

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 06-0639.02 Debbie Haskins

HOUSE BILL 06-1344

HOUSE SPONSORSHIP

Plant, and Madden

SENATE SPONSORSHIP

Fitz-Gerald,

House Committees

Judiciary

Finance

Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AUTHORIZATION OF DOMESTIC PARTNERSHIPS BETWEEN**
102 **SAME-SEX COUPLES, AND, IN CONNECTION THEREWITH,**
103 **CREATING THE "COLORADO DOMESTIC PARTNERSHIP BENEFITS**
104 **AND RESPONSIBILITIES ACT" TO EXTEND BENEFITS,**
105 **PROTECTIONS, AND RESPONSIBILITIES TO SUCH COUPLES, AND**
106 **MAKING AN APPROPRIATION.**

Bill Summary

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

Authorizes the issuance of licenses and certificates for domestic partnerships by a county clerk and recorder. Authorizes certain persons

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.

to certify a domestic partnership. Directs that no priest, minister, rabbi, or other official of a religious institution or denomination shall be required to certify any domestic partnership in violation of his or her right to free exercise of religion. Specifies the criteria for a valid domestic partnership.

Directs the executive director of the department of public health and environment and the state registrar of vital statistics to issue forms necessary to implement the act. Requires a county clerk and recorder to submit records of registered domestic partnerships to the office of vital statistics. Authorizes a county clerk and recorder to collect a fee for a domestic partnership license, which shall be credited to the vital statistics records cash fund.

Provides that domestic partners may receive benefits, protections, and responsibilities under the law as are granted to spouses, including the following:

- Responsibility for financial support of a domestic partner;
- Laws relating to the transfer of real or personal property to a domestic partner;
- The ability to file a claim based on wrongful death, emotional distress, loss of consortium, dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status;
- Prohibitions against discrimination based upon spousal status;
- The ability to inherit real and personal property from a domestic partner under the probate code;
- Priority for appointment as a conservator, guardian, or personal representative;
- Survivor benefits under and inclusion in workers' compensation laws;
- The ability to adopt a child of a domestic partner;
- The ability to insure a domestic partner under group benefit plans for state employees;
- The ability to designate a domestic partner as a beneficiary under the state public employees retirement system;
- Survivor benefits under local government firefighter and police pensions;
- Protections and coverage under domestic abuse and domestic violence laws;
- Victims' compensation rights;
- Protections and responsibilities relating to emergency and nonemergency medical care and treatment and hospital visitation;
- The ability to file a complaint about the care or treatment of a domestic partner in a nursing home;

Protections and responsibilities to make decisions regarding a domestic partner's terminal care or medical treatment and decisions relating to medical decisions, medical durable power of attorney documents, or advance medical directives;
Rights concerning the disposition of a domestic partner's last remains;
The right to make decisions regarding anatomical gifts;
Eligibility for family leave benefits;
Eligibility for public assistance benefits;
A privilege from providing compelled testimony against a domestic partner and evidentiary privileges for domestic partners;
The right to apply for emergency or involuntary commitment of a domestic partner;
Rights to claim a homestead exemption;
The ability to protect exempt property from attachment, execution, or garnishment;
Dependent coverage under life insurance and health insurance policies.

Provides the same process for dissolution of a domestic partnership, legal separation of a domestic partnership, or declaration of invalidity of a domestic partnership as provided in the law for the dissolution, legal separation, and declaration of invalidity of a marriage. Authorizes collection of a docket fee for the dissolution of a domestic partnership, legal separation of a domestic partnership, and declaration of invalidity of a domestic partnership.

States that this act shall not be construed to create a marriage between the parties to a domestic partnership or alter the public policy of this state which recognizes only the union of one man and one woman as a marriage.

Refers the question of enacting a domestic partnership law to the electors of Colorado at the next general election. Authorizes the general assembly to enact legislation to implement this law if the measure is adopted by the electors.

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

2 **SECTION 1.** Title 14, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 15**

5 **Colorado Domestic Partnership**

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Benefits and Responsibilities Act

14-15-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO DOMESTIC PARTNERSHIP BENEFITS AND RESPONSIBILITIES ACT".

14-15-102. Legislative declaration. THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THIS ARTICLE IS TO PROVIDE ELIGIBLE SAME-SEX COUPLES THE OPPORTUNITY TO OBTAIN THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES AFFORDED BY COLORADO LAW TO SPOUSES CONSISTENT WITH THE PRINCIPLES OF EQUALITY UNDER LAW AND RELIGIOUS FREEDOM EMBODIED IN BOTH THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF THIS STATE.

14-15-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(2) "DOMESTIC PARTNER" MEANS A PERSON WHO HAS ESTABLISHED A DOMESTIC PARTNERSHIP PURSUANT TO THIS ARTICLE.

(3) "DOMESTIC PARTNERSHIP" MEANS TWO ELIGIBLE PERSONS WHO HAVE ESTABLISHED A RELATIONSHIP PURSUANT TO THIS ARTICLE AND WHO SHALL RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

(4) "DOMESTIC PARTNERSHIP CERTIFICATE" MEANS A DOCUMENT THAT CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE ESTABLISHED A DOMESTIC PARTNERSHIP IN THIS STATE IN COMPLIANCE WITH THIS ARTICLE.

(5) "MARRIAGE" MEANS THE LEGALLY RECOGNIZED UNION OF ONE MAN AND ONE WOMAN.

1 (6) "SPOUSES" MEANS TWO PERSONS MARRIED PURSUANT TO THE
2 PROVISIONS OF THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2 OF
3 THIS TITLE.

4 (7) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL
5 STATISTICS IN THE DEPARTMENT.

6 **14-15-104. Requisites of a valid domestic partnership.** (1) FOR
7 A DOMESTIC PARTNERSHIP TO BE ESTABLISHED IN COLORADO, THE
8 DOMESTIC PARTNERS SHALL SATISFY ALL OF THE FOLLOWING CRITERIA:

9 (a) NOT BE A PARTNER IN ANOTHER DOMESTIC PARTNERSHIP;

10 (b) NOT BE MARRIED TO ANOTHER PERSON;

11 (c) BE OF THE SAME SEX AND THEREFORE EXCLUDED FROM THE
12 MARRIAGE LAWS OF THIS STATE, AS SPECIFIED IN THE "UNIFORM
13 MARRIAGE ACT", PART 1 OF ARTICLE 2 OF THIS TITLE; AND

14 (d) MEET THE CRITERIA AND OBLIGATIONS SET FORTH IN THIS
15 ARTICLE.

16 **14-15-105. Person shall not enter into a domestic partnership**
17 **with a relative.** (1) AN INDIVIDUAL SHALL NOT ENTER INTO A DOMESTIC
18 PARTNERSHIP WITH AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER
19 OR A SISTER, WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE
20 BLOOD.

21 (2) AN INDIVIDUAL SHALL NOT ENTER INTO A DOMESTIC
22 PARTNERSHIP WITH AN UNCLE OR AUNT OR WITH A NIECE OR NEPHEW,
23 WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

24 (3) A DOMESTIC PARTNERSHIP BETWEEN PERSONS PROHIBITED BY
25 SUBSECTION (1) OR (2) OF THIS SECTION FROM ENTERING INTO A DOMESTIC
26 PARTNERSHIP IS VOID.

27 **14-15-106. Benefits, protections, and responsibilities of**

1 **partners in a domestic partnership.** (1) A DOMESTIC PARTNER SHALL
2 HAVE THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES UNDER LAW,
3 WHETHER THEY DERIVE FROM STATUTE, ADMINISTRATIVE OR COURT RULE,
4 POLICY, COMMON LAW, OR ANY OTHER SOURCE OF CIVIL LAW, AS ARE
5 GRANTED TO SPOUSES.

6 (2) A DOMESTIC PARTNER SHALL BE INCLUDED IN ANY DEFINITION
7 OR USE OF THE TERMS "SPOUSE", "FAMILY", "IMMEDIATE FAMILY",
8 "DEPENDENT", "NEXT OF KIN", AND ANY OTHER TERM THAT DENOTES THE
9 SPOUSAL RELATIONSHIP, AS THOSE TERMS ARE USED THROUGHOUT THE
10 LAW.

11 (3) DOMESTIC PARTNERS SHALL BE RESPONSIBLE FOR THE
12 FINANCIAL SUPPORT OF ONE ANOTHER IN THE MANNER AS PRESCRIBED
13 UNDER LAW FOR SPOUSES.

