William B Schendel  
Daniel L Callahan

April 24, 1995

Mark Tumeo, Ph.D.  
1324 Summit Drive  
Fairbanks, AK 99712

Re: House Bill 226

Dear Mr. Tumeo,

I understand that a question has arisen concerning the applicability of House Bill 226 to benefit programs sponsored by non-governmental (private sector) employers. As your attorney in the Superior Court case which has triggered this discussion, allow me to offer the results of my research into this question.

The answer to the question was given a number of years ago by the United States Supreme Court in Shaw v. Delta Air Lines, Inc., 463 U.S. 85 (1983). In that case, the Supreme Court construed the pre-emption provision of the Employee Retirement Income Security Act ("ERISA") and held that a state's anti-discrimination law

is pre-empted with respect to ERISA benefit plans only insofar as it prohibits practices that are lawful under federal law.

Id. at 108. The issues, then, are 1) whether the program is governed by ERISA; and 2) if so, whether the state law prohibits practices that are lawful under federal law.

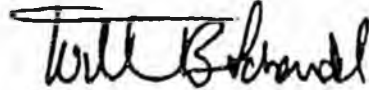
Concerning the first issue, all benefit programs sponsored by governmental entities (such as the State of Alaska, the University of Alaska, and the various municipalities) are outside the scope of ERISA. 29 USC § 1003(b)(1). Governmental benefit programs are, thus, not impacted by the Shaw decision, and state anti-discrimination laws are fully effective with regard to those governmental programs.

As to the second issue, the 1983 opinion in Shaw holds that private employers' plans are exempt from state anti-discrimination statutes to the extent that state laws are more restrictive (more pro-employee) than federal anti-discrimination laws (for instance, Title VII and the Age Discrimination Act). It has long been established that federal law does not bar employment discrimination based on marital status. See, Harper v. Trans World Airlines,

Inc., 525 F.2d 409 (8th Cir. 1975).<sup>1</sup> Thus, any state law (such as Alaska's Human Rights Act) which does bar employment discrimination on marital status is pre-empted by ERISA to that extent, under the Shaw decision.

In short, the domestic partnership amendments recently adopted by the House HESS committee would govern governmental benefit plans, but would not govern benefit plans sponsored by private employers.

Sincerely yours,



William B. Schendel  
Attorney at Law

WBS:dde

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<sup>1</sup>The Harper court noted that if discrimination on the basis of marriage disproportionately affects women, it might violate Title VII's ban on sex discrimination.

A M E N D M E N T

#2 ✓

OFFERED IN THE HOUSE

BY REPRESENTATIVE KELLY

TO: CSHB 226(HES)

*Amended*

- 1 Page 1, line 2:
- 2 Delete "marital or domestic partners"
- 3 Insert "spouses"
  
- 4 Page 2, line 30, after "provide":
- 5 Insert "health or retirement"
  
- 6 Page 2, line 31, after "unless the person":
- 7 Insert "is legally married to an employee; and"
  
- 8 Page 3, lines 1 - 3:
- 9 Delete all material.
  
- 10 Page 3, line 5, after "provision of":
- 11 Insert "a health or retirement"
  
- 12 Page 3, line 7, through page 4, line 13:
- 13 Delete all material.
- 14 Insert "is legally married to an employee."

# POSITION PAPER ~ Supporting CS-226 ~ April 20, 1995

For University health benefits for Married & Domestic Partner Couples

**Organization:** Committee for Equality -- Statewide organization.  
PO Box 34202, Juneau, AK 99803

**Board Contacts:** Anchorage: Jackie Buckley, 279-5001 (w); 279-5437 (fax); 562-0046 (h).  
Fairbanks: Louise Barnes, 479-0618 (w/h).  
Juneau: Sara Boesser, 586-5230 (w); 789-7450 (home fax); 789-9604 (h).

**Position:** CFE Supports House CS-226 as written, with domestic partners language intact.  
**Either support this bill as presented, with equal protection of married and domestic partner couples, or let it die entirely.**

As written, the bill will save the state money. If domestic partners were deleted, the bill would illegally discriminate on the basis of marital status, thus would cost the state money to defend court cases that would surely rise.

Committee for Equality is pleased to support CS-226 as written. By incorporating financially interdependent domestic partners into the University's health benefits plan, this bill no longer illegally discriminates on the basis of marital status. Including domestic partners is one of the recommendations made by Superior Court Judge Greene, and it is wise of this body to follow non-discrimination law in this case.

