

Second Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 04-0046.01 Debbie Haskins

HOUSE BILL 04-1085

HOUSE SPONSORSHIP

Plant

SENATE SPONSORSHIP

(None)

House Committees

Senate Committees

Information & Technology

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF THE "COLORADO CIVIL UNION ACT".

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 for civil unions between eligible same-sex couples by a county clerk and recorder. Authorizes certain persons to certify the civil union of a same-sex couple. Specifies the criteria for a valid civil union. Prohibits persons from entering into a civil union with a relative.

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 civil unions to the office of vital statistics.

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.

Authorizes a clerk and recorder to collect a fee for a civil union license, which shall be credited to the vital statistics records cash fund.

Provides that partners in a civil union may receive the same benefits, protections, and responsibilities under the law as are granted to married spouses, including the following:

- Responsibility for financial support of a partner;
- Laws relating to the transfer of real or personal property to a partner;
- Survivor benefits under and inclusion in workers' compensation and unemployment compensation laws;
- Protections from unfair discrimination in the offering of insurance benefits;
- Dependent coverage under individual and group health insurance policies;
- The ability to file a cause of action for wrongful death, emotional distress, loss of consortium, dramshop, or other torts or actions related to or dependent upon spousal status;
- The ability to inherit real and personal property from a same-sex partner under the probate code;
- Protections under domestic abuse programs;
- Protections and responsibilities relating to emergency and nonemergency medical care and treatment;
- Protections and responsibilities to make decisions regarding a partner's terminal care, medical treatment, or decisions relating to medical decisions, medical durable power of attorney documents, or advance medical directives;
- The right to make decisions regarding anatomical gifts;
- The right to control the disposition of a partner's last remains or make ceremonial arrangements for a deceased partner;
- Family leave benefits;
- The ability to protect exempt property from attachment, execution, or garnishment;
- A privilege from providing compelled testimony against a partner and a communication privilege for partners;
- The ability to adopt children by a same-sex partner in a civil union;
- Protections under the state civil rights laws against discriminatory or unfair employment practices;
- The ability to insure a same-sex partner under group benefit plans for state employees;
- The ability to have a same-sex partner as a beneficiary under the state public employees retirement system;
- The ability to file a complaint about the care or treatment

of a partner in a nursing home;
The right to apply for emergency or involuntary commitments of partners;
Eligibility for public assistance benefits;
Survivor benefits under local government firefighter and police pensions;
Survivor benefits under life insurance policies;
Inclusion in the search and rescue statute;
Rights to claim a homestead exemption.

Provides the same process for dissolution of a civil union, legal separation of a civil union, or declaration of invalidity of a civil union 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 civil union, legal separation of a civil union, and declaration of invalidity of a civil union.

Makes conforming amendments.

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

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

4 **ARTICLE 15**

5 **Colorado Civil Union Act**

6 **14-15-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
7 BE CITED AS THE "COLORADO CIVIL UNION ACT".

8 **14-15-102. Legislative declaration.** THE GENERAL ASSEMBLY
9 DECLARES THAT THE PURPOSE OF THIS ACT IS TO PROVIDE ELIGIBLE
10 SAME-SEX COUPLES THE OPPORTUNITY TO OBTAIN THE SAME BENEFITS AND
11 PROTECTIONS AFFORDED BY COLORADO LAW TO MARRIED OPPOSITE-SEX
12 COUPLES.

13 **14-15-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "CERTIFICATE OF CIVIL UNION" MEANS A DOCUMENT THAT
16 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE

1 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THIS
2 ARTICLE.

3 (2) "CIVIL UNION" MEANS THAT TWO ELIGIBLE PERSONS HAVE
4 ESTABLISHED A RELATIONSHIP PURSUANT TO THIS ARTICLE AND SHALL
5 RECEIVE THE SAME BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE
6 SAME RESPONSIBILITIES OF SPOUSES.

7 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
8 AND ENVIRONMENT.

9 (4) "MARRIAGE" MEANS THE LEGALLY RECOGNIZED UNION OF ONE
10 MAN AND ONE WOMAN.

11 (5) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
12 ESTABLISHED A CIVIL UNION PURSUANT TO THIS ARTICLE.

13 (6) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL
14 STATISTICS IN THE DEPARTMENT.

15 **14-15-104. Requisites of a valid civil union.** (1) FOR A CIVIL
16 UNION TO BE ESTABLISHED IN COLORADO, THE PARTNERS IN A CIVIL UNION
17 SHALL SATISFY ALL OF THE FOLLOWING CRITERIA:

18 (a) NOT BE A PARTNER IN ANOTHER CIVIL UNION;

19 (b) NOT BE MARRIED TO ANOTHER PERSON;

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

23 (d) MEET THE CRITERIA AND OBLIGATIONS SET FORTH IN THIS
24 ARTICLE.

25 **14-15-105. Person shall not enter into a civil union with a**
26 **relative.** (1) AN INDIVIDUAL SHALL NOT ENTER INTO A CIVIL UNION WITH
27 AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER OR A SISTER,

1 WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

2 (2) AN INDIVIDUAL SHALL NOT ENTER INTO A CIVIL UNION WITH AN
3 UNCLE OR AUNT OR WITH A NIECE OR A NEPHEW, WHETHER THE
4 RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

5 (3) A CIVIL UNION BETWEEN PERSONS PROHIBITED BY SUBSECTION
6 (1) OR (2) OF THIS SECTION FROM ENTERING INTO A CIVIL UNION IS VOID.

7 **14-15-106. Benefits, protections, and responsibilities of**
8 **partners in a civil union.** (1) A PARTNER IN A CIVIL UNION SHALL HAVE
9 ALL THE SAME BENEFITS, PROTECTIONS, AND RESPONSIBILITIES UNDER
10 LAW, WHETHER THEY DERIVE FROM STATUTE, ADMINISTRATIVE OR COURT
11 RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF CIVIL LAW, AS
12 ARE GRANTED TO A SPOUSE IN A MARRIAGE.

13 (2) A PARTNER IN A CIVIL UNION SHALL BE INCLUDED IN ANY
14 DEFINITION OR USE OF THE TERMS "SPOUSE", "FAMILY", "IMMEDIATE
15 FAMILY", "DEPENDENT", "NEXT OF KIN", AND ANY OTHER TERM THAT
16 DENOTES THE SPOUSAL RELATIONSHIP, AS THOSE TERMS ARE USED
17 THROUGHOUT THE LAW.

18 (3) PARTNERS IN A CIVIL UNION SHALL BE RESPONSIBLE FOR THE
19 SUPPORT OF ONE ANOTHER TO THE SAME DEGREE AND IN THE SAME
20 MANNER AS PRESCRIBED UNDER LAW FOR MARRIED PERSONS.

21 (4) THE LAW OF DOMESTIC RELATIONS, INCLUDING DECLARATION
22 OF INVALIDITY, LEGAL SEPARATION AND DISSOLUTION OF MARRIAGE,
23 CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, PARENTING
24 TIME, CHILD SUPPORT, AND PROPERTY DIVISION AND MAINTENANCE SHALL
25 APPLY TO A PARTNER IN A CIVIL UNION.

26 (5) LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF
27 SPOUSES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, SHALL APPLY

1 IN LIKE MANNER TO PARTNERS IN A CIVIL UNION:

2 (a) LAWS RELATING TO TITLE, TENURE, DESCENT AND
3 DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL, SURVIVORSHIP,
4 OR OTHER INCIDENTS OF THE ACQUISITION, OWNERSHIP, OR TRANSFER,
5 INTER VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY, INCLUDING
6 ELIGIBILITY TO HOLD REAL AND PERSONAL PROPERTY AS JOINT TENANTS
7 WITH RIGHT OF SURVIVORSHIP OR AS TENANTS IN COMMON;

8 (b) CAUSES OF ACTION RELATED TO OR DEPENDENT UPON SPOUSAL
9 STATUS, INCLUDING AN ACTION FOR WRONGFUL DEATH, EMOTIONAL
10 DISTRESS, LOSS OF CONSORTIUM, DRAMSHOP, OR OTHER TORTS OR ACTIONS
11 UNDER CONTRACTS RECITING, RELATED TO, OR DEPENDENT UPON, SPOUSAL
12 STATUS;

13 (c) PROBATE LAW AND PROCEDURE, INCLUDING NONPROBATE
14 TRANSFERS;

15 (d) ADOPTION LAW AND PROCEDURE;

16 (e) GROUP BENEFIT PLANS FOR STATE EMPLOYEES PURSUANT TO
17 PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S.;

18 (f) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF
19 TITLE 26, C.R.S.;

20 (g) PROHIBITIONS AGAINST DISCRIMINATION BASED UPON MARITAL
21 STATUS;

22 (h) VICTIM'S COMPENSATION RIGHTS PURSUANT TO ARTICLE 4.1 OF
23 TITLE 24, C.R.S.;

24 (i) WORKERS' COMPENSATION BENEFITS;

25 (j) LAWS RELATING TO EMERGENCY AND NONEMERGENCY MEDICAL
26 CARE AND TREATMENT AND HOSPITAL VISITATION AND NOTIFICATION,
27 INCLUDING THE RIGHTS OF NURSING HOME PATIENTS DESCRIBED IN

1 SECTION 25-1-120, C.R.S.;

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

8 (l) FAMILY LEAVE BENEFITS;

9 (m) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

10 (n) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY
11 AND THE MARITAL COMMUNICATION PRIVILEGE;

12 (o) THE HOMESTEAD RIGHTS OF A SURVIVING SPOUSE PURSUANT TO
13 PART 2 OF ARTICLE 41 OF TITLE 38, C.R.S.;

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

17 (q) INSURANCE POLICIES FOR LIFE INSURANCE OR HEALTH CARE
18 COVERAGE;

19 (r) EVIDENTIARY PRIVILEGES PURSUANT TO SECTION 13-90-107,
20 C.R.S.

21 (6) THE RIGHTS OF PARTNERS IN A CIVIL UNION, WITH RESPECT TO
22 A CHILD OF WHOM EITHER BECOMES THE BIOLOGICAL PARENT DURING THE
23 TERM OF THE CIVIL UNION, SHALL BE THE SAME AS THOSE OF A MARRIED
24 COUPLE WITH RESPECT TO A CHILD OF WHOM EITHER SPOUSE BECOMES THE
25 BIOLOGICAL PARENT DURING THE MARRIAGE.

26 **14-15-107. Modification of civil union terms.** PARTNERS IN A
27 CIVIL UNION MAY MODIFY THE TERMS, CONDITIONS, OR EFFECTS OF THEIR

1 CIVIL UNION IN THE SAME MANNER AND TO THE SAME EXTENT AS MARRIED
2 PERSONS WHO EXECUTE A MARITAL AGREEMENT OR OTHER AGREEMENT
3 RECOGNIZED AND ENFORCEABLE UNDER PART 3 OF ARTICLE 2 OF THIS
4 TITLE, SETTING FORTH PARTICULAR UNDERSTANDINGS WITH RESPECT TO
5 THEIR UNION.

6 **14-15-108. Dissolution, legal separation, and declaration of**
7 **invalidity of civil unions.** THE DISTRICT COURT HAS JURISDICTION OVER
8 ALL PROCEEDINGS RELATING TO THE DISSOLUTION OF A CIVIL UNION,
9 LEGAL SEPARATION OF A CIVIL UNION, OR THE DECLARATION OF
10 INVALIDITY OF A CIVIL UNION. SUCH PROCEEDINGS SHALL FOLLOW THE
11 SAME PROCEDURES AND BE SUBJECT TO THE SAME SUBSTANTIVE RIGHTS
12 AND OBLIGATIONS THAT ARE INVOLVED IN THE DISSOLUTION OF MARRIAGE,
13 LEGAL SEPARATION, AND DECLARATION OF INVALIDITY OF MARRIAGE IN
14 ACCORDANCE WITH ARTICLE 10 OF THIS TITLE.

15 **14-15-109. Civil union license and certificate.** (1) THE
16 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORM
17 FOR AN APPLICATION FOR A CIVIL UNION LICENSE, WHICH SHALL INCLUDE
18 THE FOLLOWING INFORMATION:

19 (a) NAME, SEX, ADDRESS, SOCIAL SECURITY NUMBER, AND DATE
20 AND PLACE OF BIRTH, OF EACH PARTY TO THE PROPOSED CIVIL UNION; AND,
21 FOR SUCH PURPOSE, PROOF OF DATE OF BIRTH MAY BE BY A BIRTH
22 CERTIFICATE, A DRIVER'S LICENSE, OR OTHER COMPARABLE EVIDENCE;

23 (b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR
24 PREVIOUSLY BEEN A PARTNER IN A CIVIL UNION, SUCH PARTY'S MARRIED
25 OR PREVIOUS NAME AND THE DATE, PLACE, AND COURT IN WHICH THE
26 MARRIAGE OR CIVIL UNION WAS DISSOLVED OR DECLARED INVALID OR THE
27 DATE AND PLACE OF DEATH OF THE FORMER SPOUSE OR FORMER PARTNER

1 IN THE CIVIL UNION;

2 (c) NAME AND ADDRESS OF THE PARENTS OR GUARDIAN OF EACH
3 PARTY;

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

6 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
7 PRESCRIBE THE FORMS FOR THE CIVIL UNION LICENSE, THE CIVIL UNION
8 CERTIFICATE, AND THE CONSENT TO CIVIL UNION.

9 **14-15-110. Issuance of a civil union license - certification.**

10 (1) WHEN BOTH PARTIES TO A PROPOSED CIVIL UNION COMPLETE A CIVIL
11 UNION CERTIFICATE AND AT LEAST ONE PARTY APPEARS BEFORE THE
12 COUNTY CLERK AND RECORDER AND PAYS THE CIVIL UNION LICENSE FEE
13 OF SEVEN DOLLARS, AND AN ADDITIONAL AMOUNT ESTABLISHED
14 PURSUANT TO SECTION 25-2-121, C.R.S., AND THE COUNTY CLERK AND
15 RECORDER DETERMINES THAT THE PARTIES MEET THE REQUIREMENTS FOR
16 PROOF OF LEGAL QUALIFICATIONS AS SPECIFIED IN SECTION 14-15-111, THE
17 COUNTY CLERK AND RECORDER SHALL ISSUE A CIVIL UNION LICENSE AND
18 A CIVIL UNION CERTIFICATE FORM. THE FEES COLLECTED PURSUANT TO
19 THIS SUBSECTION (1) SHALL BE CREDITED TO THE VITAL STATISTICS
20 RECORDS CASH FUND CREATED PURSUANT TO SECTION 25-2-121, C.R.S.
21 BOTH PARTIES TO THE PROPOSED CIVIL UNION SHALL SIGN THE
22 APPLICATION ATTESTING TO THE ACCURACY OF THE FACTS STATED.

23 (2) THE CIVIL UNION LICENSE SHALL BE ISSUED BY THE COUNTY
24 CLERK AND RECORDER OF THE COUNTY WHERE EITHER PARTY RESIDES OR,
25 IF NEITHER IS A RESIDENT OF THE STATE, BY ANY COUNTY CLERK AND
26 RECORDER IN THE STATE.

27 (3) ONE OF THE PARTIES TO A PROPOSED CIVIL UNION, WITHIN

1 THIRTY DAYS AFTER THE DATE OF ISSUE, SHALL DELIVER A CIVIL UNION
2 LICENSE TO A PERSON AUTHORIZED TO CERTIFY CIVIL UNIONS BY SECTION
3 14-15-113. IF THE AUTHORIZED PERSON DOES NOT CERTIFY THE PROPOSED
4 CIVIL UNION WITHIN THIRTY DAYS AFTER THE DATE OF ISSUE, THE LICENSE
5 SHALL BECOME VOID. AFTER AN AUTHORIZED PERSON HAS CERTIFIED THE
6 CIVIL UNION, THE DOCUMENT SHALL BE KNOWN AS A CIVIL UNION
7 CERTIFICATE.

8 **14-15-111. Proof of legal qualifications of parties to a civil**
9 **union.** (1) BEFORE ISSUING A CIVIL UNION LICENSE TO AN APPLICANT,
10 THE COUNTY CLERK AND RECORDER SHALL BE SATISFIED, THROUGH
11 PRESENTATION OF AFFIDAVITS OR OTHER PROOF, THAT EACH PARTY TO THE
12 INTENDED CIVIL UNION MEETS THE CRITERIA SET FORTH IN SECTION
13 14-15-104 TO ENTER INTO A CIVIL UNION.

14 (2) AFFIDAVITS OR OTHER PROOF SHALL BE IN A FORM PRESCRIBED
15 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, AND SHALL BE
16 ATTACHED TO AND FILED WITH THE CIVIL UNION CERTIFICATE IN THE
17 OFFICE OF THE COUNTY CLERK AND RECORDER OF THE COUNTY IN WHICH
18 THE LICENSE WAS ISSUED.

19 **14-15-112. Restrictions as to minors and wards.** (1) A COUNTY
20 CLERK AND RECORDER SHALL NOT ISSUE A CIVIL UNION LICENSE WHEN
21 EITHER PARTY TO THE INTENDED CIVIL UNION IS:

- 22 (a) UNDER EIGHTEEN YEARS OF AGE;
23 (b) UNDER GUARDIANSHIP, WITHOUT THE WRITTEN CONSENT OF
24 SUCH GUARDIAN.

25 (2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION SHALL MAKE
26 THE CIVIL UNION VOIDABLE.

27 **14-15-113. Persons authorized to certify civil unions -**

1 **registration.** (1) A CIVIL UNION MAY BE CERTIFIED BY A JUDGE OF A
2 COURT, BY A DISTRICT COURT MAGISTRATE, BY A FAMILY LAW
3 MAGISTRATE, BY A COUNTY COURT MAGISTRATE, BY A RETIRED JUDGE OF
4 A COURT, BY A PUBLIC OFFICIAL WHOSE POWERS INCLUDE SOLEMNIZATION
5 OF MARRIAGES, BY THE PARTIES TO A CIVIL UNION, OR IN ACCORDANCE
6 WITH ANY MODE OF RECOGNITION OF A CIVIL UNION BY ANY RELIGIOUS
7 DENOMINATION OR INDIAN NATION OR TRIBE.

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

22 (3) UPON RECEIPT OF THE CIVIL UNION CERTIFICATE, THE COUNTY
23 CLERK AND RECORDER SHALL REGISTER THE CIVIL UNION.

24 **14-15-114. Civil union license required for certification.**
25 PERSONS AUTHORIZED BY SECTION 14-15-113 TO CERTIFY CIVIL UNIONS
26 SHALL REQUIRE A CIVIL UNION LICENSE FROM THE PARTIES BEFORE
27 CERTIFYING THE CIVIL UNION. THE LICENSE SHALL AFFORD FULL

1 IMMUNITY TO THE PERSON WHO CERTIFIES THE CIVIL UNION.

2 **14-15-115. Evidence of civil union.** A COPY OF THE RECORD OF
3 THE CIVIL UNION RECEIVED FROM THE COUNTY CLERK OR RECORDER OR
4 THE STATE REGISTRAR SHALL BE PRESUMPTIVE EVIDENCE OF THE CIVIL
5 UNION IN ALL COURTS.

6 **14-15-116. Violation - penalty.** EXCEPT AS PROVIDED IN SECTION
7 14-15-113 (2), ANY PERSON WHO KNOWINGLY VIOLATES ANY PROVISION
8 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND SHALL BE PUNISHED
9 BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS.

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

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

19 (2) THE STATE REGISTRAR SHALL PRESCRIBE, FURNISH, AND
20 DISTRIBUTE SUCH FORMS AS ARE REQUIRED BY THIS ARTICLE WITH RESPECT
21 TO CERTIFICATES OF CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (1),
22 C.R.S.

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

25 **25-2-106.5. Reports of civil union.** EACH COUNTY CLERK AND
26 RECORDER SHALL PREPARE A REPORT CONTAINING SUCH INFORMATION
27 AND USING THE FORM AS PRESCRIBED AND FURNISHED BY THE STATE

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

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

11 **25-2-107. Reports of adoption, dissolution of marriage, civil**
12 **unions, parentage, and other court proceedings affecting vital**
13 **statistics - tax on court action affecting vital statistics.** (1) The clerk
14 of each court or, for parentage proceedings, the clerk of the court or a
15 delegate child support enforcement unit shall prepare a report containing
16 such information and using such form as may be prescribed and furnished
17 by the state registrar with respect to every decree entered by the court
18 with respect to parentage, legitimacy, adoption, change of name,
19 dissolution of marriage, legal separation, or declaration of invalidity of
20 marriage, DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL
21 UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION, and every
22 decree amending or nullifying such a decree and also with respect to
23 every decree entered pursuant to section 25-2-114. On or before the tenth
24 day of each month, or more frequently if so requested by the state
25 registrar, such clerk shall forward to the state registrar the reports for all
26 such decrees entered during the preceding period.

27 **SECTION 5.** 25-2-117 (2) (d) and (2) (e), Colorado Revised

1 Statutes, are amended, and the said 25-2-117 (2) is further amended BY
2 THE ADDITION OF A NEW PARAGRAPH, to read:

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

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

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

9 (f) THE VERIFICATION OF A CIVIL UNION OR DISSOLUTION OF A
10 CIVIL UNION.

11 **SECTION 6.** 2-4-401 (1), Colorado Revised Statutes, is
12 amended, and the said 2-4-401 is further amended BY THE ADDITION
13 OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

16 (1) ~~"Child" includes child by adoption.~~ "CERTIFICATE OF CIVIL
17 UNION" MEANS A DOCUMENT THAT CERTIFIES THAT THE PERSONS NAMED
18 IN THE CERTIFICATE HAVE ESTABLISHED A CIVIL UNION IN THIS STATE IN
19 COMPLIANCE WITH THE PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

20 (1.3) "CHILD" INCLUDES CHILD BY ADOPTION.

21 (1.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
22 TWO SAME-SEX PERSONS IN ACCORDANCE WITH THE REQUIREMENTS OF
23 ARTICLE 15 OF TITLE 14, C.R.S.

24 (7.5) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
25 ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS
26 OF ARTICLE 15 OF TITLE 14, C.R.S.

27 **SECTION 7.** 8-40-201, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **8-40-201. Definitions - repeal.** As used in articles 40 to 47 of
3 this title, unless the context otherwise requires:

4 (16.3) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
5 ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS
6 OF ARTICLE 15 OF TITLE 14, C.R.S.

7 **SECTION 8.** 8-41-104, Colorado Revised Statutes, is amended
8 to read:

9 **8-41-104. Acceptance as surrender of other remedies.** An
10 election under the provisions of section 8-40-302 (5) and in compliance
11 with the provisions of articles 40 to 47 of this title, including the
12 provisions for insurance, shall be construed to be a surrender by the
13 employer, such employer's insurance carrier, and the employee of their
14 rights to any method, form, or amount of compensation or determination
15 thereof or to any cause of action, action at law, suit in equity, or statutory
16 or common-law right, remedy, or proceeding for or on account of such
17 personal injuries or death of such employee other than as provided in said
18 articles, and shall be an acceptance of all the provisions of said articles,
19 and shall bind the employee personally, and, for compensation for such
20 employee's death, the employee's personal representatives, surviving
21 spouse, SURVIVING PARTNER IN A CIVIL UNION, and next of kin, as well as
22 the employer, such employer's insurance carrier, and those conducting
23 their business during bankruptcy or insolvency.

24 **SECTION 9.** 8-41-501 (1), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **8-41-501. Persons presumed wholly dependent.** (1) For the
27 purposes of articles 40 to 47 of this title, the following described persons

1 shall be presumed to be wholly dependent (however, such presumption
2 may be rebutted by competent evidence):

3 (a.5) SURVIVING PARTNER IN A CIVIL UNION, UNLESS IT IS SHOWN
4 THAT SHE OR HE WAS VOLUNTARILY SEPARATED AND LIVING APART FROM
5 THE DECEASED AT THE TIME OF THE INJURY OR DEATH OR WAS NOT
6 DEPENDENT IN WHOLE OR IN PART ON THE DECEASED FOR SUPPORT;

7 **SECTION 10.** 8-42-122, Colorado Revised Statutes, is amended
8 to read:

9 **8-42-122. Minor dependents - safeguarding payments.** In all
10 cases of death where the dependents are minor children, it shall be
11 sufficient for the surviving spouse, THE SURVIVING PARTNER IN A CIVIL
12 UNION, or a friend to make application and claim on behalf of the minor
13 children. The director, for the purpose of protecting the rights and
14 interests of any dependents whom the director deems incapable of fully
15 protecting their own interests, may deposit the payments in any type of
16 account in state or national banks insured by the federal deposit insurance
17 corporation, savings and loan associations which are insured by the
18 federal savings and loan insurance corporation, or credit unions which are
19 insured by the national credit union share insurance fund and may
20 otherwise provide for the manner and method of safeguarding the
21 payments due such dependents in such manner as the director sees fit.

22 **SECTION 11.** 8-70-103, Colorado Revised Statutes, is amended
23 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
24 read:

25 **8-70-103. Definitions.** As used in articles 70 to 82 of this title,
26 unless the context otherwise requires:

27 (6.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN

1 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
2 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

3 (19.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A
4 PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
5 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

6 **SECTION 12.** 8-70-129, Colorado Revised Statutes, is amended
7 to read:

8 **8-70-129. Employment does not include - spouse - partner in**
9 **a civil union -minor.** "Employment" does not include services performed
10 by an individual in the employ of his OR HER spouse OR OF HIS OR HER
11 PARTNER IN A CIVIL UNION and service performed by a child under the age
12 of twenty-one in the employ of his OR HER father or mother.

13 **SECTION 13.** 8-70-131 (1) (b), Colorado Revised Statutes, is
14 amended to read:

15 **8-70-131. Employment does not include - school - college -**
16 **university.** (1) "Employment" does not include services performed in
17 the employ of a school, college, or university, if such service is
18 performed:

19 (b) By the spouse OR PARTNER IN A CIVIL UNION of such a student,
20 if such spouse OR PARTNER is advised, at the time such spouse OR
21 PARTNER commences to perform such service, that the employment of
22 such spouse OR PARTNER to perform such service is provided under a
23 program to provide financial assistance to such student by such school,
24 college, or university, and such employment will not be covered by any
25 program of unemployment insurance.

26 **SECTION 14.** 8-70-142 (1) (h), Colorado Revised Statutes, is
27 amended to read:

1 **8-70-142. Wages - remuneration not included as wages.**

2 (1) "Wages" does not include:

3 (h) Any contribution, payment, or service provided by an
4 employer which may be excluded from the gross income of an employee,
5 his OR HER spouse, HIS OR HER PARTNER IN A CIVIL UNION, or his OR HER
6 dependents under the provisions of 26 U.S.C. section 120 (relating to
7 amounts received under qualified group legal services plans);

8 **SECTION 15.** 8-73-108 (4) (b) (I) and (5) (e) (III), Colorado
9 Revised Statutes, are amended to read:

10 **8-73-108. Benefit awards. (4) Full award.** An individual
11 separated from a job shall be given a full award of benefits if any of the
12 following reasons and pertinent conditions related thereto are determined
13 by the division to have existed. The determination of whether or not the
14 separation from employment shall result in a full award of benefits shall
15 be the responsibility of the division. The following reasons shall be
16 considered, along with any other factors that may be pertinent to such
17 determination:

18 (b) (I) The health of the worker is such that the worker is
19 separated from his or her employment and must refrain from working for
20 a period of time that exceeds the greater of the employer's medical leave
21 of absence policy or the provisions of the federal "Family and Medical
22 Leave Act of 1993", if applicable, or the worker's health is such that the
23 worker must seek a new occupation, or the health of the worker or the
24 worker's spouse, PARTNER IN A CIVIL UNION, or dependent child is such
25 that the worker must leave the vicinity of the worker's employment;
26 except that, if the health of the worker or the worker's spouse, PARTNER
27 IN A CIVIL UNION, or dependent child has caused the separation from

1 work, the worker, in order to be entitled to a full award, must have
2 complied with the following requirements: Informed the worker's
3 employer in writing, if the employer has posted or given actual advance
4 notice of this writing requirement, of the condition of the worker's health
5 or the health of the worker's spouse, PARTNER IN A CIVIL UNION, or
6 dependent child prior to separation from employment and allowed the
7 employer the opportunity to make reasonable accommodations for the
8 worker's condition; substantiated the cause by a competent written
9 medical statement issued by a licensed practicing physician prior to the
10 date of separation from employment when so requested by the employer
11 prior to the date of separation from employment or within a reasonable
12 period thereafter; submitted himself or herself or the worker's spouse,
13 PARTNER IN A CIVIL UNION, or dependent child to an examination by a
14 licensed practicing physician selected and paid by the interested employer
15 when so requested by the employer prior to the date of separation from
16 employment or within a reasonable period thereafter; or provided the
17 division, when so requested, with a written medical statement issued by
18 a licensed practicing physician. For purposes of providing the medical
19 statement or submitting to an examination for an employer, "a reasonable
20 period thereafter" shall include the time before adjudication by either a
21 deputy or referee of the division. An award of benefits pursuant to this
22 subparagraph (I) shall include benefits to a worker who, either voluntarily
23 or involuntarily, is separated from employment because of pregnancy and
24 who otherwise satisfies the requirements of this subparagraph (I).