14 (4) THE LAW OF DOMESTIC RELATIONS, INCLUDING DECLARATION
15 OF INVALIDITY, LEGAL SEPARATION AND DISSOLUTION OF MARRIAGE,
16 CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, PARENTING
17 TIME, CHILD SUPPORT, PROPERTY DIVISION, AND MAINTENANCE SHALL
18 APPLY TO DOMESTIC PARTNERS.

19 (5) LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF
20 SPOUSES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, SHALL APPLY
21 IN LIKE MANNER TO DOMESTIC PARTNERS:

22 (a) LAWS RELATING TO TITLE, TENURE, DESCENT AND
23 DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL, SURVIVORSHIP,
24 OR OTHER INCIDENTS OF THE ACQUISITION, OWNERSHIP, OR TRANSFER,
25 INTER VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY, INCLUDING
26 ELIGIBILITY TO HOLD REAL AND PERSONAL PROPERTY AS JOINT TENANTS
27 WITH RIGHT OF SURVIVORSHIP OR AS TENANTS IN COMMON;

1 (b) CAUSES OF ACTION RELATED TO OR DEPENDENT UPON SPOUSAL
2 STATUS, INCLUDING AN ACTION BASED ON WRONGFUL DEATH, EMOTIONAL
3 DISTRESS, LOSS OF CONSORTIUM, DRAMSHOP LAWS, OR OTHER TORTS OR
4 ACTIONS UNDER CONTRACTS RECITING, RELATED TO, OR DEPENDENT UPON
5 SPOUSAL STATUS;

6 (c) PROHIBITIONS AGAINST DISCRIMINATION BASED UPON SPOUSAL
7 STATUS;

8 (d) PROBATE LAW AND PROCEDURE, INCLUDING NONPROBATE
9 TRANSFERS AND PRIORITY FOR APPOINTMENT AS A CONSERVATOR,
10 GUARDIAN, OR PERSONAL REPRESENTATIVE;

11 (e) WORKERS' COMPENSATION BENEFITS;

12 (f) ADOPTION LAW AND PROCEDURE;

13 (g) GROUP BENEFIT PLANS FOR STATE EMPLOYEES PURSUANT TO
14 PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S.;

15 (h) THE RIGHT TO DESIGNATE A DOMESTIC PARTNER AS A
16 BENEFICIARY UNDER THE STATE PUBLIC EMPLOYEES RETIREMENT SYSTEM;

17 (i) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER
18 AND POLICE PENSIONS;

19 (j) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF
20 TITLE 26, C.R.S., EMERGENCY PROTECTION ORDERS PURSUANT TO SECTION
21 13-14-103, C.R.S., AND THE RIGHT TO RECEIVE THE PROTECTIONS AND
22 PROGRAMS SPECIFIED IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S.,
23 NOTWITHSTANDING THE INTIMATE RELATIONSHIP REQUIREMENT;

24 (k) VICTIM'S COMPENSATION RIGHTS PURSUANT TO ARTICLE 4.1 OF
25 TITLE 24, C.R.S.;

26 (l) LAWS RELATING TO EMERGENCY AND NONEMERGENCY
27 MEDICAL CARE AND TREATMENT AND HOSPITAL VISITATION AND

1 NOTIFICATION, INCLUDING THE RIGHTS OF NURSING HOME PATIENTS
2 DESCRIBED IN SECTION 25-1-120, C.R.S.;

3 (m) TERMINAL CARE DOCUMENTS, MEDICAL TREATMENT
4 DOCUMENTS, AND DECISIONS MADE PURSUANT TO THE "COLORADO
5 MEDICAL TREATMENT DECISION ACT", ARTICLE 18 OF TITLE 15, C.R.S.,
6 MEDICAL DECISIONS MADE PURSUANT TO ARTICLE 18.5 OF TITLE 15,
7 C.R.S., AND ANY MEDICAL DURABLE POWER OF ATTORNEY OR ADVANCE
8 MEDICAL DIRECTIVES PURSUANT TO ARTICLE 14 OF TITLE 15, C.R.S.;

9 (n) RIGHTS CONCERNING DIRECTION OF THE DISPOSITION OF A
10 DECEASED DOMESTIC PARTNER'S LAST REMAINS PURSUANT TO ARTICLE 19
11 OF TITLE 15, C.R.S.;

12 (o) LAWS RELATING TO MAKING, REVOKING, AND OBJECTING TO
13 ANATOMICAL GIFTS BY OTHERS PURSUANT TO THE "UNIFORM
14 ANATOMICAL GIFT ACT", PART 1 OF ARTICLE 34 OF TITLE 12, C.R.S.;