It is important for you to know that **this bill will not cost the state money. In fact, it may well save money**, because by allowing more employees to pay for the health care coverage of their financially interdependent partners, more Alaskans will be covered by private health care coverage, and **there will be fewer citizens left to seek Medicaid** at state expense.

This bill does not, as a very few opponents suggest, portend either large numbers of people joining the health care plan or significantly increased premium costs to the University. You have access to studies done by many businesses and universities. All find from 1-3% increase in enrollment -- with **no negligible premium increase**. AETNA serves over 25 universities and businesses, and their study finds only 2% enrollment increase the first year, and less than 1% each year following; **AETNA sees no increase in premiums as a result of domestic partners inclusion.**

So -- get more people off Medicaid and paying for their health care coverage -- at no premium increase.

And, as an aside, this will save the state even more money by not passing a bad bill, such as HB-226 originally was without the domestic partners language -- because, had HB-226 passed, the state would then have been subject to more marital discrimination lawsuits. CS-226 does not discriminate on the basis of marital status, so its passage won't cost the state more wasted time and money on discrimination cases.

Representative Kelly has in the past attempted to suggest that the domestic partners language discriminates on the basis of economic status. Sara Boesser's testimony to House HESS is attached, debunking that claim. In fact, since **CS-226 addresses employees** (not indigent people, not unemployed people), any *employee* regardless of income level could qualify for at least five of the criteria -- all that is needed for domestic partner status -- at no cost. **So for employees, there is no economic barrier** to receiving health benefits for a domestic partner.

At the end of the HESS meeting, Representative Kelly attempted to suggest further that the domestic partners language might somehow discriminate on the basis of race, or on the number of children a person might have. It is unfathomable what he had in mind with his comments. Because, once again, CS-226 deals with all employees. It doesn't say employees of only certain races receive health benefits for their domestic or married partners. It doesn't say that employees with or without certain numbers of children receive health benefits for their domestic or married partners. Quite the contrary: it clearly says the university must offer health benefits to *all* employees' married or domestic partners. All. Equally. That's what is good about this CS-226 law: it's about fairness, not about special benefits only for married people.

So, please either pass HB-226 as written, or if the domestic partners language is deleted, **defeat the bill outright. Either way, you will be upholding state human rights law, and saving the state money.**

[testimony attached]

Sara Boesser  
Committee for Equality Board Member  
9365 View Drive, Juneau, AK, 99801; 586-5230

**Testimony on HB-226 [University benefits]  
given in House HE&SS, 4-18-95**

**I totally support Amendment #1**[for inclusion of domestic partners], plus clarification for health benefits as stipulated by the Human Rights Commission, and hope you will too. **If you don't, the bill should die here, today.**

In my few minutes, I want to correct a misconstruction of the amendment that Representative Kelly has made. He implied -- very wrongly let me assure you -- that this amendment would discriminate against possible domestic partners on the basis of their economic status. He could not be more wrong.

Since you've had time to read the amendment, by now you should know what the truth is too. Far from discriminating on a financial basis, **a domestic partnership can be formalized at no cost** (while a marriage license costs \$25).

You see, **Amendment #1 lists 10 potential criteria.** And to be a qualified domestic partner, a couple has to meet **"at least five"** of those criteria. Well, for employees -- and this amendment addresses employees -- **six of the criteria are absolutely free. They are:**

- 1) Having entered into a legally binding domestic partnership agreement;
- 2) Being designated by the employee as a primary beneficiary of life insurance;
- 3) Being designated by the employee as primary beneficiary of the retirement benefits in case of the employee's death;
- 4) Being designated as the primary beneficiary under the employee's will;
- 5) Being named under a durable health care or property power of attorney.
- 6) Having a co-parenting agreement with an employee.

There you have it -- six criteria -- all free. Therefore, protests that this amendment might economically discriminate against anyone must be firmly disregarded.

I'd like to add that the remaining four criteria are also potentially of little or no cost to an employed person. For example, everyone lives somewhere -- so adding a partner's name to a lease or deed is not a large expense. Joint bank accounts can be entered into for as little as \$5. Most employees have a car -- adding a partner's name to that deed is not a big expense. And for employees with credit, adding another person to an account or to a liability is not an expense.

That covers it -- **all ten criteria -- and any employee could meet at least five with little to no money.** Even so, despite the no cost feature, not "just anybody" will sign up -- the studies you've heard show just 1-3% sign up. Why? Because taking financial responsibility for someone is not something anyone takes lightly. It's a very serious venture, and "not just anyone" will do so.

