

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0913.01 Debbie Haskins

HOUSE BILL 01-1362

HOUSE SPONSORSHIP

Paschall, Cadman, Clapp, Crane, Dean, Fairbank, Hefley, Lee, Mitchell, Nunez, Rhodes, Sinclair, Spence, and Stafford

SENATE SPONSORSHIP

Musgrave, May, Andrews, Arnold, Cairns, Lamborn, and Teck

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE NONRECOGNITION OF DOMESTIC RELATIONSHIPS.**

Bill Summary

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

States that any recognition of a domestic relationship between two persons of the same sex by another state that does not satisfy the Colorado requirements for a validly recognized marriage shall not be recognized as valid in this state nor shall any such recognition by another state be construed as conferring upon the parties to such domestic relationship between two persons of the same sex any legal rights in this state that are not recognized under Colorado law.

Defines "domestic relationship" as a status other than a validly contracted marriage extended by the laws of another state that recognizes

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.

a homosexual relationship no matter how described or named between two persons. States that domestic relationships are not recognized under Colorado law.

Declares that domestic relationships among persons of the same sex are against the strong public policy of Colorado. States that no person, corporation, or nonprofit organization shall be required to offer nor prohibited from offering to employees who consider themselves in a domestic relationship with a person of the same sex the same benefits that such person, corporation, or nonprofit organization offers to employees that are legally married.

States that the regulation of the use of public moneys with respect to providing public employee benefits for persons in a domestic relationship is a matter of statewide concern.

Prohibits the use of state moneys to provide benefits to any domestic relationship partner of a state employee or an employee of a state-supported institution of higher education when the claim for benefits is based on the individual's status as a domestic relationship partner.

Prohibits a city, county, city and county, or town, whether statutory or home rule, from providing benefits to any domestic relationship partner of an employee when the claim for benefits is based on the individual's status as a domestic relationship partner. Allows a home rule city, county, city and county, or town to elect to offer employee benefits to domestic relationship partners, however, directs that any home rule entity that makes such election shall forfeit its pro rata share of the revenues from the gross cigarette tax.

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

2 **SECTION 1.** 14-2-104, Colorado Revised Statutes, is amended
3 to read:

4 **14-2-104. Formalities.** (1) Except as otherwise provided in
5 subsection (3) of this section, a marriage is valid in this state if:

6 (a) It is licensed, solemnized, and registered as provided in this
7 part 1; and

8 (b) It is only between one man and one woman.

9 (2) Notwithstanding the provisions of section 14-2-112, any
10 marriage contracted within or outside this state that does not satisfy
11 paragraph (b) of subsection (1) of this section shall not be recognized as

1 valid in this state.

2 (2.5) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION
3 14-2-112, ANY RECOGNITION OF A DOMESTIC RELATIONSHIP BY ANOTHER
4 STATE BETWEEN TWO PERSONS OF THE SAME SEX THAT DOES NOT SATISFY
5 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL NOT BE
6 RECOGNIZED AS A VALID MARRIAGE IN THIS STATE NOR SHALL SUCH
7 RECOGNITION BY ANOTHER STATE BE CONSTRUED AS CONFERRING UPON
8 THE PARTIES TO SUCH DOMESTIC RELATIONSHIP BETWEEN TWO PERSONS OF
9 THE SAME SEX ANY LEGAL RIGHTS IN THIS STATE THAT ARE NOT
10 RECOGNIZED UNDER COLORADO LAW. DOMESTIC RELATIONSHIPS ARE NOT
11 RECOGNIZED UNDER COLORADO LAW.

12 (b) FOR PURPOSES OF THIS SUBSECTION (2.5), "DOMESTIC
13 RELATIONSHIP" MEANS A STATUS, OTHER THAN A VALIDLY CONTRACTED
14 MARRIAGE BETWEEN ONE MALE AND ONE FEMALE, THAT IS EXTENDED BY
15 THE LAWS OF ANOTHER STATE THAT RECOGNIZES A SPECIAL, INTIMATE
16 HOMOSEXUAL RELATIONSHIP BETWEEN TWO PERSONS NO MATTER HOW
17 SUCH STATUS OR RELATIONSHIP IS DESCRIBED OR NAMED BY THE LAW OF
18 THE OTHER STATE.

19 (3) Nothing in this section shall be deemed to repeal or render
20 invalid any otherwise valid common law marriage between one man and
21 one woman.

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

24 **ARTICLE 3**

25 **Domestic Relationships**

26 **14-3-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
27 BE CITED AS THE "MARRIAGE BENEFITS PROTECTION ACT".

1 **14-3-102. Definitions.** FOR PURPOSES OF THIS ARTICLE,
2 "DOMESTIC RELATIONSHIP" MEANS A STATUS, OTHER THAN A VALIDLY
3 CONTRACTED MARRIAGE BETWEEN ONE MALE AND ONE FEMALE, THAT IS
4 EXTENDED BY THE LAWS OF ANOTHER STATE THAT RECOGNIZES A SPECIAL,
5 INTIMATE HOMOSEXUAL RELATIONSHIP BETWEEN TWO PERSONS NO MATTER
6 HOW SUCH STATUS OR RELATIONSHIP IS DESCRIBED OR NAMED BY THE LAW
7 OF THE OTHER STATE.