15 (p) FAMILY LEAVE BENEFITS;

16 (q) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

17 (r) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY
18 AND EVIDENTIARY PRIVILEGES PURSUANT TO SECTION 13-90-107, C.R.S.;

19 (s) THE RIGHT TO APPLY FOR EMERGENCY OR INVOLUNTARY
20 COMMITMENT OF A DOMESTIC PARTNER;

21 (t) THE HOMESTEAD RIGHTS OF A SURVIVING SPOUSE PURSUANT TO
22 PART 2 OF ARTICLE 41 OF TITLE 38, C.R.S.;

23 (u) THE ABILITY TO PROTECT EXEMPT PROPERTY FROM
24 ATTACHMENT, EXECUTION, OR GARNISHMENT;

25 (v) INSURANCE POLICIES FOR LIFE INSURANCE OR HEALTH CARE
26 COVERAGE, INCLUDING THE ABILITY TO COVER A DOMESTIC PARTNER AS
27 A DEPENDENT.

1 (6) THE RESPONSIBILITIES AND RIGHTS OF DOMESTIC PARTNERS,
2 WITH RESPECT TO A CHILD OF WHOM EITHER BECOMES THE BIOLOGICAL
3 PARENT DURING THE TERM OF THE DOMESTIC PARTNERSHIP, SHALL BE
4 DETERMINED AS IF THE PARTIES WERE SPOUSES SUBJECT TO THE
5 PROVISIONS OF SECTION 19-4-105, C.R.S.

6 **14-15-107. Modification of domestic partnership terms.**
7 DOMESTIC PARTNERS MAY MODIFY THE TERMS, CONDITIONS, OR EFFECTS
8 OF THEIR DOMESTIC PARTNERSHIPS IN THE MANNER SPECIFIED IN PART 3 OF
9 ARTICLE 2 OF THIS TITLE, SETTING FORTH PARTICULAR UNDERSTANDINGS
10 WITH RESPECT TO THEIR PARTNERSHIP.

11 **14-15-108. Dissolution, legal separation, and declaration of**
12 **invalidity of domestic partnerships.** THE DISTRICT COURT HAS
13 JURISDICTION OVER ALL PROCEEDINGS RELATING TO THE DISSOLUTION OF
14 A DOMESTIC PARTNERSHIP, LEGAL SEPARATION OF A DOMESTIC
15 PARTNERSHIP, OR THE DECLARATION OF INVALIDITY OF A DOMESTIC
16 PARTNERSHIP. SUCH PROCEEDINGS SHALL FOLLOW THE PROCEDURES
17 SPECIFIED IN ARTICLE 10 OF THIS TITLE.

18 **14-15-109. Domestic partnership license and certificate.**
19 (1) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE
20 FORM FOR AN APPLICATION FOR A DOMESTIC PARTNERSHIP LICENSE, WHICH
21 SHALL INCLUDE THE FOLLOWING INFORMATION:

22 (a) NAME, SEX, ADDRESS, SOCIAL SECURITY NUMBER, AND DATE
23 AND PLACE OF BIRTH OF EACH PARTY TO THE PROPOSED DOMESTIC
24 PARTNERSHIP; AND, FOR SUCH PURPOSE, PROOF OF DATE OF BIRTH MAY BE
25 BY A BIRTH CERTIFICATE, A DRIVER'S LICENSE, OR OTHER COMPARABLE
26 EVIDENCE;

27 (b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR

1 PREVIOUSLY BEEN A PARTNER IN A DOMESTIC PARTNERSHIP, SUCH PARTY'S
2 MARRIED OR PREVIOUS NAME AND THE DATE, PLACE, AND COURT IN WHICH
3 THE MARRIAGE OR DOMESTIC PARTNERSHIP WAS DISSOLVED OR DECLARED
4 INVALID OR THE DATE AND PLACE OF DEATH OF THE FORMER SPOUSE OR
5 FORMER PARTNER IN THE DOMESTIC PARTNERSHIP;

6 (c) NAME AND ADDRESS OF THE PARENTS OR GUARDIAN OF EACH
7 PARTY;

8 (d) WHETHER THE PARTIES ARE RELATED TO EACH OTHER AND, IF
9 SO, THEIR RELATIONSHIP.