In conclusion, this amendment should be welcomed by you all. It will guarantee more people paying for health care and fewer people on medicaid; it doesn't challenge the institution of marriage at all because *all* it grants is health benefits; extensive research shows it has had no economic impact in other states; and by passing this you won't gut State Human Rights law.

**Please pass Amendment #1, for domestic partners. Without it, 226 must die. Thank you.**

**JUDICIARY COMMITTEE TESTIMONY ON CS 226**  
**PFLAG JUNEAU**  
April 24, 1995

Mister Chair and Members of the House Judiciary Committee:

I am Marsha Buck, President of PFLAG Juneau. PFLAG stands for Parents, Families and Friends of Lesbians and Gays. I am active in PFLAG as a parent.

PFLAG Juneau supports the HESS CS for 226 as it is currently written.

PFLAG Juneau was opposed to the original HB 226 because we believed that it discriminated against our sons, daughters, and friends on the basis of their marital status. To have proceeded in this Legislature with a bill that was openly discriminatory and flew in the face of the Alaska Constitution, appeared to us to be unthinkable and reminiscent of governments in other countries, past and present, which acted with blatant discrimination against the human rights of the people they were intended to serve.

We are pleased, however, that the CS removes the discriminatory language and allows our daughters, sons, and family members who enter into committed, long term, domestic partnerships access to benefits equal to those available for persons in the partnerships that we call marriage. We would not come to you to seek special rights for our family members and friends, but we do insist upon equal rights for them.

The sponsors of this bill have stated publicly that the bill is financially motivated. If this is indeed true we believe that the bill now defines and places reasonable parameters on the couples for whom benefits would be available and does so in a manner that does not discriminate against people simply because they are homosexual or because they choose to live as committed domestic partners rather than marital partners. PFLAG supports the CS 226 that would indeed limit frivolous partnerships. My personal experience in this issue is with the State of Oregon where my daughter is covered by her partner's health insurance and found that coverage to be crucial when they first moved to Oregon and she had severe allergy problems and no job yet, therefore no health coverage of her own. The coverage at Oregon State entails less stringent criteria than that specified in CS 226 and yet Oregon, with its own financial difficulties, has not found their criteria to be burdensome.

In summary, PFLAG Juneau would like to go on record in support of the HESS CS 226 and also in opposition to HB 226 as it was originally written. Thank you for your time and attention.

Marsha Buck

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address

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White in Juneau  
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House District 31

## House Of Representatives

### Sponsor Statement

#### House Bill 226

A recent court decision ordered the University of Alaska to extend health insurance coverage and benefits to domestic partners. HB 226 addresses this decision by reasserting the rights of employers, including the state, to exclude domestic partners from health insurance benefits, unless they choose otherwise.

Various labor and union contracts negotiate pension funds and health benefits as a part of the compensation package for workers. Now we find the workers benefit package is targeted for distribution to an unknown panoply of partners not recognized by existing contractual relationships, such as marriage.

HB 226 also intends to reduce the uncertainty employers now face in planning their group insurance program. Without HB 226, the court suggests employers in Alaska "could simply refuse to provide health care coverage for spouses." Or, their "health care plan could be rewritten to indicate that health care coverage would be available for all employees domestic partners."

The court decision leaves unclear who is, and who is not, entitled to family benefits. Employers may find themselves in court determining how many "partners", roommates, cohabitants, associates, boy or girl friends, acquaintances, or relatives have the same status as married persons. HB 226 seeks to close the door on a possible onslaught of domestic partnerships created just to gain benefits.

I urge your support of House Bill 226.

**Position Paper  
of  
Equality Under Alaskan Law (EQUAL)  
Regarding  
Domestic Partnership**

Equality Under Alaskan Law (EQUAL) of Fairbanks would like you to consider a proposed amendment to House Bill 226 (attached). As it is currently written, House Bill 226 creates special rights for a closed group of people. By writing into law the right of the state and private businesses to discriminate against individuals based on their marital status, a dangerous precedent is being set- a precedent that may allow the majority to create special rights for one group at the expense of others.

It seems that the main goal of House Bill 226 is to promote committed, long-lasting relationships between two people. The proposed amendment not only helps to support those individuals who chose to enter into a committed relationship, it also shows that the Alaska State Legislature supports equality and civil rights for all of Alaska's citizens, regardless of marital status.

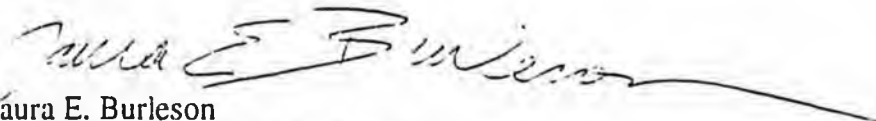
This amendment will help to eliminate possible abuses of domestic partnership benefits. By defining domestic partnership by a specific set of criteria, frivolous application of domestic partnership benefits programs will be eliminated.