25 (5) **Disqualification.** (e) Subject to the maximum reduction
26 consistent with federal law, and insofar as consistent with interstate
27 agreements, if a separation from employment occurs for any of the

1 following reasons, the employer from whom such separation occurred
2 shall not be charged for benefits which are attributable to such
3 employment and, because any payment of benefits which are attributable
4 to such employment out of the fund as defined in section 8-70-103 (13)
5 shall be deemed to have an adverse effect on such employer's account in
6 such fund, no payment of such benefits shall be made from such fund:

7 (III) Quitting to marry OR TO ENTER INTO A CIVIL UNION,
8 irrespective of whether or not such marriage OR CIVIL UNION occurs
9 subsequent to the separation from employment;

10 **SECTION 16.** 10-1-102, Colorado Revised Statutes, is amended
11 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
12 read:

13 **10-1-102. Definitions.** As used in this title, unless the context
14 otherwise requires:

15 (4.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
16 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
17 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

18 (16.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A
19 PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
20 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

21 **SECTION 17.** 10-3-1104 (1) (f), Colorado Revised Statutes, is
22 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

23 **10-3-1104. Unfair methods of competition and unfair or**
24 **deceptive acts or practices.** (1) The following are defined as unfair
25 methods of competition and unfair or deceptive acts or practices in the
26 business of insurance:

27 (f) (XIII) MAKING OR PERMITTING ANY UNFAIR DISCRIMINATION

1 BETWEEN MARRIED COUPLES AND PARTNERS IN A CIVIL UNION WITH
2 REGARD TO THE OFFERING OF INSURANCE BENEFITS TO A COUPLE, A
3 SPOUSE, A PARTNER IN A CIVIL UNION, OR THEIR FAMILY, OR TO THE RATES
4 CHARGED FOR ANY CONTRACT OF INSURANCE, OR IN THE DIVIDENDS OR
5 OTHER BENEFITS PAYABLE THEREON, OR IN ANY OTHER OF THE TERMS AND
6 CONDITIONS OF SUCH CONTRACT;

7 **SECTION 18.** 10-16-102 (14), (26) (a) (II), and (26) (d),
8 Colorado Revised Statutes, are amended to read:

9 **10-16-102. Definitions.** As used in this article, unless the context
10 otherwise requires:

11 (14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION,
12 an unmarried child under nineteen years of age, an unmarried child who
13 is a full-time student under twenty-four years of age and who is
14 financially dependent upon the parent, and an unmarried child of any age
15 who is medically certified as disabled and dependent upon the parent.

16 (26) "Late enrollee" means an eligible employee or dependent
17 who requests enrollment in a group health benefit plan following the
18 initial enrollment period for which such individual is entitled to enroll
19 under the terms of the health benefit plan, if such initial enrollment period
20 is a period of at least thirty days. An eligible employee or dependent
21 shall not be considered a late enrollee if:

22 (a) The individual:

23 (II) Lost coverage under the other creditable coverage as a result
24 of termination of employment or eligibility, reduction in the number of
25 hours of employment, the involuntary termination of the creditable
26 coverage, death of a spouse OR A PARTNER IN A CIVIL UNION, legal
27 separation or divorce, LEGAL SEPARATION OR DISSOLUTION OF A CIVIL

1 UNION, or employer contributions towards such coverage was terminated;
2 and

3 (d) A person becomes a dependent of a covered person through
4 marriage, CIVIL UNION, birth, adoption, or placement for adoption and
5 requests enrollment no later than thirty days after becoming such a
6 dependent. In such case, coverage shall commence on the date the person
7 becomes a dependent if a request for enrollment is received in a timely
8 fashion before such date.

9 **SECTION 19.** Part 1 of article 16 of title 10, Colorado Revised
10 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
11 read:

12 **10-16-103.7. Coverage for civil unions.** NOTWITHSTANDING ANY
13 LAW TO THE CONTRARY, CARRIERS SHALL PROVIDE DEPENDENT COVERAGE
14 TO PARTNERS IN A CIVIL UNION THAT IS EQUIVALENT TO THAT PROVIDED TO
15 MARRIED INSUREDS. AN INDIVIDUAL OR GROUP INSURANCE POLICY WHICH
16 PROVIDES COVERAGE FOR A SPOUSE OR FAMILY MEMBER OF THE INSURED
17 SHALL ALSO PROVIDE THE EQUIVALENT COVERAGE FOR A PARTNER IN A
18 CIVIL UNION.

19 **SECTION 20.** 10-16-108 (1) (c) (III), (1) (f), and (2) (d),
20 Colorado Revised Statutes, are amended to read:

21 **10-16-108. Conversion and continuation privileges.** (1) **Group**
22 **sickness and accident insurance - conversion privileges.**

23 (c) (III) Subject to the conditions set forth in subparagraphs (I) and (II)
24 of this paragraph (c), the conversion privilege shall also be available: To
25 the surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION, if any, at
26 the death of the employee or member with respect to the spouse OR
27 PARTNER and such children whose coverage under the group policy

1 terminates by reason of such death or to each surviving child whose
2 coverage under the group policy terminates by reason of such death or,
3 if the group policy provides for continuation of dependents' coverage
4 following the employee's or member's death, at the end of such
5 continuation; to the spouse OR PARTNER of the employee or member upon
6 termination of coverage of the spouse OR PARTNER, while the employee
7 or member remains insured under the group policy, by reason of ceasing
8 to be a qualified family member under the group policy, with respect to
9 the spouse OR PARTNER and such children whose coverage under the
10 group policy terminates at the same time; to a child solely with respect to
11 such child upon termination of the child's coverage by reason of ceasing
12 to be a qualified family member under the group policy if a conversion
13 privilege is not otherwise provided with respect to such termination.

14 (f) A group sickness and accident insurance policy that provides
15 for continued coverage after an employee is terminated, as required by
16 paragraph (b) of this subsection (1), shall also include a provision
17 allowing a covered employee or surviving spouse OR SURVIVING PARTNER
18 IN A CIVIL UNION or dependent, at the expiration of such continued
19 coverage, to obtain from the insurer underwriting the group policy, at the
20 employee's, spouse's, PARTNER'S, or dependent's option and expense,
21 without further evidence of insurability and without interruption of
22 coverage, an individual policy of sickness and accident insurance which
23 shall conform to the descriptions, limitations, and requirements of
24 converted policies pursuant to subparagraph (I) of paragraph (c) of this
25 subsection (1).

26 (2) **Group contracts of nonprofit hospital, medial-surgical, and**
27 **health service corporations and group service contracts of health**

1 **maintenance organizations.** (d) A group contract or group service
2 contract that provides for continued coverage after an employee is
3 terminated, as required by paragraph (a) of this subsection (2), shall also
4 include a provision allowing a covered employee or surviving spouse OR
5 SURVIVING PARTNER IN A CIVIL UNION or dependent, at the expiration of
6 such continued coverage, to obtain from the insurer underwriting the
7 group contract or group service contract, at the employee's, spouse's,
8 PARTNER'S, or dependent's option and expense, without further evidence
9 of insurability and without interruption of coverage, an individual service
10 contract or contract providing hospital, medical-surgical, or other health
11 services which shall conform to the same type of descriptions, limitations,
12 and requirements as those specified for converted policies pursuant to
13 subparagraph (I) of paragraph (c) of subsection (1) of this section.

14 **SECTION 21.** 10-16-116 (2) (c) and (2) (h) (I), Colorado
15 Revised Statutes, are amended to read:

16 **10-16-116. Catastrophic health insurance - coverage.** (2) Each
17 catastrophic health insurance policy issued pursuant to subsection (1) of
18 this section is required to:

19 (c) Offer coverage for the spouse OR PARTNER IN A CIVIL UNION
20 and dependent children of the insured employee;

21 (h) For group coverage, include a portability clause which
22 provides that:

23 (I) When an employee leaves employment for any reason the
24 employee, the employee's spouse, THE EMPLOYEE'S PARTNER IN A CIVIL
25 UNION, and the employee's dependent children may each elect to continue
26 coverage or convert coverage to an individual policy pursuant to section
27 10-16-108; and

1 **SECTION 22.** 10-16-201 (1) (c), Colorado Revised Statutes, is
2 amended to read:

3 **10-16-201. Form and content of individual sickness and**
4 **accident insurance policies.** (1) No such policy shall be delivered or
5 issued for delivery in this state unless:

6 (c) It purports to insure only one person, except as provided in
7 sections 10-16-214 and 10-16-215, and except that a policy or contract
8 may be issued upon the application of an adult member of a family, who
9 shall be deemed the policyholder, covering members of any one family,
10 including husband, wife, A PARTNER IN A CIVIL UNION, dependent children
11 or any children under the age of nineteen, and other dependents living
12 with the family; and

13 **SECTION 23.** 10-16-202 (10) (b), Colorado Revised Statutes, is
14 amended to read:

15 **10-16-202. Required provisions in individual sickness and**
16 **accident policies.** (10) (b) The following provisions, or either of them,
17 may be included with the provision set forth in paragraph (a) of this
18 subsection (10) at the option of the insurer:

19 "If any indemnity of this policy shall be payable to the estate of
20 the insured, or to an insured or beneficiary who is a minor or otherwise
21 not competent to give valid release, the insurer may pay such indemnity,
22 up to an amount not exceeding \$ (insert an amount which shall not
23 exceed \$1000), to any relative by blood or connection by marriage OR
24 CIVIL UNION of the insured or beneficiary who is deemed by the insurer
25 to be equitably entitled thereto. Any payment made by the insurer in
26 good faith pursuant to this provision shall fully discharge the insurer to
27 the extent of such payment."

1 "Subject to any written direction of the insured in the application
2 or otherwise, all or a portion of any indemnities provided by this policy
3 on account of hospital, nursing, medical, or surgical services may, at the
4 insurer's option and unless the insured requests otherwise in writing not
5 later than the time of filing proofs of such loss, be paid directly to the
6 hospital or person rendering such services; but it is not required that the
7 service be rendered by a particular hospital or person."

8 **SECTION 24.** 10-16-213 (4) (b), Colorado Revised Statutes, is
9 amended to read:

10 **10-16-213. Industrial sickness and accident insurance.**

11 (4) (b) Any such policy may provide in substance that any payment
12 under said policy may be made to the insured or the insured's estate or to
13 any relative by blood or connection by marriage OR CIVIL UNION of the
14 insured, or, to the extent of such portion of any payment under the policy
15 as reasonably appears to the insurer to be due to such person or to any
16 other person equitably entitled thereto by reason of having incurred
17 expense occasioned by the maintenance or illness or burial of the insured.
18 If the policy is in force at the death of the insured, the proceeds from said
19 policy shall be payable to the named beneficiary if living, but, upon the
20 expiration of fifteen days after the death of the insured, unless proof of
21 claim in the manner and form required by the policy, accompanied by the
22 policy for surrender, has theretofore been made by such beneficiary, the
23 insurer may pay to any other person permitted by the policy.

24 **SECTION 25.** 10-16-214 (3) (a) (XII), Colorado Revised
25 Statutes, is amended to read:

26 **10-16-214. Group sickness and accident insurance.**

27 (3) (a) Except as provided for in subsection (2) of this section, all

1 policies of group sickness and accident insurance providing coverage to
2 persons residing in the state shall contain in substance the following
3 provisions or provisions which, in the opinion of the commissioner, are
4 more favorable to the persons insured or at least as favorable to the
5 persons insured and more favorable to the policyholder:

6 (XII) A provision that indemnity for loss of life shall be payable
7 to the beneficiary designated by the insured (but, when the policy
8 contains conditions pertaining to family status or provisions pertaining to
9 coverage of family members, the beneficiary may be the family member
10 specified by the policy terms) or, if there is no such designated or
11 specified beneficiary, to such other person as is specified in the policy
12 and that all other indemnities of the policy are payable to the insured;
13 except that the group policy may provide that all or any portion of any
14 benefits on account of hospital, medical, and surgical or other services
15 may be paid, at the insurer's option, directly to the hospital or person
16 rendering such services. The group policy may provide that, if any
17 benefit is payable to the estate of a person or to a person who is a minor
18 or otherwise not competent to give a valid release, the insurer may pay
19 such benefit, up to an amount not exceeding two thousand dollars, to any
20 relative by blood or connection by marriage OR CIVIL UNION of such
21 person who is deemed by the insurer to be equitably entitled thereto. Any
22 payment made by the insurer in good faith pursuant to the provisions of
23 this subparagraph (XII) shall discharge the insurer's obligation with
24 respect to the extent of such payment.

25 **SECTION 26.** 12-34-103 (2) (a), Colorado Revised Statutes, is
26 amended to read:

27 **12-34-103. Persons who may execute an anatomical gift.** (2) In

1 the absence of an individual declaration to donate all or part of a person's
2 own body, any of the following persons, in the order of priority stated,
3 when persons in prior classes are not available at the time of death, and
4 in the absence of actual notice of a contrary indication as defined in
5 section 12-34-107, or actual notice of opposition by a member of the
6 same or a prior class, may give all or any part of the decedent's body for
7 any purposes specified in section 12-34-104:

8 (a) The spouse OR THE PARTNER IN A CIVIL UNION AS DEFINED IN
9 SECTION 14-15-103 (5), C.R.S.;

10 **SECTION 27.** 12-34-108 (1), Colorado Revised Statutes, is
11 amended to read:

12 **12-34-108. Rights and duties at death.** (1) The donee may
13 accept or reject the gift. If the donee accepts a gift of the entire body, he
14 OR SHE may, subject to the terms of the gift, authorize embalming and the
15 use of the body in funeral services. If the gift is of a part of the body, the
16 donee, upon the death of the donor and prior to embalming, shall cause
17 the part to be removed without unnecessary mutilation. After removal of
18 the part, custody of the remainder of the body vests in the surviving
19 spouse, SURVIVING PARTNER IN A CIVIL UNION AS DEFINED IN SECTION
20 14-15-103 (5), C.R.S., next of kin, or any other person authorized or
21 under obligation to dispose of the body.

22 **SECTION 28.** 12-34-202 (2), Colorado Revised Statutes, is
23 amended to read:

24 **12-34-202. Duty of public officers as to unclaimed bodies.**
25 (2) Such notices shall be given to the anatomical board in all cases, but
26 no such body shall be delivered if any relative, by blood, or marriage, OR
27 CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5), C.R.S., shall

1 previously claim the body for burial at the expense of such relative, but
2 the body shall be surrendered to said claimant for interment; nor shall any
3 such body be delivered if any representative of a fraternal society of
4 which the deceased was a member, or a representative of any charitable
5 organization, or if any friend of the deceased shall claim the body for
6 burial prior to delivery to the board, said burial to be at the expense of
7 such fraternal society, charitable organization, or friend. In the case of
8 death of any person whose body is required to be buried at public
9 expense and the duly authorized officer or agent of the anatomical board
10 deems such body unfit for anatomical purposes, he OR SHE shall notify the
11 board of county commissioners or such other agency as may be in charge
12 of the county paupers of the county in which such person dies, in writing,
13 and the board of county commissioners or other agency shall direct some
14 person to take charge of the body of such deceased indigent person, and
15 cause it to be buried, and draw warrants upon the treasurer of said county
16 for the payment of such expenses.

17 **SECTION 29.** 12-36-133 (2), Colorado Revised Statutes, is
18 amended to read:

19 **12-36-133. Postmortem examinations by licensee - definition -**
20 **application of this section.** (2) Consent for a licensee to conduct a
21 postmortem examination of the body of a deceased person shall be
22 deemed sufficient when given by whichever one of the following assumes
23 custody of the body for purposes of burial: Father, mother, husband,
24 wife, PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5),
25 C.R.S., child, guardian, next of kin, or, in the absence of any of the
26 foregoing, a friend or a person charged by law with the responsibility for
27 burial. If two or more such persons assume custody of the body, the

1 consent of one of them shall be deemed sufficient.

2 **SECTION 30.** 12-36-135 (1.5) (b), Colorado Revised Statutes,
3 is amended to read:

4 **12-36-135. Injuries to be reported - penalty for failure to**
5 **report - immunity from liability.** (1.5) As used in subsection (1) of this
6 section, unless the context otherwise requires:

7 (b) "Intimate relationship" means a relationship between spouses,
8 former spouses, PARTNERS IN A CIVIL UNION AS DEFINED IN SECTION
9 14-15-103 (5), C.R.S., FORMER PARTNERS IN A CIVIL UNION, past or
10 present unmarried couples, or persons who are both the parents of the
11 same child regardless of whether the persons have been married or have
12 lived together at any time.

13 **SECTION 31.** 13-1-124 (1), Colorado Revised Statutes, is
14 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

15 **13-1-124. Jurisdiction of courts.** (1) Engaging in any act
16 enumerated in this section by any person, whether or not a resident of the
17 state of Colorado, either in person or by an agent, submits such person
18 and, if a natural person, such person's personal representative to the
19 jurisdiction of the courts of this state concerning any cause of action
20 arising from:

21 (e.5) THE MAINTENANCE OF A CIVIL UNION DOMICILE WITHIN THIS
22 STATE WITH RESPECT TO ALL ISSUES RELATING TO OBLIGATIONS FOR
23 SUPPORT TO CHILDREN AND TO A PARTNER IN A CIVIL UNION, AS DEFINED
24 IN SECTION 14-15-103 (5), C.R.S., IN ANY ACTION FOR DISSOLUTION OF A
25 CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, DECLARATION OF
26 INVALIDITY OF A CIVIL UNION, OR SUPPORT OF CHILDREN IF ONE OF THE
27 PARTNERS OF THE CIVIL UNION CONTINUES WITHOUT INTERRUPTION TO BE

1 DOMICILED WITHIN THE STATE;

2 **SECTION 32.** 13-5-201, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4 **13-5-201. District court magistrates.** (2.7) DISTRICT COURT
5 MAGISTRATES SHALL HAVE THE POWER TO CERTIFY CIVIL UNIONS
6 PURSUANT TO THE PROCEDURES IN SECTION 14-15-113, C.R.S.

7 **SECTION 33.** 13-5-301 (3), Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

9 **13-5-301. Family law magistrates - qualifications - duties.**
10 (3) Subject to the provision that no magistrate may preside in any trial by
11 jury, family law magistrates shall have the following duties, powers, and
12 authority:

13 (h) TO CERTIFY CIVIL UNIONS PURSUANT TO THE PROCEDURES IN
14 SECTION 14-15-113, C.R.S.

15 **SECTION 34.** 13-6-405, Colorado Revised Statutes, is amended
16 BY THE ADDITION OF A NEW SUBSECTION to read:

17 **13-6-405. Magistrate in small claims court.** (3.7) A
18 MAGISTRATE SHALL HAVE THE POWER TO CERTIFY CIVIL UNIONS PURSUANT
19 TO THE PROCEDURES IN SECTION 14-15-113, C.R.S.

20 **SECTION 35.** 13-6-501, Colorado Revised Statutes, is amended
21 BY THE ADDITION OF A NEW SUBSECTION to read:

22 **13-6-501. County court magistrates - qualifications - duties.**
23 (4.6) COUNTY COURT MAGISTRATES SHALL HAVE THE POWER TO CERTIFY
24 CIVIL UNIONS PURSUANT TO THE PROCEDURES IN SECTION 14-15-113,
25 C.R.S.

26 **SECTION 36.** 13-21-103, Colorado Revised Statutes, is amended
27 to read:

1 **13-21-103. Damages for selling liquor to drunkard.** Every
2 husband, wife, PARTNER IN A CIVIL UNION AS DEFINED IN SECTION
3 14-15-103 (5), C.R.S., child, parent, guardian, employer, or other person
4 who is injured in person, or property, or means of support by any
5 intoxicated person, or in consequence of the intoxication of any person,
6 has a right of action, in his OR HER name, against any person who, by
7 selling or giving away intoxicating liquors to any habitual drunkard,
8 causes the intoxication, in whole or in part, of such habitual drunkard;
9 and all damages recovered by a minor under this section shall be paid
10 either to the minor or to his OR HER parent, guardian, or next friend, as the
11 court directs. The unlawful sale or giving away of intoxicating liquors
12 works a forfeiture of all rights of the lessee or tenant under any lease or
13 contract of rent upon the premises. No liability shall accrue against any
14 such person as provided unless the husband, wife, PARTNER IN A CIVIL
15 UNION, child, parent, guardian, or employer first, by written or printed
16 notice, has notified such person, or his OR HER agents or employees, not
17 to sell or give away any intoxicating liquors to any habitual drunkard.

18 **SECTION 37.** 13-21-106.5 (1), Colorado Revised Statutes, is
19 amended to read:

20 **13-21-106.5. Civil damages for destruction or bodily injury**
21 **caused by ethnic intimidation.** (1) The victim, or a member of the
22 victim's immediate family, is entitled to recover damages from any
23 person, organization, or association who commits or incites others to
24 commit the offense of ethnic intimidation as defined in section 18-9-121
25 (2), C.R.S. Such person, organization, or association shall be civilly
26 liable to the victim, or a member of the victim's immediate family for the
27 actual damages, costs, and expenses incurred in connection with said

1 action. For purposes of this section, "immediate family" includes the
2 victim's spouse, THE VICTIM'S PARTNER IN A CIVIL UNION AS DEFINED IN
3 SECTION 14-15-103 (5), C.R.S., and the victim's parent, sibling, or child
4 who is living with the victim.

5 **SECTION 38.** 13-21-201 (1) (a) and (1) (b), Colorado Revised
6 Statutes, are amended, and the said 13-21-201 (1) is further amended BY
7 THE ADDITION OF A NEW PARAGRAPH, to read:

8 **13-21-201. Damages for death.** (1) When any person dies from
9 any injury resulting from or occasioned by the negligence, unskillfulness,
10 or criminal intent of any officer, agent, servant, or employee while
11 running, conducting, or managing any locomotive, car, or train of cars,
12 or of any driver of any coach or other conveyance operated for the
13 purpose of carrying either freight or passengers for hire while in charge
14 of the same as a driver, and when any passenger dies from an injury
15 resulting from or occasioned by any defect or insufficiency in any
16 railroad or any part thereof, or in any locomotive or car, or other
17 conveyance operated for the purpose of carrying either freight or
18 passengers for hire, the corporation or individuals in whose employ any
19 such officer, agent, servant, employee, master, pilot, engineer, or driver
20 is at the time such injury is committed, or who owns any such railroad,
21 locomotive, car, or other conveyance operated for the purpose of carrying
22 either freight or passengers for hire at the time any such injury is
23 received, and resulting from or occasioned by the defect or insufficiency
24 above described shall forfeit and pay for every person and passenger so
25 injured the sum of not exceeding ten thousand dollars and not less than
26 three thousand dollars, which may be sued for and recovered:

27 (a) In the first year after such death:

1 (I) By the spouse OR THE PARTNER IN A CIVIL UNION of the
2 deceased;

3 (II) Upon the written election of the spouse OR THE PARTNER IN A
4 CIVIL UNION, by the spouse OR THE PARTNER IN A CIVIL UNION and the heir
5 or heirs of the deceased;

6 (III) Upon the written election of the spouse OR THE PARTNER IN
7 A CIVIL UNION, by the heir or heirs of the deceased; or

8 (IV) If there is no spouse OR PARTNER IN A CIVIL UNION, by the
9 heir or heirs of the deceased.

10 (b) (I) In the second year after such death:

11 (A) By the spouse OR PARTNER IN A CIVIL UNION of the deceased;

12 (B) By the heir or heirs of the deceased; or

13 (C) By the spouse OR PARTNER IN A CIVIL UNION and the heir or
14 heirs of the deceased.

15 (II) However, if the heir or heirs of the deceased commence an
16 action under the provisions of sub-subparagraph (B) of subparagraph (I)
17 of this paragraph (b), the spouse OR THE PARTNER IN A CIVIL UNION, upon
18 motion filed within ninety days after service of written notice of the
19 commencement of the action upon him, shall be allowed to join the action
20 as a party plaintiff.

21 (e) FOR PURPOSES OF THIS SECTION, "PARTNER IN A CIVIL UNION"
22 MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE
23 WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

24 **SECTION 39.** 13-21-804 (1) (a), Colorado Revised Statutes, is
25 amended to read:

26 **13-21-804. Damages - persons injured by an individual illegal**
27 **drug user.** (1) Any one or more of the following persons may bring an

1 action for damages caused by an individual's use of an illegal drug within
2 this state:

3 (a) A parent, legal guardian, child, spouse, PARTNER IN A CIVIL
4 UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S., or sibling of the
5 individual illegal drug user;

6 **SECTION 40.** 13-22-103 (1), Colorado Revised Statutes, is
7 amended to read:

8 **13-22-103. Minors - consent for medical, dental, and related**
9 **care.** (1) Except as otherwise provided in sections 18-1.3-407 (4.5),
10 18-6-101, 25-4-402, and 12-34-103 (1), C.R.S., a minor eighteen years
11 of age or older, or a minor fifteen years of age or older who is living
12 separate and apart from his or her parent, parents, or legal guardian, with
13 or without the consent of his or her parent, parents, or legal guardian, and
14 is managing his or her own financial affairs, regardless of the source of
15 his or her income, or any minor who has contracted a lawful marriage OR
16 A LAWFUL CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S., may
17 give consent to organ or tissue donation or the furnishing of hospital,
18 medical, dental, emergency health, and surgical care to himself or herself.
19 Such consent shall not be subject to disaffirmance because of minority,
20 and, when such consent is given, said minor shall have the same rights,
21 powers, and obligations as if he or she had obtained majority. Consent
22 to organ or tissue donation may be revoked pursuant to section
23 12-34-107, C.R.S.

24 **SECTION 41.** 13-32-101 (1) (a) and (1) (b), Colorado Revised
25 Statutes, are amended to read:

26 **13-32-101. Docket fees in civil actions - judicial stabilization**
27 **cash fund - support registry fund created.** (1) At the time of first

1 appearance in all civil actions and special proceedings in all courts of
2 record, except in the supreme court and the court of appeals, and except
3 in the probate proceedings in the district court or probate court of the city
4 and county of Denver, and except as provided in subsection (2) of this
5 section and in sections 13-32-103 and 13-32-104, there shall be paid in
6 advance the total docket fees, as follows:

7 (a) By the petitioner in a proceeding for dissolution of marriage,
8 legal separation, or declaration of invalidity of marriage, OR FOR
9 DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, OR
10 DECLARATION OF INVALIDITY OF A CIVIL UNION, and by the petitioner in
11 an action for a declaratory judgment concerning the status of marriage OR
12 CONCERNING THE STATUS OF A CIVIL UNION, prior to July 1, 2003, a fee of
13 ninety dollars, and, on or after July 1, 2003, a fee of one hundred thirty
14 dollars; fifteen dollars of such fee shall be transmitted to the state
15 treasurer for deposit in the Colorado children's trust fund, created in
16 section 19-3.5-106, C.R.S., and, for fiscal years 2002-03 and 2003-04,
17 the remainder shall be transmitted to the state general fund. On and after
18 July 1, 2004, the remaining one hundred fifteen dollars of the fee shall be
19 transmitted to the state treasurer for deposit in the family stabilization
20 services fund, created in section 19-1-125, C.R.S.; and, on and after
21 March 18, 2003, the docket fee shall be increased by forty-five dollars,
22 and the additional revenue generated by such increase shall be transmitted
23 to the state treasurer for deposit in the judicial stabilization cash fund
24 created in subsection (1.5) of this section. FOR PURPOSES OF THIS
25 PARAGRAPH (a), "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO
26 BETWEEN TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH
27 THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

1 (b) By the respondent in a proceeding for dissolution of marriage,
2 legal separation, or declaration of invalidity of marriage, OR FOR
3 DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, OR
4 DECLARATION OF INVALIDITY OF A CIVIL UNION, and by the respondent to
5 an action for a declaratory judgment concerning the status of marriage,
6 prior to July 1, 1997, a fee of forty dollars, and, on or after July 1, 1997,
7 a fee of forty-five dollars; and, on and after March 18, 2003, the docket
8 fee shall be increased by twenty-five dollars and the additional revenue
9 generated by such increase shall be transmitted to the state treasurer for
10 deposit in the judicial stabilization cash fund created in subsection (1.5)
11 of this section. FOR PURPOSES OF THIS PARAGRAPH (b), "CIVIL UNION"
12 MEANS A CIVIL UNION ENTERED INTO BETWEEN TWO SAME-SEX PERSONS
13 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF
14 TITLE 14, C.R.S.

15 **SECTION 42.** 13-54-101 (1), Colorado Revised Statutes, is
16 amended, and the said 13-54-101 is further amended BY THE
17 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

18 **13-54-101. Definitions.** As used in this article, unless the context
19 otherwise requires:

20 (1) ~~"Debtor" means a person whose property or earnings are~~
21 ~~subject to attachment, execution, or garnishment.~~ "CIVIL UNION" MEANS
22 A CIVIL UNION ENTERED INTO BETWEEN TWO SAME-SEX PERSONS
23 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF
24 TITLE 14, C.R.S.

25 (1.5) "DEBTOR" MEANS A PERSON WHOSE PROPERTY OR EARNINGS
26 ARE SUBJECT TO ATTACHMENT, EXECUTION, OR GARNISHMENT.

27 (4.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A PERSON

1 WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
2 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

3 **SECTION 43.** 13-54-102 (1) (g) (II), (1) (h), (1) (j) (II) (A), and
4 (2), Colorado Revised Statutes, are amended to read:

5 **13-54-102. Property exempt.** (1) The following property is
6 exempt from levy and sale under writ of attachment or writ of execution:

7 (g) (II) Only one exemption in the aggregate value of twenty-five
8 thousand dollars shall be allowed for a debtor and his or her spouse OR
9 PARTNER IN A CIVIL UNION under subparagraph (I) of this paragraph (g).
10 In the event that property is claimed as exempt by a debtor or his or her
11 spouse OR PARTNER under subparagraph (I) of this paragraph (g), no
12 exemption shall be allowed for such debtor or his or her spouse OR
13 PARTNER under paragraph (i) of this subsection (1).

14 (h) Except for amounts due under court-ordered support of
15 children or spouse OR PARTNER IN A CIVIL UNION which are subject to the
16 exemption provisions of section 13-54-104, all money received by any
17 person as a pension, compensation, or allowance for any purpose on
18 account or arising out of the services of such person as a member of the
19 armed forces of the United States in time of war or armed conflict, and
20 whether in the actual possession of the recipient thereof or deposited or
21 loaned by him OR HER, and a like exemption to the unremarried widow
22 or widower OR TO THE SURVIVING PARTNER WHO HAS NOT ENTERED INTO
23 A SUBSEQUENT CIVIL UNION and the children of such person who receive
24 a pension, compensation, or allowance of any kind from the United States
25 on account or arising out of such service by a deceased member of such
26 armed forces; and when a debtor entitled to exemption under this
27 paragraph (h) dies or leaves his OR HER family said exemption shall

1 extend to the dependents of said debtor;

2 (j) (II) (A) One or more motor vehicles kept and used by any
3 elderly or disabled debtor, or by any debtor with an elderly or disabled
4 spouse OR PARTNER IN A CIVIL UNION or dependent, in the aggregate value
5 of six thousand dollars.

6 (2) Notwithstanding the provisions of paragraph (h) of subsection
7 (1) of this section and section 13-54-104, military pensions shall be
8 subject to court-ordered support of children or spouse OR PARTNER IN A
9 CIVIL UNION.

10 **SECTION 44.** 13-54-104 (1) (a) and (3) (b) (I), Colorado
11 Revised Statutes, are amended to read:

12 **13-54-104. Restrictions on garnishment and levy under**
13 **execution or attachment.** (1) As used in this section, unless the context
14 otherwise requires:

15 (a) "Disposable earnings" means that part of the earnings of any
16 individual remaining after the deduction from those earnings of any
17 amounts required by law to be withheld and after the deduction of the
18 cost of any health insurance provided by the individual pursuant to
19 section 14-14-112, C.R.S. In the case of an order for the support of a
20 spouse, PARTNER IN A CIVIL UNION, former spouse, FORMER PARTNER IN
21 A CIVIL UNION, or dependent child, "disposable earnings" includes moneys
22 voluntarily deposited in tax-deferred compensation funds.

23 (3) (b) (I) The maximum part of the aggregate disposable earnings
24 of an individual for any workweek which is subject to garnishment or
25 levy under execution or attachment to enforce any order for the support
26 of any person shall not exceed:

27 (A) Where such individual is supporting his OR HER spouse OR

1 PARTNER IN A CIVIL UNION or dependent child, other than a spouse OR
2 PARTNER IN A CIVIL UNION or child with respect to whose support such
3 order is used, fifty percent of such individual's disposable earnings for
4 that week; and

5 (B) Where such individual is not supporting a spouse OR PARTNER
6 IN A CIVIL UNION or dependent child as described in sub-subparagraph (A)
7 of this subparagraph (I), sixty percent of such individual's disposable
8 earnings for that week;

9 **SECTION 45.** 13-71-115 (1), Colorado Revised Statutes, is
10 amended to read:

11 **13-71-115. Juror questionnaires.** (1) On or before the first day
12 of the term of trial or grand juror service, each juror shall be given a juror
13 questionnaire requesting the following information about the juror:
14 Name, sex, date of birth, age, residence, and marital status; the number
15 and ages of children; educational level and occupation; whether the juror
16 is regularly employed, self-employed, or unemployed; spouse's
17 occupation; OCCUPATION OF A PARTNER IN A CIVIL UNION, AS DEFINED IN
18 SECTION 14-15-103 (5), C.R.S.; previous juror service; present or past
19 involvement as a party or witness in a civil or criminal proceeding; and
20 such other information as the jury commissioner deems appropriate after
21 consulting with the judges in the judicial district. The questionnaire shall
22 contain a declaration by the juror that the information supplied is, to the
23 best of the juror's knowledge, true and an acknowledgment that a willful
24 misrepresentation of a material fact is a class 3 misdemeanor punishable
25 as provided in section 18-1.3-501, C.R.S. Immediately below the
26 declaration, the questionnaire shall contain a place for the signature of the
27 juror. A notice that the completed questionnaire is not a public record

1 shall appear prominently on its face.

2 **SECTION 46.** 13-90-107 (1) (I), Colorado Revised Statutes, is
3 amended, and the said 13-90-107 (1) is further amended BY THE
4 ADDITION OF A NEW PARAGRAPH, to read:

5 **13-90-107. Who may not testify without consent.** (1) There are
6 particular relations in which it is the policy of the law to encourage
7 confidence and to preserve it inviolate; therefore, a person shall not be
8 examined as a witness in the following cases:

9 (a.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-13-310
10 (4), C.R.S., A PARTNER IN A CIVIL UNION SHALL NOT BE EXAMINED FOR OR
11 AGAINST THE OTHER PARTNER IN THE CIVIL UNION WITHOUT SUCH PARTY'S
12 CONSENT, NOR DURING THE CIVIL UNION OR AFTERWARD SHALL EITHER BE
13 EXAMINED WITHOUT THE CONSENT OF THE OTHER AS TO ANY
14 COMMUNICATIONS MADE BY ONE TO THE OTHER DURING THE CIVIL UNION;
15 BUT THIS EXCEPTION DOES NOT APPLY TO A CIVIL ACTION OR PROCEEDING
16 BY ONE AGAINST THE OTHER, A CRIMINAL ACTION OR PROCEEDING FOR A
17 CRIME COMMITTED BY ONE AGAINST THE OTHER, OR A CRIMINAL ACTION
18 OR PROCEEDING AGAINST ONE OR BOTH PARTNERS WHEN THE ALLEGED
19 OFFENSE OCCURRED PRIOR TO THE DATE OF THE PARTIES' CERTIFICATION
20 OF THE CIVIL UNION. HOWEVER, THIS EXCEPTION SHALL NOT ATTACH IF
21 THE OTHERWISE PRIVILEGED INFORMATION IS COMMUNICATED AFTER THE
22 CERTIFICATION OF THE CIVIL UNION.

23 (II) THE PRIVILEGE DESCRIBED IN THIS PARAGRAPH (a.5) DOES NOT
24 APPLY TO CLASS 1, 2, OR 3 FELONIES AS DESCRIBED IN SECTION 18-1.3-401
25 (1) (a) (IV) AND (1) (a) (V), C.R.S. IN THIS INSTANCE, DURING THE CIVIL
26 UNION OR AFTERWARD, A PARTNER IN A CIVIL UNION SHALL NOT BE
27 EXAMINED FOR OR AGAINST THE OTHER PARTNER IN THE CIVIL UNION AS TO

1 ANY COMMUNICATIONS INTENDED TO BE MADE IN CONFIDENCE AND MADE
2 BY ONE TO THE OTHER DURING THE CIVIL UNION WITHOUT SUCH PARTY'S
3 CONSENT.

4 (III) COMMUNICATIONS BETWEEN PARTNERS IN A CIVIL UNION ARE
5 NOT PRIVILEGED PURSUANT TO THIS PARAGRAPH (a.5) IF SUCH
6 COMMUNICATIONS ARE MADE FOR THE PURPOSE OF AIDING THE
7 COMMISSION OF A FUTURE CRIME OR OF A PRESENT CONTINUING CRIME.

8 (IV) THE BURDEN OF PROVING THE EXISTENCE OF A CIVIL UNION
9 FOR THE PURPOSES OF THIS PARAGRAPH (a.5) SHALL BE ON THE PARTY
10 ASSERTING THE CLAIM.

11 (V) NOTICE OF THE ASSERTION OF THE PRIVILEGE DESCRIBED IN
12 THIS PARAGRAPH (a.5) SHALL BE GIVEN AS SOON AS PRACTICABLE BUT NOT
13 LESS THAN TEN DAYS PRIOR TO ASSERTION AT ANY HEARING.

14 (VI) FOR THE PURPOSES OF THIS PARAGRAPH (a.5), "PARTNER IN A
15 CIVIL UNION" MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION
16 BETWEEN TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH
17 THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

18 (1) (I) A parent may not be examined as to any communication
19 made in confidence by the parent's minor child to the parent when the
20 minor child and the parent were in the presence of an attorney
21 representing the minor child, or in the presence of a physician who has
22 a confidential relationship with the minor child pursuant to paragraph (d)
23 of this subsection (1), or in the presence of a mental health professional
24 who has a confidential relationship with the minor child pursuant to
25 paragraph (g) of this subsection (1), or in the presence of a clergy
26 member, minister, priest, or rabbi who has a confidential relationship
27 with the minor child pursuant to paragraph (c) of this subsection (1). The

1 exception may be waived by express consent to disclosure by the minor
2 child who made the communication or by failure of the minor child to
3 object when the contents of the communication are demanded. This
4 exception does not relieve any physician, mental health professional, or
5 clergy member, minister, priest, or rabbi from any statutory reporting
6 requirements.

7 (II) This exception does not apply to:

8 (A) Any civil action or proceeding by one parent against the other
9 or by a parent or minor child against the other;

10 (B) Any proceeding to commit either the minor child or parent,
11 pursuant to title 27, C.R.S., to whom the communication was made;

12 (C) Any guardianship or conservatorship action to place the
13 person or property or both under the control of another because of an
14 alleged mental or physical condition of the minor child or the minor
15 child's parent;

16 (D) Any criminal action or proceeding in which a minor's parent
17 is charged with a crime committed against the communicating minor
18 child, the parent's spouse, THE PARENT'S PARTNER IN A CIVIL UNION, AS
19 DEFINED IN SECTION 14-15-103 (5), C.R.S., or a minor child of either the
20 parent or the parent's spouse OR PARTNER IN A CIVIL UNION;

21 (E) Any action or proceeding for termination of the parent-child
22 legal relationship;

23 (F) Any action or proceeding for voluntary relinquishment of the
24 parent-child legal relationship; or

25 (G) Any action or proceeding on a petition alleging child abuse,
26 dependency or neglect, abandonment, or non-support by a parent.

27 (III) For purposes of this paragraph (I):

1 (A) "Minor child" means any person under the age of eighteen
2 years.

3 (B) "Parent" includes the legal guardian or legal custodian of a
4 minor child as well as adoptive parents.

5 (C) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
6 ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS
7 OF ARTICLE 15 OF TITLE 14, C.R.S.

8 **SECTION 47.** 13-90-108, Colorado Revised Statutes, is amended
9 to read:

10 **13-90-108. Offer taken as consent.** The offer of a person of
11 himself OR HERSELF as a witness shall be deemed a consent to the
12 examination. The offer of a wife, husband, PARTNER IN A CIVIL UNION AS
13 DEFINED IN SECTION 14-15-103 (5), C.R.S., attorney, clergyman,
14 physician, surgeon, certified public accountant, or certified psychologist
15 as a witness shall be deemed a consent to the examination, within the
16 meaning of section 13-90-107 (1) (a) to (1) (d), (1) (f), and (1) (g).

17 **SECTION 48.** 14-2-105 (1) (b), Colorado Revised Statutes, is
18 amended to read:

19 **14-2-105. Marriage license and marriage certificate.** (1) The
20 executive director of the department of public health and environment
21 shall prescribe the form for an application for a marriage license, which
22 shall include the following information:

23 (b) If either party has previously been married OR BEEN A
24 PARTNER IN A CIVIL UNION, such party's ~~married~~ name and the date, place,
25 and court in which the marriage OR CIVIL UNION was dissolved or
26 declared invalid or the date and place of death of the former spouse OR
27 PARTNER IN A CIVIL UNION;

1 **SECTION 49.** 14-2-110 (1) (a), Colorado Revised Statutes, is
2 amended to read:

3 **14-2-110. Prohibited marriages.** (1) The following marriages
4 are prohibited:

5 (a) A marriage entered into prior to the dissolution of an earlier
6 marriage OR CIVIL UNION of one of the parties, except a currently valid
7 marriage OR CURRENTLY VALID CIVIL UNION between the parties;

8 **SECTION 50.** 14-2-209, Colorado Revised Statutes, is amended
9 to read:

10 **14-2-209. Loss of consortium.** In all actions for a tort by a
11 married woman, she shall have the same right to recover for loss of
12 consortium of her husband as is afforded husbands in like actions.
13 EITHER PARTNER IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5),
14 HAS THE RIGHT TO RECOVER FOR THE LOSS OF CONSORTIUM OF THE OTHER
15 PARTNER IN A CIVIL UNION.

16 **SECTION 51.** 14-2-302 (1), Colorado Revised Statutes, is
17 amended, and the said 14-2-302 is further amended BY THE ADDITION
18 OF A NEW SUBSECTION, to read:

19 **14-2-302. Definitions.** As used in this part 3, unless the context
20 otherwise requires:

21 (1) ~~"Marital agreement" means an agreement either between~~
22 ~~prospective spouses made in contemplation of marriage or between~~
23 ~~present spouses, but only if signed by both parties prior to the filing of an~~
24 ~~action for dissolution of marriage or for legal separation. "CIVIL UNION"~~
25 MEANS A CIVIL UNION ENTERED INTO BETWEEN TWO SAME-SEX PERSONS
26 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF
27 THIS TITLE.

1 (1.3) "MARITAL AGREEMENT" MEANS AN AGREEMENT EITHER
2 BETWEEN PROSPECTIVE SPOUSES MADE IN CONTEMPLATION OF MARRIAGE
3 OR BETWEEN PRESENT SPOUSES, BUT ONLY IF SIGNED BY BOTH PARTIES
4 PRIOR TO THE FILING OF AN ACTION FOR DISSOLUTION OF MARRIAGE OR
5 FOR LEGAL SEPARATION. "MARITAL AGREEMENT" ALSO MEANS AN
6 AGREEMENT BETWEEN PROSPECTIVE PARTNERS IN A CIVIL UNION MADE IN
7 CONTEMPLATION OF A CIVIL UNION OR BETWEEN TWO PARTNERS IN A CIVIL
8 UNION THAT WAS CERTIFIED PURSUANT TO THE REQUIREMENTS OF ARTICLE
9 15 OF THIS TITLE, BUT ONLY IF SIGNED BY BOTH PARTNERS PRIOR TO THE
10 FILING OF AN ACTION FOR DISSOLUTION OF A CIVIL UNION OR FOR LEGAL
11 SEPARATION OF A CIVIL UNION.

12 **SECTION 52.** Part 3 of article 2 of title 14, Colorado Revised
13 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
14 read:

15 **14-2-302.5. Marital agreements - creation by partners in a civil**
16 **union.** PARTNERS IN A CIVIL UNION MAY ENTER INTO A MARITAL
17 AGREEMENT UNDER THIS PART 3 IN THE SAME MANNER AND TO THE SAME
18 EXTENT AS ALLOWED FOR PARTIES WHO ARE CONTEMPLATING MARRIAGE
19 OR WHO ARE MARRIED ENTER INTO A MARITAL AGREEMENT. PARTNERS IN
20 A CIVIL UNION WHO MAKE A MARITAL AGREEMENT PURSUANT TO THIS PART
21 3 ARE ENTITLED TO THE SAME LEGAL BENEFITS, RIGHTS, PROTECTIONS, AND
22 RESPONSIBILITIES THAT ARE GRANTED TO SPOUSES WHO MAKE A MARITAL
23 AGREEMENT UNDER THIS PART 3.

24 **SECTION 53.** 14-4-107 (2) (a), Colorado Revised Statutes, is
25 amended to read:

26 **14-4-107. Family violence justice fund - creation - grants from**
27 **fund.** (2) Grants from the fund shall be used to fund qualifying

1 organizations to provide legal advice, representation, and advocacy for
2 and on behalf of indigent clients who are victims of family violence.
3 Moneys from the fund may be provided for services that include, but are
4 not limited to:

5 (a) The provision of direct legal representation to victims of
6 family violence in resolving their civil legal matters and removing
7 impediments to the elimination of family violence. Such representation
8 may include, but need not be limited to, representation in any protection
9 order proceeding, action for dissolution of marriage, legal separation, or
10 declaration of invalidity of marriage, ACTION FOR DISSOLUTION OF A CIVIL
11 UNION, AS DEFINED IN SECTION 14-15-103 (5), LEGAL SEPARATION OF A
12 CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION, paternity
13 action, child custody action, proceeding to establish or enforce child
14 support, administrative hearings, or any other judicial actions in which
15 family violence is an issue or in which legal representation is necessary
16 to protect the interests of a victim of family violence.

17 **SECTION 54.** 14-6-101 (1), Colorado Revised Statutes, is
18 amended to read:

19 **14-6-101. Nonsupport of spouse and children - penalty.**

20 (1) Any person who willfully neglects, fails, or refuses to provide
21 reasonable support and maintenance for his OR HER spouse OR PARTNER
22 IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5), or for his OR HER
23 children under eighteen years of age, whether natural, adopted, or whose
24 parentage has been judicially determined, or who willfully fails, refuses,
25 or neglects to provide proper care, food, and clothing in case of sickness
26 for his OR HER spouse OR PARTNER IN A CIVIL UNION or such children or
27 any such children being legally the inmates of a state or county home or

1 school for children in this state, or who willfully fails or refuses to pay to
2 a trustee, who may be appointed by the court to receive such payment, or
3 to the board of control of such home or school the reasonable cost of
4 keeping such children in said home, or any person, being the father or
5 mother of children under eighteen years of age, who leaves such children
6 with intent to abandon such children, or any man who willfully neglects,
7 fails, or refuses to provide proper care, food, and clothing to the mother
8 of his child during childbirth and attendant illness is guilty of a class 5
9 felony. It shall be an affirmative defense, as defined in section 18-1-407,
10 C.R.S., to a prosecution under this section that owing to physical
11 incapacity or other good cause the defendant is unable to furnish the
12 support, care, and maintenance required by this section. No child shall
13 be deemed to lack proper care for the sole reason that he is being
14 provided remedial treatment in accordance with section 19-3-103, C.R.S.

15 **SECTION 55.** 14-6-105, Colorado Revised Statutes, is amended
16 to read:

17 **14-6-105. Spouse or partner in a civil union competent witness.**
18 In all proceedings or prosecutions under this article, a wife or husband
19 shall be a competent witness against his OR HER spouse with or without
20 his OR HER consent. IN ALL PROCEEDINGS OR PROSECUTIONS UNDER THIS
21 ARTICLE, A PARTNER IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103
22 (5), SHALL BE A COMPETENT WITNESS AGAINST THE OTHER PARTNER IN THE
23 CIVIL UNION WITH OR WITHOUT CONSENT.

24 **SECTION 56.** 14-6-106, Colorado Revised Statutes, is amended
25 to read:

26 **14-6-106. Venue.** If the offense charged is desertion or
27 abandonment or neglect or refusal to provide such children or spouse OR

1 PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5), with the
2 necessary and proper home, care, food, and clothing, as provided in
3 section 14-6-101, the offense shall be held to have been committed in any
4 county of this state in which such children or spouse OR PARTNER IN A
5 CIVIL UNION may be at the time such complaint is made.

6 **SECTION 57.** 14-6-108, Colorado Revised Statutes, is amended
7 to read:

8 **14-6-108. Citizenship - residence.** Citizenship or residence once
9 acquired in this state by any parent of any legitimate or illegitimate child
10 living in this state shall be deemed for all the purposes of this article to
11 continue until such child has arrived at the age of sixteen years, so long
12 as said child continues to live in this state. In case of prosecution under
13 this article for the violation of any of the provisions of this article, such
14 citizenship or residence shall likewise be deemed to continue so long as
15 such spouse, PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103
16 (5), or parent resides in this state and is entitled to the support or
17 maintenance provided for in section 14-6-101.

18 **SECTION 58.** 14-6-110, Colorado Revised Statutes, is amended
19 to read:

20 **14-6-110. Joint liability for family expenses.** The expenses of
21 the family and the education of the children are chargeable upon the
22 property of both husband and wife, OR BOTH PARTNERS IN A CIVIL UNION
23 AS DEFINED IN SECTION 14-15-103 (5), or either of them, and in relation
24 thereto they may be sued jointly or separately.

25 **SECTION 59.** 14-10-103, Colorado Revised Statutes, is amended
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **14-10-103. Definitions and interpretation of terms.** (5) AS

1 USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "CIVIL
2 UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN TWO SAME-SEX
3 PERSONS ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF
4 ARTICLE 15 OF THIS TITLE.

5 **SECTION 60.** Article 10 of title 14, Colorado Revised Statutes,
6 is amended BY THE ADDITION OF A NEW SECTION to read:

7 **14-10-103.5. Applicability of article to civil unions.** THIS
8 ARTICLE SHALL APPLY TO THE DISSOLUTION OF A CIVIL UNION, LEGAL
9 SEPARATION OF A CIVIL UNION, OR THE DECLARATION OF INVALIDITY OF A
10 CIVIL UNION. SUCH PROCEEDINGS SHALL FOLLOW THE SAME PROCEDURES
11 AND BE SUBJECT TO THE SAME SUBSTANTIVE RIGHTS AND OBLIGATIONS
12 THAT ARE INVOLVED IN THE DISSOLUTION OF MARRIAGE, LEGAL
13 SEPARATION, AND DECLARATION OF INVALIDITY OF MARRIAGE AS
14 PROVIDED IN THIS ARTICLE.

15 **SECTION 61.** 15-1-702 (1) (a), Colorado Revised Statutes, is
16 amended to read:

17 **15-1-702. Family business interests - maintenance of entity -**
18 **formation of successor entity.** (1) As used in this section, unless the
19 context otherwise requires:

20 (a) "Family" means an individual, such individual's spouse OR
21 PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S.,
22 parents, the descendants of either of such parents or of such spouse OR
23 PARTNER IN A CIVIL UNION, or the spouses OR PARTNERS IN A CIVIL UNION
24 of such descendants or any combination of such persons.

25 **SECTION 62.** 15-1-1201, Colorado Revised Statutes, is amended
26 BY THE ADDITION OF A NEW SUBSECTION to read:

27 **15-1-1201. Life estate in property - rights of surviving spouse**

1 **or partner in a civil union.** (3) A SURVIVING PARTNER IN A CIVIL UNION,
2 AS DEFINED IN SECTION 14-15-103 (5), C.R.S., TO WHOM A LIFE ESTATE IN
3 PROPERTY WAS DEVEISED BY A DECEDENT PARTNER IN A CIVIL UNION, AS
4 DEFINED IN SECTION 14-15-103 (5), C.R.S., IS ENTITLED TO THE SAME
5 RIGHTS, BENEFITS, AND PROTECTIONS THAT ARE GRANTED TO A SURVIVING
6 SPOUSE IN THIS SECTION.

7 **SECTION 63.** 15-1-1311 (1) (b), Colorado Revised Statutes, is
8 amended to read:

9 **15-1-1311. Construction of power relating to insurance**
10 **transactions.** (1) In a statutory power of attorney, the language granting
11 power with respect to insurance and annuity transactions empowers the
12 agent to:

13 (b) Procure new, different, and additional contracts of insurance
14 and annuities for the principal and the principal's spouse, OR THE
15 PRINCIPAL'S PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103
16 (5), C.R.S., children, and other dependents; and select the amount, type
17 of insurance or annuity, and mode of payment;

18 **SECTION 64.** 15-1-1314 (1) (a), Colorado Revised Statutes, is
19 amended to read:

20 **15-1-1314. Construction of power relating to personal and**
21 **family maintenance.** (1) In a statutory power of attorney, the language
22 granting power with respect to personal and family maintenance
23 empowers the agent to:

24 (a) Do the acts necessary to maintain the customary standard of
25 living of the principal, the principal's spouse, OR THE PRINCIPAL'S
26 PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S.,
27 children, and other individuals customarily or legally entitled to be

1 supported by the principal, including providing living quarters by
2 purchase, lease, or other contract, or paying the operating costs, including
3 interest, amortization payments, repairs, and taxes on premises owned by
4 the principal and occupied by those individuals;

5 **SECTION 65.** 15-1-1316 (1) (g), Colorado Revised Statutes, is
6 amended to read:

7 **15-1-1316. Construction of power relating to retirement plan**
8 **transactions.** (1) In a statutory power of attorney, the language granting
9 power with respect to retirement plan transactions empowers the agent to:

10 (g) Waive the right of the principal to be a beneficiary of a joint
11 or survivor annuity if the principal is a spouse OR A PARTNER IN A CIVIL
12 UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S., who is not
13 employed.

14 **SECTION 66.** 15-1.5-101 (10), Colorado Revised Statutes, is
15 amended to read:

16 **15-1.5-101. Definitions.** As used in this article:

17 (10) "Member of the beneficiary's family" means a beneficiary's
18 spouse, PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5),
19 C.R.S., descendant, stepchild, parent, stepparent, grandparent, brother,
20 sister, uncle, or aunt, whether related by whole or half blood or by
21 adoption.

22 **SECTION 67.** 15-1.5-106 (1), Colorado Revised Statutes, is
23 amended to read:

24 **15-1.5-106. Multiple beneficiaries - separate custodial trusts**
25 **- survivorship.** (1) Beneficial interests in a custodial trust created for
26 multiple beneficiaries are deemed to be separate custodial trusts of equal
27 undivided interests for each beneficiary. Except in a transfer or

1 declaration for use and benefit of husband and wife OR OF PARTNERS IN
2 A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S., for whom
3 survivorship is presumed, a right of survivorship does not exist unless the
4 instrument creating the custodial trust specifically provides for
5 survivorship.

6 **SECTION 68.** 15-10-106.5 (1), Colorado Revised Statutes, is
7 amended to read:

8 **15-10-106.5. Petition to determine cause and date of death**
9 **resulting from disaster - body unidentifiable or missing.** (1) When the
10 occurrence of a disaster has been declared by proclamation of the
11 governor under section 24-32-2104, C.R.S., and it appears that a person
12 has died as a direct result thereof, but his remains have disappeared or are
13 unidentifiable, the coroner, sheriff, or district attorney for the county in
14 which such disaster or any part thereof has occurred, or the spouse,
15 PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S.,
16 next of kin, heir at law, devisee, or personal representative named in a
17 will, or a creditor or debtor of such person may file in the district court
18 of such county or the probate court, if occurring in the city and county of
19 Denver, a petition asking that the court determine the cause and date of
20 death of such person.