10 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
11 PRESCRIBE THE FORMS FOR THE DOMESTIC PARTNERSHIP LICENSE, THE
12 DOMESTIC PARTNERSHIP CERTIFICATE, AND THE CONSENT TO FORM A
13 DOMESTIC PARTNERSHIP.

14 **14-15-110. Issuance of a domestic partnership license -**
15 **certification - fee.** (1) WHEN BOTH PARTIES TO A PROPOSED DOMESTIC
16 PARTNERSHIP COMPLETE A DOMESTIC PARTNERSHIP APPLICATION AND AT
17 LEAST ONE PARTY APPEARS BEFORE THE COUNTY CLERK AND RECORDER
18 AND PAYS THE DOMESTIC PARTNERSHIP LICENSE FEE OF SEVEN DOLLARS,
19 AND AN ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION
20 25-2-121, C.R.S., AND THE COUNTY CLERK AND RECORDER DETERMINES
21 THAT THE PARTIES MEET THE REQUIREMENTS FOR PROOF OF LEGAL
22 QUALIFICATIONS AS SPECIFIED IN SECTION 14-15-111, THE COUNTY CLERK
23 AND RECORDER SHALL ISSUE A DOMESTIC PARTNERSHIP LICENSE AND A
24 DOMESTIC PARTNERSHIP CERTIFICATE FORM. THE FEES COLLECTED
25 PURSUANT TO THIS SUBSECTION (1) SHALL BE CREDITED TO THE VITAL
26 STATISTICS RECORDS CASH FUND CREATED PURSUANT TO SECTION
27 25-2-121, C.R.S. BOTH PARTIES TO THE PROPOSED DOMESTIC

1 PARTNERSHIP SHALL SIGN THE APPLICATION ATTESTING TO THE ACCURACY
2 OF THE FACTS STATED.

3 (2) THE DOMESTIC PARTNERSHIP LICENSE SHALL BE ISSUED BY THE
4 COUNTY CLERK AND RECORDER OF THE COUNTY WHERE EITHER PARTY
5 RESIDES OR, IF NEITHER IS A RESIDENT OF THE STATE, BY ANY COUNTY
6 CLERK AND RECORDER IN THE STATE.

7 (3) ONE OF THE PARTIES TO A PROPOSED DOMESTIC PARTNERSHIP,
8 WITHIN THIRTY DAYS AFTER THE DATE OF ISSUE, SHALL DELIVER THE
9 DOMESTIC PARTNERSHIP LICENSE TO A PERSON AUTHORIZED TO CERTIFY
10 DOMESTIC PARTNERSHIPS BY SECTION 14-15-113. IF THE AUTHORIZED
11 PERSON DOES NOT CERTIFY THE PROPOSED DOMESTIC PARTNERSHIP WITHIN
12 THIRTY DAYS AFTER THE DATE OF ISSUE, THE LICENSE SHALL BECOME
13 VOID. AFTER AN AUTHORIZED PERSON HAS CERTIFIED THE DOMESTIC
14 PARTNERSHIP, THE DOCUMENT SHALL BE KNOWN AS A DOMESTIC
15 PARTNERSHIP CERTIFICATE.

16 **14-15-111. Proof of legal qualifications of parties to a domestic**
17 **partnership.** (1) BEFORE ISSUING A DOMESTIC PARTNERSHIP LICENSE TO
18 AN APPLICANT, THE COUNTY CLERK AND RECORDER SHALL BE SATISFIED,
19 THROUGH PRESENTATION OF AFFIDAVITS OR OTHER PROOF, THAT EACH
20 PARTY TO THE INTENDED DOMESTIC PARTNERSHIP MEETS THE CRITERIA
21 SET FORTH IN SECTION 14-15-104 TO ENTER INTO A DOMESTIC
22 PARTNERSHIP.

23 (2) AFFIDAVITS OR OTHER PROOF SHALL BE IN A FORM PRESCRIBED
24 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, AND SHALL BE
25 ATTACHED TO AND FILED WITH THE DOMESTIC PARTNERSHIP CERTIFICATE
26 IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF THE COUNTY IN
27 WHICH THE LICENSE WAS ISSUED.

1 **14-15-112. Restrictions as to minors and wards.** (1) A COUNTY
2 CLERK AND RECORDER SHALL NOT ISSUE A DOMESTIC PARTNERSHIP
3 LICENSE WHEN EITHER PARTY TO THE INTENDED DOMESTIC PARTNERSHIP
4 IS:

5 (a) UNDER EIGHTEEN YEARS OF AGE;

6 (b) UNDER GUARDIANSHIP, WITHOUT THE WRITTEN CONSENT OF
7 SUCH GUARDIAN.

