

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 73-09

### AN ORDINANCE

amending Chapter 12 of the City Code to establish a domestic partnership registry; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 12 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Secs. 12-60--12-70. Reserved.

#### ARTICLE IV. DOMESTIC PARTNERSHIP REGISTRY

Sec. 12-71. Definitions.

The following definitions apply to this article:

“Basic necessities of life” means the cost of essential food, shelter and other fundamental needs.

“Department” means the department of public health and human services.

“Dependent” means a person who resides within the household of a registered domestic partnership and is:

- (1) A biological, adopted, or foster child of a registered domestic partner; or
- (2) A dependent as defined under United States Internal Revenue Service regulations; or
- (3) A ward of a registered domestic partner as determined in a guardianship or other legal proceeding.

“Domestic partners” means two adults who share the same principal residence, and are jointly responsible for the basic necessities of life. The individuals need not contribute equally to the cost of these necessities, as long as they agree that both are responsible for the cost.

Sec. 12-72. Establishment of domestic partnership registry.

There is hereby created a domestic partnership registry which shall be maintained by the health department.

Sec. 12-73. Requirements for domestic partnership.

To establish a domestic partnership, two individuals must file a joint declaration of domestic partnership with the health department affirming that they:

- (1) have resided together for at least six months,
- (2) each intends to reside with the other and share the common necessities of life,
- (3) are each 18 years of age or older,
- (4) are mentally competent to contract,
- (5) are not related by blood closer than would bar marriage in the State of Missouri,
- (6) are not married to any person other than their domestic partner, and
- (7) are each other's sole domestic partner.

Sec. 12-74. Filing of declaration of domestic partnership.

(a) *Filing location.* Two individuals seeking to become domestic partners must complete and file a declaration of domestic partnership at the health department.

(b) *Filing prohibition.* No individual who has previously filed a declaration of domestic partnership in this city may file a new declaration of domestic partnership until a notice of termination of domestic partnership has been filed with the health department. This prohibition shall not apply if the previous domestic partnership ended because one of the domestic partners is deceased.

(c) *Filing fee.* Individuals filing a declaration or termination of domestic partnership shall pay a fee of twenty-five dollars (\$25.00) to the city.

Section 12-75. Administration of registry.

(a) The declaration of domestic partnership form shall require each registrant to:

(1) Affirm that he or she meets the requirements of section 12-73 of this article,

(2) Provide the mailing address of the common residence, and

(3) Sign the form attesting that all statements are true and correct.

(b) The city shall have declaration and termination forms available at the health department. The health department shall make available sample legal documents including durable power of attorney for medical decisions, and right of sepulcher designations domestic partnership may also want to consider.

(c) The declaration of domestic partnership form and the termination of domestic partnership form shall contain notice that false statements made on the form are punishable.

(d) Partnership registration. The city shall register the declaration of domestic partnership submitted by the partners in a registry and return a copy of the declaration to the domestic partners at the address provided as their common residence.

(e) The city shall register the notice of termination of domestic partnership pursuant to the requirements set forth in section 12-76.

Sec. 12-76. Termination of domestic partnership.

(a) Termination. A domestic partnership ends when:

(1) One of the domestic partners dies, marries a person other than their domestic partner, or enters into a civil union or registered domestic partnership with someone other than his or her registered domestic partner;  
or

(2) A notice of termination of domestic partnership has been filed by one or both domestic partners with the city.

(b) Notice of termination. If the facts affirmed in the declaration of domestic partnership cease to be true, one or both parties to a domestic partnership shall file a notice of termination of domestic partners with the health department. Upon receipt, the city shall return a copy of the notice marked "filed" to each of the partners if jointly filed; or two copies to the filing partner. Unless the partners jointly file the notice, the partner filing the notice shall, within five (5) days, send a copy of the filed notice to the other partner's

last known address. However, this requirement shall not apply if the termination is due to the death of one of the domestic partners.

(c) Effective termination date. Termination of a domestic partnership shall be effective upon filing of the notice of termination of domestic partnership with the health department by one or both partners, or on the date of the death of one of the domestic partners.

(d) Notice to third parties. Following the termination of a domestic partnership, each former domestic partner who has received or qualified for any benefit or right based upon the existence of a domestic partnership and receipt of that benefit or enjoyment of that right has not otherwise terminated, shall give prompt notification to any third party who provides such benefit or right that the domestic partnership has terminated.

(e) Failure to give notice. Failure to provide notice to third parties as prescribed in the section shall not delay or prevent the termination of the domestic partnership.