21 **SECTION 69.** 15-10-201 (16) and (27), Colorado Revised
22 Statutes, are amended, and the said 15-10-201 is further amended BY
23 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
24 read:

25 **15-10-201. General definitions.** Subject to additional definitions
26 contained in the subsequent articles that are applicable to specific articles,
27 parts, or sections, and unless the context otherwise requires, in this code:

1 (7.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
2 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
3 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

4 (16) "Divorce" includes a dissolution of marriage, and
5 "annulment" includes a declaration of invalidity, as such terms are used
6 in the "Uniform Dissolution of Marriage Act", article 10 of title 14,
7 C.R.S. "DIVORCE" ALSO INCLUDES A DISSOLUTION OF A CIVIL UNION, AS
8 DEFINED IN SECTION 14-15-103 (2), C.R.S.

9 (27) "Interested person" includes heirs, devisees, children,
10 spouses, PARTNERS IN A CIVIL UNION AS DEFINED IN SUBSECTION (36.5) OF
11 THIS SECTION, creditors, beneficiaries, and any others having a property
12 right in or claim against a trust estate or the estate of a decedent, ward, or
13 protected person, which may be affected by the proceeding. It also
14 includes persons having priority for an appointment as a personal
15 representative and other fiduciaries representing the interested person.
16 The meaning as it relates to particular persons may vary from time to time
17 and shall be determined according to the particular purposes of, and
18 matter involved in, any proceeding.

19 (36.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A
20 PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
21 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

22 **SECTION 70.** 15-11-102, Colorado Revised Statutes, is amended
23 to read:

24 **15-11-102. Share of spouse or partner in a civil union.** The
25 various possible circumstances describing the decedent, his or her
26 surviving spouse OR HIS OR HER PARTNER IN A CIVIL UNION, and their
27 surviving descendants, if any, are set forth in this section to be utilized in

1 determining the intestate share of the decedent's surviving spouse OR
2 SURVIVING PARTNER IN A CIVIL UNION. If more than one circumstance is
3 applicable, the circumstance that produces the largest share for the
4 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION shall be
5 applied.

6 (1) If:

7 (a) No descendant or parent of the decedent survives the decedent,
8 then the surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION
9 receives the entire intestate estate; or

10 (b) All of the decedent's surviving descendants are also
11 descendants of the surviving spouse OR SURVIVING PARTNER IN A CIVIL
12 UNION and there are no other descendants of the surviving spouse OR
13 SURVIVING PARTNER IN A CIVIL UNION who survive the decedent, then the
14 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION receives the
15 entire intestate estate;

16 (2) If no descendant of the decedent survives the decedent, but a
17 parent of the decedent survives the decedent, then the surviving spouse
18 OR SURVIVING PARTNER IN A CIVIL UNION receives the first two hundred
19 thousand dollars, plus three-fourths of any balance of the intestate estate;

20 (3) If all of the decedent's surviving descendants are also
21 descendants of the surviving spouse OR SURVIVING PARTNER IN A CIVIL
22 UNION, and the surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION
23 has one or more surviving descendants who are not descendants of the
24 decedent, then the surviving spouse OR SURVIVING PARTNER IN A CIVIL
25 UNION receives the first one hundred fifty thousand dollars, plus one-half
26 of any balance of the intestate estate;

27 (4) If one or more of the decedent's surviving descendants are not

1 descendants of the decedent's surviving spouse OR SURVIVING PARTNER
2 IN A CIVIL UNION, and all of such surviving descendants who are children
3 of the decedent are adults, then the surviving spouse OR SURVIVING
4 PARTNER IN A CIVIL UNION receives the first one hundred thousand dollars,
5 plus one-half of any balance of the intestate estate;

6 (5) If one or more of the decedent's surviving descendants are not
7 descendants of the decedent's surviving spouse OR SURVIVING PARTNER
8 IN A CIVIL UNION, and if one or more of such descendants who are
9 children of the decedent are minors, then the surviving spouse OR
10 SURVIVING PARTNER IN A CIVIL UNION receives one-half of the intestate
11 estate.

12 **SECTION 71.** The introductory portion to 15-11-103, Colorado
13 Revised Statutes, is amended to read:

14 **15-11-103. Share of heirs other than surviving spouse or**
15 **surviving partner in a civil union.** Any part of the intestate estate not
16 passing to the decedent's surviving spouse OR SURVIVING PARTNER IN A
17 CIVIL UNION under section 15-11-102, or the entire intestate estate if there
18 is no surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION, passes
19 in the following order to the individuals designated who survive the
20 decedent:

21 **SECTION 72.** 15-11-114 (2), Colorado Revised Statutes, is
22 amended to read:

23 **15-11-114. Parent and child relationship.** (2) For purposes of
24 intestate succession by, through, or from a person, an adopted individual
25 is the child of his or her adopting parent or parents and not of his or her
26 birth parents, except for inheritance rights as specified in section
27 15-11-103 (6) and (7), but the adoption of a child by the spouse OR

1 PARTNER IN A CIVIL UNION of either birth parent has no effect on the
2 relationship between the child and the birth parent whose spouse OR
3 PARTNER IN A CIVIL UNION has adopted the child.

4 **SECTION 73.** 15-11-201, Colorado Revised Statutes, is amended
5 to read:

6 **15-11-201. Right to elective-share. (1) Elective-share amount.**

7 The surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION of a
8 decedent who dies domiciled in this state has a right of election, under the
9 limitations and conditions stated in this part 2, to take an elective-share
10 amount not greater than one-half of the value of the augmented estate,
11 determined by the length of time the spouse and the decedent were
12 married to each other OR BY THE LENGTH OF TIME THE SURVIVING
13 PARTNER IN A CIVIL UNION AND THE DECEDENT WERE IN A CIVIL UNION
14 TOGETHER, in accordance with the following schedule:

15 If the decedent and the spouse	The elective-share
16 were married to each other OR IF	percentage is:
17 THE DECEDENT AND THE PARTNER	
18 WERE IN A CIVIL UNION WITH EACH	
19 OTHER:	
20 Less than 1 year	Supplemental amount only.
21 1 year but less than 2 years	5% of the augmented estate.
22 2 years but less than 3 years	10% of the augmented estate.
23 3 years but less than 4 years	15% of the augmented estate.
24 4 years but less than 5 years	20% of the augmented estate.
25 5 years but less than 6 years	25% of the augmented estate.
26 6 years but less than 7 years	30% of the augmented estate.
27 7 years but less than 8 years	35% of the augmented estate.

- 1 8 years but less than 9 years 40% of the augmented estate.
- 2 9 years but less than 10 years 45% of the augmented estate.
- 3 10 years or more 50% of the augmented estate.

4 (2) **Supplemental elective-share amount.** If the sum of the
5 amounts described in sections 15-11-202 (2) (d), 15-11-203 (1) (a), and
6 that part of the elective-share amount payable from the decedent's probate
7 estate and nonprobate transfers to others under section 15-11-203 (2) and
8 (3) is less than fifty thousand dollars, the surviving spouse OR THE
9 SURVIVING PARTNER IN A CIVIL UNION is entitled to a supplemental
10 elective-share amount equal to fifty thousand dollars, minus the sum of
11 the amounts described in those sections. The supplemental elective-share
12 amount is payable from the decedent's probate estate and from recipients
13 of the decedent's nonprobate transfers to others in the order of priority set
14 forth in section 15-11-203 (2) and (3).

15 (3) **Effect of election on statutory benefits.** If the right of
16 election is exercised by or on behalf of the surviving spouse OR THE
17 SURVIVING PARTNER IN A CIVIL UNION, the surviving spouse's OR THE
18 SURVIVING PARTNER IN A CIVIL UNION'S exempt property and family
19 allowance, if any, are not charged against but are in addition to the
20 elective-share and supplemental elective-share amounts.

21 (4) **Nondomiciliary.** The right, if any, of the surviving spouse OR
22 THE SURVIVING PARTNER IN A CIVIL UNION of a decedent who dies
23 domiciled outside this state to take an elective-share in property in this
24 state is governed by the law of the decedent's domicile at death.

25 **SECTION 74.** 15-11-202 (1) (a) (II), (2), and (3), Colorado
26 Revised Statutes, are amended, and the said 15-11-202 (1) (a) is further
27 amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

1 **15-11-202. Augmented estate. (1) Definitions.** (a) As used in
2 this section, unless the context otherwise requires:

3 (I.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
4 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
5 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S. "CIVIL UNION", AS IT
6 RELATES TO A TRANSFER BY THE DECEDENT DURING A CIVIL UNION, MEANS
7 ANY CIVIL UNION OF THE DECEDENT TO THE DECEDENT'S SURVIVING
8 PARTNER IN A CIVIL UNION.

9 (II) "Decedent's nonprobate transfers to others" means the
10 decedent's nonprobate transfers to persons, other than the decedent's
11 spouse, surviving spouse, THE DECEDENT'S PARTNER IN A CIVIL UNION,
12 SURVIVING PARTNER IN A CIVIL UNION, the decedent, or the decedent's
13 creditors, estate, or estate creditors, that are included in the augmented
14 estate under paragraph (b) of subsection (2) of this section.

15 (2) **Property included in augmented estate.** The augmented
16 estate consists of the sum of:

17 (a) The value of the decedent's probate estate, reduced by funeral
18 and administrative expenses, family allowance, exempt property, and
19 enforceable claims;

20 (b) The value of the decedent's nonprobate transfers to others,
21 which are composed of all property, whether real or personal, movable
22 or immovable, wherever situated, not included in the decedent's probate
23 estate, of any of the following types:

24 (I) Property of any of the following types that passed outside
25 probate at the decedent's death:

26 (A) Property over which the decedent alone, immediately before
27 death, held or retained a presently exercisable general power of

1 appointment; the amount included is the value of the property subject to
2 the power, to the extent that the property passed at the decedent's death,
3 by exercise, release, lapse, in default, or otherwise to, or for the benefit
4 of, any person other than the decedent's estate or surviving spouse OR
5 SURVIVING PARTNER IN A CIVIL UNION; except that property over which the
6 decedent had only a testamentary power of appointment is not included.
7 Property over which the decedent had a general intervivos power of
8 appointment or withdrawal created in the decedent by a third party is
9 includable unless the governing instrument contains a provision for its
10 termination or lapse, in full or in part, during the life of the decedent.

11 (B) The decedent's fractional interest in property held by the
12 decedent in joint tenancy with the right of survivorship; the amount
13 included is the value of the decedent's fractional interest, to the extent
14 that the fractional interest passed by right of survivorship at the
15 decedent's death to a surviving joint tenant other than the decedent's
16 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION;

17 (C) The decedent's ownership interest in multiple-party accounts
18 (within the meaning of section 15-15-201 (5)) and property or accounts
19 held in POD, TOD, or co-ownership registration with the right of
20 survivorship; the amount included is the value of the decedent's
21 ownership interest, to the extent that the decedent's ownership interest
22 passed at the decedent's death to, or for the benefit of, any person other
23 than the decedent's estate or surviving spouse OR SURVIVING PARTNER IN
24 A CIVIL UNION; or

25 (D) Except as provided in paragraph (b) of subsection (3) of this
26 section, proceeds of insurance, including accidental death benefits, on the
27 life of the decedent, if the decedent owned the insurance policy

1 immediately before death or if and to the extent that the decedent alone
2 and immediately before death held a presently exercisable general power
3 of appointment over the policy or its proceeds; the amount included is the
4 value of the proceeds, to the extent that they were payable at the
5 decedent's death to, or for the benefit of, the decedent's estate or surviving
6 spouse OR SURVIVING PARTNER IN A CIVIL UNION;

7 (II) Property transferred in any of the following forms by the
8 decedent during marriage OR DURING A CIVIL UNION:

9 (A) Any irrevocable transfer in which the decedent retained the
10 right to the possession or enjoyment of, or to the income from, the
11 property if and to the extent that the decedent's right terminated at or
12 continued beyond the decedent's death; the amount included is the value
13 of the fraction of the property to which the decedent's right related, to the
14 extent that the fraction of the property passed outside probate to or for the
15 benefit of any person other than the decedent's estate or surviving spouse,
16 PARTNER IN A CIVIL UNION, OR SURVIVING PARTNER IN A CIVIL UNION; or

17 (B) Any transfer in which the decedent created a power over the
18 income or principal of the transferred property, exercisable by the
19 decedent alone or in conjunction with any other person, or exercisable by
20 a nonadverse party, for the benefit of the decedent, the decedent's
21 creditors, the decedent's estate, or the creditors of the decedent's estate;
22 the amount included is the value of the property subject to the power, to
23 the extent that the power was exercisable at the decedent's death to, or for
24 the benefit of, any person other than the decedent's surviving spouse OR
25 SURVIVING PARTNER IN A CIVIL UNION or to the extent that the property
26 subject to the power passed at the decedent's death, by exercise, release,
27 lapse, in default, or otherwise to, or for the benefit of, any person other

1 than the decedent's estate or surviving spouse OR SURVIVING PARTNER IN
2 A CIVIL UNION; and

3 (III) Property transferred during marriage OR DURING A CIVIL
4 UNION and during the two-year period next preceding the decedent's death
5 as a result of a transfer by the decedent if the transfer was of any of the
6 following types:

7 (A) Any property that passed as a result of the termination of a
8 right or interest in, or power over, property that would have been
9 included in the augmented estate under sub-subparagraph (A), (B), or (C)
10 of subparagraph (I) of this paragraph (b), or under subparagraph (II) of
11 this paragraph (b), if the right, interest, or power had not terminated until
12 the decedent's death; the amount included is the value of the property that
13 would have been included under sub-subparagraph (A), (B), or (C) of
14 subparagraph (I) or subparagraph (II) of this paragraph (b); except that
15 the property is valued at the time that the right, interest, or power
16 terminated, and is included only to the extent that the property passed
17 upon termination to, or for the benefit of, any person other than the
18 decedent or the decedent's estate, spouse, or surviving spouse OR
19 SURVIVING PARTNER IN A CIVIL UNION;

20 (B) Any transfer of, or relating to, an insurance policy on the life
21 of the decedent if the proceeds would have been included in the
22 augmented estate under sub-subparagraph (D) of subparagraph (I) of this
23 paragraph (b) had the transfer not occurred; the amount included is the
24 value of the insurance proceeds to the extent that the proceeds were
25 payable at the decedent's death to, or for the benefit of, the decedent's
26 estate or surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION; or

27 (C) Any transfer of property, to the extent not otherwise included

1 in the augmented estate, made to, or for the benefit of, a person other than
2 the decedent's surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION;
3 the amount included is the value of the transferred property to the extent
4 that the aggregate transfers to any one donee in either of the two years
5 exceeded ten thousand dollars;

6 (c) The value of the decedent's nonprobate transfers to the
7 decedent's surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION,
8 which are composed of all property that passed outside probate at the
9 decedent's death from the decedent to the surviving spouse OR SURVIVING
10 PARTNER IN A CIVIL UNION by reason of the decedent's death, including
11 (i) the decedent's fractional interest in property held as a joint tenant with
12 the right of survivorship, to the extent that the decedent's fractional
13 interest passed to the surviving spouse OR SURVIVING PARTNER IN A CIVIL
14 UNION as surviving joint tenant, (ii) the decedent's ownership interest in
15 multiple-party accounts (within the meaning of section 15-15-201 (5))
16 and property or accounts held in POD, TOD, or co-ownership registration
17 with the right of survivorship, to the extent the decedent's ownership
18 interest passed to the surviving spouse OR SURVIVING PARTNER IN A CIVIL
19 UNION as surviving co-owner, and (iii) all other property that would have
20 been included in the augmented estate under subparagraph (I) or (II) of
21 paragraph (b) of this subsection (2) had it passed to, or for the benefit of,
22 a person other than the decedent's spouse, surviving spouse, THE
23 DECEDENT'S PARTNER IN A CIVIL UNION, SURVIVING PARTNER IN A CIVIL
24 UNION, the decedent, or the decedent's creditors, estate, or estate
25 creditors, but excluding property passing to the surviving spouse OR
26 SURVIVING PARTNER IN A CIVIL UNION under the federal social security
27 system; and

1 (d) To the extent not included in or expressly excluded from the
2 augmented estate under paragraph (a) or (c) of this subsection (2), the
3 value of:

4 (I) Property that was owned by the decedent's surviving spouse OR
5 THE DECEDENT'S SURVIVING PARTNER IN A CIVIL UNION at the decedent's
6 death, including:

7 (A) The surviving spouse's OR THE SURVIVING PARTNER IN A CIVIL
8 UNION'S fractional interest in property held in joint tenancy with the right
9 of survivorship;

10 (B) The surviving spouse's OR THE SURVIVING PARTNER IN A CIVIL
11 UNION'S ownership interest in multiple-party accounts (within the
12 meaning of section 15-15-201 (5)) and property or accounts held in POD,
13 TOD, or co-ownership registration with the right of survivorship; and

14 (C) Property that passed to the surviving spouse OR SURVIVING
15 PARTNER IN A CIVIL UNION by reason of the decedent's death; and

16 (II) Property that would have been included in the surviving
17 spouse's OR THE SURVIVING PARTNER IN A CIVIL UNION'S nonprobate
18 transfers to others, other than the spouse's OR PARTNER'S fractional and
19 ownership interests included under sub-subparagraphs (A) and (B) of
20 subparagraph (I) of this paragraph (d), had the spouse OR THE PARTNER
21 been the decedent. Property included under this paragraph (d) is valued
22 at the decedent's death, taking the fact that the decedent predeceased the
23 spouse OR PARTNER into account; except that, for purposes of
24 sub-subparagraphs (A) and (B) of subparagraph (I) of this paragraph (d),
25 the values of the spouse's OR PARTNER'S fractional and ownership
26 interests are determined immediately before the decedent's death if the
27 decedent was then a joint tenant or a co-owner of the property or

1 accounts. For purposes of this subparagraph (II), proceeds of insurance
2 that would have been included in the spouse's OR PARTNER'S nonprobate
3 transfers to others under sub-subparagraph (D) of subparagraph (I) of
4 paragraph (b) of this subsection (2) are not valued as if he or she were
5 deceased. The value of property included under this paragraph (d) is
6 reduced in each category by enforceable claims against the included
7 property and is reduced by enforceable claims against the surviving
8 spouse OR SURVIVING PARTNER.

9 (3) **Exclusions.** Notwithstanding anything stated in subsection (2)
10 of this section, the following exclusions shall control:

11 (a) The value of any property is excluded from the decedent's
12 nonprobate transfers to others (i) to the extent the decedent received
13 adequate and full consideration in money or money's worth for a transfer
14 of the property; or (ii) if the property was transferred with the written
15 joinder of, or if the transfer was consented to in writing by, the surviving
16 spouse OR THE SURVIVING PARTNER IN A CIVIL UNION; or (iii) if the
17 property was transferred to a bona fide purchaser. For purposes of this
18 section, in the absence of a finding of a contrary intent, joinder in the
19 filing of a gift tax return does not constitute consent or joinder.

20 (b) Any life insurance maintained pursuant to a marriage
21 dissolution settlement agreement or court order OR CIVIL UNION
22 DISSOLUTION SETTLEMENT AGREEMENT OR COURT ORDER or any
23 distribution from a plan qualified under section 401(a) of the federal
24 "Internal Revenue Code of 1986", as amended, is excluded from the
25 decedent's nonprobate transfers to others to the extent such items are
26 payable to a person other than the surviving spouse OR THE SURVIVING
27 PARTNER.

1 (c) Life insurance, accident insurance, pension, profit sharing,
2 retirement, and other benefit plans payable to persons other than the
3 decedent's surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION or
4 the decedent's estate are excluded from the augmented estate.

5 (d) Any completed transfers made by the decedent prior to July
6 1, 1974, are excluded from the decedent's nonprobate transfers to others.

7 (e) The decedent's fractional interest in real property held in joint
8 tenancy with the right of survivorship, if such joint tenancy was created
9 by a transfer by the decedent prior to marriage to the surviving spouse OR
10 PRIOR TO THE ESTABLISHMENT OF A CIVIL UNION, is excluded from the
11 decedent's nonprobate transfers to others.

12 (f) The decedent's fractional interest in real property held in joint
13 tenancy with the right of survivorship, if such joint tenancy was created
14 by a transfer by someone other than the decedent or by someone other
15 than the surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION, is
16 excluded from the decedent's nonprobate transfers to others.

17 (g) The surviving spouse's OR SURVIVING PARTNER IN A CIVIL
18 UNION'S fractional interest in real property held in joint tenancy with the
19 right of survivorship, if such joint tenancy was created by a transfer by
20 someone other than the decedent or by someone other than the surviving
21 spouse OR SURVIVING PARTNER, is excluded from the augmented estate.

22 (h) Except with respect to joint tenancies between the surviving
23 spouse and the decedent OR BETWEEN THE SURVIVING PARTNER IN A CIVIL
24 UNION AND THE DECEDENT, the surviving spouse's OR SURVIVING
25 PARTNER'S fractional interest in real property held in joint tenancy with
26 the right of survivorship, if such joint tenancy was created by a transfer
27 by the surviving spouse prior to marriage to the decedent OR IF SUCH

1 JOINT TENANCY WAS CREATED BY A TRANSFER BY THE SURVIVING
2 PARTNER IN A CIVIL UNION PRIOR TO THE CIVIL UNION WITH THE
3 DECEDENT, is excluded from the augmented estate.

4 **SECTION 75.** 15-11-203 (1) and (2), Colorado Revised Statutes,
5 are amended to read:

6 **15-11-203. Sources from which elective-share payable.**

7 (1) **Elective-share amount only.** In a proceeding for an elective-share,
8 the following are applied first to satisfy the elective-share amount and to
9 reduce or eliminate any contributions due from the decedent's probate
10 estate and recipients of the decedent's nonprobate transfers to others:

11 (a) Amounts included in the augmented estate under section
12 15-11-202 (2) (a) which pass or have passed to the surviving spouse OR
13 SURVIVING PARTNER IN A CIVIL UNION by testate or intestate succession
14 and amounts included in the augmented estate under section 15-11-202
15 (2) (c). For the purposes of this subsection (1), if the surviving spouse OR
16 SURVIVING PARTNER IN A CIVIL UNION disclaims any property, including
17 interests in trust created by the decedent, such property shall not be
18 applied under this subsection (1) to the extent that such property passes
19 to a person other than the surviving spouse OR SURVIVING PARTNER;

20 (b) Amounts included in the augmented estate under section
21 15-11-202 (2) (d) up to the applicable percentage thereof. For the
22 purposes of this subsection (1), the "applicable percentage" is twice the
23 elective-share percentage set forth in the schedule in section 15-11-201
24 (1) appropriate to the length of time the spouse and the decedent were
25 married to each other OR THE SURVIVING PARTNER AND THE DECEDENT
26 WERE IN A CIVIL UNION WITH EACH OTHER.

27 (2) **Unsatisfied balance of elective-share amount; supplemental**

1 **elective-share amount.** If, after the application of subsection (1) of this
2 section, the elective-share amount is not fully satisfied or the surviving
3 spouse OR SURVIVING PARTNER IN A CIVIL UNION is entitled to a
4 supplemental elective-share amount, amounts included in the decedent's
5 probate estate and in the decedent's nonprobate transfers to others, other
6 than amounts included under section 15-11-202 (2) (b) (III) (A) or (2) (b)
7 (III) (C), are applied first to satisfy the unsatisfied balance of the
8 elective-share amount or the supplemental elective-share amount. The
9 decedent's probate estate and that portion of the decedent's nonprobate
10 transfers to others are so applied that liability for the unsatisfied balance
11 of the elective-share amount or for the supplemental elective-share
12 amount is equitably apportioned among the recipients of the decedent's
13 probate estate and of that portion of the decedent's nonprobate transfers
14 to others in proportion to the value of their interests therein.

15 **SECTION 76.** 15-11-205 (1), (2), and (3), Colorado Revised
16 Statutes, are amended to read:

17 **15-11-205. Proceeding for elective-share; time limit.**

18 (1) Except as provided in subsection (2) of this section, the election shall
19 be made by filing in the court and mailing or delivering to the personal
20 representative, if any, a petition for the elective-share within nine months
21 after the date of the decedent's death, or within six months after the
22 decedent's will is admitted to probate, whichever limitation expires later.
23 The surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION shall serve
24 a copy of the petition for the elective share on, and shall give written
25 notice of the time and place set for hearing to, persons interested in the
26 estate and to the distributees and recipients of portions of the augmented
27 estate whose interests may be adversely affected by the taking of the

1 elective-share.

2 (2) Within nine months after the decedent's death, the surviving
3 spouse OR SURVIVING PARTNER IN A CIVIL UNION may petition the court
4 for an extension of time for making an election. If, within nine months
5 after the decedent's death, the spouse OR PARTNER gives notice of the
6 petition to all persons interested in the decedent's nonprobate transfers to
7 others, the court, for cause shown by the surviving spouse OR SURVIVING
8 PARTNER, may extend the time for election.

9 (3) The surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION
10 may withdraw his or her demand for an elective-share at any time before
11 entry of a final determination by the court. Written notice of such
12 withdrawal shall be given to persons interested in the estate and the
13 distributees and recipients of portions of the augmented estate whose
14 interests may be adversely affected by the taking of the elective-share.

15 **SECTION 77.** 15-11-206, Colorado Revised Statutes, is amended
16 to read:

17 **15-11-206. Right of election personal to surviving spouse or**
18 **surviving partner in a civil union; incapacitated surviving spouse or**
19 **surviving partner in a civil union.** (1) **Surviving spouse or surviving**
20 **partner in a civil union must be living at time of election.** The right of
21 election may be exercised only by a surviving spouse OR SURVIVING
22 PARTNER IN A CIVIL UNION who is living when the petition for the
23 elective-share is filed in the court under section 15-11-205 (1). If the
24 election is not exercised by the surviving spouse OR SURVIVING PARTNER
25 personally, it may be exercised on the surviving spouse's OR SURVIVING
26 PARTNER'S behalf by his or her conservator, guardian, or agent under the
27 authority of a power of attorney.

1 (2) **Incapacitated surviving spouse or surviving partner in a**
2 **civil union.** If the election is exercised on behalf of a surviving spouse
3 OR SURVIVING PARTNER IN A CIVIL UNION who is an incapacitated person,
4 the court shall set aside that portion of the elective-share and
5 supplemental elective-share amounts due from the decedent's probate
6 estate and recipients of the decedent's nonprobate transfers to others
7 under section 15-11-203 (2) and (3) and shall appoint a trustee to
8 administer that property for the support of the surviving spouse OR
9 SURVIVING PARTNER. For the purposes of this subsection (2), an election
10 on behalf of a surviving spouse OR SURVIVING PARTNER by an agent under
11 a durable power of attorney is presumed to be on behalf of a surviving
12 spouse OR SURVIVING PARTNER who is an incapacitated person. The
13 trustee shall administer the trust in accordance with the following terms
14 and such additional terms as the court determines appropriate:

15 (a) Expenditures of income and principal may be made in the
16 manner, when, and to the extent that the trustee determines suitable and
17 proper for the surviving spouse's OR SURVIVING PARTNER'S SUPPORT,
18 without court order but with regard to other support, income, and
19 property of the surviving spouse OR SURVIVING PARTNER and benefits of
20 medical or other forms of assistance from any state or federal government
21 or governmental agency for which the surviving spouse OR SURVIVING
22 PARTNER must qualify on the basis of need.

23 (b) During the surviving spouse's OR SURVIVING PARTNER IN A
24 CIVIL UNION'S incapacity, neither the surviving spouse OR SURVIVING
25 PARTNER nor anyone acting on behalf of the surviving spouse OR
26 SURVIVING PARTNER has a power to terminate the trust; but if the
27 surviving spouse OR SURVIVING PARTNER regains capacity, the surviving

1 spouse OR SURVIVING PARTNER then acquires the power to terminate the
2 trust and acquire full ownership of the trust property free of trust, by
3 delivering to the trustee a writing signed by the surviving spouse OR
4 SURVIVING PARTNER declaring the termination.

