

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

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

Business, Labor and Technology

Finance

Appropriations

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.

SENATE
3rd Reading Unamended
May 4, 2006

SENATE
Amended 2nd Reading
May 3, 2006

HOUSE
3rd Reading Unamended
March 27, 2006

HOUSE
Amended 2nd Reading
March 24, 2006

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;

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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., TO BE CREDITED TO THE VITAL STATISTICS RECORDS
21 CASH FUND PURSUANT TO SECTION 25-2-121, C.R.S., AND THE COUNTY
22 CLERK AND RECORDER DETERMINES THAT THE PARTIES MEET THE
23 REQUIREMENTS FOR PROOF OF LEGAL QUALIFICATIONS AS SPECIFIED IN
24 SECTION 14-15-111, THE COUNTY CLERK AND RECORDER SHALL ISSUE A
25 DOMESTIC PARTNERSHIP LICENSE AND A DOMESTIC PARTNERSHIP
26 CERTIFICATE FORM. BOTH PARTIES TO THE PROPOSED DOMESTIC
27 PARTNERSHIP SHALL SIGN THE APPLICATION ATTESTING TO THE ACCURACY

1 OF THE FACTS STATED.

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

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

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

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22 **14-15-112. Restrictions as to minors and wards.** (1) A COUNTY
23 CLERK AND RECORDER SHALL NOT ISSUE A DOMESTIC PARTNERSHIP
24 LICENSE WHEN EITHER PARTY TO THE INTENDED DOMESTIC PARTNERSHIP
25 IS:

26 (a) UNDER EIGHTEEN YEARS OF AGE;

27 (b) UNDER GUARDIANSHIP, WITHOUT THE WRITTEN CONSENT OF

1 SUCH GUARDIAN.

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

4 **14-15-113. Persons authorized to certify domestic partnerships**
5 **- registration - fee.** (1) A DOMESTIC PARTNERSHIP MAY BE CERTIFIED BY
6 A JUDGE OF A COURT, BY A DISTRICT COURT MAGISTRATE, BY A COUNTY
7 COURT MAGISTRATE, BY A RETIRED JUDGE OF A COURT, BY THE PARTIES TO
8 THE DOMESTIC PARTNERSHIP, OR IN ACCORDANCE WITH ANY MODE OF
9 RECOGNITION OF A DOMESTIC PARTNERSHIP BY ANY RELIGIOUS
10 DENOMINATION OR INDIAN NATION OR TRIBE.

11 (2) EITHER THE PERSON CERTIFYING THE DOMESTIC PARTNERSHIP
12 OR, IF NO INDIVIDUAL ACTING ALONE CERTIFIED THE DOMESTIC
13 PARTNERSHIP, A PARTY TO THE DOMESTIC PARTNERSHIP SHALL COMPLETE
14 THE DOMESTIC PARTNERSHIP CERTIFICATE AND RETURN THE CERTIFICATE
15 TO THE COUNTY CLERK AND RECORDER'S OFFICE THAT ISSUED THE LICENSE
16 WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE DOMESTIC
17 PARTNERSHIP WAS CERTIFIED. A PERSON WHO FAILS TO FORWARD THE
18 DOMESTIC PARTNERSHIP CERTIFICATE TO THE COUNTY CLERK AND
19 RECORDER AS REQUIRED BY THIS SECTION SHALL BE REQUIRED TO PAY A
20 LATE FEE IN AN AMOUNT OF NOT LESS THAN TWENTY DOLLARS. AN
21 ADDITIONAL FIVE-DOLLAR LATE FEE MAY BE ASSESSED FOR EACH
22 ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE FORWARDING
23 REQUIREMENTS OF THIS SUBSECTION (2) UP TO A MAXIMUM OF FIFTY
24 DOLLARS. FOR PURPOSES OF DETERMINING WHETHER A LATE FEE SHALL
25 BE ASSESSED PURSUANT TO THIS SUBSECTION (2), THE DATE OF
26 FORWARDING SHALL BE DEEMED TO BE THE DATE OF POSTMARK.

27 (3) UPON RECEIPT OF THE DOMESTIC PARTNERSHIP CERTIFICATE,

1 THE COUNTY CLERK AND RECORDER SHALL REGISTER THE DOMESTIC
2 PARTNERSHIP.

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

9 **14-15-114. Domestic partnership license required for**
10 **certification.** PERSONS AUTHORIZED BY SECTION 14-15-113 TO CERTIFY
11 DOMESTIC PARTNERSHIPS SHALL REQUIRE A DOMESTIC PARTNERSHIP
12 LICENSE FROM THE PARTIES BEFORE CERTIFYING THE DOMESTIC
13 PARTNERSHIP. THE LICENSE SHALL AFFORD FULL IMMUNITY TO THE
14 PERSON WHO CERTIFIES THE DOMESTIC PARTNERSHIP.

