

By Mr. Demakis of Boston, petition of Paul C. Demakis and other members of the General Court for legislation to provide equal employment benefits for public employees with domestic partners. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT PROVIDING EQUAL EMPLOYMENT BENEFITS FOR PUBLIC SECTOR EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Paragraph (d) of section 2 of chapter 32A of the
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended by striking out the first sentence and inserting in place
4 thereof the following sentence:—

5 “Dependents”, an employee’s spouse or domestic partner, his
6 unmarried children under 19 years of age, his spouse’s or
7 domestic partner’s unmarried children under 19 years of age and
8 any child 19 years of age or over who is mentally or physically
9 incapable of earning his own living, provided that an additional
10 premium is paid for the coverage of such handicapped child.

1 SECTION 2. Said section 2 of said chapter 32A, as so
2 appearing, is hereby further amended by adding the following
3 paragraph:—

4 (i) “Domestic partner”, an employee’s or retiree’s partner in a
5 domestic relationship. Such a partnership shall meet the following
6 criteria: (1) the employee or retiree and his partner reside in a
7 common household and share financial responsibilities and
8 expenses; (2) both the employee and partner are at least 18 years
9 of age and competent to contract; (3) that the employee or retiree
10 and his partner are not related by blood closer than would bar
11 marriage in the commonwealth; (4) that the employee or retiree

12 and his partner are not married to any other person; (5) that the
13 partners intend to reside together indefinitely as the other's sole
14 and exclusive domestic partner; and (6) the partners are in a rela-
15 tionship of mutual support, caring and commitment. The commis-
16 sion shall require each employee or retiree who receives benefits
17 for his domestic partner to initially certify, and periodically recer-
18 tify, his domestic partnership under the pains and penalties of per-
19 jury. Each such employee or retiree shall notify the commission of
20 the termination of his domestic partnership. After notice and
21 opportunity for a hearing, the commission shall cease to provide
22 benefits under this chapter for the former domestic partner as of
23 the date of the termination of the domestic partnership.

1 SECTION 3. Section 10B of said chapter 32A, as so appearing,
2 is hereby amended by inserting after the word "spouses", in
3 line 11, the following words:— or surviving domestic partners.

1 SECTION 4. Said section 10B of said chapter 32A, as so
2 appearing, is hereby amended by inserting after the word
3 "spouse", in line 106, the following words:— or surviving
4 domestic partner.

1 SECTION 5. Section 10C of said chapter 32A, as so appearing,
2 is hereby amended by inserting after the word "spouse", in line 6,
3 the following words:— or domestic partner.

1 SECTION 6. Said section 10C of said chapter 32A, as so
2 appearing, is hereby amended by inserting after the word
3 "spouse", in line 101, the following words:— or domestic partner.

1 SECTION 7. Section 10E of said chapter 32A, as so appearing,
2 is hereby amended by striking out the last sentence and inserting
3 in place thereof the following sentence:— For the purpose of this
4 section, "dependent child" shall mean any child, whether natural,
5 adoptive or a stepchild, of any such employee or the natural or
6 adoptive child of such employee's domestic partner.

1 SECTION 8. Section 11 of said chapter 32A, as so appearing, is
2 hereby amended by striking out the first sentence and inserting in

3 place thereof the following sentence:— Upon the death of an
4 employee or retired employee insured under this chapter, the sur-
5 viving spouse or surviving domestic partner, or the surviving
6 dependent if there is no surviving spouse or surviving domestic
7 partner, or the surviving dependent if the surviving spouse or the
8 surviving domestic partner subsequently dies, may continue the
9 group or general or blanket insurance providing hospital, surgical,
10 medical, dental, and other health insurance until the remarriage of
11 or entry into a new domestic partnership arrangement by said sur-
12 viving spouse or surviving domestic partner, or if there be no sur-
13 viving spouse or surviving domestic partner, until the surviving
14 dependent becomes eligible for other group health insurance cov-
15 erage; provided, however, that application for such insurance cov-
16 erage shall be filed with the commission and a method for the
17 payment of premiums shall be determined in accordance with its
18 rules and regulations; and provided, further, that the common-
19 wealth shall contribute the same per cent share of the total
20 monthly premium or rate for coverage under this section as the
21 per cent share it contributes, pursuant to section 8 on behalf of
22 retired employees, subject, where applicable, to reimbursement as
23 provided under section 10B, and that eligible person having
24 elected coverage under this section shall pay the remainder pre-
25 mium or rate.