5 (c) Upon the surviving spouse's death OR UPON THE DEATH OF A
6 SURVIVING PARTNER IN A CIVIL UNION, the trustee shall transfer the
7 unexpended trust property in the following order: (i) under the residuary
8 clause, if any, of the will of the predeceased spouse OR THE PREDECEASED
9 PARTNER against whom the elective-share was taken, as if that
10 predeceased spouse OR PREDECEASED PARTNER died immediately after the
11 surviving spouse OR THE SURVIVING PARTNER; or (ii) to that predeceased
12 spouse's OR PREDECEASED PARTNER'S heirs under section 15-11-711.

13 **SECTION 78.** The introductory portion to 15-11-207 (1),
14 15-11-207 (2), the introductory portion to 15-11-207 (3), and 15-11-207
15 (4), Colorado Revised Statutes, are amended to read:

16 **15-11-207. Waiver of right to elect and of other rights.** (1) The
17 rights of election of a surviving spouse OR A SURVIVING PARTNER IN A
18 CIVIL UNION and the rights of the surviving spouse OR SURVIVING
19 PARTNER to exempt property, family allowance, and the decedent's
20 homestead exemption may be waived, wholly or partially, before or after
21 marriage OR ESTABLISHMENT OF A CIVIL UNION, by a writing signed by the
22 waiving party after fair disclosure. Unless the writing provides to the
23 contrary, a waiver of "all rights upon death" (or equivalent language) in
24 the property or estate of a present or prospective spouse OR A PRESENT OR
25 PROSPECTIVE PARTNER IN A CIVIL UNION is:

26 (2) A surviving spouse's OR SURVIVING PARTNER IN A CIVIL
27 UNION'S waiver is not enforceable if such waiver would not be

1 enforceable under section 14-2-307, C.R.S.

2 (3) In addition to all other available procedures, a person may
3 revoke all benefits that would otherwise pass upon death by virtue of the
4 provisions of any will executed before the revocation to relatives of such
5 person's spouse OR OF SUCH PERSON'S PARTNER IN A CIVIL UNION, wholly
6 or partially, before or after marriage OR ESTABLISHMENT OF A CIVIL
7 UNION, by a writing signed by the revoking party. Unless the writing
8 provides to the contrary, a revocation of "all benefits passing upon death
9 to the relatives of my spouse" (or equivalent language) OR OF "ALL
10 BENEFITS PASSING UPON DEATH TO THE RELATIVES OF MY PARTNER IN A
11 CIVIL UNION" (OR EQUIVALENT LANGUAGE) is a revocation of all benefits
12 that would otherwise pass upon death to the relatives of the spouse OR TO
13 THE RELATIVES OF THE SURVIVING PARTNER from the revoking party by
14 virtue of the provisions of any will executed before the writing.
15 Provisions of a will executed before the writing are given effect as if the
16 relatives:

17 (4) For purposes of this section, "relative" of an individual's
18 spouse means a person who is related to the spouse by blood, adoption,
19 or affinity and who, if the individual and the individual's spouse were
20 divorced, would not be related to the individual by blood, adoption, or
21 affinity. FOR PURPOSES OF THIS SECTION, "RELATIVE" OF AN INDIVIDUAL'S
22 PARTNER IN A CIVIL UNION MEANS A PERSON WHO IS RELATED TO THE
23 PARTNER BY BLOOD, ADOPTION, OR AFFINITY AND WHO, IF THE INDIVIDUAL
24 AND THE INDIVIDUAL'S PARTNER WERE NO LONGER IN A CIVIL UNION,
25 WOULD NOT BE RELATED TO THE INDIVIDUAL BY BLOOD, ADOPTION, OR
26 AFFINITY.

27 **SECTION 79.** 15-11-208 (2), Colorado Revised Statutes, is

1 amended to read:

2 **15-11-208. Protection of payors and other third parties.**

3 (2) The written notice shall indicate the name of the decedent, the name
4 of the surviving spouse OR THE SURVIVING PARTNER IN A CIVIL UNION, the
5 nature of the payment or item of property or other benefit, and a
6 statement that the surviving spouse OR THE SURVIVING PARTNER IN A CIVIL
7 UNION intends to file a petition for the elective share or that a petition for
8 the elective share has been filed. The written notice shall be mailed to
9 the payor's or other third party's main office or home by registered or
10 certified mail, return receipt requested, or served upon the payor or other
11 third party in the same manner as a summons in a civil action. Notice to
12 a sales representative of the payor or other third party shall not constitute
13 notice to the payor or other third party.

14 **SECTION 80.** 15-11-301, Colorado Revised Statutes, is amended
15 to read:

16 **15-11-301. Entitlement of spouse or partner in a civil union;
17 premarital will.** (1) If a testator's surviving spouse OR SURVIVING
18 PARTNER IN A CIVIL UNION married OR ENTERED INTO A CIVIL UNION WITH
19 the testator after the testator executed his or her will, the surviving spouse
20 OR SURVIVING PARTNER is entitled to receive, as an intestate share, no less
21 than the value of the share of the estate he or she would have received if
22 the testator had died intestate as to that portion of the testator's estate, if
23 any, that neither is devised outright to nor in trust for the benefit of a
24 child of the testator who was born before the testator married the
25 surviving spouse OR ENTERED INTO A CIVIL UNION WITH THE SURVIVING
26 PARTNER and who is not a child of the surviving spouse OR OF THE
27 SURVIVING PARTNER nor is so devised to a descendant of such a child, or

1 passes under section 15-11-603 or 15-11-604 to such a child or to a
2 descendant of such a child, unless:

3 (a) It appears from the will or other evidence that the will was
4 made in contemplation of the testator's marriage OR ESTABLISHMENT OF
5 A CIVIL UNION to the surviving spouse OR TO THE SURVIVING PARTNER IN
6 A CIVIL UNION;

7 (b) The will expresses the intention that it is to be effective
8 notwithstanding any subsequent marriage OR SUBSEQUENT CIVIL UNION;
9 or

10 (c) The testator provided for the spouse OR THE PARTNER IN A
11 CIVIL UNION by transfer outside the will and the intent that the transfer be
12 in lieu of a testamentary provision is shown by the testator's statements
13 or is reasonably inferred from the amount of the transfer or other
14 evidence.

15 (2) In satisfying the share provided by this section, devises made
16 by the will to the testator's surviving spouse OR SURVIVING PARTNER IN A
17 CIVIL UNION, if any, are applied first, and other devises, other than a
18 devise outright to or in trust for the benefit of a child of the testator who
19 was born before the testator married the surviving spouse OR ENTERED
20 INTO A CIVIL UNION WITH THE SURVIVING PARTNER and who is not a child
21 of the surviving spouse OR SURVIVING PARTNER or a devise or substitute
22 gift under section 15-11-603 or 15-11-604 to a descendant of such a
23 child, abate as provided in section 15-12-902.

24 **SECTION 81.** 15-11-402, Colorado Revised Statutes, is amended
25 to read:

26 **15-11-402. Homestead.** The provisions of sections 38-41-201
27 and 38-41-204, C.R.S., provide for a homestead exemption but shall not

1 create an allowance for the surviving spouse OR THE SURVIVING PARTNER
2 IN A CIVIL UNION or minor children. A personal representative's
3 obligation to distribute property as an exempt property allowance under
4 section 15-11-403, to pay money as a family allowance under section
5 15-11-404, or to distribute property to devisees, heirs, or beneficiaries
6 shall not be considered a debt, contract, or civil obligation, as referred to
7 under sections 38-41-201 and 38-41-202, C.R.S.

8 **SECTION 82.** 15-11-403, Colorado Revised Statutes, is amended
9 to read:

10 **15-11-403. Exempt property.** The decedent's surviving spouse
11 OR SURVIVING PARTNER IN A CIVIL UNION is entitled to exempt property
12 from the estate in the form of cash in the amount of or other property of
13 the estate in the value of twenty-six thousand dollars in excess of any
14 security interests therein. If there is no surviving spouse OR NO
15 SURVIVING PARTNER IN A CIVIL UNION, the decedent's dependent children
16 are entitled jointly to the same exempt property. Rights to exempt
17 property have priority over all claims against the estate, except claims for
18 the costs and expenses of administration, and reasonable funeral and
19 burial, interment, or cremation expenses, which shall be paid in the
20 priority and manner set forth in section 15-12-805. The right to exempt
21 property shall abate as necessary to permit payment of the family
22 allowance. These rights are in addition to any benefit or share passing to
23 the surviving spouse, SURVIVING PARTNER, or dependent children by the
24 decedent's will, unless otherwise provided, by intestate succession, or by
25 way of elective-share.

26 **SECTION 83.** 15-11-404, Colorado Revised Statutes, is amended
27 to read:

1 **15-11-404. Family allowance.** (1) In addition to the right to
2 exempt property, the decedent's surviving spouse OR SURVIVING PARTNER
3 IN A CIVIL UNION and minor children who the decedent was obligated to
4 support and children who were in fact being supported by the decedent
5 are entitled to a reasonable allowance in money out of the estate for their
6 maintenance during the period of administration, which allowance may
7 not continue for longer than one year if the estate is inadequate to
8 discharge allowed claims. The allowance may be paid as a lump sum or
9 in periodic installments. It is payable to the surviving spouse, if living,
10 for the use of the surviving spouse and minor and dependent children OR
11 TO THE SURVIVING PARTNER IN A CIVIL UNION, IF LIVING, FOR THE USE OF
12 THE SURVIVING PARTNER AND MINOR AND DEPENDENT CHILDREN;
13 otherwise to the children, or persons having their care and custody. If a
14 minor child or dependent child is not living with the surviving spouse OR
15 THE SURVIVING PARTNER, the allowance may be made partially to the
16 child or his or her guardian or other person having the child's care and
17 custody, and partially to the spouse OR PARTNER, as their needs may
18 appear. The family allowance is exempt from and has priority over all
19 claims except claims for the costs and expenses of administration, and
20 reasonable funeral and burial, interment, or cremation expenses, which
21 shall be paid in the priority and manner set forth in section 15-12-805.

22 (2) The family allowance is not chargeable against any benefit or
23 share passing to the surviving spouse OR SURVIVING PARTNER IN A CIVIL
24 UNION or children by the will of the decedent, unless otherwise provided,
25 by intestate succession, or by way of elective-share. The death of any
26 person entitled to a family allowance terminates the right to receive an
27 allowance for any period arising after his or her death, but does not affect

1 the right of his or her estate to recover the unpaid allowance for periods
2 prior to his or her death.

3 **SECTION 84.** 15-11-405 (1) and (2), Colorado Revised Statutes,
4 are amended to read:

5 **15-11-405. Source, determination, and documentation.** (1) If
6 the estate is otherwise sufficient, property specifically devised or
7 disposed of by memorandum under section 15-11-513 to any person other
8 than a person entitled to exempt property may not be used to satisfy rights
9 to exempt property. Subject to this restriction, the surviving spouse, THE
10 SURVIVING PARTNER IN A CIVIL UNION, the guardians of minor children,
11 or dependent children who are adults may select property of the estate as
12 their exempt property. The personal representative may make these
13 selections if the surviving spouse, THE SURVIVING PARTNER IN A CIVIL
14 UNION, the dependent children, or the guardians of the minor children are
15 unable or fail to do so within a reasonable time or there is no guardian of
16 a minor child. The personal representative may execute an instrument or
17 deed of distribution to establish the ownership of property taken as
18 exempt property allowance. The personal representative may determine
19 the family allowance in a lump sum not exceeding twenty-four thousand
20 dollars or periodic installments not exceeding two thousand dollars per
21 month for one year and may disburse funds of the estate in payment of
22 the family allowance. The personal representative or an interested person
23 aggrieved by any selection, determination, payment, proposed payment,
24 or failure to act under this section may petition the court for appropriate
25 relief, which may provide a family allowance other than that which the
26 personal representative determined or could have determined.

27 (2) If the right to an elective-share is exercised on behalf of a

1 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION who is an
2 incapacitated person, the personal representative may add any
3 unexpended portions payable under the exempt property and family
4 allowance to the trust established under section 15-11-206 (2).

5 **SECTION 85.** 15-11-503 (2), Colorado Revised Statutes, is
6 amended to read:

7 **15-11-503. Writings intended as wills.** (2) Subsection (1) of
8 this section shall apply only if the document is signed or acknowledged
9 by the decedent as his or her will or if it is established by clear and
10 convincing evidence that the decedent erroneously signed a document
11 intended to be the will of the decedent's spouse OR OF THE DECEDENT'S
12 PARTNER IN A CIVIL UNION.

13 **SECTION 86.** 15-11-711, Colorado Revised Statutes, is amended
14 to read:

15 **15-11-711. Interests in "heirs" and like.** If an applicable statute
16 or a governing instrument calls for a present or future distribution to, or
17 creates a present or future interest in, a designated individual's "heirs",
18 "heirs at law", "next of kin", "relatives", or "family", or language of
19 similar import, the property passes to those persons in such shares as
20 would succeed to the designated individual's intestate estate under the
21 intestate succession law of the designated individual's domicile if the
22 designated individual died when the donative disposition is to take effect
23 in possession or enjoyment. If the designated individual's surviving
24 spouse is living but is remarried at the time the interest is to take effect
25 in possession or enjoyment, the surviving spouse is not an heir of the
26 designated individual. IF THE DESIGNATED INDIVIDUAL'S SURVIVING
27 PARTNER IN A CIVIL UNION IS LIVING BUT IS IN ANOTHER CIVIL UNION AT

1 THE TIME THE INTEREST IS TO TAKE EFFECT IN POSSESSION OR ENJOYMENT,
2 THE SURVIVING PARTNER IS NOT AN HEIR OF THE DESIGNATED INDIVIDUAL.

3 **SECTION 87.** 15-11-712 (4) and (5), Colorado Revised Statutes,
4 are amended to read:

5 **15-11-712. Simultaneous death; disposition of property.**

6 (4) Where a husband and wife have died leaving community property
7 and there is no clear and convincing evidence that they have died
8 otherwise than simultaneously, one-half of all the community property
9 shall pass as if the husband had survived, and as if said one-half were his
10 separate property, and the other one-half thereof shall pass as if the wife
11 had survived, and as if said other one-half were her separate property.

12 WHERE PARTNERS IN A CIVIL UNION HAVE DIED LEAVING COMMUNITY
13 PROPERTY AND THERE IS NO CLEAR AND CONVINCING EVIDENCE THAT THEY
14 HAVE DIED OTHERWISE THAN SIMULTANEOUSLY, ONE-HALF OF ALL THE
15 COMMUNITY PROPERTY SHALL PASS AS IF THE ONE PARTNER HAD
16 SURVIVED, AND AS IF SAID ONE-HALF WERE HIS OR HER SEPARATE
17 PROPERTY, AND THE OTHER ONE-HALF THEREOF SHALL PASS AS IF THE
18 OTHER PARTNER HAD SURVIVED, AND AS IF SAID OTHER ONE-HALF WERE
19 HIS OR HER SEPARATE PROPERTY.

20 (5) Where the insured and the beneficiary in a policy of life or
21 accident insurance have died and there is no clear and convincing
22 evidence that they have died otherwise than simultaneously, the proceeds
23 of the policy shall be distributed as if the insured had survived the
24 beneficiary; except that, if the policy is community property of the
25 insured and his or her spouse OR OF THE INSURED AND HIS OR HER
26 PARTNER IN A CIVIL UNION, and there is no alternative beneficiary, or no
27 alternative beneficiary except the estate or personal representative of the

1 insured, the proceeds shall be distributed as community property.

2 **SECTION 88.** 15-11-802 (1), Colorado Revised Statutes, is
3 amended to read:

4 **15-11-802. Effect of divorce, annulment, dissolution,**
5 **declaration of invalidity, and decree of separation.** (1) An individual
6 who is divorced from the decedent or whose marriage to the decedent has
7 been annulled is not a surviving spouse unless, by virtue of a subsequent
8 marriage, he or she is married to the decedent at the time of death. A
9 decree of separation that does not terminate the status of husband and
10 wife is not a divorce for purposes of this section. AN INDIVIDUAL WHO
11 HAS HAD A CIVIL UNION WITH THE DECEDENT DISSOLVED OR WHOSE CIVIL
12 UNION WITH THE DECEDENT HAS BEEN DECLARED INVALID IS NOT A
13 SURVIVING PARTNER IN A CIVIL UNION UNLESS, BY VIRTUE OF A
14 SUBSEQUENT CIVIL UNION, HE OR SHE IS CERTIFIED TO BE IN A CIVIL UNION
15 WITH THE DECEDENT AT THE TIME OF DEATH. A DECREE OF SEPARATION OF
16 A CIVIL UNION THAT DOES NOT TERMINATE THE CIVIL UNION STATUS IS NOT
17 A DISSOLUTION FOR PURPOSES OF THIS SECTION.

18 **SECTION 89.** 15-11-803 (2), Colorado Revised Statutes, is
19 amended to read:

20 **15-11-803. Effect of homicide on intestate succession, wills,**
21 **trusts, joint assets, life insurance, and beneficiary designations.**
22 (2) **Forfeiture of statutory benefits.** An individual who feloniously kills
23 the decedent forfeits all benefits with respect to the decedent's estate,
24 including an intestate share, an elective-share, an omitted spouse's or
25 child's share, AN OMITTED PARTNER IN A CIVIL UNION'S SHARE, the
26 decedent's homestead exemption under section 38-41-204, C.R.S.,
27 exempt property, and a family allowance. If the decedent died intestate,

1 the decedent's intestate estate passes as if the killer disclaimed his or her
2 intestate share.

3 **SECTION 90.** 15-11-804 (1) (a), Colorado Revised Statutes, is
4 amended, and the said 15-11-804 (1) is further amended BY THE
5 ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

6 **15-11-804. Revocation of probate and nonprobate transfers by**
7 **divorce; no revocation by other changes of circumstances.**

8 (1) **Definitions.** As used in this section, unless the context otherwise
9 requires:

10 (a) ~~"Disposition or appointment of property" includes a transfer~~
11 ~~of an item of property or any other benefit to a beneficiary designated in~~
12 ~~a governing instrument.~~ "CIVIL UNION" MEANS A CIVIL UNION ENTERED
13 INTO BETWEEN TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE
14 WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

15 (a.5) "DISPOSITION OR APPOINTMENT OF PROPERTY" INCLUDES A
16 TRANSFER OF AN ITEM OF PROPERTY OR ANY OTHER BENEFIT TO A
17 BENEFICIARY DESIGNATED IN A GOVERNING INSTRUMENT.

18 (d.5) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
19 ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS
20 OF ARTICLE 15 OF TITLE 14, C.R.S.

21 **SECTION 91.** 15-11-804, Colorado Revised Statutes, is amended
22 BY THE ADDITION OF A NEW SUBSECTION to read:

23 **15-11-804. Revocation of probate and nonprobate transfers by**
24 **divorce; no revocation by other changes of circumstances.** (1.5) THE
25 PROVISIONS OF THIS SECTION SHALL APPLY TO PARTNERS IN A CIVIL UNION
26 AND TO PARTNERS IN A CIVIL UNION THAT HAS BEEN DISSOLVED IN THE
27 SAME WAY AS THEY APPLY TO MARRIED SPOUSES OR DIVORCED SPOUSES.

1 **SECTION 92.** The introductory portion to 15-11-805 (1) and
2 15-11-805 (1) (a), (1) (b), and (1) (c), Colorado Revised Statutes, are
3 amended to read:

4 **15-11-805. Ownership of personal property between spouses**
5 **or partners in a civil union.** (1) For purposes of this article, tangible
6 personal property in the joint possession or control of the decedent and
7 his or her surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION at
8 the time of the decedent's death is presumed to be owned by the decedent
9 and the decedent's spouse OR BY THE DECEDENT AND THE DECEDENT'S
10 PARTNER in joint tenancy with right of survivorship if ownership is not
11 otherwise evidenced by a certificate of title, bill of sale, or other writing.
12 This presumption shall not apply to:

13 (a) Property acquired by either spouse OR BY EITHER PARTNER IN
14 A CIVIL UNION before the marriage OR THE ESTABLISHMENT OF A CIVIL
15 UNION;

16 (b) Property acquired by either spouse OR BY EITHER PARTNER IN
17 A CIVIL UNION by gift or inheritance during the marriage OR CIVIL UNION;

18 (c) Property used by the decedent spouse OR BY EITHER PARTNER
19 IN A CIVIL UNION in a trade or business in which the surviving spouse OR
20 SURVIVING PARTNER has no interest; or

21 **SECTION 93.** 15-11-1103 (2), Colorado Revised Statutes, is
22 amended to read:

23 **15-11-1103. When nonvested property interest or power of**
24 **appointment created.** (2) For purposes of this part 11, if there is a
25 person who alone can exercise a power created by a governing instrument
26 to become the unqualified beneficial owner of either a nonvested property
27 interest or a property interest subject to a power of appointment described

1 in section 15-11-1102 (2) or (3), the nonvested property interest or power
2 of appointment is created when the power to become the unqualified
3 beneficial owner terminates. For purposes of this part 11, a joint power
4 with respect to community property or to marital property under the
5 "Uniform Marital Property Act" held by individuals married to each other
6 OR HELD BY INDIVIDUALS WHO ARE PARTNERS IN A CIVIL UNION is a power
7 exercisable by one person alone.

8 **SECTION 94.** 15-11-1105 (1) (a) (III), (1) (a) (IV), and (1) (f),
9 Colorado Revised Statutes, are amended to read:

10 **15-11-1105. Exclusions from statutory rule against**
11 **perpetuities.** (1) Section 15-11-1102 does not apply to:

12 (a) A nonvested property interest or a power of appointment
13 arising out of a nondonative transfer, except a nonvested property interest
14 or a power of appointment arising out of:

15 (III) A spouse's election OR THE ELECTION OF A PARTNER IN A CIVIL
16 UNION;

17 (IV) A similar arrangement arising out of a prospective, existing,
18 or previous marital relationship OR CIVIL UNION RELATIONSHIP between
19 the parties;

20 (f) A nonvested property interest in or a power of appointment
21 with respect to a trust or other property arrangement forming part of a
22 pension, profit-sharing, stock bonus, health, disability, death benefit,
23 income deferral, or other current or deferred benefit plan for one or more
24 employees, independent contractors, or their beneficiaries or spouses OR
25 PARTNERS IN A CIVIL UNION, to which contributions are made for the
26 purpose of distributing to or for the benefit of the participants or their
27 beneficiaries or spouses OR PARTNERS IN A CIVIL UNION the property,

1 income, or principal in the trust or other property arrangement, except a
2 nonvested property interest or a power of appointment that is created by
3 an election of a participant or a beneficiary or spouse OR PARTNER IN A
4 CIVIL UNION; or

5 **SECTION 95.** 15-12-101, Colorado Revised Statutes, is amended
6 to read:

7 **15-12-101. Devolution of estate at death; restrictions.** The
8 power of a person to leave property by will and the rights of creditors,
9 devisees, and heirs to his OR HER property are subject to the restrictions
10 and limitations contained in this code to facilitate the prompt settlement
11 of estates. Upon the death of a person, his OR HER real and personal
12 property devolves to the persons to whom it is devised by his OR HER last
13 will or to those indicated as substitutes for them in cases involving lapse,
14 renunciation, or other circumstances affecting the devolution of the
15 testate estate or, in the absence of testamentary disposition, to his OR HER
16 heirs or to those indicated as substitutes for them in cases involving
17 renunciation or other circumstances affecting devolution of intestate
18 estates, subject to exempt property and family allowances, rights of
19 creditors, elective share of the surviving spouse OR OF THE SURVIVING
20 PARTNER IN A CIVIL UNION, and administration.

21 **SECTION 96.** 15-12-203 (1) (b) and (1) (d), Colorado Revised
22 Statutes, are amended to read:

23 **15-12-203. Priority among persons seeking appointment as**
24 **personal representative.** (1) Whether the proceedings are formal or
25 informal, persons who are not disqualified have priority for appointment
26 in the following order:

27 (b) The surviving spouse OR THE SURVIVING PARTNER IN A CIVIL

1 UNION of the decedent who is a devisee of the decedent;

2 (d) The surviving spouse OR THE SURVIVING PARTNER IN A CIVIL
3 UNION of the decedent;

4 **SECTION 97.** 15-12-301 (2) (b), Colorado Revised Statutes, is
5 amended to read:

6 **15-12-301. Informal probate or appointment proceedings -**
7 **application - contents.** (2) Every application for informal probate of a
8 will or for informal appointment of a personal representative, other than
9 a special or successor representative, shall contain the following:

10 (b) The name and date of death of the decedent, his OR HER age,
11 and the county and state of his OR HER domicile at the time of death, and
12 the names and addresses of the spouse, THE PARTNER IN A CIVIL UNION,
13 children, heirs, and devisees, and the ages of any who are minors so far
14 as known or ascertainable with reasonable diligence by the applicant;

15 **SECTION 98.** 15-12-403 (1) (b), Colorado Revised Statutes, is
16 amended to read:

17 **15-12-403. Formal testacy proceedings - notice of hearing on**
18 **petition.** (1) (b) Notice shall be given to the following persons: The
19 surviving spouse OR THE SURVIVING PARTNER IN A CIVIL UNION, children,
20 and other heirs of the decedent, the devisees and executors named in any
21 will that is being or has been probated or offered for informal or formal
22 probate in the county, or that is known by the petitioner to have been
23 probated or offered for informal or formal probate elsewhere, and any
24 personal representative of the decedent whose appointment has not been
25 terminated. Notice may be given to other persons. In addition, the
26 petitioner shall give notice by publication to all unknown persons, if the
27 petitioner has reasonable cause to believe that unknown persons may

1 claim an interest, and to all known persons whose addresses are unknown
2 who have any interest in the matters being litigated.

3 **SECTION 99.** 15-12-703 (2), Colorado Revised Statutes, is
4 amended to read:

5 **15-12-703. General duties - relation and liability to persons**
6 **interested in estate - standing to sue.** (2) A personal representative
7 shall not be surcharged for acts of administration or distribution if the
8 conduct in question was authorized at the time. Subject to other
9 obligations of administration, an informally probated will is authority to
10 administer and distribute the estate according to its terms. An order of
11 appointment of a personal representative, whether issued in informal or
12 formal proceedings, is authority to distribute apparently intestate assets
13 to the heirs of the decedent if, at the time of distribution, the personal
14 representative is not aware of a pending testacy proceeding, a proceeding
15 to vacate an order entered in an earlier testacy proceeding, a formal
16 proceeding questioning his OR HER appointment or fitness to continue, or
17 a supervised administration proceeding. Nothing in this section affects
18 the duty of the personal representative to administer and distribute the
19 estate in accordance with the rights of claimants, the surviving spouse,
20 THE SURVIVING PARTNER IN A CIVIL UNION, any minor and dependent
21 children, and any pretermitted child of the decedent.

22 **SECTION 100.** 15-12-705 (1) (e) and (1) (f), Colorado Revised
23 Statutes, are amended to read:

24 **15-12-705. Duty of personal representative - information to**
25 **heirs and devisees.** (1) Not later than thirty days after appointment,
26 every personal representative, except any special administrator, shall give
27 information of his or her appointment to the heirs and devisees, including,

1 if there has been no formal testacy proceeding and if the personal
2 representative was appointed on the assumption that the decedent died
3 intestate, the devisees in any will mentioned in the application for
4 appointment of a personal representative. The information shall be
5 delivered or sent by ordinary mail to each of the heirs and devisees whose
6 address is reasonably available to the personal representative. The duty
7 does not extend to require information to persons who have been
8 adjudicated in a prior formal testacy proceeding to have no interest in the
9 estate. The information shall:

10 (e) Indicate that the surviving spouse OR THE SURVIVING PARTNER
11 IN A CIVIL UNION, children under twenty-one years of age, and dependent
12 children may be entitled to exempt property and a family allowance if a
13 request for payment is made in the manner and within the time limits
14 prescribed by statutes; and

15 (f) Indicate that the surviving spouse OR THE SURVIVING PARTNER
16 IN A CIVIL UNION may have a right of election to take a portion of the
17 augmented estate if a petition is filed within the time limits prescribed by
18 statute.

19 **SECTION 101.** 15-12-901, Colorado Revised Statutes, is
20 amended to read:

21 **15-12-901. Successors' rights if no administration.** In the
22 absence of administration, the heirs and devisees are entitled to the estate
23 in accordance with the terms of a probated will or the laws of intestate
24 succession. Devisees may establish title by the probated will to devised
25 property. Persons entitled to property by exemption or intestacy may
26 establish title thereto by proof of the decedent's ownership, his OR HER
27 death, and their relationship to the decedent. Successors take subject to

1 all charges incident to administration, including the claims of creditors
2 and allowances of surviving spouse OR SURVIVING PARTNER IN A CIVIL
3 UNION and dependent children, and subject to the rights of others
4 resulting from abatement, retainer, advancement, and ademption.