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

19 **14-15-116. Construction.** (1) THE PROVISIONS OF THIS ARTICLE
20 SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES
21 TO A DOMESTIC PARTNERSHIP, CREATE OR RECOGNIZE A LEGAL STATUS
22 SIMILAR TO THAT OF MARRIAGE AS DEFINED IN SECTIONS 14-2-101 TO
23 14-2-104, OR ALTER THE PUBLIC POLICY OF THIS STATE WHICH RECOGNIZES
24 ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A MARRIAGE.

25 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
26 CONTRARY, NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE
27 A CHILD PLACEMENT AGENCY TO PLACE A CHILD FOR ADOPTION WITH A

1 COUPLE THAT HAS ENTERED INTO A DOMESTIC PARTNERSHIP PURSUANT TO
2 THIS ARTICLE IF THE CHILD PLACEMENT AGENCY OBJECTS TO SUCH
3 PLACEMENT ON THE BASIS OF RELIGIOUS BELIEFS.

4 (3) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PERMIT
5 THE FILING OF A JOINT INCOME TAX RETURN BY THE PARTIES TO A
6 DOMESTIC PARTNERSHIP.

7 **14-15-117. Enacting legislation.** THE GENERAL ASSEMBLY SHALL
8 ENACT LEGISLATION TO IMPLEMENT THIS ARTICLE, INCLUDING THE
9 BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF PARTNERS IN A
10 DOMESTIC PARTNERSHIP AS OUTLINED IN SECTION 14-15-106.

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

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

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

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

26 **25-2-106.5. Reports of domestic partnerships.** EACH COUNTY
27 CLERK AND RECORDER SHALL PREPARE A REPORT CONTAINING SUCH

1 INFORMATION AND USING THE FORM AS PRESCRIBED AND FURNISHED BY
2 THE STATE REGISTRAR WITH RESPECT TO EVERY DULY EXECUTED
3 DOMESTIC PARTNERSHIP CERTIFICATE REGISTERED IN ACCORDANCE WITH
4 SECTION 14-15-113, C.R.S. ON OR BEFORE THE TENTH DAY OF EACH
5 MONTH, OR MORE FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR,
6 A COUNTY CLERK AND RECORDER SHALL FORWARD TO THE STATE
7 REGISTRAR ALL DOMESTIC PARTNERSHIP REPORTS FOR ALL DOMESTIC
8 PARTNERSHIP CERTIFICATES REGISTERED IN THE PRECEDING PERIOD. ANY
9 COUNTY CLERK AND RECORDER MAY ISSUE CERTIFIED COPIES OF DOMESTIC
10 PARTNERSHIP CERTIFICATES.

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

13 **25-2-107. Reports of adoption, dissolution of marriage,**
14 **domestic partnerships, parentage, and other court proceedings**
15 **affecting vital statistics - tax on court action affecting vital statistics.**

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

1 registrar, such clerk shall forward to the state registrar the reports for all
2 such decrees entered during the preceding period.

3 **SECTION 5.** 25-2-117 (2) (d) and (2) (e), Colorado Revised
4 Statutes, are amended, and the said 25-2-117 (2) is further amended BY
5 THE ADDITION OF A NEW PARAGRAPH, to read:

6 **25-2-117. Certified copies furnished - fee.** (2) An applicant
7 shall pay fees established pursuant to section 25-2-121 for each of the
8 following services:

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

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

12 (f) THE VERIFICATION OF A DOMESTIC PARTNERSHIP OR
13 DISSOLUTION OF A DOMESTIC PARTNERSHIP.

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

17 **2-4-401. Definitions.** The following definitions apply to every
18 statute, unless the context otherwise requires:

19 (2.2) "DOMESTIC PARTNER" MEANS A PERSON WHO HAS ENTERED
20 INTO A DOMESTIC PARTNERSHIP IN ACCORDANCE WITH THE REQUIREMENTS
21 OF ARTICLE 15 OF TITLE 14, C.R.S.

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

27 (2.4) "DOMESTIC PARTNERSHIP CERTIFICATE" MEANS A DOCUMENT

1 THAT CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
2 ESTABLISHED A DOMESTIC PARTNERSHIP IN THIS STATE IN COMPLIANCE
3 WITH THE PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

4 SECTION 7. 24-72-204 (3) (a) (XIX), Colorado Revised
5 Statutes, as amended by House Bill 06-1357, enacted at the Second
6 Regular Session of the Sixty-fifth General Assembly, is amended to read:

7 24-72-204. Allowance or denial of inspection - grounds -
8 procedure - appeal. (3) (a) The custodian shall deny the right of
9 inspection of the following records, unless otherwise provided by law;
10 except that any of the following records, other than letters of reference
11 concerning employment, licensing, or issuance of permits, shall be
12 available to the person in interest under this subsection (3):