Enclosed in this packet is draft language for the proposed amendment to House Bill 226. If this amendment is passed, not only will all parties involved be protected from abuse of domestic partnership programs, but non-discrimination based on marital status will be assured. This not only furthers the intent of the Human Rights laws of Alaska, it protects the State and its businesses from an explosion in frivolous benefits costs and it helps to support stable, long-term relationships.

Also enclosed in this packet is some general information on domestic partnership programs that have been implemented in other states and the costs involved.

We hope that you will support the proposed amendment to HB 226. If you have any questions please feel free to call me at (907) 474-6036 or fax (907) 474-5157.

Sincerely,

  
Laura E. Burleson  
Vice-Chair of EQUAL (Fairbanks Chapter)

## Proposed Amendments

1. Strike "based on marital status" from the title.
2. After the words "not legally married to" in Section 2(c)(1) [line 30, page 2] add the following:  
"or a domestic partner of, as defined in section (c)(3) below)"
3. After the words "not legally married to" in Section 2(c)(2) [line 3, page 3] add the following:  
"or a domestic partner of, as defined in section (c)(3) below)"
4. Add the following to the proposed bill as section (c)(3):

(c)(3) a domestic partner shall be defined as any two individuals who

- (i) are each other's sole domestic partner and intend to remain so indefinitely;
- (ii) are not married;
- (iii) are at least 18 years of age and are mentally competent to consent to contract;
- (iv) are not related by blood to a degree that would prohibit legal marriage in Alaska;
- (v) reside together in the same residence and intend to do so indefinitely;
- (vi) are jointly responsible for each other's common welfare and financial obligations, as proved by at least five of the following:
  - (a) A legally binding domestic partnership agreement;
  - (b) Joint deed, mortgage agreement, or lease;
  - (c) Joint ownership of a motor vehicle;
  - (d) Joint bank account;
  - (e) Joint credit account or other liabilities;
  - (f) Co-parenting agreement or adoption decree;
  - (g) Designation of domestic partner as primary beneficiary on life insurance;
  - (h) Designation of domestic partner as primary beneficiary of retirement contract;
  - (i) Designation of domestic partner as primary beneficiary in will;
  - (j) Durable property or health care power of attorney.

## Facts on Domestic Partnership Benefit Programs

Domestic partnership benefits are not only politically feasible, they are a reality in over 50 cities and municipalities around the country. Three states, Massachusetts, Vermont and New York, offer state workers domestic partnership benefits. Over 100 companies, from Levi Strauss employing over 30,000 to small businesses, offer benefits to domestic partners the same as to married couples. Over 60 Universities offer some sort of domestic partnership benefits, including Harvard, The University of Iowa, The University of South Dakota, the University of Colorado, The State Universities of New York, and Duke University.

Benefit packages are traditionally used to attract and retain good employees, and domestic partnership benefits are doing just that. In the cases where domestic partnership benefits have been approved for only same-sex partners, the average increase in enrollment is less than 0.3%. In those instances where domestic partner benefits were offered to same-sex and different sex couples, the average increase is approximately 2%. This indicates that predominantly different sex couples benefit from the institution of domestic partnership benefits. In 16 organizations surveyed (5 companies, 5 municipalities, 5 universities and 1 hospital), only 3 indicated there had been a premium increase associated with the establishment of a domestic partnership benefits program.

# Municipalities, Companies and Universities with Domestic Partnership Plans

Last update: October 20, 1994

Note: Every institution listed below requires some form of registration for domestic partners before benefits are granted. The (R) in the public sector plans means that there is some form of registration granted to non-employees. (For example, Cambridge lets city residents who are not employees register in order to get access to school records of the partner's children.) Note that in many cases when the plan is identical to that provided to spouses, not all aspects may be listed.