5 **SECTION 102.** The introductory portion to 15-12-902 (1) (a),
6 Colorado Revised Statutes, is amended to read:

7 **15-12-902. Distribution - order in which assets appropriated**
8 **- abatement.** (1) (a) Except as provided in subsection (2) of this section
9 and except as provided in connection with the share of the surviving
10 spouse OR THE SURVIVING PARTNER IN A CIVIL UNION who elects to take
11 an elective share, shares of distributees abate, without any preference or
12 priority as between real and personal property, in the following order:

13 **SECTION 103.** 15-12-916 (2) and (5) (e), Colorado Revised
14 Statutes, are amended to read:

15 **15-12-916. Apportionment of estate taxes.** (2) Unless otherwise
16 provided in the will or other dispositive instrument, the tax shall be
17 apportioned among all persons interested in the estate, subject to the
18 exceptions specified in this section. The apportionment is to be made in
19 the proportion that the value of the interest of each person interested in
20 the estate bears to the total value of the interests of all persons interested
21 in the estate. The values used in determining the tax are to be used for
22 tax apportionment purposes. In all instances not involving a spouse OR
23 A PARTNER IN A CIVIL UNION unprovided for in a will as provided in
24 section 15-11-301 or an election by a surviving spouse OR A SURVIVING
25 PARTNER IN A CIVIL UNION as provided in section 15-11-201, if the
26 decedent's will or other dispositive instrument directs a method of
27 apportionment of tax different from the method described in this code, the

1 method described in the will or other dispositive instrument controls. In
2 instances involving such a spouse OR PARTNER unprovided for in a will
3 or election, if the decedent's will or other dispositive instrument directs
4 a method of apportionment of tax different from the method described in
5 this code, the apportionment of tax to the spouse OR PARTNER unprovided
6 for in the will or to the surviving spouse OR SURVIVING PARTNER shall be
7 in accordance with the method described in this code, and the
8 apportionment of tax to the remaining persons interested in the estate
9 shall be in accordance with the method described in the will or other
10 dispositive instrument.

11 (5) (e) To the extent that property passing to or in trust for a
12 surviving spouse OR A SURVIVING PARTNER IN A CIVIL UNION or any
13 charitable, public, or similar gift or devise is not an allowable deduction
14 for purposes of the tax solely by reason of an inheritance tax or other
15 death tax imposed upon and deductible from the property, the property
16 is not included in the computation provided for in subsection (2) of this
17 section, and to that extent no apportionment is made against the property.
18 The provisions of this paragraph (e) do not apply to any case if the result
19 would be to deprive the estate of a deduction otherwise allowable under
20 section 2053(d) of the federal "Internal Revenue Code of 1986", as
21 amended, of the United States, relating to deduction for state death taxes
22 on transfers for public, charitable, or religious uses.

23 **SECTION 104.** 15-14-105, Colorado Revised Statutes, is
24 amended to read:

25 **15-14-105. Delegation of power by parent or guardian.** A
26 parent or guardian of a minor or incapacitated person, by a power of
27 attorney, may delegate to another person, for a period not exceeding

1 twelve months, any power regarding care, custody, or property of the
2 minor or ward, except the power to consent to marriage, CIVIL UNION, or
3 adoption.

4 **SECTION 105.** 15-14-304 (2) (b) (I) (A) and (2) (b) (II),
5 Colorado Revised Statutes, are amended to read:

6 **15-14-304. Judicial appointment of guardian - petition.**

7 (2) The petition must set forth the petitioner's name, residence, current
8 address if different, relationship to the respondent, and interest in the
9 appointment and, to the extent known, state or contain the following with
10 respect to the respondent and the relief requested:

11 (b) (I) The name and address of the respondent's:

12 (A) Spouse OR PARTNER IN A CIVIL UNION, or if the respondent has
13 none, an adult with whom the respondent has resided for more than six
14 months within one year before the filing of the petition; and

15 (II) If the respondent has neither spouse, PARTNER IN A CIVIL
16 UNION, adult child, nor parent, at least one of the adults nearest in kinship
17 to the respondent who can be found with reasonable efforts;

18 **SECTION 106.** 15-14-310 (1) (e) and (4), Colorado Revised
19 Statutes, are amended to read:

20 **15-14-310. Who may be guardian - priorities - prohibition of**

21 **dual roles.** (1) Subject to subsection (4) of this section, the court in
22 appointing a guardian shall consider persons otherwise qualified in the
23 following order of priority:

24 (e) The spouse OR THE PARTNER IN A CIVIL UNION of the
25 respondent or a person nominated by will or other signed writing of a
26 deceased spouse OR A DECEASED PARTNER IN A CIVIL UNION;

27 (4) An owner, operator, or employee of a long-term-care provider

1 from which the respondent is receiving care may not be appointed as
2 guardian unless related to the respondent by blood, marriage, CIVIL
3 UNION, or adoption.

4 **SECTION 107.** 15-14-315 (2), Colorado Revised Statutes, is
5 amended to read:

6 **15-14-315. Powers of guardian.** (2) The court may specifically
7 authorize or direct the guardian to consent to the adoption, ~~or~~ marriage,
8 OR CIVIL UNION of the ward.

9 **SECTION 108.** The introductory portion to 15-14-315.5 (1) and
10 15-14-315.5 (1) (b), Colorado Revised Statutes, are amended, and the
11 said 15-14-315.5 is further amended BY THE ADDITION OF A NEW
12 SUBSECTION, to read:

13 **15-14-315.5. Dissolution of marriage and legal separation -**
14 **dissolution of civil union and legal separation.** (1) The guardian may
15 petition the court for authority to commence and maintain an action for
16 dissolution of marriage, DISSOLUTION OF A CIVIL UNION, or legal
17 separation OF MARRIAGE OR CIVIL UNION on behalf of the ward. The court
18 may grant such authority only if satisfied, after notice and hearing, that:

19 (b) The ward has consented to the proposed dissolution of
20 marriage, DISSOLUTION OF A CIVIL UNION, or legal separation OF
21 MARRIAGE OR CIVIL UNION.

22 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS MODIFYING
23 THE STATUTORY GROUNDS FOR DISSOLUTION OF A CIVIL UNION AND LEGAL
24 SEPARATION OF A CIVIL UNION, AS SET FORTH IN SECTION 14-15-108,
25 C.R.S.

26 **SECTION 109.** 15-14-403 (2) (d) (I) (A) and (2) (d) (II),
27 Colorado Revised Statutes, are amended to read:

1 **15-14-403. Original petition for appointment or protective**
2 **order.** (2) A petition under subsection (1) of this section must set forth
3 the petitioner's name, residence, current address if different, relationship
4 to the respondent, and interest in the appointment or other protective
5 order, and, to the extent known, state or contain the following with
6 respect to the respondent and the relief requested:

7 (d) (I) The name and address of the respondent's:

8 (A) Spouse OR PARTNER IN A CIVIL UNION or, if the respondent has
9 none, an adult with whom the respondent has resided for more than six
10 months within one year before the filing of the petition; and

11 (II) If the respondent has neither spouse, PARTNER IN A CIVIL
12 UNION, adult child, nor parent, at least one of the adults nearest in kinship
13 to the respondent who can be found with reasonable efforts;

14 **SECTION 110.** 15-14-411 (1) (f), Colorado Revised Statutes, is
15 amended to read:

16 **15-14-411. Required court approval.** (1) After notice to
17 interested persons and upon express authorization of the court, a
18 conservator may:

19 (f) Exercise any right to an elective share in the estate of the
20 protected person's deceased spouse OR DECEASED PARTNER IN A CIVIL
21 UNION and to renounce or disclaim any interest by testate or intestate
22 succession or by transfer inter vivos; and

23 **SECTION 111.** 15-14-413 (1) (d) and (5), Colorado Revised
24 Statutes, are amended to read:

25 **15-14-413. Who may be conservator - priorities - prohibition**
26 **of dual roles.** (1) Except as otherwise provided in subsection (4) of this
27 section, the court, in appointing a conservator, shall consider persons

1 otherwise qualified in the following order of priority:

2 (d) The spouse OR PARTNER IN A CIVIL UNION of the respondent;

3 (5) An owner, operator, or employee of a long-term care provider
4 from which the respondent is receiving care may not be appointed as
5 conservator unless related to the respondent by blood, marriage, CIVIL
6 UNION, or adoption.

7 **SECTION 112.** 15-14-423, Colorado Revised Statutes, is
8 amended to read:

9 **15-14-423. Sale, encumbrance, or other transaction involving**
10 **conflict of interest.** Any transaction involving the conservatorship estate
11 that is affected by a substantial conflict between the conservator's
12 fiduciary and personal interests is voidable unless the transaction is
13 expressly authorized by the court after notice to interested persons. A
14 transaction affected by a substantial conflict between personal and
15 fiduciary interests includes any sale, encumbrance, or other transaction
16 involving the conservatorship estate entered into by the conservator, the
17 spouse, PARTNER IN A CIVIL UNION, descendant, agent, or lawyer of a
18 conservator, or a corporation or other enterprise in which the conservator
19 has a substantial beneficial interest.

20 **SECTION 113.** The introductory portion to 15-14-425.5 (1) and
21 15-14-425.5 (1) (b), Colorado Revised Statutes, are amended, and the
22 said 15-14-425.5 is further amended BY THE ADDITION OF A NEW
23 SUBSECTION, to read:

24 **15-14-425.5. Authority to petition for dissolution of marriage**
25 **or legal separation - dissolution of a civil union or legal separation.**

26 (1) The conservator may petition the court for authority to commence
27 and maintain an action for dissolution of marriage or legal separation OR

1 FOR DISSOLUTION OF A CIVIL UNION OR LEGAL SEPARATION OF A CIVIL
2 UNION on behalf of the protected person. The court may grant such
3 authority only if satisfied, after notice and hearing, that:

4 (b) The protected person has consented to the proposed
5 dissolution of marriage or legal separation OR TO THE PROPOSED
6 DISSOLUTION OF A CIVIL UNION OR LEGAL SEPARATION OF A CIVIL UNION.

7 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS MODIFYING
8 THE STATUTORY GROUNDS FOR DISSOLUTION OF A CIVIL UNION AND LEGAL
9 SEPARATION OF A CIVIL UNION, AS SET FORTH IN SECTION 14-15-108,
10 C.R.S.

11 **SECTION 114.** 15-14-506 (5) (c), Colorado Revised Statutes, is
12 amended to read:

13 **15-14-506. Medical durable power of attorney.** (5) (c) Unless
14 otherwise expressly provided in the medical durable power of attorney
15 under which the principal appointed the principal's spouse OR THE
16 PRINCIPAL'S PARTNER IN A CIVIL UNION as the agent, a subsequent divorce,
17 dissolution of marriage, annulment of marriage, or legal separation
18 between the principal and spouse OR A SUBSEQUENT DISSOLUTION OF A
19 CIVIL UNION, ANNULMENT OF A CIVIL UNION, OR LEGAL SEPARATION OF A
20 CIVIL UNION BETWEEN THE PRINCIPAL AND THE PARTNER IN A CIVIL UNION
21 appointed as agent automatically revokes such appointment. However,
22 nothing in this paragraph (c) shall be construed to revoke any remaining
23 provisions of the medical durable power of attorney.

24 **SECTION 115.** 15-14-605, Colorado Revised Statutes, is
25 amended to read:

26 **15-14-605. Dissolution of marriage - dissolution of a civil**
27 **union.** If an agency instrument appoints the principal's spouse as agent

1 and a court enters a decree of dissolution of marriage or legal separation
2 between the principal and spouse after the agency instrument is signed,
3 the spouse shall be deemed to have died at the time of the decree for
4 purposes of the agency. IF AN AGENCY INSTRUMENT APPOINTS THE
5 PRINCIPAL'S PARTNER IN A CIVIL UNION AS AGENT AND A COURT ENTERS A
6 DECREE OF DISSOLUTION OF A CIVIL UNION OR LEGAL SEPARATION OF A
7 CIVIL UNION BETWEEN THE PRINCIPAL AND PARTNER IN A CIVIL UNION
8 AFTER THE AGENCY INSTRUMENT IS SIGNED, THE PARTNER SHALL BE
9 DEEMED TO HAVE DIED AT THE TIME OF THE DECREE FOR PURPOSES OF THE
10 AGENCY.

11 **SECTION 116.** 15-14-610 (2), Colorado Revised Statutes, is
12 amended to read:

13 **15-14-610. Statutory form agent's affidavit regarding power**
14 **of attorney.** (2) The statutory agent's affidavit regarding power of
15 attorney shall be in substantially the following form:

16 COLORADO AGENT'S AFFIDAVIT REGARDING POWER OF
17 ATTORNEY

18 STATE OF COLORADO)

19) ss.

20 County of _____)

21 I, _____, whose address is _____,
22 of lawful age, pursuant to sections 15-1-1302, 15-14-501, and 15-14-502,
23 Colorado Revised Statutes, state upon my oath that I am the
24 attorney-in-fact and agent for _____, principal, under the
25 power of attorney dated _____, a copy of which is
26 attached hereto and incorporated herein by this reference, that as of this
27 date I have no actual knowledge of the [revocation or*] termination of the

1 power of attorney by any act of the principal, or by the death, [disability,
2 or incompetence*] of the principal, that my authority has not been
3 terminated by a decree of dissolution of marriage or legal separation,
4 THAT MY AUTHORITY HAS NOT BEEN TERMINATED BY A DECREE OF
5 DISSOLUTION OF A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (2),
6 C.R.S., OR LEGAL SEPARATION OF A CIVIL UNION, and that to the best of
7 my knowledge the power of attorney has not been so terminated and
8 remains valid, in full force and effect.

9 Dated: _____

10 _____

11 Attorney-in-Fact

12 The foregoing Affidavit was subscribed and sworn to before me on
13 _____, 20____, by _____, Agent. Witness my
14 hand and official seal. My Commission expires:

15 _____

16 [SEAL]

17 _____

18 Notary Public

19 *Strike "revocation or" and "disability or incompetence" if the power of
20 attorney is durable and the principal is disabled or incompetent.

21 **SECTION 117.** 15-15-212 (1), Colorado Revised Statutes, is
22 amended to read:

23 **15-15-212. Rights at death.** (1) Except as otherwise provided
24 in this section, on death of a party sums on deposit in a multiple-party
25 account belong to the surviving party OR SURVIVING PARTNER IN A CIVIL
26 UNION or parties. If two or more parties survive and one is the surviving
27 spouse OR SURVIVING PARTNER of the decedent, the amount to which the

1 decedent, immediately before death, was beneficially entitled under
2 section 15-15-211 belongs to the surviving spouse OR TO THE SURVIVING
3 PARTNER. If two or more parties survive and none is the surviving spouse
4 OR SURVIVING PARTNER of the decedent, the amount to which the
5 decedent, immediately before death, was beneficially entitled under
6 section 15-15-211 belongs to the surviving parties in equal shares, and
7 augments the proportion to which each survivor, immediately before the
8 decedent's death, was beneficially entitled under section 15-15-211, and
9 the right of survivorship continues between the surviving parties.

10 **SECTION 118.** 15-15-214, Colorado Revised Statutes, is
11 amended to read:

12 **15-15-214. Accounts and transfers nontestamentary.** Except
13 as provided in part 2 of article 11 of this title (elective share of surviving
14 spouse OR OF SURVIVING PARTNER IN A CIVIL UNION) or as a consequence
15 of, and to the extent directed by, section 15-15-215, a transfer resulting
16 from the application of section 15-15-212 is effective by reason of the
17 terms of the account involved and this part 2 and is not testamentary or
18 subject to articles 10 through 13 of this title (estate administration).

19 **SECTION 119.** 15-15-215 (1) and (2), Colorado Revised
20 Statutes, are amended to read:

21 **15-15-215. Rights of creditors and others.** (1) If other assets of
22 the estate are insufficient, a transfer resulting from a right of survivorship
23 or POD designation under this part 2 is not effective against the estate of
24 a deceased party to the extent needed to pay claims against the estate and
25 statutory allowances to the surviving spouse OR SURVIVING PARTNER IN
26 A CIVIL UNION and children.

27 (2) A surviving party or beneficiary who receives payment from

1 an account after death of a party is liable to account to the personal
2 representative of the decedent for a proportionate share of the amount
3 received to the extent necessary to discharge the claims and allowances
4 described in subsection (1) remaining unpaid after application of the
5 decedent's estate. A proceeding to assert the liability may not be
6 commenced unless the personal representative has received a written
7 demand by the surviving spouse, THE SURVIVING PARTNER IN A CIVIL
8 UNION, a creditor, a child, or a person acting for a child of the decedent.
9 The proceeding must be commenced within one year after death of the
10 decedent.

11 **SECTION 120.** 15-15-226 (2), Colorado Revised Statutes, is
12 amended to read:

13 **15-15-226. Discharge.** (2) Protection under this section does not
14 extend to payments made after a financial institution has received written
15 notice from a party, or from the personal representative, surviving spouse,
16 SURVIVING PARTNER IN A CIVIL UNION, or heir or devisee of a deceased
17 party, to the effect that payments in accordance with the terms of the
18 account, including one having an agency designation, should not be
19 permitted, and the financial institution has had a reasonable opportunity
20 to act on it when the payment is made. Unless the notice is withdrawn by
21 the person giving it, the successor of any deceased party must concur in
22 a request for payment if the financial institution is to be protected under
23 this section. Unless a financial institution has been served with process
24 in an action or proceeding, no other notice or other information shown to
25 have been available to the financial institution affects its right to
26 protection under this section.

27 **SECTION 121.** 15-18-103, Colorado Revised Statutes, is

1 amended BY THE ADDITION OF THE FOLLOWING NEW
2 SUBSECTIONS to read:

3 **15-18-103. Definitions.** As used in this article, unless the context
4 otherwise requires:

5 (2.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
6 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
7 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

8 (7.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A PERSON
9 WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
10 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

11 **SECTION 122.** 15-18-107, Colorado Revised Statutes, is
12 amended to read:

13 **15-18-107. Withdrawal - withholding of life-sustaining**
14 **procedures.** In the event that an attending physician is presented with an
15 unrevoked declaration executed by a declarant whom the physician
16 believes has a terminal condition, the attending physician shall cause the
17 declarant to be examined by one other physician. If both physicians find
18 that the declarant has a terminal condition, they shall certify such fact in
19 writing and enter such in the qualified patient's medical record of the
20 hospital in which the withholding or withdrawal of life-sustaining
21 procedures may occur, together with a copy of the declaration. If the
22 attending physician has actual knowledge of the whereabouts of the
23 qualified patient's spouse OR THE QUALIFIED PATIENT'S PARTNER IN A CIVIL
24 UNION, any of his OR HER adult children, a parent, or attorney-in-fact
25 under a durable power of attorney, the attending physician shall
26 immediately make a reasonable effort to notify at least one of said
27 persons, in the order named, that a certificate of terminal condition has

1 been signed. If no action to challenge the validity of a declaration has
2 been filed within forty-eight consecutive hours after the certification is
3 made by the physicians, the attending physician shall then withdraw or
4 withhold all life-sustaining procedures pursuant to the terms of the
5 declaration.

6 **SECTION 123.** 15-18-108 (1) and (2) (b) (I) (B), Colorado
7 Revised Statutes, are amended to read:

8 **15-18-108. Determination of validity.** (1) Any person who is
9 the parent, adult child, spouse, PARTNER IN A CIVIL UNION, or
10 attorney-in-fact under a durable power of attorney of the qualified patient
11 may challenge the validity of a declaration in the appropriate court of the
12 county in which the qualified patient is located. Upon the filing of a
13 petition to challenge the validity of a declaration and notification to the
14 attending physician, a temporary restraining order shall be issued until a
15 final determination as to validity is made.

16 (2) (b) (I) Unless the court for good cause shown provides for a
17 different method or time of notice, the petitioner, at least five days prior
18 to the hearing, shall cause notice of the time and place of hearing to be
19 given as follows:

20 (B) To the qualified patient's spouse OR PARTNER IN A CIVIL
21 UNION, if the identity and whereabouts of the spouse OR PARTNER are
22 known, to the petitioner, or otherwise to an adult child or parent of the
23 qualified patient.

24 **SECTION 124.** 15-18.5-103 (3), Colorado Revised Statutes, is
25 amended to read:

26 **15-18.5-103. Proxy decision-makers for medical treatment**
27 **authorized.** (3) Upon a determination that an adult patient lacks

1 decisional capacity to provide informed consent to or refusal of medical
2 treatment, the attending physician, or such physician's designee, shall
3 make reasonable efforts to notify the patient of the patient's lack of
4 decisional capacity. In addition, the attending physician, or such
5 physician's designee, shall make reasonable efforts to locate as many
6 interested persons as defined in this subsection (3) as practicable and the
7 attending physician may rely on such individuals to notify other family
8 members or interested persons. For the purposes of this section,
9 "interested persons" means the patient's spouse, THE PATIENT'S PARTNER
10 IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S., either
11 parent of the patient, any adult child, sibling, or grandchild of the patient,
12 or any close friend of the patient. Upon locating an interested person, the
13 attending physician, or such physician's designee, shall inform such
14 person of the patient's lack of decisional capacity and that a proxy
15 decision-maker should be selected for the patient.

16 **SECTION 125.** 15-19-103 (4), Colorado Revised Statutes, is
17 amended, and the said 15-19-103 is further amended BY THE
18 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

19 **15-19-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

21 (1.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
22 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
23 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

24 (4) "Interested person" means the deceased's spouse, PARTNER IN
25 A CIVIL UNION, parent, adult child, sibling, grandchild, and other person
26 designated in a declaration instrument.

27 (5.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A PERSON

1 WHO HAS ENTERED INTO A CIVIL UNION BETWEEN TWO SAME-SEX PERSONS
2 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF
3 TITLE 14, C.R.S.

4 **SECTION 126.** 15-19-106 (1) (c), Colorado Revised Statutes, is
5 amended to read:

6 **15-19-106. Right to dispose of remains.** (1) The right to control
7 disposition of the last remains or ceremonial arrangements of a decedent
8 vests in and devolves upon the following persons, at the time of the
9 decedent's death, in the following order:

10 (c) The surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION
11 of the decedent, if not legally separated from the decedent;

12 **SECTION 127.** 15-19-107 (4) (a), Colorado Revised Statutes, is
13 amended to read:

14 **15-19-107. Declaration of disposition of last remains.**

15 (4) (a) Unless otherwise expressly provided in a declaration instrument,
16 a subsequent divorce, dissolution of marriage, annulment of marriage, or
17 legal separation, DISSOLUTION OF A CIVIL UNION, DECLARATION OF
18 INVALIDITY OF A CIVIL UNION, OR LEGAL SEPARATION OF A CIVIL UNION
19 between the declarant and spouse OR PARTNER IN A CIVIL UNION
20 automatically revokes a delegation to the declarant's spouse OR PARTNER
21 IN A CIVIL UNION to direct the disposition of the declarant's last remains
22 or ceremonies after the declarant's death. This paragraph (a) shall not be
23 construed to revoke the remaining provisions of the declaration
24 instrument.

25 **SECTION 128.** The introductory portion to 15-20-102 (1),
26 Colorado Revised Statutes, is amended to read:

27 **15-20-102. Application.** (1) This article applies to the

1 disposition at death of the following property acquired by a married
2 person OR BY A PARTNER IN A CIVIL UNION:

3 **SECTION 129.** Article 20 of title 15, Colorado Revised Statutes,
4 is amended BY THE ADDITION OF A NEW SECTION to read:

5 **15-20-102.5. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
8 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
9 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

10 (2) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A PERSON
11 WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
12 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

13 **SECTION 130.** 15-20-103, Colorado Revised Statutes, is
14 amended to read:

15 **15-20-103. Rebuttable presumptions.** (1) In determining
16 whether this article applies to specific property, the following rebuttable
17 presumptions apply:

18 (a) Property acquired during marriage by a spouse of that
19 marriage OR DURING A CIVIL UNION BY A PARTNER IN THAT CIVIL UNION
20 while domiciled in a jurisdiction under whose laws property could then
21 be acquired as community property is presumed to have been acquired as
22 or to have become, and remained, property to which this article applies;
23 and

24 (b) Real property situated in this state and personal property
25 wherever situated acquired by a married person OR BY A PARTNER IN A
26 CIVIL UNION while domiciled in a jurisdiction under whose laws property
27 could not then be acquired as community property, title to which was

1 taken in a form which created rights of survivorship, is presumed not to
2 be property to which this article applies.

3 **SECTION 131.** 15-20-104, Colorado Revised Statutes, is
4 amended to read:

5 **15-20-104. Disposition upon death.** (1) Upon death of a married
6 person, one-half of the property to which this article applies is the
7 property of the surviving spouse and is not subject to testamentary
8 disposition by the decedent or distribution under the laws of succession
9 of this state. One-half of that property is the property of the decedent and
10 is subject to testamentary disposition or distribution under the laws of
11 succession of this state.

12 (2) UPON DEATH OF A PARTNER IN A CIVIL UNION, ONE-HALF OF
13 THE PROPERTY TO WHICH THIS ARTICLE APPLIES IS THE PROPERTY OF THE
14 SURVIVING PARTNER AND IS NOT SUBJECT TO TESTAMENTARY DISPOSITION
15 BY THE DECEDENT OR DISTRIBUTION UNDER THE LAWS OF SUCCESSION OF
16 THIS STATE. ONE-HALF OF THAT PROPERTY IS THE PROPERTY OF THE
17 DECEDENT AND IS SUBJECT TO TESTAMENTARY DISPOSITION OR
18 DISTRIBUTION UNDER THE LAWS OF SUCCESSION OF THIS STATE.

19 **SECTION 132.** 15-20-105, Colorado Revised Statutes, is
20 amended to read:

21 **15-20-105. Perfection of title of surviving spouse or surviving**
22 **partner in a civil union.** If the title to any property to which this article
23 applies was held at the time of the decedent's death by the decedent or by
24 a trustee of an inter vivos trust created by the decedent, title of the
25 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION may be
26 perfected by an order of the court or by execution of an instrument by the
27 personal representative or the heirs or devisees of the decedent with the

1 approval of the court. The personal representative shall have no duty to
2 discover or attempt to discover whether property held by the decedent is
3 property to which this article applies, unless a written demand is made by
4 the surviving spouse OR THE SURVIVING PARTNER or the spouse's OR
5 PARTNER'S successor in interest.

6 **SECTION 133.** 15-20-106 (1) and (2), Colorado Revised
7 Statutes, are amended to read:

8 **15-20-106. Perfection of title of personal representative, heir,
9 or devisee.** (1) If the title to any property to which this article applies is
10 held by the surviving spouse OR THE SURVIVING PARTNER IN A CIVIL UNION
11 at the time of the decedent's death, the personal representative or an heir
12 or devisee of the decedent may institute an action to perfect title to the
13 property. The personal representative has no fiduciary duty to discover
14 or attempt to discover whether any property held by the surviving spouse
15 OR SURVIVING PARTNER is property to which this article applies, unless
16 a written demand is made by an heir, devisee, or creditor of the decedent.

17 (2) Written demand in this section and in section 15-20-105 shall
18 be made by a surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION,
19 the spouse's OR PARTNER'S successor in interest, or the decedent's heirs or
20 devisees not later than six months after the decedent's will has been
21 admitted to probate, or not later than six months after the appointment of
22 an administrator if there is no will, or not later than six months after the
23 decedent's death if the property to which this article applies is held in an
24 inter vivos trust created by the decedent; and written demand by a
25 creditor of the decedent shall be made not later than six months from the
26 decedent's date of death.

27 **SECTION 134.** 15-20-107 (1) and (2), Colorado Revised

1 Statutes, are amended to read:

2 **15-20-107. Purchaser for value or lender.** (1) If a surviving
3 spouse OR SURVIVING PARTNER IN A CIVIL UNION has apparent title to
4 property to which this article applies, a purchaser for value or a lender
5 taking a security interest in the property takes his OR HER interest in the
6 property free of any rights of the personal representative or an heir or
7 devisee of the decedent.