8 (2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL MAKE
9 THE DOMESTIC PARTNERSHIP VOIDABLE.

10 **14-15-113. Persons authorized to certify domestic partnerships**

11 **- registration - fee.** (1) A DOMESTIC PARTNERSHIP MAY BE CERTIFIED BY
12 A JUDGE OF A COURT, BY A DISTRICT COURT MAGISTRATE, BY A COUNTY
13 COURT MAGISTRATE, BY A RETIRED JUDGE OF A COURT, BY THE PARTIES TO
14 THE DOMESTIC PARTNERSHIP, OR IN ACCORDANCE WITH ANY MODE OF
15 RECOGNITION OF A DOMESTIC PARTNERSHIP BY ANY RELIGIOUS
16 DENOMINATION OR INDIAN NATION OR TRIBE.

17 (2) EITHER THE PERSON CERTIFYING THE DOMESTIC PARTNERSHIP
18 OR, IF NO INDIVIDUAL ACTING ALONE CERTIFIED THE DOMESTIC
19 PARTNERSHIP, A PARTY TO THE DOMESTIC PARTNERSHIP SHALL COMPLETE
20 THE DOMESTIC PARTNERSHIP CERTIFICATE AND RETURN THE CERTIFICATE
21 TO THE COUNTY CLERK AND RECORDER'S OFFICE THAT ISSUED THE LICENSE
22 WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE DOMESTIC
23 PARTNERSHIP WAS CERTIFIED. A PERSON WHO FAILS TO FORWARD THE
24 DOMESTIC PARTNERSHIP CERTIFICATE TO THE COUNTY CLERK AND
25 RECORDER AS REQUIRED BY THIS SECTION SHALL BE REQUIRED TO PAY A
26 LATE FEE IN AN AMOUNT OF NOT LESS THAN TWENTY DOLLARS. AN
27 ADDITIONAL FIVE-DOLLAR LATE FEE MAY BE ASSESSED FOR EACH

1 ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE FORWARDING
2 REQUIREMENTS OF THIS SUBSECTION (2) UP TO A MAXIMUM OF FIFTY
3 DOLLARS. FOR PURPOSES OF DETERMINING WHETHER A LATE FEE SHALL
4 BE ASSESSED PURSUANT TO THIS SUBSECTION (2), THE DATE OF
5 FORWARDING SHALL BE DEEMED TO BE THE DATE OF POSTMARK.

6 (3) UPON RECEIPT OF THE DOMESTIC PARTNERSHIP CERTIFICATE,
7 THE COUNTY CLERK AND RECORDER SHALL REGISTER THE DOMESTIC
8 PARTNERSHIP.

9 (4) NO PRIEST, MINISTER, RABBI, OR OTHER OFFICIAL OF ANY
10 RELIGIOUS INSTITUTION OR DENOMINATION SHALL BE REQUIRED TO
11 CERTIFY ANY DOMESTIC PARTNERSHIP IN VIOLATION OF HIS OR HER RIGHT
12 TO THE FREE EXERCISE OF RELIGION GUARANTEED BY THE FIRST
13 AMENDMENT TO THE UNITED STATES CONSTITUTION AND BY SECTION 4 OF
14 ARTICLE II OF THE COLORADO CONSTITUTION.

15 **14-15-114. Domestic partnership license required for**
16 **certification.** PERSONS AUTHORIZED BY SECTION 14-15-113 TO CERTIFY
17 DOMESTIC PARTNERSHIPS SHALL REQUIRE A DOMESTIC PARTNERSHIP
18 LICENSE FROM THE PARTIES BEFORE CERTIFYING THE DOMESTIC
19 PARTNERSHIP. THE LICENSE SHALL AFFORD FULL IMMUNITY TO THE
20 PERSON WHO CERTIFIES THE DOMESTIC PARTNERSHIP.

21 **14-15-115. Evidence of domestic partnership.** A COPY OF THE
22 RECORD OF THE DOMESTIC PARTNERSHIP RECEIVED FROM THE COUNTY
23 CLERK AND RECORDER OR THE STATE REGISTRAR SHALL BE PRESUMPTIVE
24 EVIDENCE OF THE DOMESTIC PARTNERSHIP IN ALL COURTS.