## PUBLIC SECTOR PLANS

### Key:

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|--|--|
| (A) Access to school records   | (R) Registration of partnership                                      |
| (B) Bereavement and family leave policies  | (r) use of recreational areas  |
| (C) County plan  | (S) Sick Leave   |
| (c) City plan  | (s) State Plan   |
| (D) Dental Insurance Only  | (T) Tax benefits for companies in the city<br>which<br>recognize DPs |
| (f) Family leave policy for domestic partners is<br>same as married partners under the Family<br>Medical Leave Act | (U) Policy derived from collective bargaining                        |
| (f-) two different policies exist for family leave   | (V) visitation in prisons, hospitals, etc.                           |
| (M) Medical Benefits   | (=) no benefits available to spouses are<br>excluded                 |
| (P) Parenting leave  | (-) some benefits available to spouses are<br>excluded               |
| (p) Pension benefits   | (?) specifics of plan unknown  |

<u>Government</u>	<u>Benefits Key</u>	<u>Government</u>	<u>Benefits Key</u>
Alameda, CA	(c) (B) (S)	New Orleans, LA	(c) (M) (R)
Ann Arbor, MI	(c) (B) (S)	New York, NY [417,000]	(c) (B) (M) (P) (R)
Atlanta, GA	(c) (R)	New York	(s) (M) (O) (U)
Baltimore, MD	(M)	Oak Park, IL	(c) (?)
BART [2,600]	(B) (M)	Oakland, CA	(M)
Berkeley, CA [1,550]	(c) (R) (B) (P) (S) (M)	Ontario, Canada *	(M) (p)
Boston, MA	(B)	Ottawa, Canada	(?)
Brookline, MA	(R)	Portland, OR	(c) (M)
Burlington, VT	(c) (?)	Rochester, NY	(c) (O) (R) (?)

PUBLIC SECTOR PLANS (continued)

<u>Government</u>	<u>Benefits Key</u>	<u>Government</u>	<u>Benefits Key</u>
Cambridge, MA	(c) (A) (B) (M) (P) (=)	Sacramento, CA	(R) (M)
Carrboro, NC	(c) (B) (M) (R) (r) (S) (-)	San Diego, CA	(c)(M)
Chicago, IL	(c) (B)	San Francisco, CA [23,000]	(c) (R) (M)
Dane County, WI	(M)	San Mateo County, CA	(C) (S) (D)
Delaware, NJ	(M)	Santa Cruz, CA [650]	(c) (B) (S) (M)
East Lansing, MI	(c) (B) (S) (M)	Seattle Metro [4,000]	(C) (B) (S) (M) (=)
Hartford, CT	(R) (M)	Seattle, WA [11,000]	(c) (B) (S) (M)
Iowa City, IA	(M)	Shorewood Hills, WI	(c) (r)
Ithaca, NY	(c) (R)	Takoma Park, MD	(c) (B) (S)
King County, WA	(M)	Toronto, Ontario *	(?)
Laguna Beach, CA [560]	(c) (R)	Travis County, TX	(C) (B) (R) (S)
Los Angeles, CA [46,000]	(c) (B) (S)	Washington, DC [48,000]	(c) (M)
Madison, WI	(c) (R) (B) (S)	West Hollywood, CA [125]	(c) (R) (B) (S) (M)
Marin County, CA	(C) (?)	West Palm Beach, FL	(c) (B)
Massachusetts [23,800]	(s) (B) (V)	Vermont	(s) (M) (D)
Minneapolis, MN [6,000]	(c) (R) (B) (S) (M)	Yukon Territory †	(?)
Multnomah County, OR	(C) (M)		

† A 1991 ruling by a British Columbia court extended Canada's National Health Insurance to same-sex partners.

\* A 1992 court order granted medical and pension benefits to employees of the Ontario government.

PRIVATE SECTOR PLANS

**Key:**

- |  |   |
|--|---|
| (A) Adoption benefits  | (r) use of health and fitness programs                    |
| (B) Bereavement and family leave policies  | (R) relocation policy                                     |
| (b) Child care   | (S) Sick Leave  |
| (C) COBRA benefits   | (U) Policy derived from collective bargaining             |
| (D) Dental Insurance   | (v) Vision medical insurance included                     |
| (f) Family leave policy for domestic partners is same as married partners under the Family Medical Leave Act | (O) benefits offered to same-sex and opposite-sex couples |
| (f-) two different policies exist for family leave   | (=) no benefits available to spouses are excluded         |
| (L) Dependent Life Insurance   | (-) some benefits available to spouses are excluded       |
| (M) Medical Benefits   | (?) specifics of plan unknown                             |
| (P) Parenting leave  | [n] number of employees shown in brackets                 |