1 SECTION 9. Said section 11A of said chapter 32A, as so
2 appearing, is hereby amended by inserting after paragraph (b) the
3 following paragraph:—

4 (b^{1/2}) In the event of the entrance into a domestic partnership
5 by the employee or retiree referred to in paragraph (a), the former
6 spouse thereafter shall have the right, if so provided in said judg-
7 ment, to continue to receive benefits as are available to the
8 employee or retiree, by means of the addition of a rider to the
9 family plan or contract, either of which may be at additional pre-
10 mium rates determined by the commission to be just and reason-
11 ably in accordance with the additional insuring risks involved.

1 SECTION 10. Section 12 of said chapter 32A, as so appearing,
2 is hereby amended by inserting after the word “spouse”, in
3 line 15, the following words:— or domestic partner.

1 SECTION 11. Said section 12 of said chapter 32A, as so
2 appearing, is hereby further amended by inserting after the word
3 “spouse”, in line 18, the following words:— or surviving domestic
4 partner.

1 SECTION 12. Said section 12 of said chapter 32A, as so
2 appearing, is hereby further amended by inserting after the word
3 “spouses”, in line 23, the following words:— or surviving
4 domestic partners.

1 SECTION 13. Said section 12 of said chapter 32A, as so
2 appearing, is hereby further amended by inserting after the word
3 “spouse”, in line 40, the following words:— or surviving domestic
4 partner.

1 SECTION 14. Said section 12 of said chapter 32A, as so
2 appearing, is hereby further amended by inserting, after the word
3 “spouse”, in line 61, the following words:— or insured surviving
4 domestic partner.

1 SECTION 15. Said section 12 of said chapter 32A, as so
2 appearing, is hereby further amended by inserting after the word
3 “spouse”, in line 75, the following words:— or surviving domestic
4 partner.

1 SECTION 16. Said section 12 of said chapter 32A, as so
2 appearing, is hereby further amended by inserting after the word
3 “spouse”, in line 80, the following words:— or surviving domestic
4 partner.

1 SECTION 17. Said section 12 of said chapter 32A, as so
2 appearing, is hereby further amended by inserting after the word
3 “spouses”, in line 90, the following words:— or surviving
4 domestic partners.

1 SECTION 18. Said section 12 of said chapter 32A, as so
2 appearing, is hereby further amended by inserting after the word,
3 “spouse”, in line 126, the following words:— or surviving
4 domestic partner.

1 SECTION 19. Section 13 of said chapter 32A, as so appearing,
2 is hereby amended by inserting after the word “spouses”, in line 4,
3 the following words:— or surviving domestic partners.

1 SECTION 20. Section 14 of said chapter 32A, as so appearing,
2 is hereby amended by inserting after the word “spouse”, in line 4,
3 the following words:— or surviving domestic partner.

1 SECTION 21. Section 15 of said chapter 32A, as so appearing,
2 is hereby amended by inserting after the word “spouse”, in
3 line 28, the following words:— or surviving domestic partner.

1 SECTION 22. Section 18 of said chapter 32A, as so appearing,
2 is hereby amended by inserting after the word “spouses”, in line 2,
3 the following words:— domestic partners.

1 SECTION 23. Said section 18 of said chapter 32A, as so
2 appearing, is hereby amended by inserting after the word
3 “spouse”, in line 4, the following words:—, domestic partner.

1 SECTION 24. Said section 18 of said chapter 32A, as so
2 appearing, is hereby amended by inserting after the word
3 “spouse”, in line 5, the following words:—, domestic partner.

1 SECTION 25. Said section 18 of said chapter 32A, as so
2 appearing, is hereby amended by inserting after the word
3 “spouses”, in line 16, the following words:—, domestic partners.