25 **14-15-116. Construction.** THE PROVISIONS OF THIS ARTICLE
26 SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES
27 TO A DOMESTIC PARTNERSHIP OR ALTER THE PUBLIC POLICY OF THIS STATE

1 WHICH RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A
2 MARRIAGE.

3 **14-15-117. Enacting legislation.** THE GENERAL ASSEMBLY SHALL
4 ENACT LEGISLATION TO IMPLEMENT THIS ARTICLE, INCLUDING THE
5 BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF PARTNERS IN A
6 DOMESTIC PARTNERSHIP AS OUTLINED IN SECTION 14-15-106.

7 **SECTION 2.** 25-2-105, Colorado Revised Statutes, is amended
8 to read:

9 **25-2-105. Vital statistics, reports, and certificates - forms and**
10 **information to be included.** (1) The state registrar shall prescribe,
11 furnish, and distribute such forms as are required by this article and shall
12 furnish and distribute such rules ~~and regulations~~ as are promulgated
13 pursuant to section 25-2-103. The state registrar may also prescribe such
14 other means for transmission of data as will accomplish the purpose of
15 complete and accurate reporting and registration.

16 (2) THE STATE REGISTRAR SHALL PRESCRIBE, FURNISH, AND
17 DISTRIBUTE SUCH FORMS AS ARE REQUIRED BY THIS ARTICLE WITH
18 RESPECT TO DOMESTIC PARTNERSHIP CERTIFICATES, AS DEFINED IN
19 SECTION 14-15-103 (4), C.R.S.

20 **SECTION 3.** Article 2 of title 25, Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW SECTION to read:

22 **25-2-106.5. Reports of domestic partnerships.** EACH COUNTY
23 CLERK AND RECORDER SHALL PREPARE A REPORT CONTAINING SUCH
24 INFORMATION AND USING THE FORM AS PRESCRIBED AND FURNISHED BY
25 THE STATE REGISTRAR WITH RESPECT TO EVERY DULY EXECUTED
26 DOMESTIC PARTNERSHIP CERTIFICATE REGISTERED IN ACCORDANCE WITH
27 SECTION 14-15-113, C.R.S. ON OR BEFORE THE TENTH DAY OF EACH

1 MONTH, OR MORE FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR,
2 A COUNTY CLERK AND RECORDER SHALL FORWARD TO THE STATE
3 REGISTRAR ALL DOMESTIC PARTNERSHIP REPORTS FOR ALL DOMESTIC
4 PARTNERSHIP CERTIFICATES REGISTERED IN THE PRECEDING PERIOD. ANY
5 COUNTY CLERK AND RECORDER MAY ISSUE CERTIFIED COPIES OF DOMESTIC
6 PARTNERSHIP CERTIFICATES.

7 **SECTION 4.** 25-2-107 (1), Colorado Revised Statutes, is
8 amended to read:

9 **25-2-107. Reports of adoption, dissolution of marriage,**
10 **domestic partnerships, parentage, and other court proceedings**
11 **affecting vital statistics - tax on court action affecting vital statistics.**

12 (1) The clerk of each court or, for parentage proceedings, the clerk of the
13 court or a delegate child support enforcement unit shall prepare a report
14 containing such information and using such form as may be prescribed
15 and furnished by the state registrar with respect to every decree entered
16 by the court with respect to parentage, legitimacy, adoption, change of
17 name, dissolution of marriage, legal separation ~~or~~ OF A MARRIAGE,
18 declaration of invalidity of marriage, DISSOLUTION OF A DOMESTIC
19 PARTNERSHIP, LEGAL SEPARATION OF A DOMESTIC PARTNERSHIP, OR
20 DECLARATION OF INVALIDITY OF A DOMESTIC PARTNERSHIP, and every
21 decree amending or nullifying such a decree and also with respect to
22 every decree entered pursuant to section 25-2-114. On or before the tenth
23 day of each month, or more frequently if so requested by the state
24 registrar, such clerk shall forward to the state registrar the reports for all
25 such decrees entered during the preceding period.