<u>Company</u>	<u>Benefits</u>	<u>Company</u>	<u>Benefits</u>
AMTRAK	(?)	AMTRAK	(?)
Adamation Inc., Oakland CA [10]	(O)	Columbia University clerical workers, NYC	(B) (U)
Advanced Micro Devices	(M) (D)	Committee of Interns and Residents Staff Union, NYC	(U)
American Association of University Professors	(M - stipend) (O)	Consumers United Insurance Company [15]	(?)
American Automobile Association [3,200]	(?)	DEC-Belgium	(D) (M) (O) (-)
ACLU, SF Office	(?)	Episcopal Church of Newark	(M)
American Friends Service Committee [350]	(?)	Frame Technology [303]	(D) (M) (O)
American Psychological Association [1,500]	(?)	Fred Hutchinson Cancer Research Center (Seattle)	(M)
Apple Computer, Inc. [11,500]	(M) (A) (B) (b) (C) (D) (f) (O) (P) (R) (r) (S) (v)	Gardener's Supply Co.	(?)
Autodesk	(M) (B) (C) (D) (f) (R) (=)	Genetech	(M)
Banyan Systems	(M) (C) (D)	Greenpeace	(?)

PRIVATE SECTOR PLANS (continued)

<u>Company</u>	<u>Benefits</u>	<u>Company</u>	<u>Benefits</u>
Beacon Journal (Ohio)	(?)	Group Health Coop (Seattle) [9000]	(M)
Ben & Jerry's [300]	(?) (=)	HBO [1600]	(M) (?)
Beth Israel Medical Center, New York	(?)	Howard Rice Canady Nemerovski Robertson & Falk	(?)
Beth Israel Hospital, Boston	(M) (=)	Human Rights Campaign Fund	(?)
Blue Cross/Blue Shield of Mass	(M) (O)	IDG [530]	(M) (f)
Borland [986]	(D) (M)	Interleaf [800]	(D) (M) (=)
Boston's Children's Hospital	(D) (L) (M) (f) (=)	Intermedia Partners	(M) (?)
Boston Hotel Workers Union	(?)	Irell & Manella	(M) (?)
Boston Globe [3445]	(M) (B)	Jewish Board of Family & Children Services, NY	(M) (O) (?)
Bureau of National Affairs (BNA)	(?)	Kaiser Permanente	(M) (?) (U pending)
Cadance	(D) (M) (v) (O)	KQED, San Francisco	(M)
Canadian Press and Broadcast News [440]	(B) (D) (M) (U)	Lambda Legal Defense & Education Fund	(?)
Capital Cities / ABC [19,200]	(M)	Legal Aid Society of New York	(?)
Celestial Seasonings	(M) (=)	Levi Strauss [31,000]	(B) (U) (L) (M) (=)
Lilienthal & Fowler	(?)	St. Paul Companies	(D) (M) (O) [1/95]
LA Philharmonic	(M) (?)	Santa Cruz Operation [1,300]	(O)
Lotus Development Corporation [3,500]	(B) (b) (C) (D) (f) (M) (P) (r) (R) (S) (v) (=)	SAS, Inc.	(A) (B) (b) (P) (r) (R) (s) (O) (-)
MCA/Universal [18,000]	(M) (C)	Schiff Harden & Waite	(?)
Microsoft [12,000]	(M) (R) (S)	Sears (Canada)	(M) (=)
Milbank, Tweed, Hadley & McCloy	(M)	Seattle Mental Health Institute	(M)
MN Public Radio [218]	(?)	Seattle Public Library	(M)
Montefiore Medical Center, New York City	(?)	Seattle Times [2500]	(M) (D) (F)
Morrison & Foerster	(?)	Segal Company	(M)

PRIVATE SECTOR PLANS (continued)

<u>Company</u>	<u>Benefits</u>	<u>Company</u>	<u>Benefits</u>
Mt. Sinai Hospital Nurses, New York City	(B) (U)	San Francisco Giants	(M)
Museum of Modern Art, New York City	(B) (U)	Silicon Graphics Inc. [3100]	(A) (B) (D) (M) (R) (=)
NYNEX (NY - NJ telephone Co. [93,800]	(U)	Sony Corp	(M)(?)
National Gay/Lesbian Task Force Policy Institute	(?)	Sun Microsystems [11,000]	(7/93) (B) (D) (M) (O)
NOW	(?)	Sybase [2100]	(B) (D) (M) (O) (P) (R)
NeXT Computer Inc	(M)	Tattered Cover Bookstore	(M) (=)
New York Times Co.	(?)	Thinking Machines [500]	(M) (B) (D) (v) (R)
National Public Radio	(M) (=)	Time Inc	(M)
Northern States Power	(D) (M) (O) [1/95]	Unitarian Universalist Association	(?)
Northern Telecom/Bell - Northern Research	(M) (O) (=)	Unitarian Universalist Service Committee	(?)
Oil Chemical and Atomic Workers	(U)	Viacom [5,000]	(M) (C?)
Oracle	(C) (D) (M) (v)	Village Voice newspaper [226]	(M)
Orrick, Herrington & Sutcliffe (law firm) [761]	(M)	Warner Bros.	(M)
Pacific Gas & Electric	(?)	Wilder Foundation	(D) (M) (O) [1/95]
Park Nicollet Medical Center	(D) (M) (C) [pending]	WGBH [800]	(M)
Planned Parenthood	(D) (M) (?)	WQED, Pittsburgh Public Television	(M) (=)
Quark, Inc. [375]	(M)	Woodward and Lothrop Department Stores [16,000]	(?)