1 SECTION 26. Chapter 32B is hereby amended by inserting
2 after section 9I, as so appearing, the following section:—

3 Section 9J. (a) For the purposes of this section, the word
4 “dependents” shall have the meaning as specified in section 2 and
5 shall also include: an employee’s domestic partner, and an
6 employee’s domestic partner’s unmarried children under 19 years
7 of age. For the purposes of this section, the words “domestic
8 partner” shall have the following meaning:— an employee’s or
9 retiree’s partner in a domestic relationship. Such a partnership
10 shall meet the following criteria: (1) the employee or retiree and
11 his partner reside in a common household and share financial

12 responsibilities and expenses; (2) that both the employee and
13 partner are at least 18 years of age, and competent to enter into
14 contract; (3) that the employee or retiree and his partner are not
15 related by blood closer than would bar marriage in the common-
16 wealth; and (4) that the employee or retiree and his partner are not
17 married to any other person; (5) that the partners intend to reside
18 together indefinitely as the other's sole and exclusive domestic
19 partner; and (6) the partners are in a relationship of mutual sup-
20 port, caring and commitment. The appropriate public authority
21 shall require each employee or retiree who receives benefits for
22 his domestic partner to initially certify, and periodically recertify,
23 his domestic partnership under the pains and penalties of perjury.
24 Each such employee or retiree shall notify the appropriate public
25 authority of the termination of his domestic partnership. After
26 notice and opportunity for a hearing, the appropriate public
27 authority shall cease to provide benefits under this chapter for the
28 former domestic partner as of the date of the termination of the
29 domestic partnership.

30 (b) In any governmental unit, the domestic partners of
31 employees or retirees shall be enrolled as eligible participants in
32 the plan or plans of contributory group life insurance, group acci-
33 dental death and dismemberment insurance, and group general or
34 blanket hospital, surgical, medical, dental or other health insur-
35 ance otherwise made available to dependents of employees or
36 retirees. Any governmental unit shall be governed by the defini-
37 tion of domestic partner set forth in this section. In all other
38 respects the provision of such insurance benefits shall be in accor-
39 dance with the terms, rates and rules promulgated for employees
40 or retirees and their spouses and dependents.

41 (c) In the event of the entrance into a domestic partnership by a
42 group plan member or subscriber, the former spouse thereafter
43 shall have the right, if so provided in said judgment, to continue to
44 receive benefits as are available to the member or subscriber, by
45 means of the additional premium rate determined by the appro-
46 priate public authority to be just and reasonable in accordance
47 with the additional insuring risks involved.

48 A health district established under section 27A of chapter 111
49 by vote of the joint committee may adopt the provisions of this
50 section.

The history of the Republic of the United States is a story of growth and progress. From its humble beginnings as a collection of colonies, it has become a powerful nation that has shaped the world. The American dream, the pursuit of happiness, and the values of freedom and democracy are the cornerstones of this nation's identity. Over the years, the United States has faced numerous challenges, but it has always emerged stronger and more united. The history of the Republic is a testament to the resilience and ingenuity of the American people.

The early years of the Republic were marked by the struggle for independence from British rule. The American Revolution was a defining moment in the nation's history, as the colonies fought for their right to self-governance. The signing of the Declaration of Independence in 1776 marked the birth of the United States as a sovereign nation. The Constitution, drafted in 1787, established the framework for the federal government and the rights of the states.

The 19th century was a period of rapid expansion and growth. The westward movement of settlers led to the discovery of gold and other resources, fueling economic development. The Civil War, fought between 1861 and 1865, was a pivotal moment in the nation's history, as it resolved the issue of slavery and preserved the Union. The Reconstruction era that followed sought to rebuild the South and integrate African Americans into the fabric of American society.

The 20th century was a time of global influence and technological advancement. The United States emerged as a superpower, leading the world in science, technology, and culture. The New Deal of the 1930s addressed the challenges of the Great Depression and laid the foundation for the modern welfare state. The Cold War era saw the United States and the Soviet Union in a tense standoff, while the Vietnam War tested the nation's resolve and resources.

The 21st century has brought new challenges and opportunities. The September 11 attacks in 2001 led to a global war on terrorism and a reevaluation of the nation's role in the world. The economic challenges of the late 2000s led to the implementation of the Affordable Care Act and other significant policies. The ongoing struggle for racial justice and equality remains a central theme in the nation's history.

The history of the Republic of the United States is a story of a nation that has grown from a small group of colonies to a global superpower. It is a story of the American dream, the pursuit of happiness, and the values of freedom and democracy. The history of the Republic is a testament to the resilience and ingenuity of the American people.