

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

**INTRODUCED**

LLS NO. 01-0745.01 Debbie Haskins

**SENATE BILL 01-139**

---

**SENATE SPONSORSHIP**

**Musgrave**

**HOUSE SPONSORSHIP**

**Paschall**

---

**Senate Committees**

Judiciary

**House Committees**

---

**A BILL FOR AN ACT**

101     **CONCERNING PROHIBITIONS ON THE LEGAL EFFECTS WITHIN THIS**  
102             **STATE OF DOMESTIC RELATIONSHIPS BETWEEN PERSONS OF THE**  
103             **SAME SEX.**

---

**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.

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.*

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

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.

---

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  
12 valid in this state.

13 (2.5) (a) NOTWITHSTANDING THE PROVISIONS OF SECTION  
14 14-2-112, ANY RECOGNITION OF A DOMESTIC RELATIONSHIP BY ANOTHER  
15 STATE BETWEEN TWO PERSONS OF THE SAME SEX THAT DOES NOT SATISFY  
16 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION SHALL NOT BE  
17 RECOGNIZED AS VALID IN THIS STATE NOR SHALL SUCH RECOGNITION BY

1 ANOTHER STATE BE CONSTRUED AS CONFERRING UPON THE PARTIES TO  
2 SUCH DOMESTIC RELATIONSHIP BETWEEN TWO PERSONS OF THE SAME SEX  
3 ANY LEGAL RIGHTS IN THIS STATE THAT ARE NOT RECOGNIZED UNDER  
4 COLORADO LAW. DOMESTIC RELATIONSHIPS ARE NOT RECOGNIZED UNDER  
5 COLORADO LAW.

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

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

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

18 **ARTICLE 3**

19 **Domestic Relationships**

20 **14-3-101. Definition.** FOR PURPOSES OF THIS ARTICLE, "DOMESTIC  
21 RELATIONSHIP" MEANS A STATUS, OTHER THAN A VALIDLY CONTRACTED  
22 MARRIAGE BETWEEN ONE MALE AND ONE FEMALE, THAT IS EXTENDED BY  
23 THE LAWS OF ANOTHER STATE THAT RECOGNIZES A SPECIAL, INTIMATE  
24 HOMOSEXUAL RELATIONSHIP BETWEEN TWO PERSONS, NO MATTER HOW  
25 SUCH STATUS OR RELATIONSHIP IS DESCRIBED OR NAMED BY THE LAW OF  
26 THE OTHER STATE.

27 **14-3-102. Domestic relationships - against public policy - not**

1 **recognized under Colorado law - benefits not required to be offered by**  
2 **private employers.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES  
3 THAT DOMESTIC RELATIONSHIPS ARE AGAINST THE STRONG PUBLIC POLICY  
4 OF COLORADO AND THAT DOMESTIC RELATIONSHIPS ARE NOT RECOGNIZED  
5 UNDER COLORADO LAW.

6 (2) NO PERSON, CORPORATION, OR NONPROFIT ORGANIZATION  
7 SHALL BE REQUIRED TO OFFER TO EMPLOYEES WHO CONSIDER THEMSELVES  
8 IN A DOMESTIC RELATIONSHIP WITH A PERSON OF THE SAME SEX THE SAME  
9 BENEFITS THAT SUCH PERSON, CORPORATION, OR NONPROFIT  
10 ORGANIZATION OFFERS TO EMPLOYEES THAT ARE LEGALLY MARRIED.

11 **14-3-103. State moneys - prohibition on promoting domestic**  
12 **relationships.** NO STATE MONEYS SHALL BE USED TO PROVIDE BENEFITS  
13 TO ANY DOMESTIC RELATIONSHIP PARTNER OF A STATE EMPLOYEE OR AN  
14 EMPLOYEE OF A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION  
15 WHEN THE CLAIM FOR BENEFITS IS BASED ON THE INDIVIDUAL'S STATUS AS  
16 A DOMESTIC RELATIONSHIP PARTNER.

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