

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 09-0409.01 Christy Chase

SENATE BILL 09-088

SENATE SPONSORSHIP

Veiga,

HOUSE SPONSORSHIP

Ferrandino,

Senate Committees

Business, Labor and Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXTENSION OF STATE EMPLOYEE GROUP BENEFITS**
102 **TO DOMESTIC PARTNERS OF STATE EMPLOYEES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

For state employee group benefit plans issued or renewed on or after July 1, 2010, adds a state employee's domestic partner to the list of dependents eligible for coverage under state employee group benefit plans. Defines "domestic partner" for purposes of qualifying as the dependent of a state employee.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
2nd Reading Unamended
February 23, 2009

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

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

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

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

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

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

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

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

26 (g) The state must remain a competitive employer in the market,
27 recruiting and retaining the best employees for state government positions

1 by offering an attractive and comprehensive compensation and benefits
2 package; and

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

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

10 **24-50-603. Definitions.** As used in this part 6, unless the context
11 otherwise requires:

12 (5) "Dependent" means:

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

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

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

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

11 (6.5) "DOMESTIC PARTNER" MEANS AN ADULT, AT LEAST EIGHTEEN
12 YEARS OF AGE:

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

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

17 (c) WHO IS NOT RELATED TO THE EMPLOYEE BY BLOOD TO A
18 DEGREE THAT WOULD PROHIBIT MARRIAGE PURSUANT TO SECTION
19 14-2-110, C.R.S.; AND

20 (d) WHO IS NOT MARRIED TO ANOTHER PERSON.

21 **SECTION 3. Act subject to petition - effective date -**
22 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
23 following the expiration of the ninety-day period after final adjournment
24 of the general assembly that is allowed for submitting a referendum
25 petition pursuant to article V, section 1 (3) of the state constitution,
26 (August 4, 2009, if adjournment sine die is on May 6, 2009); except that,
27 if a referendum petition is filed against this act or an item, section, or part

1 of this act within such period, then the act, item, section, or part, if
2 approved by the people, shall take effect on the date of the official
3 declaration of the vote thereon by proclamation of the governor.

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