8 (2) If a personal representative or an heir or devisee of the
9 decedent has apparent title to property to which this article applies, a
10 purchaser for value or a lender taking a security interest in the property
11 takes his OR HER interest in the property free of any rights of the surviving
12 spouse OR SURVIVING PARTNER IN A CIVIL UNION.

13 **SECTION 135.** 16-3-404 (1), Colorado Revised Statutes, is
14 amended to read:

15 **16-3-404. Duty of officers to admit attorney.** (1) All peace
16 officers or persons having in custody any person committed, imprisoned,
17 or arrested for any alleged cause shall forthwith admit any attorney-at-law
18 in this state, upon the demand of the prisoner or of a friend, relative,
19 spouse, PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5),
20 C.R.S., or attorney of the prisoner, to see and consult the person so
21 imprisoned, alone and in private, at the jail or other place of custody, if
22 such person so imprisoned expressly consents to see or to consult with
23 the attorney.

24 **SECTION 136.** 16-22-102 (4), Colorado Revised Statutes, is
25 amended to read:

26 **16-22-102. Definitions.** As used in this article, unless the context
27 otherwise requires:

1 (4) "Immediate family" means a person's spouse, PARTNER IN A
2 CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5), C.R.S., parent,
3 grandparent, sibling, or child.

4 **SECTION 137.** 18-1-901 (3), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF THE FOLLOWING NEW
6 PARAGRAPHS to read:

7 **18-1-901. Definitions.** (3) (c.5) "CIVIL UNION" MEANS A CIVIL
8 UNION ENTERED INTO BETWEEN TWO SAME-SEX PERSONS ESTABLISHED IN
9 ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

10 (k.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A PERSON
11 WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
12 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

13 **SECTION 138.** 18-3-102 (4), Colorado Revised Statutes, is
14 amended to read:

15 **18-3-102. Murder in the first degree.** (4) The statutory
16 privilege between patient and physician and between husband and wife
17 AND BETWEEN PARTNERS IN A CIVIL UNION shall not be available for
18 excluding or refusing testimony in any prosecution for the crime of
19 murder in the first degree as described in paragraph (f) of subsection (1)
20 of this section.

21 **SECTION 139.** 18-6-401 (3), Colorado Revised Statutes, is
22 amended to read:

23 **18-6-401. Child abuse.** (3) The statutory privilege between
24 patient and physician and between husband and wife AND BETWEEN
25 PARTNERS IN A CIVIL UNION shall not be available for excluding or
26 refusing testimony in any prosecution for a violation of this section.

27 **SECTION 140.** 18-6-401.1 (5), Colorado Revised Statutes, is

1 amended to read:

2 **18-6-401.1. Child abuse - limitation for commencing**
3 **proceedings - evidence - statutory privilege.** (5) The statutory
4 privilege between the victim-patient and his physician and between the
5 husband and the wife AND BETWEEN THE PARTNERS IN A CIVIL UNION shall
6 not be available for excluding or refusing testimony in any prosecution
7 of an act of child abuse.

8 **SECTION 141.** 18-6-800.3 (2), Colorado Revised Statutes, is
9 amended to read:

10 **18-6-800.3. Definitions.** As used in this part 8, unless the context
11 otherwise requires:

12 (2) "Intimate relationship" means a relationship between spouses,
13 former spouses, PARTNERS IN A CIVIL UNION, FORMER PARTNERS IN A CIVIL
14 UNION, past or present unmarried couples, or persons who are both the
15 parents of the same child regardless of whether the persons have been
16 married or have lived together at any time.

17 **SECTION 142.** 18-9-111 (4) (c) (III), Colorado Revised Statutes,
18 is amended to read:

19 **18-9-111. Harassment - stalking.** (4) (c) For the purposes of
20 this subsection (4):

21 (III) "Immediate family" includes the person's spouse OR PARTNER
22 IN A CIVIL UNION and the person's parent, grandparent, sibling, or child;
23 and

24 **SECTION 143.** 19-1-103 (47) (b) (I) and (56) (a), the
25 introductory portion to 19-1-103 (71.5), and 19-1-103 (112), Colorado
26 Revised Statutes, are amended, and the said 19-1-103 is further amended
27 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to

1 read:

2 **19-1-103. Definitions.** As used in this title or in the specified
3 portion of this title, unless the context otherwise requires:

4 (23.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO
5 BETWEEN TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH
6 THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

7 (47) (b) (I) Real property that is held in joint ownership or
8 ownership in common with the juvenile's spouse OR PARTNER IN A CIVIL
9 UNION, while being used and occupied by the spouse OR PARTNER IN A
10 CIVIL UNION as a place of residence, shall not be considered a part of the
11 estate of the juvenile for the purposes of section 19-2-114.

12 (56) (a) "Grandparent" means a person who is the parent of a
13 child's father or mother, who is related to the child by blood, in whole or
14 by half, adoption, CIVIL UNION, or marriage.

15 (71.5) "Kinship adoption", as used in part 2 of article 5 of this
16 title, means an adoption of a child by a relative of the child and such
17 relative's spouse OR PARTNER IN A CIVIL UNION, as required under section
18 19-5-202 (3), who:

19 (82.5) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
20 ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS
21 OF ARTICLE 15 OF TITLE 14, C.R.S.

22 (112) "Victim", as used in article 2 of this title, means the party
23 immediately and directly aggrieved by the juvenile, that party's spouse OR
24 PARTNER IN A CIVIL UNION, the party's parent, sibling, or child who is
25 living with the party, a victim compensation board that has paid a victim
26 compensation claim, a person or entity who has suffered losses because
27 of a contractual relationship with such party, including, but not limited to,

1 an insurer, or because of liability under section 14-6-110, C.R.S., or, in
2 the absence of any of the above, the state.

3 **SECTION 144.** 19-1-117 (1) (a), Colorado Revised Statutes, is
4 amended to read:

5 **19-1-117. Visitation rights of grandparents.** (1) Any
6 grandparent of a child may, in the manner set forth in this section, seek
7 a court order granting the grandparent reasonable grandchild visitation
8 rights when there is or has been a child custody case or a case concerning
9 the allocation of parental responsibilities relating to that child. Because
10 cases arise that do not directly deal with child custody or the allocation
11 of parental responsibilities but nonetheless have an impact on the custody
12 of or parental responsibilities with respect to a child, for the purposes of
13 this section, a "case concerning the allocation of parental responsibilities
14 with respect to a child" includes any of the following, whether or not
15 child custody was or parental responsibilities were specifically an issue:

16 (a) That the marriage OR THE CIVIL UNION of the child's parents
17 has been declared invalid or has been dissolved by a court or that a court
18 has entered a decree of legal separation with regard to such marriage OR
19 CIVIL UNION;

20 **SECTION 145.** 19-3-311 (2), Colorado Revised Statutes, is
21 amended to read:

22 **19-3-311. Evidence not privileged.** (2) The privileged
23 communication between husband and wife OR BETWEEN PARTNERS IN A
24 CIVIL UNION shall not be a ground for excluding evidence in any judicial
25 proceeding resulting from a report pursuant to this part 3.

26 **SECTION 146.** 19-5-202 (3), Colorado Revised Statutes, is
27 amended to read:

1 **19-5-202. Who may adopt.** (3) A person having a living spouse
2 OR A LIVING PARTNER IN A CIVIL UNION from whom he OR SHE is not
3 legally separated shall petition jointly with such spouse OR PARTNER IN A
4 CIVIL UNION, unless such spouse OR PARTNER IN A CIVIL UNION is the
5 ~~natural~~ BIRTH parent of the child to be adopted or has previously adopted
6 the child.

7 **SECTION 147.** 19-5-203 (1) (d), (1) (e), and (1) (f), Colorado
8 Revised Statutes, are amended to read:

9 **19-5-203. Availability for adoption.** (1) A child may be
10 available for adoption only upon:

11 (d) (I) Written and verified consent of the parent in a stepparent
12 adoption OR A CIVIL UNION ADOPTION where the other parent is deceased
13 or his OR HER parent-child legal relationship has been terminated under
14 paragraph (a) or (b) of this subsection (1);

15 (II) Written and verified consent of the parent in a stepparent
16 adoption OR IN A CIVIL UNION ADOPTION, accompanied by an affidavit or
17 sworn testimony of such parent, that the other birth parent has abandoned
18 the child for a period of one year or more or that the other birth parent
19 has failed without cause to provide reasonable support for such child for
20 a period of one year or more. Upon filing of the petition in adoption, the
21 court shall issue a notice directed to the other parent, which notice shall
22 state the nature of the relief sought, the names of the petitioner and the
23 child, and the time and place set for hearing on the petition. If the
24 address of the other parent is known, service of such notice shall be in the
25 manner provided by the Colorado rules of civil procedure for service of
26 process. Upon affidavit by the petitioner that, after diligent search, the
27 address of the other parent remains unknown, the court shall order service

1 upon the other parent by one publication of the notice in a newspaper of
2 general circulation in the county in which the hearing is to be held. The
3 hearing shall not be held sooner than thirty days after service of the notice
4 is complete, and, at such time, the court may enter a final decree of
5 adoption notwithstanding the time limitation in section 19-5-210 (2).

6 (e) Written and verified consent of the parent having only residual
7 parental responsibilities when custody or parental responsibilities have
8 been awarded or allocated to the other parent in a dissolution of marriage
9 proceeding where the spouse of OR THE PARTNER IN A CIVIL UNION WITH
10 the parent having custody or parental responsibilities wishes to adopt the
11 child;

12 (f) Written and verified consent of the parent or parents as defined
13 in section 19-1-103 (82) in a stepparent adoption OR A CIVIL UNION
14 ADOPTION where the child:

15 (I) Is conceived and born out of wedlock;

16 (II) WAS PREVIOUSLY ADOPTED BY THE UNMARRIED ADOPTIVE OR
17 BIRTH PARENT; OR

18 (III) WAS CONCEIVED BY ARTIFICIAL INSEMINATION AND THE
19 CHILD HAS NO KNOWN BIOLOGICAL FATHER PURSUANT TO SECTION
20 19-4-106 (2).

21 **SECTION 148.** 19-5-211 (1) and (3), Colorado Revised Statutes,
22 are amended, and the said 19-5-211 is further amended BY THE
23 ADDITION OF A NEW SUBSECTION, to read:

24 **19-5-211. Legal effects of final decree.** (1) After the entry of a
25 final decree of adoption, the person adopted shall be, to all intents and
26 purposes, the child of the petitioner. He OR SHE shall be entitled to all the
27 rights and privileges and be subject to all the obligations of a child born

1 in lawful wedlock to the petitioner.

2 (3) Nothing in this part 2 shall be construed to divest any ~~natural~~
3 BIRTH parent or child of any legal right or obligation where the adopting
4 parent is a stepparent OR A PARTNER IN A CIVIL UNION and is married to OR
5 IS IN A CIVIL UNION WITH said ~~natural~~ BIRTH parent.

6 (4) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO DIVEST ANY
7 PARENT OR CHILD OF ANY LEGAL RIGHT OR OBLIGATION WHERE THE
8 ADOPTING PARENT IS THE SAME-SEX PARTNER IN A CIVIL UNION WITH THE
9 BIRTH PARENT.

10 **SECTION 149.** 24-4.1-102 (9), Colorado Revised Statutes, is
11 amended to read:

12 **24-4.1-102. Definitions.** As used in this part 1, unless the context
13 otherwise requires:

14 (9) "Relative" means a victim's spouse, PARTNER IN A CIVIL UNION,
15 AS DEFINED IN SECTION 14-15-103 (5), C.R.S., parent, grandparent,
16 stepfather, stepmother, child, grandchild, brother, sister, half brother, half
17 sister, or spouse's OR PARTNER'S parents. The term includes said
18 relationships that are created as a result of adoption. In addition,
19 "relative" includes any person who has a family-type relationship with a
20 victim.

21 **SECTION 150.** 24-4.1-201 (1.3), Colorado Revised Statutes, is
22 amended to read:

23 **24-4.1-201. Distribution of profits from crime - escrow account**
24 **- civil suit by victim - definitions.** (1.3) For purposes of this part 2,
25 "victim" means any natural person against whom any crime has been
26 perpetrated or attempted, unless the person is accountable for the crime
27 or a crime arising from the same conduct, criminal episode or plan or if

1 such person is deceased or incapacitated, the person's spouse OR PARTNER
2 IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5), C.R.S., parent,
3 child, sibling, grandparent, significant other, or other lawful
4 representative. For purposes of this part 2, any person under the age of
5 eighteen years is considered incapacitated, unless that person is
6 emancipated.

7 **SECTION 151.** 24-4.1-302 (5) and (6), Colorado Revised
8 Statutes, are amended to read:

9 **24-4.1-302. Definitions.** As used in this part 3, and for no other
10 purpose, including the expansion of the rights of any defendant:

11 (5) "Victim" means any natural person against whom any crime
12 has been perpetrated or attempted, unless the person is accountable for
13 the crime or a crime arising from the same conduct, criminal episode, or
14 plan as crime is defined under the laws of this state or of the United
15 States, or, if such person is deceased or incapacitated, the person's
16 spouse, PARTNER IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5),
17 C.R.S., parent, child, sibling, grandparent, significant other, or other
18 lawful representative. For purposes of notification under this part 3, any
19 person under the age of eighteen years is considered incapacitated, unless
20 that person is legally emancipated. It is the intent of the general assembly
21 that this definition of the term "victim" shall apply only to this part 3 and
22 shall not be applied to any other provision of the laws of the state of
23 Colorado that refer to the term "victim".

24 (6) "Victim's immediate family" means the spouse, THE PARTNER
25 IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5), C.R.S., any child
26 by birth or adoption, any stepchild, the parent, the stepparent, a sibling,
27 a legal guardian, significant other, or a lawful representative of the

1 victim.

2 **SECTION 152.** 24-34-301, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **24-34-301. Definitions.** As used in parts 3 to 7 of this article,
5 unless the context otherwise requires:

6 (4.5) "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS
7 ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE REQUIREMENTS
8 OF ARTICLE 15 OF TITLE 14, C.R.S.

9 **SECTION 153.** 24-34-402 (1) (h), Colorado Revised Statutes, is
10 amended to read:

11 **24-34-402. Discriminatory or unfair employment practices.**

12 (1) It shall be a discriminatory or unfair employment practice:

13 (h) (I) For any employer to discharge an employee or to refuse to
14 hire a person solely on the basis that such employee or person is married
15 to or plans to marry another employee of the employer; but this
16 subparagraph (I) shall not apply to employers with twenty-five or fewer
17 employees.

18 (I.5) FOR ANY EMPLOYER TO DISCHARGE AN EMPLOYEE OR TO
19 REFUSE TO HIRE A PERSON SOLELY ON THE BASIS THAT SUCH EMPLOYEE OR
20 PERSON IS A PARTNER IN A CIVIL UNION WITH OR PLANS TO ENTER INTO A
21 CIVIL UNION WITH ANOTHER EMPLOYEE OF THE EMPLOYER; BUT THIS
22 SUBPARAGRAPH (I.5) SHALL NOT APPLY TO EMPLOYERS WITH TWENTY-FIVE
23 OR FEWER EMPLOYEES.

24 (II) It shall not be unfair or discriminatory for an employer to
25 discharge an employee or to refuse to hire a person for the reasons stated
26 in subparagraph (I) OR SUBPARAGRAPH (I.5) of this paragraph (h) under
27 circumstances where:

1 (A) One spouse OR PARTNER directly or indirectly would exercise
2 supervisory, appointment, or dismissal authority or disciplinary action
3 over the other spouse OR OTHER PARTNER;

4 (B) One spouse OR PARTNER would audit, verify, receive, or be
5 entrusted with moneys received or handled by the other spouse OR OTHER
6 PARTNER; or

7 (C) One spouse OR PARTNER has access to the employer's
8 confidential information, including payroll and personnel records.

9 **SECTION 154.** 24-50-603 (5), Colorado Revised Statutes, is
10 amended to read:

11 **24-50-603. Definitions.** As used in this part 6, unless the context
12 otherwise requires:

13 (5) "Dependent" means an employee's legal spouse OR THE
14 EMPLOYEE'S PARTNER IN A CIVIL UNION AS DEFINED IN SECTION 14-15-103
15 (5), C.R.S.; each unmarried child, including adopted children,
16 stepchildren, and foster children, through the end of the calendar year in
17 which the child turns nineteen years of age, for whom the employee is the
18 major source of financial support or for whom the employee is directed
19 by court order to provide coverage; each unmarried child nineteen years
20 of age, through the end of the calendar year in which that child is no
21 longer a full-time student in an educational or vocational institution, but
22 no longer than through the end of the month in which the full-time
23 student turns twenty-four years of age, and for whom the employee is the
24 major source of financial support or for whom the employee is directed
25 by court order to provide coverage; or an unmarried child of any age who
26 has either a physical or mental disability, as defined by the carrier, not
27 covered under other government programs, and for whom the employee

1 is the major source of financial support or for whom the employee is
2 directed by court order to provide coverage.

3 **SECTION 155.** 24-51-101 (8) and (15), Colorado Revised
4 Statutes, are amended, and the said 24-51-101 is further amended BY
5 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to
6 read:

7 **24-51-101. Definitions.** As used in this article, unless the context
8 otherwise requires:

9 (8) "Benefit recipient" means a retiree, spouse, PARTNER IN A
10 CIVIL UNION, cobeneficiary, qualified child, or dependent parent receiving
11 monthly service retirement, disability retirement, or survivor benefits.
12 "Benefit recipient" does not include a person who has received a refund
13 pursuant to the provisions of section 24-51-405 or a single payment.

14 (9.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
15 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
16 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

17 (15) "Dependents" means the spouse, PARTNER IN A CIVIL UNION,
18 qualified children, and dependent parents of a benefit recipient.

19 (33.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A
20 PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
21 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

22 **SECTION 156.** 24-51-405.5, Colorado Revised Statutes, is
23 amended to read:

24 **24-51-405.5. Direct rollovers.** Notwithstanding any other
25 provision of this article, effective January 1, 1993, a terminated member,
26 ~~or~~ a surviving spouse, OR A SURVIVING PARTNER IN A CIVIL UNION, may
27 elect to have any portion of an eligible rollover distribution paid directly

1 to an eligible retirement plan in a direct rollover in accordance with
2 section 401 (a) (31) of the federal "Internal Revenue Code of 1986", as
3 amended.

4 **SECTION 157.** 24-51-802 (3) and (3.5), Colorado Revised
5 Statutes, are amended to read:

6 **24-51-802. Change in option or cobeneficiary.** (3) A retiree
7 who was not married OR A PARTNER IN A CIVIL UNION on the effective date
8 of retirement may elect option 2 or 3 upon marriage OR UPON ENTERING
9 INTO A CIVIL UNION and designate the spouse OR PARTNER IN A CIVIL
10 UNION as cobeneficiary. If a retiree is married on the effective date of
11 retirement and the spouse on said date subsequently dies, the retiree may
12 elect option 2 or 3 upon remarriage and designate the spouse as
13 cobeneficiary. IF A RETIREE IS IN A CIVIL UNION ON THE EFFECTIVE DATE
14 OF RETIREMENT AND THE PARTNER IN A CIVIL UNION ON SAID DATE
15 SUBSEQUENTLY DIES, THE RETIREE MAY ELECT OPTION 2 OR 3 UPON
16 ENTERING INTO A NEW CIVIL UNION AND DESIGNATE THE PARTNER AS
17 COBENEFICIARY.

18 (3.5) In any dissolution of marriage action OR DISSOLUTION OF A
19 CIVIL UNION ACTION in any district court of the state, the court shall have
20 the jurisdiction to order or allow a retiree who is a petitioner or
21 respondent in such action to change the cobeneficiary that was named by
22 such retiree at retirement.

23 **SECTION 158.** 24-51-803 (3), Colorado Revised Statutes, is
24 amended to read:

25 **24-51-803. Determination of option 2 or 3 benefits.** (3) When
26 a retiree designates a spouse OR A PARTNER IN A CIVIL UNION as a
27 cobeneficiary subsequent to retirement pursuant to the provisions of

1 section 24-51-802 (3), the calculation of benefits payable pursuant to
2 option 2 or 3, as set forth in section 24-51-801, shall be actuarially
3 determined as of the date of designation.

4 **SECTION 159.** 24-51-905 (1) (b), (2) (a), and (2) (b), Colorado
5 Revised Statutes, are amended to read:

6 **24-51-905. Deceased member who was not eligible for service**
7 **or reduced service retirement.** (1) In accordance with the provisions
8 of this part 9, if a member met the service credit requirements specified
9 in section 24-51-904 (1) (a) (I) or (1) (a) (II) but did not meet the age and
10 service credit requirements for service retirement as of the date of death,
11 pursuant to the provisions of section 24-51-602 or 24-51-604, survivor
12 benefits or a single payment shall be payable in the following order:

13 (b) To the surviving spouse OR SURVIVING PARTNER IN A CIVIL
14 UNION of the member if no qualified children specified in paragraph (a)
15 of this subsection (1) exist;

16 (2) If an inactive member who had earned at least five years of
17 service credit dies, survivor benefits or a single payment shall be payable
18 in the following order:

19 (a) To the surviving spouse OR SURVIVING PARTNER IN A CIVIL
20 UNION;

21 (b) To the named beneficiary if no surviving spouse OR
22 SURVIVING PARTNER IN A CIVIL UNION exists;

23 **SECTION 160.** 24-51-906 (1) (b), Colorado Revised Statutes, is
24 amended to read:

25 **24-51-906. Deceased member who was eligible for service or**
26 **reduced service retirement.** (1) In accordance with the provisions of
27 this part 9, if a member met the age and service credit requirements for

1 service retirement as of the date of death, pursuant to the provisions of
2 section 24-51-602 or 24-51-604, survivor benefits or a single payment
3 shall be payable in the following order:

4 (b) To the surviving spouse OR SURVIVING PARTNER IN A CIVIL
5 UNION of the member if no cobeneficiary specified in paragraph (a) of
6 this subsection (1) exists;

7 **SECTION 161.** 24-51-907 (3), Colorado Revised Statutes, is
8 amended to read:

9 **24-51-907. Form of survivor benefits and single payments.**

10 (3) Surviving spouses OR SURVIVING PARTNERS IN A CIVIL UNION or
11 dependent parents specified in section 24-51-905 (1) (b), (1) (d), and (2)
12 (a) and in section 24-51-906 (1) (b) and (1) (d) shall be paid survivor
13 benefits unless they also qualify as a named beneficiary specified in
14 section 24-51-905 (1) (e) or (2) (b) or 24-51-906 (1) (e), in which case
15 they may elect to receive a single payment or survivor benefits.

16 **SECTION 162.** 24-51-908 (1), (2), and (3), Colorado Revised
17 Statutes, are amended to read:

18 **24-51-908. Survivor benefits.** (1) Survivor benefits paid to a
19 cobeneficiary pursuant to the provisions of section 24-51-906 (1) (a) shall
20 be calculated in the same manner as option 3 benefits pursuant to the
21 provisions of section 24-51-910. Survivor benefits paid to a surviving
22 spouse OR SURVIVING PARTNER IN A CIVIL UNION pursuant to the
23 provisions of section 24-51-905 (2) (a) shall be calculated in the same
24 manner as option 3 benefits pursuant to the provisions of section
25 24-51-910, and if the deceased vested inactive member had at least
26 twenty-five years of service credit, such benefits shall be increased by the
27 annual increase specified in sections 24-51-1001 to 24-51-1003, from the

1 date of termination of membership or July 1, 1993, whichever is later, to
2 the date benefits commence.

3 (2) Survivor benefits paid to spouses OR SURVIVING PARTNERS IN
4 A CIVIL UNION pursuant to the provisions of section 24-51-906 (1) (b)
5 shall be calculated in the same manner as either option 3 benefits,
6 pursuant to the provisions of section 24-51-910, or as surviving spouse's
7 benefits OR SURVIVING PARTNER'S BENEFITS pursuant to the provisions of
8 section 24-51-909, upon the irrevocable election of such spouse OR SUCH
9 PARTNER IN A CIVIL UNION.

10 (3) Survivor benefits paid to spouses OR TO SURVIVING PARTNERS
11 IN A CIVIL UNION pursuant to the provisions of section 24-51-905 (1) (b)
12 shall be calculated in the same manner as:

13 (a) Surviving spouse's benefits OR SURVIVING PARTNER'S
14 BENEFITS, pursuant to the provisions of section 24-51-909, or option 3
15 benefits if the deceased member had ten years of service credit or the
16 death of the member was job-related; or

17 (b) Surviving spouse's benefits OR SURVIVING PARTNER'S
18 BENEFITS, pursuant to the provisions of section 24-51-909, if the deceased
19 member did not have ten years of service credit and the death of the
20 member was not job-related.

21 **SECTION 163.** 24-51-909, Colorado Revised Statutes, is
22 amended to read:

23 **24-51-909. Surviving spouse's or partner's benefits.** A
24 surviving spouse's benefit shall be equal to twenty-five percent of the
25 highest average salary of the deceased member. A SURVIVING PARTNER'S
26 BENEFIT FOR A SURVIVING PARTNER IN A CIVIL UNION SHALL BE EQUAL TO
27 TWENTY-FIVE PERCENT OF THE HIGHEST AVERAGE SALARY OF THE

1 DECEASED MEMBER.

2 **SECTION 164.** 24-51-911 (3), (4), (5), and (6), Colorado
3 Revised Statutes, are amended to read:

4 **24-51-911. Commencement of survivor benefits or single**
5 **payment.** (3) Survivor benefits pursuant to option 3 paid to a spouse OR
6 TO A PARTNER IN A CIVIL UNION specified in section 24-51-906 (1) (b)
7 shall become payable immediately upon the death of the member.
8 Survivor benefits pursuant to option 3 paid to a spouse OR TO A PARTNER
9 IN A CIVIL UNION specified in section 24-51-905 (2) (a) shall become
10 payable when the deceased inactive member would have become eligible
11 for reduced service retirement.

12 (4) Survivor benefits pursuant to option 3 paid to a spouse OR
13 PARTNER IN A CIVIL UNION specified in section 24-51-905 (1) (b) shall
14 become payable immediately if the death of the member occurred on or
15 after July 1, 1979. If the death of the member occurred prior to July 1,
16 1979, the option 3 benefits shall become payable on and after July 1,
17 1985, upon satisfaction of the following conditions:

18 (a) If surviving spouse's benefits OR THE SURVIVING PARTNER'S
19 BENEFITS are not being received pursuant to the provisions of section
20 24-51-909 and the spouse OR PARTNER has not elected to receive a single
21 payment, such spouse OR PARTNER may elect to receive an option 3
22 benefit, defined in section 24-51-910, immediately upon such election or
23 when benefits for the children cease, whichever is later. Such election
24 shall be irrevocable.

25 (b) If surviving spouse's benefits OR THE SURVIVING PARTNER'S
26 BENEFITS are not being paid pursuant to the provisions of section
27 24-51-909 and the spouse OR PARTNER elected to receive a single

1 payment, such spouse OR PARTNER may elect to receive an option 3
2 benefit, defined in section 24-51-910, which shall become payable upon
3 payment to the association of an amount equal to the single payment plus
4 interest. Such payment may be made in a lump sum or through temporary
5 waiver of survivor benefits. Benefits so waived pursuant to this
6 paragraph (b) shall be used for monthly installment payments until the
7 total payment is completed, and the temporary benefit waiver shall
8 terminate upon completion of said payment.

9 (5) Except as otherwise provided in subsection (6) of this section,
10 surviving spouse's benefits OR SURVIVING PARTNER'S BENEFITS paid
11 pursuant to the provisions of section 24-51-909 shall become payable
12 upon reaching sixty years of age, or on December 31 of the calendar year
13 in which the deceased member would have reached seventy and one-half
14 years of age, whichever occurs earlier.

15 (6) Surviving spouse's benefits OR SURVIVING PARTNER'S BENEFITS
16 defined in section 24-51-909 which are payable to a spouse OR PARTNER
17 found by the board to be mentally or physically incapacitated from
18 gainful employment shall become payable on the day of the death of the
19 deceased member without regard to the age of such spouse OR PARTNER.