COLLEGES AND UNIVERSITIES

**Key:**

- |  |   |
|--|---|
| (B) Bereavement and Sick Leave   | (P) pension plan  |
| (c) child care   | (M) offers medical benefits                               |
| (F) Faculty/staff only   | (T) tuition waiver  |
| (f) Family leave policy for domestic partners is same as married partners under the Family Medical Leave Act | (O) benefits offered to same-sex and opposite-sex couples |
| (f-) two different policies exist for family leave   | (S) students only   |
| (H) Student housing only   | (=) no benefits available to spouses are excluded         |
| (h) Home purchase loan   | (-) some benefits available to spouses are excluded       |
| (I) informal policy -- not in writing  | (?) specifics of plan unknown                             |
| (ID) issues university identification  | [m/n] number of faculty/students                          |

<u>Institution</u>	<u>Benefits</u>	<u>Institution</u>	<u>Benefits</u>
Albert Einstein College of Medicine	(?)	Grinnell College, IA [131/1291]	(H)
Bowdoin College	(H) (S) (P)	Harvard Law School	(H)
Bradford College	(?)	Harvard University	(M)
Brown University	(S) (P) (M) (D)	Ithaca College	(H)
Carnegie Mellon University [616/5000]	(ID) (B) (f-) (O) (-)	Middlebury College	(M) (O) (=)
Clark University	(B) (D) (M) (T)	MIT [1000/9564]	(F) (f) (M)
Colby College, ME [140/1880]	(ID) (T)	Moorehead State University	(P)
Columbia University	(H) (ID) (M) (P)	New York University	(M) (P)
City University of NY	(M) (B) (S) (f+)	North Dakota University [532/9711]	(H) (S)
Cornell University (7/1/94)	(M*)(T)(ID) [* employees of state schools not eligible for medical]	Northeastern	(M)
Dartmouth College [proposed only 8/10/93]	(M)	Oberlin College, OH [185/1783]	(ID) (T)
DeAnza Community College	(M)	Occidental College, CA [125/1680]	(ID) (T)
Duke University	(M)	Ohio State University [3097/51,000]	(B) (P)

COLLEGES AND UNIVERSITIES (CONTINUED)

<u>Institution</u>	<u>Benefits</u>	<u>Institution</u>	<u>Benefits</u>
Georgia State University [746/24247]	(S) (P)	Pitzer College [80/750]	(F) (M)
Ponoma College	(F) (ID) (h) (M) (T) (=)	Univ. of Minnesota †	(B) (c) (M*) (P)
Princeton University [671/6200]	(ID) (H) (M 7/94)	University of New Brunswick	(M)
Rutgers University [1964/48,000]	(ID) (?)	University of New Mexico	(B) (M) (T) (=)
Simmons College	(M) (?)	University of Pennsylvania	(M) (P) (T)
Smith College	(M) (?)	Univ. of Pittsburgh, PA [3447/34,336]	(ID) (B) (T) (-)
SUNY at Purchase, NY [129/2999]	(H)	University of Toronto	(ID) (M) (D) (T)
State Universities of New York	(M) (O)	University of Vermont	(M)
Stanford University [650/6500]	(S) (ID) (M) (D)	University of Waterloo	(M)
Swarthmore College [135/1320]	(ID) (T) (M) (?)	University of Windsor	(M) (T)
Union Theological Seminary	(H) (S) (P)	University of Wisconsin [7200/162,330]	(H)
University of British Columbia	(M)	Wellesley College	(?)
Univ. of CA at Irvine [957/15,776]	(ID)	Wesleyan University [284/1833]	(ID) (T) (H) (M) (D)
Univ. of CA at Santa Cruz [405/2036]	(ID)	Wilfred Laruer University	(M) (T)
Univ. of Chicago, IL [120/9000]	(ID) (F) (H) (M) (T)	Williams College	(?)
Univ. of Colorado [4500/41,689]	(ID) (H) (M) (S)	Wright State University	(B) (M,S)(ID)
Univ. of Iowa [1600/28,000]	(M)	Yale University [2239/9800]	(ID) (I)
Univ. of Michigan [3035/42,673]	(ID) (S) (P)	York University	(M)

(†) The University of Minnesota was unable to get an insurance carrier to write policies for domestic partners. The University has instead issued stipends of up to \$2500 to apply toward the purchase of individual health and dental insurance policies.

**UTILIZATION OF BENEFITS**

Company name	Total Employees	Total Registered couples	# same-sex registered
American Friends Service Committee	350		5
American Psychological Association	1500	10	5
Apple Computer	9000	45	45
Ben and Jerry's	300	15	1
Berkeley	1475	116	19
Levi Strauss <sup>1</sup>	23000	138	138
Lotus Development	3100	12	12
Montefiore Medical Center (New York)	4500		14
San Francisco	31000	594	594
Santa Cruz	700	20	3
Stanford University	11,000	29	29
Seattle <sup>2</sup>	10,000	412	125
West Hollywood	175		5
University of Chicago	6400	25	25
University of Pittsburgh	7500	20	20
Village Voice	226	15	5

1 Approximate numbers. Enrollment is 0.6%.

2 Of the 412 enrollees, 230 have applied for medical benefits

**EXPERIENCE OF OTHER EMPLOYERS (All data provided by Harvard University)**

	Year Implemented	Same-Sex Only	Total Employees	Enrollment Increase	Premium Increase
<u>UNIVERSITIES &amp; HOSPITALS</u>					
Chicago	1993	yes	6,060	0.1%	no <sup>a</sup>
Children's Hosp. (Boston)	1992	yes	4,300	0.4%	mixed <sup>b</sup>
Harvard	1993	yes	10,400	note c	no
Iowa	1993	yes	8,000	0.2%	no <sup>a</sup>
Montefiore (New York)	1991	yes	8,500	0.3%	no
Stanford	1993	yes	9,760	0.2%	yes
<u>MUNICIPALITIES</u>					
Berkeley, CA	1985	no	1,475	7.9%	no
Cambridge, MA	1993	no	900	1.9%	no
San Francisco, CA	1991	no	32,500	0.5%	no
Santa Cruz, CA	1986	no	700	2.8%	no <sup>a</sup>
Seattle, WA	1990	no	10,000	2.8%	no
<u>COMPANIES</u>					
Ben & Jerry's	1989	no	350	4.0%	no
International Data Group	1993	no	1,500	2.3%	no <sup>a</sup>
Levi Strauss	1992	no	23,000	0.6%	yes
Lotus	1991	yes	3,100	0.4%	yes
The Village Voice	1982	no	230	7.8%	no

a Self-insured, not offered under HMO plans.

b Offers four plans, only one increased premiums.

c Harvard shift data not yet available.

DIVISION OF LEGAL SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
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Mail Stop 5101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

MEMORANDUM

April 20, 1995

**SUBJECT:** Sectional Summary of CSHB 226(HES). (Marital status and employment benefits)

**TO:** Representative Pete Kelly  
Attn: Bruce Campbell

**FROM:** Teresa B. Cramer   
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Sections 1 and 2 establish an exemption from the prohibition against discrimination in compensation based on marital status. Under proposed sec. 18.80.220(c), an employer would be permitted to decline to provide benefits because of a person's marital status. However, the employer could not decline to provide benefits because a person was legally married to an employee or was the domestic partner of the employee. Proposed subsection (d) prohibits persons under 18 years of age from establishing a domestic partnership. Proposed subsection (e) defines "domestic partner."

TC:klb  
95-281.klb

# Alaska State Legislature

REPRESENTATIVE  
PETER KELLY

Mailing Address  
119 N. Cushman, Suite 203  
Fairbanks, Alaska 99701  
(907) 456-8161



White at Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-2327  
House District 31

## House Of Representatives

### Hearing Request

To: The Honorable  
Representative Brian Porter  
Chairman, House Judiciary

From: Representative Pete Kelly *PK*

Date: April 20, 1995

Regarding: House Bill 226

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Please schedule a hearing for HB 226 at your earliest convenience.

Frank statement of support and opposition to HB 226:

HB 226 was heard and passed through House State Affairs Committee. The version passing through State Affairs was supported by businesses, the University of Alaska, the State of Alaska, and many individuals. This version was opposed by the gay rights community/

It was substantially amended in House Health, Education and Social Services. This version was requested by the gay rights community. I believe this version will not receive active support by business, the University, or many individuals.