



Legislation Details (With Text)

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On agenda: **Final action:** 10/13/2009

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Title: An ordinance relating to domestic partnership registration.

Sponsors: ALD. HAMILTON

Indexes: DOCUMENTS AND RECORDS, WAGES AND BENEFITS

Attachments: 1. Fiscal Note, 2. Hearing Notice List, 3. Notice Published on 10-29-09

Date	Ver.	Action By	Action	Result	Tally
9/24/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/29/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/5/2009	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
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10/14/2009	0	MAYOR	SIGNED		
10/29/2009	0	CITY CLERK	PUBLISHED		

090739

ORIGINAL

ALD. HAMILTON

An ordinance relating to domestic partnership registration.

81-43.7 rp
111 rp
112-1-5-g am
350-35-5-a am
350-245 cr

This ordinance repeals the city's registration of domestic partners, except for city employees who wish to register for city benefit purposes. The state of Wisconsin has enacted statewide registration of same-sex domestic partners, which is handled by county clerks.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-43.7 of the code is repealed.

Part 2. Chapter 111 of the code is repealed.

Part 3. Section 112-1-5-g of the code is amended to read:

112-1. Definitions. 5. g. A domestic partner as defined in ~~[s. 111-3]~~ >ch. 770, Wis. Stats<.

Part 4. Section 350-35-5-a of the code is amended to read:

350-35. Leave of Absence Policies.

5. FUNERAL LEAVE. a. Immediate Family. Except for those positions listed in par. c, funeral leave shall cover necessary absence from duty of general city employees because of death in the immediate family of the employee. "Immediate family" is defined as husband or wife, child, stepchild, brother, sister, parent, stepparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, or grand-child of the employee. ~~[Also effective January 2, 2005 for]~~ >For< management, and nonmanagement, nonrepresented employees, "brother-in-law" and "sister-in-law" includes a spouse's sibling's spouse. For management and nonmanagement, nonrepresented employees, "immediate family" also includes stepparents and stepchildren by virtue of the employee's current spouse. Furthermore, eligibility to use stepparent funeral leave benefits shall be limited to one stepmother and one stepfather regardless of the number of stepparents. ~~[Effective January 1, 2002, for]~~ >For< management and nonmanagement, nonrepresented employees, "immediate family" shall include an employee's domestic partner, if the domestic partnership is registered >with the department of employee relations under s. 350-245 or was registered< with the city clerk as provided in s. 111-3 >in effect prior to the effective date of this ordinance [city clerk to insert date]<. In the case of a death in the immediate family, an employee may be granted a leave of absence not to exceed 3 work days with pay. These work days shall be limited to work days falling within the 10 consecutive calendar day period that begins on the day of death. One day with pay may be used to attend the funeral of grandparents of the employee. If funeral leave coincides with any mandatory furlough dates, the mandatory furlough time shall be rescheduled as approved by the department head. The provisions of this subsection do not govern fire and police department positions, employees holding positions represented by a certified bargaining unit, except those positions included in s. 350-237.

Part 3. Section 350-245 of the code is created to read:

350-245. Domestic Partnership Registration. 1. REGISTRATION AUTHORIZED. Any 2 individuals, one or each of whom is a city employee, who meet the requirements of this section may register as a domestic partnership as provided in this section.

2. APPLICATION. Individuals who seek to register as a domestic partnership shall appear in person in the department of employee relations and complete and sign an application form provided by the department, which shall include a declaration of domestic partnership, additional agreements, a declaration of a condition of domestic partnership and an affirmation, as provided in subs. 3 to 6.

3. DECLARATION OF DOMESTIC PARTNERSHIP. Applicants for registration shall sign a declaration of domestic partnership stating that they:

a. Are in a domestic relationship of mutual support, caring and commitment, and intend to remain in that relationship.

b. Are 18 years of age or older and competent to enter into a contract.

c. Are not married.

d. Are not related by kinship to a degree that would bar marriage in this state.

e. Reside together in the city.

f. Have not been in a registered domestic partnership with another individual during the 12

months immediately prior to the application date unless that domestic partnership was terminated by death or marriage.

4. **ADDITIONAL AGREEMENTS.** In addition, applicants shall agree that they:

- a. Understand that their registration as domestic partners is a matter of public record.
- b. Agree to notify the department of any change in the status of the domestic partnership and to file a termination notice when appropriate.

5. **CONDITIONS OF DOMESTIC PARTNERSHIP.** The applicants shall declare that they possess at least 3 of the following conditions of domestic partnership:

- a. They have common or joint ownership of a residence.
- b. They have a current lease for a residence identifying both applicants as tenants.
- c. They jointly own a motor vehicle.
- d. They have a joint bank or credit union account.
- e. They have a joint credit account.
- f. They have identified each other as primary beneficiaries in their wills.

6. **AFFIRMATION.** Each applicant shall swear or affirm, subject to the penalties for false statements of s. 946.32, Wis. Stats., that the information declared and stated in the application for domestic partnership is true and correct to the best of his or her knowledge.

7. **VERIFICATION.** The department shall verify the age, identity and city residence of applicants for domestic partnership. The department may require such reasonable documentation as may be necessary to verify the claims made by those seeking to register a domestic partnership. If a previous domestic partnership was terminated by death or marriage, an applicant may be required to submit proof satisfactory to the department of the death or marriage.

8. **TERMINATION.** A domestic partnership is terminated by any of the following:

- a. The death of one of the partners.
- b. The marriage of one of the partners.
- c. The filing of a termination statement. Either domestic partner may terminate a domestic partnership by submitting to the department a termination statement on a form provided by the department. The termination form shall either be signed by both domestic partners or shall include a statement by the terminating domestic partner that he or she has mailed or personally delivered a copy of the termination statement to the other domestic partner, or that he or she does not know the location of the other domestic partner.

9. **RE-REGISTRATION.** An individual whose domestic partnership has been terminated under sub. 8 may not file another declaration of domestic partnership under this section until at least 12 months after the date on which the department received the termination statement.

10. **PRIOR REGISTRATIONS.** Any individuals registered under s. 111-3-10, in effect prior to the effective date of this ordinance October 30, 2009, shall be considered registered under this section and subject to its requirements.

11. **INTENT.** This section is not intended to make any provisions of state law which relate to partnerships, particularly the uniform partnership act and the uniform limited partnership act, chs. 178 and 179, Wis. Stats., or ch. 770, Wis. Stats., relating to domestic partnership, apply to domestic partnerships registered under this section.

APPROVED AS TO FORM

Legislative Reference Bureau

Date:_____

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFOCEABLE

Office of the City Attorney
Date: _____

City Clerk's Office

RDL
LRB 09394-1
ANC
09/15/09