Sec. 12-77. Rights of registered domestic partnership.

(a) Use of and access to city facilities. All facilities owned and operated by the city, including but not limited to recreational facilities, shall allow the registered domestic partner of a user, and his or her dependents, to be included in any rights and privileges accorded a spouse and children for purposes of use and access to city facilities.

(b) Employer benefit plans. Employers of registered domestic partners may use the registry as proof of relationship for their employee benefit plans.

(c) Health care visitation. Operators of health care facilities may use the registry as proof of relationship for their visitation policies.

(d) Nursing homes. Operators of nursing home facilities may use the registry as proof of relationship for their visitation policies.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

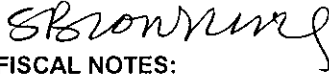
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

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City Counselor

**Source:**  
 Health Department  
  
**FISCAL NOTES:**

**TO: City Council**  
**FROM: City Manager and Staff**  
**DATE: March 6, 2009**  
**RE: Domestic Partnership Registry**



City Fiscal Impact	
Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	Operating / On-going
Program Impact:	
Y	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)

**EXECUTIVE SUMMARY:**

An ordinance has been drafted to amend Chapter 12 of the City Code to establish a domestic partnership registry.

**DISCUSSION:**

As directed by Council, an ordinance establishing a domestic partnership registry has been drafted and provided to the Human Rights Commission for its review and recommendation. At its March 3, 2009 meeting, the Human Rights Commission reviewed the proposed ordinance and voted to recommend that the Council pass it.

The proposed ordinance establishes a registry similar to the one established in 2003 by Kansas City, Missouri. Under the proposed ordinance, two individuals can establish a domestic partnership by filing a joint declaration of domestic partnership with the Department of Public Health and Human Services. The declaration affirms that the partners:

- (1) have resided together for at least six months,
- (2) each intends to reside with the other and share the common necessities of life,
- (3) are each 18 years of age or older,
- (4) are mentally competent to contract,
- (5) are not related by blood closer than would bar marriage in the State of Missouri,
- (6) are not married to any person other than their domestic partner, and
- (7) are each other's sole domestic partner.

A domestic partnership may be terminated by one or both parties filing a notice of termination of domestic partnership.

The only right the ordinance establishes for domestic partnership is a provision that registered domestic partners shall be treated the same as married couples for purposes of access and family discounts to City-owned recreational and other facilities. The ordinance does not impose any obligations on employers or businesses but does state that employers may use the registry as proof of relationship for benefit plans and health care and nursing home facilities may use the registry as proof of relationship for their visitation policies.

At least 73 cities and counties maintain domestic partnership registries including: St. Louis, MO; Kansas City, MO; Lawrence, KS; Iowa City, IA; Boulder, CO; and Urbana, IL.

**FISCAL IMPACT:**

The ordinance establishes a \$25.00 fee for filing a declaration or termination of domestic partnership. The registry will be maintained by existing staff. The \$25.00 fee will offset the cost to the department.

**SUGGESTED COUNCIL ACTIONS:**

Passage of the ordinance.



**Domestic partners must affirm that they and their domestic partner meet all of the following criteria:**

1. Have resided together for at least six months.
2. Each intend to reside with each other and share the common necessities of life,
3. Are each 18 years of age or older,
4. Are mentally competent to contract,
5. Are not related by blood closer than would bar marriage in the State of Missouri,
6. Are not married to any person other than their domestic partner, and
7. Are each other's sole domestic partner.

**Domestic partners are defined as two adults who:**

Share the same principal residence, and are jointly responsible for the basic necessities of life. Basic necessities of life means the cost of basic food, shelter and any other expenses. The individuals need not contribute equally to the cost of these expenses, as long as they agree that both are responsible for the cost.

We do hereby affirm that we have agreed to live as domestic partners. We further affirm that our relationship meets the definition stated on this form.

We agree to notify the City in writing if there is any change of circumstances attested to in this Affidavit within thirty (30) days of such change.

NOTICE: False statements made on this form are punishable under Section 575.060 RSMo. and Section 16-193 of the Columbia Code of Ordinances.

**Domestic Partner**

**Domestic Partner**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street City State Zip



**City of Columbia, Missouri  
City/County Health Department**

**Termination of Domestic Partnership**

I, \_\_\_\_\_, affirm that the Domestic Partnership  
declared by me on \_\_\_\_\_ is terminated as of this date.

NOTICE: False statements made on this form are punishable under Section 575.060 RSMo. and  
Section 16-193 of the Columbia Code of Ordinances.

**Domestic Partner**

**Witness**

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip