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Thank you, Mr. Chairman & Members of the Committee. My name is Nicolle Martin and I am a practicing Colorado attorney. I am here on behalf of Colorado Family Action to offer testimony on SB13-011.

In my legal opinion, this bill lacks a necessary exemption to protect the First Amend. Rights of the citizens of the state of Colorado, specifically, Freedom of Religion and the Right to Free Speech, protected by our state constitution and our federal constitution. This glaring deficiency will open the floodgates of litigation when people of faith, who are engaged in the art of baking, photography, catering, dress design (wedding industry professionals), are threatened by the state with imprisonment and/or hefty fines for their refusal to participate in civil unions or the celebration of a civil union.

While this may sound like demagoguery, I assure this committee that it is not. I represent a wedding industry professional, a wedding cake designer, who is currently under investigation by the Colorado Division of Civil Rights for violating the Discrimination in Places of Public Accommodation statute (C.R.S. 24-34-601) based upon his refusal to create a wedding cake for a same-sex marriage celebration. His case illustrates the critical need for a First Amendment/religious freedom exemption, especially in light of the fact that he is facing these charges when the state of Colorado doesn't even recognize same-sex marriage and/or civil unions.

Failure to include such an exemption will result in increased Complaints w/ the Colorado Division of Civil rights, an agency already overwhelmed by an increase in filings year after year, coupled w/ a tight budget, more reviews directly to the Colo. Court of Appeals and challenges to the constitutionality of this bill in the state and federal courts.

This bill needs an exemption, much like the one already included by the esteemed sponsors of this bill, to exempt priests, ministers, rabbis, tribal leaders, etc. from participating in civil unions in violation of their religious beliefs. Why would the religious beliefs and free speech rights of wedding industry professionals be any less important than the rights of these priests, rabbis and tribal leaders? This body sees the wisdom in protecting their rights to religious freedom, surely it sees the wisdom of affording the same protection to the cake, dress and floral designer, and the photographer.

With this bill, the State of Colorado is in danger of elevating the rights and liberties of one protected group above the rights and liberties of another protected group. This is not the role of the State and to do so is an abuse of the State's power.