8 **14-3-103. Domestic relationships - against public policy - not**
9 **recognized under Colorado law - benefits not required to be offered by**
10 **private employers.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES
11 THAT DOMESTIC RELATIONSHIPS ARE AGAINST THE STRONG PUBLIC POLICY
12 OF COLORADO AND THAT DOMESTIC RELATIONSHIPS ARE NOT RECOGNIZED
13 UNDER COLORADO LAW.

14 (2) NO PERSON, CORPORATION, OR NONPROFIT ORGANIZATION
15 SHALL BE REQUIRED TO OFFER TO EMPLOYEES WHO CONSIDER THEMSELVES
16 IN A DOMESTIC RELATIONSHIP WITH A PERSON OF THE SAME SEX THE SAME
17 BENEFITS THAT SUCH PERSON, CORPORATION, OR NONPROFIT
18 ORGANIZATION OFFERS TO EMPLOYEES WHO ARE LEGALLY MARRIED.
19 NOTHING IN THIS SECTION SHALL BE CONSTRUED OR INTERPRETED TO
20 PROHIBIT A PERSON, CORPORATION, OR NONPROFIT ORGANIZATION FROM
21 EXTENDING SIMILAR BENEFITS TO ITS EMPLOYEES WHO CONSIDER
22 THEMSELVES IN A DOMESTIC RELATIONSHIP WITH A PERSON OF THE SAME
23 SEX AS THOSE OFFERED TO EMPLOYEES WHO ARE LEGALLY MARRIED.

24 **14-3-104. State and local government moneys - use of public**
25 **moneys for employee benefits for domestic relationships is a matter of**
26 **statewide concern - prohibition on benefits - forfeiture of gross**
27 **cigarette tax revenues by home rule entities offering employee benefits**

1 **to persons in domestic relationships.** (1) THE GENERAL ASSEMBLY
2 DECLARES THAT DOMESTIC RELATIONSHIPS ARE NOT RECOGNIZED UNDER
3 COLORADO LAW. THE GENERAL ASSEMBLY DECLARES THAT THE USE OF
4 PUBLIC MONEYS TO PROVIDE EMPLOYEE BENEFITS TO PERSONS, BASED ON
5 THEIR STATUS AS DOMESTIC RELATIONSHIP PARTNERS, PROVIDES AN
6 INDIRECT RECOGNITION OF RELATIONSHIPS THAT ARE NOT LEGALLY
7 RECOGNIZED UNDER COLORADO LAW AND, THEREFORE, THE REGULATION
8 OF THE USE OF SUCH PUBLIC MONEYS WITH RESPECT TO PUBLIC EMPLOYEE
9 BENEFITS IS A MATTER OF STATEWIDE CONCERN.

10 (2) NO STATE MONEYS SHALL BE USED TO PROVIDE BENEFITS TO
11 ANY DOMESTIC RELATIONSHIP PARTNER OF A STATE EMPLOYEE OR AN
12 EMPLOYEE OF A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION
13 WHEN THE CLAIM FOR BENEFITS IS BASED ON THE INDIVIDUAL'S STATUS AS
14 A DOMESTIC RELATIONSHIP PARTNER.

15 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS
16 SUBSECTION (3), NO CITY, COUNTY, CITY AND COUNTY, OR TOWN IN THIS
17 STATE, WHETHER STATUTORY OR HOME RULE, SHALL PROVIDE BENEFITS TO
18 ANY DOMESTIC RELATIONSHIP PARTNER OF AN EMPLOYEE OF THE CITY,
19 COUNTY, CITY AND COUNTY, OR TOWN WHEN THE CLAIM FOR BENEFITS IS
20 BASED ON THE INDIVIDUAL'S STATUS AS A DOMESTIC RELATIONSHIP
21 PARTNER.

22 (b) ANY HOME RULE CITY, COUNTY, CITY AND COUNTY, OR TOWN
23 MAY ELECT NOT TO COMPLY WITH THE PROVISIONS OF PARAGRAPH (a) OF
24 THIS SUBSECTION (3) AND ELECT TO OFFER BENEFITS TO ANY DOMESTIC
25 RELATIONSHIP PARTNER OF ONE OF ITS EMPLOYEES ON THE BASIS OF THE
26 INDIVIDUALS STATUS AS A DOMESTIC RELATIONSHIP PARTNER. HOWEVER,
27 ANY HOME RULE CITY, COUNTY, CITY AND COUNTY, OR TOWN THAT MAKES

1 SUCH ELECTION SHALL FORFEIT ITS PRO RATA SHARE OF THE REVENUES
2 FROM THE GROSS CIGARETTE TAX THAT WOULD OTHERWISE BE ALLOCATED
3 TO THE HOME RULE CITY, COUNTY, CITY AND COUNTY, OR TOWN PURSUANT
4 TO SECTION 39-22-623 (1) (a) (II), C.R.S.

5 **SECTION 3. Effective date.** This act shall take effect at 12:01
6 a.m. on the day following the expiration of the ninety-day period after
7 final adjournment of the general assembly that is allowed for submitting
8 a referendum petition pursuant to article V, section 1 (3) of the state
9 constitution; except that, if a referendum petition is filed against this act
10 or an item, section, or part of this act within such period, then the act,
11 item, section, or part, if approved by the people, shall take effect on the
12 date of the official declaration of the vote thereon by proclamation of the
13 governor.