26 **SECTION 5.** 25-2-117 (2) (d) and (2) (e), Colorado Revised
27 Statutes, are amended, and the said 25-2-117 (2) is further amended BY

1 THE ADDITION OF A NEW PARAGRAPH, to read:

2 **25-2-117. Certified copies furnished - fee.** (2) An applicant
3 shall pay fees established pursuant to section 25-2-121 for each of the
4 following services:

5 (d) The verification of marriage or divorce; ~~and~~

6 (e) The reproduction of various vital statistics, publications,
7 reports, and data services; AND

8 (f) THE VERIFICATION OF A DOMESTIC PARTNERSHIP OR
9 DISSOLUTION OF A DOMESTIC PARTNERSHIP.

10 **SECTION 6.** 2-4-401, Colorado Revised Statutes, is amended BY
11 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
12 read:

13 **2-4-401. Definitions.** The following definitions apply to every
14 statute, unless the context otherwise requires:

15 (2.2) "DOMESTIC PARTNER" MEANS A PERSON WHO HAS ENTERED
16 INTO A DOMESTIC PARTNERSHIP IN ACCORDANCE WITH THE REQUIREMENTS
17 OF ARTICLE 15 OF TITLE 14, C.R.S.

18 (2.3) "DOMESTIC PARTNERSHIP" MEANS THAT TWO ELIGIBLE
19 PERSONS HAVE ESTABLISHED A RELATIONSHIP PURSUANT TO THE
20 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S., THAT ENTITLES THEM
21 TO RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE
22 RESPONSIBILITIES OF SPOUSES.

23 (2.4) "DOMESTIC PARTNERSHIP CERTIFICATE" MEANS A DOCUMENT
24 THAT CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
25 ESTABLISHED A DOMESTIC PARTNERSHIP IN THIS STATE IN COMPLIANCE
26 WITH THE PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

27 **SECTION 7. Appropriation.** (1) In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys in the
2 general fund not otherwise appropriated, to the department of regulatory
3 agencies, for the fiscal year beginning July 1, 2006, the sum of fifty-eight
4 thousand fifty-two dollars (\$58,052) and 0.5 FTE, or so much thereof as
5 may be necessary, for the implementation of this act. Of said sum and
6 said FTE, twenty-four thousand one hundred sixty-seven dollars
7 (\$24,167) and 0.5 FTE shall be allocated to the Colorado civil rights
8 division and thirty-three thousand eight hundred eighty-five dollars
9 (\$33,885) shall be allocated to the executive director's office.

10 (2) In addition to any other appropriation, there is hereby
11 appropriated to the department of law, for the fiscal year beginning July
12 1, 2006, the sum of thirty-three thousand eight hundred eighty-five dollars
13 (\$33,885) and 0.2 FTE, or so much thereof as may be necessary, for the
14 provision of legal services to the department of regulatory agencies
15 related to the implementation of this act. Said sum shall be from cash
16 funds exempt received from the department of regulatory agencies out of
17 the appropriation made in subsection (1) of this section.

18 **SECTION 8. Effective date - applicability.** This act shall take
19 effect February 12, 2007, and shall apply to domestic partnerships entered
20 into on or after said date.

21 **SECTION 9. Refer to people under referendum.** This act shall
22 be submitted to a vote of the registered electors of the state of Colorado
23 at the next biennial regular general election, for their approval or
24 rejection, under the provisions of the referendum as provided for in
25 section 1 of article V of the state constitution, and in article 40 of title 1,
26 Colorado Revised Statutes. Each elector voting at said election and
27 desirous of voting for or against said act shall cast a vote as provided by

1 law either "Yes" or "No" on the proposition: "SHALL COLORADO
2 LEGALLY RECOGNIZE DOMESTIC PARTNERSHIPS BETWEEN SAME-SEX
3 COUPLES, AND, IN CONNECTION THEREWITH, ENACT THE "COLORADO
4 DOMESTIC PARTNERSHIP BENEFITS AND RESPONSIBILITIES ACT" TO
5 EXTEND TO SAME-SEX COUPLES IN A DOMESTIC PARTNERSHIP THE
6 BENEFITS, PROTECTIONS, AND RESPONSIBILITIES THAT ARE GRANTED BY
7 COLORADO LAW TO SPOUSES, AND MAKE PROVISIONS FOR
8 IMPLEMENTATION OF THE ACT AND PROCEDURES FOR THE ESTABLISHMENT
9 AND DISSOLUTION OF DOMESTIC PARTNERSHIPS?" The votes cast for the
10 adoption or rejection of said act shall be canvassed and the result
11 determined in the manner provided by law for the canvassing of votes for
12 representatives in Congress.