13 (XIX) (A) Except as provided in sub-subparagraphs (B) and (C)
14 of this subparagraph (XIX), applications for a marriage license submitted
15 pursuant to section 14-2-106, C.R.S., AND EXCEPT AS PROVIDED IN
16 SUB-SUBPARAGRAPH (C), APPLICATIONS FOR A DOMESTIC PARTNERSHIP
17 LICENSE SUBMITTED PURSUANT TO SECTION 14-15-109, C.R.S. A person
18 in interest under this subparagraph (XIX) includes an immediate family
19 member of either party to the marriage application OR TO THE DOMESTIC
20 PARTNERSHIP APPLICATION. As used in this subparagraph (XIX),
21 "immediate family member" means a person who is related by blood,
22 marriage, or adoption. Nothing in this subparagraph (XIX) shall be
23 construed to prohibit the inspection of marriage licenses or marriage
24 certificates OR TO DOMESTIC PARTNERSHIP LICENSES OR DOMESTIC
25 PARTNERSHIP CERTIFICATES or to otherwise change the status of those
26 licenses or certificates as public records.

27 (B) Any record of an application for a marriage license submitted

1 pursuant to section 14-2-106, C.R.S., shall be made available for public
2 inspection fifty years after the date that record was created.

3 (C) Upon application by any person to the district court in the
4 district wherein a record of an application for a marriage license OR FOR
5 A DOMESTIC PARTNERSHIP LICENSE is found, the district court may, in its
6 discretion and upon good cause shown, order the custodian to permit the
7 inspection of such record.

8 **SECTION 8. Appropriation.** (1) In addition to any other
9 appropriation, there is hereby appropriated, out of any moneys in the
10 general fund not otherwise appropriated, to the department of regulatory
11 agencies, for the fiscal year beginning July 1, 2006, the sum of fifty-eight
12 thousand fifty-two dollars (\$58,052) and 0.5 FTE, or so much thereof as
13 may be necessary, for the implementation of this act. Of said sum and
14 said FTE, twenty-four thousand one hundred sixty-seven dollars
15 (\$24,167) and 0.5 FTE shall be allocated to the Colorado civil rights
16 division and thirty-three thousand eight hundred eighty-five dollars
17 (\$33,885) shall be allocated to the executive director's office.

18 (2) In addition to any other appropriation, there is hereby
19 appropriated to the department of law, for the fiscal year beginning July
20 1, 2006, the sum of thirty-three thousand eight hundred eighty-five dollars
21 (\$33,885) and 0.2 FTE, or so much thereof as may be necessary, for the
22 provision of legal services to the department of regulatory agencies
23 related to the implementation of this act. Said sum shall be from cash
24 funds exempt received from the department of regulatory agencies out of
25 the appropriation made in subsection (1) of this section.

26 **SECTION 9. Effective date - applicability.** This act shall take
27 effect February 12, 2007, and shall apply to domestic partnerships entered

1 into on or after said date.

2 **SECTION 10. Refer to people under referendum.** This act
3 shall be submitted to a vote of the registered electors of the state of
4 Colorado at the next biennial regular general election, for their approval
5 or rejection, under the provisions of the referendum as provided for in
6 section 1 of article V of the state constitution, and in article 40 of title 1,
7 Colorado Revised Statutes. Each elector voting at said election and
8 desirous of voting for or against said act shall cast a vote as provided by
9 law either "Yes" or "No" on the proposition: "SHALL THERE BE AN
10 AMENDMENT TO THE COLORADO REVISED STATUTES TO AUTHORIZE
11 DOMESTIC PARTNERSHIPS, AND, IN CONNECTION THEREWITH, ENACTING
12 THE "COLORADO DOMESTIC PARTNERSHIP BENEFITS AND
13 RESPONSIBILITIES ACT" TO EXTEND TO SAME-SEX COUPLES IN A DOMESTIC
14 PARTNERSHIP THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES THAT
15 ARE GRANTED BY COLORADO LAW TO SPOUSES, _____ PROVIDING THE
16 CONDITIONS UNDER WHICH A LICENSE FOR A DOMESTIC PARTNERSHIP MAY
17 BE ISSUED AND THE CRITERIA UNDER WHICH A DOMESTIC PARTNERSHIP
18 MAY BE DISSOLVED, __ MAKING PROVISIONS FOR IMPLEMENTATION OF THE
19 ACT, AND PROVIDING THAT A DOMESTIC PARTNERSHIP IS NOT A MARRIAGE,
20 WHICH CONSISTS OF THE UNION OF ONE MAN AND ONE WOMAN? The votes
21 cast for the adoption or rejection of said act shall be canvassed and the
22 result determined in the manner provided by law for the canvassing of
23 votes for representatives in Congress.