20 **SECTION 165.** The introductory portion to 24-51-912 (3) and
21 24-51-912 (3) (b), Colorado Revised Statutes, are amended to read:

22 **24-51-912. Termination of survivor benefits.** (3) When
23 children's survivor benefits paid pursuant to section 24-51-905 (1) (a) are
24 no longer payable, the surviving spouse OR SURVIVING PARTNER IN A CIVIL
25 UNION may elect to receive:

26 (b) A surviving spouse's benefit OR SURVIVING PARTNER'S BENEFIT
27 pursuant to the provisions of section 24-51-909; or

1 **SECTION 166.** 24-51-1202 (3) (c), Colorado Revised Statutes,
2 is amended to read:

3 **24-51-1202. Health care program - design.** (3) (c) Surviving
4 spouses, ~~and~~ divorced spouses, SURVIVING PARTNERS IN A CIVIL UNION,
5 AND PARTNERS WHOSE CIVIL UNION HAS BEEN DISSOLVED enrolled in the
6 health care program pursuant to the provisions of section 24-51-1204 (1)
7 (b) and (1) (c) shall directly pay the premium amount.

8 **SECTION 167.** 24-51-1204 (1) (b) and (1) (c), Colorado Revised
9 Statutes, are amended to read:

10 **24-51-1204. Health care program - eligibility.** (1) The
11 following persons are eligible to enroll in the health care program:

12 (b) A surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION
13 of a retiree who elected option 1 if such spouse OR PARTNER was covered
14 by the health care program at the time of the death of the retiree;

15 (c) A divorced spouse of a retiree OR A PARTNER IN A CIVIL UNION
16 OF A RETIREE WHOSE CIVIL UNION HAS BEEN DISSOLVED if such spouse OR
17 PARTNER was enrolled in the health care program at the time of the
18 divorce OR DISSOLUTION from the retiree;

19 **SECTION 168.** 25-1-120 (3) (a), Colorado Revised Statutes, is
20 amended to read:

21 **25-1-120. Nursing facilities - rights of patients.** (3) Each
22 skilled nursing facility or intermediate care facility shall prepare a written
23 plan and provide appropriate facilities to ensure that the rights guaranteed
24 by subsection (1) of this section are enforced by a grievance procedure
25 which contains the following procedures and rights:

26 (a) A resident of any facility, the residents' advisory council, or
27 the sibling, child, spouse, PARTNER IN A CIVIL UNION AS DEFINED IN

1 SECTION 14-15-103 (5), C.R.S., or parent of any resident may formally
2 complain in the manner described in this subsection (3) about any
3 conditions, treatment, or violations of his OR HER rights by the facility or
4 its staff or about any treatment, conditions, or violations of the rights of
5 any other resident, regardless of the consent of the victim of the alleged
6 improper treatment, condition, or violation of rights by the facility or its
7 staff.

8 **SECTION 169.** 25-1-310 (2), Colorado Revised Statutes, is
9 amended to read:

10 **25-1-310. Emergency commitment.** (2) A law enforcement
11 officer, emergency service patrolman, physician, spouse, PARTNER IN A
12 CIVIL UNION AS DEFINED IN SECTION 14-15-103 (5), C.R.S., guardian, or
13 relative of the person to be committed or any other responsible person
14 may make a written application for emergency commitment under this
15 section, directed to the administrator of the approved treatment facility.
16 The application shall state the circumstances requiring emergency
17 commitment, including the applicant's personal observations and the
18 specific statements of others, if any, upon which he OR SHE relies in
19 making the application. A copy of the application shall be furnished to
20 the person to be committed.

21 **SECTION 170.** 25-1-311 (1), Colorado Revised Statutes, is
22 amended to read:

23 **25-1-311. Involuntary commitment of alcoholics.** (1) A person
24 may be committed to the custody of the division by the court upon the
25 petition of his OR HER spouse, PARTNER IN A CIVIL UNION AS DEFINED IN
26 SECTION 14-15-103 (5), C.R.S., or guardian, a relative, a physician, the
27 administrator in charge of any approved treatment facility, or any other

1 responsible person. The petition shall allege that the person is an
2 alcoholic and that he OR SHE has threatened or attempted to inflict or
3 inflicted physical harm on himself OR HERSELF or on another and that
4 unless committed he OR SHE is likely to inflict physical harm on himself
5 OR HERSELF or on another or that he OR SHE is incapacitated by alcohol.
6 A refusal to undergo treatment does not constitute evidence of lack of
7 judgment as to the need for treatment. The petition shall be accompanied
8 by a certificate of a licensed physician who has examined the person
9 within two days before submission of the petition, unless the person
10 whose commitment is sought has refused to submit to a medical
11 examination, in which case the fact of refusal shall be alleged in the
12 petition. The certificate shall set forth the physician's findings in support
13 of the allegations of the petition.

14 **SECTION 171.** 25-1-506 (1) (i), Colorado Revised Statutes, is
15 amended to read:

16 **25-1-506. Powers and duties of county and district health**
17 **departments.** (1) Each county and district health department has, in
18 addition to all other powers and duties imposed upon it by law, the
19 following powers and duties:

20 (i) To collect, compile, and tabulate reports of marriages,
21 dissolutions of marriage, and declarations of invalidity of marriage,
22 REPORTS OF CIVIL UNIONS, DISSOLUTIONS OF CIVIL UNIONS, AND
23 DECLARATIONS OF INVALIDITY OF CIVIL UNIONS, births, deaths, and
24 morbidity, and to require any person having information with regard to
25 the same to make such reports and submit such information as is required
26 by law or the rules and regulations of the state board of health. FOR
27 PURPOSES OF THIS PARAGRAPH (i), "CIVIL UNIONS" MEANS CIVIL UNIONS

1 ENTERED INTO BETWEEN TWO SAME-SEX PERSONS ESTABLISHED IN
2 ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

3 **SECTION 172.** 25-1-708 (1) (f), Colorado Revised Statutes, is
4 amended to read:

5 **25-1-708. Regional health departments - duties - powers.**

6 (1) Each regional health department has, in addition to any other duties
7 imposed upon it by law, the following duties:

8 (f) To collect, compile, and tabulate reports of marriages,
9 dissolutions of marriage, declarations of invalidity of marriage, REPORTS
10 OF CIVIL UNIONS, DISSOLUTIONS OF CIVIL UNIONS, DECLARATIONS OF
11 INVALIDITY OF CIVIL UNIONS, births, deaths, and morbidity and to require
12 any person having information with regard to the same to make such
13 information available and submit such reports as are required by law or
14 by the rules and regulations of the state board of health. FOR PURPOSES
15 OF THIS PARAGRAPH (f), "CIVIL UNIONS" MEANS CIVIL UNIONS ENTERED
16 INTO BETWEEN TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE
17 WITH THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

18 **SECTION 173.** 25-1-1106 (2), Colorado Revised Statutes, is
19 amended to read:

20 **25-1-1106. Emergency commitment.** (2) A law enforcement
21 officer, physician, spouse, PARTNER IN A CIVIL UNION AS DEFINED IN
22 SECTION 14-15-103 (5), C.R.S., guardian, or relative of the person to be
23 committed or any other responsible person may make a written
24 application for emergency commitment under this section, directed to the
25 administrator of the approved treatment facility. The application shall
26 state the circumstances requiring emergency commitment, including the
27 applicant's personal observations and the specific statements of others, if

1 any, upon which he OR SHE relies in making the application. A copy of
2 the application shall be furnished to the person to be committed.

3 **SECTION 174.** 25-1-1107 (1), Colorado Revised Statutes, is
4 amended to read:

5 **25-1-1107. Involuntary commitment of drug abusers.** (1) A
6 person may be committed to the custody of the division by the court upon
7 the petition of his OR HER spouse, PARTNER IN A CIVIL UNION AS DEFINED
8 IN SECTION 14-15-103 (5), C.R.S., or guardian, a relative, a physician, the
9 administrator in charge of any approved treatment facility, or any other
10 responsible person. The petition shall allege that the person is a drug
11 abuser and that he OR SHE has threatened or attempted to inflict or
12 inflicted physical harm on himself OR HERSELF or on another and that
13 unless committed he OR SHE is likely to inflict physical harm on himself
14 OR HERSELF or on another or that he OR SHE is incapacitated by drugs. A
15 refusal to undergo treatment does not constitute evidence of lack of
16 judgment as to the need for treatment. The petition shall be accompanied
17 by a certificate of a licensed physician who has examined the person
18 within ten days before submission of the petition, unless the person
19 whose commitment is sought has refused to submit to a medical
20 examination or an examination cannot be made of such person due to the
21 person's condition. The certificate shall set forth the physician's findings
22 in support of the allegations of the petition.

23 **SECTION 175.** 25-1.5-101 (1) (c), Colorado Revised Statutes,
24 is amended to read:

25 **25-1.5-101. Powers and duties of the department.** (1) The
26 department has, in addition to all other powers and duties imposed upon
27 it by law, the powers and duties provided in this section as follows:

1 (c) (I) To collect, compile, and tabulate reports of marriages,
2 dissolution of marriages, declaration of invalidity of marriages, REPORTS
3 OF CIVIL UNIONS, DISSOLUTIONS OF CIVIL UNIONS, DECLARATIONS OF
4 INVALIDITY OF CIVIL UNIONS, births, deaths, and morbidity and to require
5 any person having information with regard to the same to make such
6 reports and submit such information as the board shall by rule or
7 regulation provide.

8 (II) For the purposes of this paragraph (c), the board is authorized
9 to require reporting of morbidity and mortality in accordance with the
10 provisions of section 25-1-122.

11 (III) FOR THE PURPOSES OF THIS PARAGRAPH (c), "CIVIL UNIONS"
12 MEANS CIVIL UNIONS ENTERED INTO BETWEEN TWO SAME-SEX PERSONS
13 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF
14 TITLE 14, C.R.S.

15 **SECTION 176.** 25-2-116 (3), Colorado Revised Statutes, is
16 amended to read:

17 **25-2-116. Institutions to keep records - persons to furnish**
18 **information.** (3) Any person having knowledge of the facts shall furnish
19 such information as he OR SHE may possess regarding any birth, death,
20 fetal death, adoption, marriage, ~~or~~ dissolution of marriage, CIVIL UNION,
21 OR DISSOLUTION OF CIVIL UNION, upon demand of the state registrar.

22 **SECTION 177.** 26-1-103 (1), Colorado Revised Statutes, is
23 amended, and the said 26-1-103 is further amended BY THE ADDITION
24 OF THE FOLLOWING NEW SUBSECTIONS, to read:

25 **26-1-103. Definitions.** As used in this title, unless the context
26 otherwise requires:

27 (1) ~~"County board" means the county or district board of social~~

1 ~~services.~~ "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
2 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
3 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

4 (1.5) "COUNTY BOARD" MEANS THE COUNTY OR DISTRICT BOARD
5 OF SOCIAL SERVICES.

6 (4.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A PERSON
7 WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
8 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

9 **SECTION 178.** 26-2-111 (2) (b), Colorado Revised Statutes, is
10 amended to read:

11 **26-2-111. Eligibility for public assistance.** (2) **Old age**
12 **pension.** (b) No person otherwise qualified shall be denied the old age
13 pension by reason of the fact that relatives may be financially able to
14 contribute to his support and maintenance, but income and property of the
15 spouse OR THE PARTNER IN A CIVIL UNION of an applicant or recipient of
16 the old age pension shall be considered in determining eligibility pursuant
17 to rules and regulations of the state department, which rules and
18 regulations shall be based upon and relate to the need of the applicant or
19 recipient.

20 **SECTION 179.** 26-2-129 (2) (e) (I) and (9) (a) (II), Colorado
21 Revised Statutes, are amended to read:

22 **26-2-129. Funeral - burial - cremation expenses - death**
23 **reimbursement.** (2) For purposes of this section, unless the context
24 otherwise requires:

25 (e) "Legally responsible person" means a person who:

26 (I) Is the decedent's spouse OR THE DECEDENT'S PARTNER IN A
27 CIVIL UNION or the decedent's parent if the decedent is an unemancipated

1 minor who is under the age of eighteen; and

2 (9) (a) Notwithstanding any other provision of law to the contrary,
3 the disposition of a deceased public assistance or medical assistance
4 recipient shall be in accordance with subparagraph (I) or (II) of this
5 paragraph (a), as follows:

6 (II) The disposition of a public assistance or medical assistance
7 recipient who has not expressed a preference shall be determined
8 respectively by such recipient's spouse, PARTNER IN A CIVIL UNION, adult
9 children, parents, or siblings. Upon the death of a recipient, the county
10 department shall use reasonable effort to contact such an authorized
11 person to determine the disposition of the deceased recipient. If such
12 effort does not result in contact with an authorized relative within
13 twenty-four hours, the county shall immediately have the deceased
14 recipient's body refrigerated or embalmed. If such effort does not result
15 in contact with and decision by an authorized relative within seven days
16 of the recipient's death, the county department shall determine whether
17 to bury or cremate the deceased recipient on the basis of which option is
18 less costly.

19 **SECTION 180.** 26-4-684 (3) (b), Colorado Revised Statutes, is
20 amended to read:

21 **26-4-684. Implementation of home- and community-based**
22 **services program for persons with brain injury authorized - federal**
23 **waiver - duties of the department.** (3) (b) A member of an eligible
24 person's family, other than the person's spouse OR THE PERSON'S PARTNER
25 IN A CIVIL UNION or a parent of a minor, may be employed to provide
26 personal care services to such person. The maximum reimbursement for
27 the services provided by a member of the person's family per year for an

1 eligible person shall not exceed the equivalent of four hundred forty-four
2 service units per year for a member of the eligible person's family.
3 Standards that apply to other providers who provide personal care
4 services apply to a family member who provides these services. In
5 addition, a registered nurse shall supervise a family member in providing
6 services to the extent indicated in the eligible person's plan of care.

7 **SECTION 181.** 26-6-102 (7), Colorado Revised Statutes, is
8 amended to read:

9 **26-6-102. Definitions.** As used in this article, unless the context
10 otherwise requires:

11 (7) "Related" means any of the following relationships by blood,
12 marriage, CIVIL UNION, or adoption: Parent, PARTNER IN A CIVIL UNION,
13 grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle,
14 aunt, niece, nephew, or cousin.

15 **SECTION 182.** 26-12-201 (2) (a), Colorado Revised Statutes, is
16 amended to read:

17 **26-12-201. State nursing homes authorized.** (2) (a) Subject to
18 available appropriations, there is hereby authorized the establishment and
19 construction of state nursing homes for veterans of service in the armed
20 forces of the United States and their spouses, surviving spouses, THEIR
21 PARTNERS IN A CIVIL UNION, OR SURVIVING PARTNERS IN A CIVIL UNION,
22 or dependent parents. Each such state nursing home shall be known as
23 the Colorado state veterans nursing home, collectively referred to in this
24 article as "state veterans nursing homes".

25 **SECTION 183.** 26-12-203 (1) (a), Colorado Revised Statutes, is
26 amended to read:

27 **26-12-203. The Colorado state veterans center - jurisdiction.**

1 (1) (a) The Colorado state veterans center, located near Monte Vista,
2 consisting of a state nursing home and a domiciliary care unit, referred to
3 in this article as the "center", as transferred to the state department by the
4 "Administrative Organization Act of 1968", is hereby declared to be a
5 state home for veterans of service in the armed forces of the United States
6 and their spouses, PARTNERS IN A CIVIL UNION, surviving spouses,
7 SURVIVING PARTNERS, and dependent parents.

8 **SECTION 184.** 26-12-205 (2), Colorado Revised Statutes, is
9 amended to read:

10 **26-12-205. Burial - Colorado state veterans center.** (2) Burial
11 and interment may be provided at the center for any spouse, surviving
12 spouse, PARTNER IN A CIVIL UNION, SURVIVING PARTNER IN A CIVIL UNION,
13 or dependent parent of an honorably discharged veteran of any branch of
14 the armed forces of the United States who was engaged in any of its wars
15 or who has served under conditions determined comparable thereto when
16 such spouse, surviving spouse, PARTNER IN A CIVIL UNION, SURVIVING
17 PARTNER IN A CIVIL UNION, or dependent parent was an occupant of the
18 center at the time of death.

19 **SECTION 185.** 26-13-106 (1), Colorado Revised Statutes, is
20 amended to read:

21 **26-13-106. Eligibility for services.** (1) Support enforcement
22 services shall be provided to those recipients of medicaid-only and Title
23 IV-E foster care as required by federal law and to participants in the
24 Colorado works program implemented pursuant to part 7 of article 2 of
25 this title who, as a condition of eligibility pursuant to federal law, must
26 assign their rights to support to, and cooperate with, the state department
27 in the establishment, modification, and enforcement of support

1 obligations owed by absent parents to their children and the enforcement
2 of maintenance owed by absent parents to their spouses, ~~or~~ PARTNERS IN
3 A CIVIL UNION, former spouses, OR FORMER PARTNERS IN A CIVIL UNION.

4 **SECTION 186.** 30-1-103 (2) (j), Colorado Revised Statutes, is
5 amended to read:

6 **30-1-103. Fees of county clerk and recorders.** (2) In cities and
7 counties and in every county, the following fees shall apply:

8 (j) For copies of records, one dollar twenty-five cents per page,
9 five dollars per sheet for plats or documents in excess of eight and
10 one-half inches in width or fourteen inches in length, ~~and~~ two dollars for
11 each marriage license, AND TWO DOLLARS FOR EACH CERTIFICATE OF A
12 CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (1), C.R.S.;

13 **SECTION 187.** 31-1-101, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
15 read:

16 **31-1-101. Definitions.** As used in this title, except where
17 specifically defined, unless the context otherwise requires:

18 (3.5) "CIVIL UNION" MEANS A CIVIL UNION ENTERED INTO BETWEEN
19 TWO SAME-SEX PERSONS ESTABLISHED IN ACCORDANCE WITH THE
20 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

21 (6.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A PERSON
22 WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
23 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

24 **SECTION 188.** 31-30-1126 (1) and (2), Colorado Revised
25 Statutes, are amended to read:

26 **31-30-1126. Survivor benefit.** (1) Except as otherwise provided
27 in subsection (3) of this section, upon the death of a retired fire

1 department member or a volunteer firefighter who, regardless of age, has
2 served the requisite number of years for retirement under section
3 31-30-1122 and who leaves a surviving spouse OR A SURVIVING PARTNER
4 IN A CIVIL UNION, the board may pay an annuity of not more than fifty
5 percent of the current pension payment for a retired fire department
6 member if the fund is actuarially sound. If the volunteer firefighter had
7 less than twenty years of active service, the annuity to the surviving
8 spouse OR SURVIVING PARTNER shall be prorated based upon the number
9 of years of service.

10 (2) This annuity to the surviving spouse OR SURVIVING PARTNER
11 IN A CIVIL UNION shall cease if the surviving spouse OR SURVIVING
12 PARTNER IN A CIVIL UNION remarries OR ENTERS INTO A NEW CIVIL UNION.
13 Dissolution of a subsequent marriage OR SUBSEQUENT CIVIL UNION does
14 not reinstate the annuity. A surviving spouse OR A SURVIVING PARTNER
15 shall not receive both an annuity under section 31-30-1127 and an
16 annuity under this section.

17 **SECTION 189.** 31-30-1127 (1), (2), and (3), Colorado Revised
18 Statutes, are amended to read:

19 **31-30-1127. Survivor benefit - death from injuries in the line**
20 **of duty.** (1) Except as otherwise provided in subsection (4) of this
21 section, if a fire department member dies from injuries received while in
22 the line of duty as a volunteer firefighter and leaves a surviving spouse OR
23 SURVIVING PARTNER IN A CIVIL UNION, the board shall pay the surviving
24 spouse OR SURVIVING PARTNER a monthly annuity either in an amount the
25 board deems proper and necessary, but not more than one-half the amount
26 paid by the board pursuant to section 31-30-1122 (1) or two hundred
27 twenty-five dollars, whichever is greater, or within limits prescribed by

1 municipal ordinance or by rules of the board of the affected municipality
2 or district. The annuity shall cease if the surviving spouse OR SURVIVING
3 PARTNER remarries OR ENTERS INTO A CIVIL UNION. Dissolution of a
4 subsequent marriage OR SUBSEQUENT CIVIL UNION does not reinstate the
5 annuity.

6 (2) Except as otherwise provided in subsection (4) of this section,
7 if there is no surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION,
8 as provided in subsection (1) of this section but there is a surviving child
9 of the deceased volunteer firefighter under eighteen years of age, the
10 board shall pay a monthly annuity either in an amount the board deems
11 proper or necessary, but not more than one-half the amount paid by the
12 board pursuant to section 31-30-1122 (1) or two hundred twenty-five
13 dollars, whichever is greater, or within limits prescribed by municipal
14 ordinance or by rules of the board of the affected municipality or district.
15 The board shall pay this annuity to the guardian of the child on behalf of
16 the child. The annuity shall cease when the child is eighteen years of age.

17 (3) Except as otherwise provided in subsection (4) of this section,
18 if there is no surviving spouse, SURVIVING PARTNER IN A CIVIL UNION, or
19 child as provided in subsections (1) and (2) of this section but there is a
20 surviving dependent parent of the deceased volunteer firefighter, the
21 board shall pay the dependent parent a monthly annuity either in an
22 amount the board deems proper and necessary, but not more than one-half
23 the amount paid by the board pursuant to section 31-30-1122 (1) or two
24 hundred twenty-five dollars, whichever is greater, or within limits
25 prescribed by municipal ordinance or by rules of the board of the affected
26 municipality or district. The annuity shall cease if the dependent parent
27 remarries OR ENTERS INTO A CIVIL UNION. Dissolution of a subsequent

1 marriage OR SUBSEQUENT CIVIL UNION does not reinstate the annuity.

2 **SECTION 190.** 31-30-1128 (2) and (3) (d), Colorado Revised
3 Statutes, are amended to read:

4 **31-30-1128. Optional survivor benefits.** (2) The governing
5 body of a municipality or the board of a fire protection district or county
6 improvement district having a volunteer fire department that intends to
7 provide the option provided by this section shall determine whether the
8 survivor benefits are allowed only if the volunteer firefighter dies while
9 on duty and shall determine the benefit amount equal to up to one
10 hundred percent of the amount of the pension the volunteer firefighter
11 would have been entitled to under this part 11 if the volunteer firefighter
12 had retired immediately before the volunteer firefighter's death. If
13 survivor benefits are provided pursuant to subsection (1) of this section
14 to the members of a volunteer fire department and if a volunteer
15 firefighter who is a member of such fire department dies on duty or, if
16 authorized by the governing body or board, off duty, a spouse, PARTNER
17 IN A CIVIL UNION, dependent child, or dependent parent of the volunteer
18 firefighter or, lacking such dependents, any other beneficiary who is a
19 natural person and who has been designated by the volunteer firefighter
20 shall receive a monthly annuity in the amount determined pursuant to this
21 subsection (2).

22 (3) If survivor benefits are provided pursuant to subsection (1) of
23 this section, the board shall pay the annuity authorized by this section to
24 the designated beneficiary or to the legal guardian of the designated
25 beneficiary who is a child under the age of eighteen as follows:

26 (d) If the beneficiary is the surviving spouse OR THE SURVIVING
27 PARTNER IN A CIVIL UNION, until the surviving spouse OR SURVIVING

1 PARTNER IN A CIVIL UNION remarries OR ENTERS INTO A CIVIL UNION; or

2 **SECTION 191.** 31-30-1130 (1) (a), Colorado Revised Statutes,
3 is amended to read:

4 **31-30-1130. Fire department dissolution.** (1) If a fire
5 department dissolves and the services of volunteer firefighters or the fire
6 department are discontinued:

7 (a) The benefits paid under this part 11 to volunteer firefighters
8 or their surviving spouses, SURVIVING PARTNERS IN A CIVIL UNION,
9 dependent parents, children, and other beneficiaries at the time of the
10 dissolution shall continue;

11 **SECTION 192.** 31-30-1133 (2) (f) (I), Colorado Revised
12 Statutes, is amended to read:

13 **31-30-1133. Qualification requirements - internal revenue**
14 **code.** (2) Any volunteer firefighter pension plan established by this part
15 11 to provide retirement benefits for volunteer firefighters shall satisfy
16 the qualification requirements specified in section 401 of the internal
17 revenue code, as applicable to governmental plans. In order to meet those
18 requirements, such plans are subject to the following provisions,
19 notwithstanding any other provision of this part 11:

20 (f) All benefits paid from the pension plan shall be distributed in
21 accordance with the requirements of section 401 (a) (9) of the internal
22 revenue code and the regulations promulgated under that section. In
23 order to meet those requirements, the pension plan is subject to the
24 following provisions:

25 (I) The life expectancy of a member, the member's spouse, THE
26 MEMBER'S PARTNER IN A CIVIL UNION, or the member's beneficiary shall
27 not be recalculated after the initial determination of the amount of

1 benefits that are payable.

2 **SECTION 193.** 31-30.5-101 (1), Colorado Revised Statutes, is
3 amended to read:

4 **31-30.5-101. Legislative declaration.** (1) The general assembly
5 finds and determines that police officers, in saving and protecting the
6 lives and property of the citizens and residents of the state of Colorado,
7 are performing state duties and are rendering services of special benefit
8 to this state and that it is the province, right, and obligation of the state of
9 Colorado to care for members of the police force who are entitled to
10 retirement because of length of service or old age or because they have
11 been injured or disabled in service and also to care for the spouses,
12 PARTNERS IN A CIVIL UNION, dependent parents, and dependent children
13 of such police officers.

14 **SECTION 194.** 31-30.5-212 (9) (a), Colorado Revised Statutes,
15 is amended to read:

16 **31-30.5-212. Qualification requirements - internal revenue**
17 **code.** (9) All benefits paid from an old hire pension fund shall be
18 distributed in accordance with the requirements of section 401 (a) (9) of
19 the internal revenue code and the regulations promulgated under that
20 section. In order to meet those requirements, an old hire pension fund is
21 subject to the following provisions:

22 (a) The life expectancy of an old hire member, the member's
23 spouse, THE MEMBER'S PARTNER IN A CIVIL UNION, or the member's
24 beneficiary shall not be recalculated after the initial determination of the
25 amount of benefits that are payable.

26 **SECTION 195.** 31-30.5-213, Colorado Revised Statutes, is
27 amended to read:

1 **31-30.5-213. Dissolution of fire departments.** In the event of
2 dissolution, for any reason, of fire departments whereby the services of
3 firefighters or fire departments are discontinued, the firefighters or their
4 surviving spouses, SURVIVING PARTNERS IN A CIVIL UNION, dependent
5 parents, and children receiving benefits at the time of such dissolution
6 shall continue to receive such benefits in accordance with the provisions
7 of this article. Assets of the pension funds shall be transferred with other
8 assets of the department and shall be administered by the board of
9 trustees of the successor pension fund. In no event shall the rate of
10 compensation be altered either after commencement of proceedings for
11 dissolution has occurred or after its completion. After attaining fifty
12 years of age, any firefighter having accrued ten or more years of active
13 service at the time of such dissolution shall be granted an annuity,
14 prorated in accordance with the number of years of service and the
15 amount of annuity being paid for age and service pensions by the board
16 of trustees of such pension fund at the time of such dissolution.

17 **SECTION 196.** 31-30.5-403 (3), Colorado Revised Statutes, is
18 amended to read:

19 **31-30.5-403. Employers under one hundred thousand - limit of**
20 **contributions to old hire firefighter pension plans.** (3) Any
21 municipality having less than one hundred thousand population and
22 having a paid and volunteer fire department or any fire protection district
23 or county improvement district having a paid and volunteer fire
24 department shall assess the paid old hire members of such department in
25 an amount not to exceed six percent of their monthly salaries and, as a
26 minimum amount, shall match the moneys derived therefrom by an equal
27 contribution from the municipality, fire protection district, or county

1 improvement district by use of the levy provided for in subsection (1) of
2 this section. Said sum shall be segregated by the municipal treasurer, the
3 treasurer of the district board of directors, or the treasurer of the county
4 improvement district, as the case may be, and shall be used for the
5 payment of pensions to the paid old hire members of said departments
6 and their surviving spouses, SURVIVING PARTNERS IN A CIVIL UNION, and
7 orphans, as otherwise provided for in this article, but, so long as there are
8 volunteer members in said department, the present old hire pension fund,
9 if derived from state allocations, shall continue to be maintained for the
10 benefit of all members of said department, paid old hire members and
11 volunteers alike, under such rules as the board determines to be equitable.

12 **SECTION 197.** 31-30.5-702 (3) and (4), Colorado Revised
13 Statutes, are amended to read:

14 **31-30.5-702. Police officers' old hire pension plans -**
15 **municipalities under one hundred thousand in population.** (3) If any
16 old hire member or officer of any police department in a municipality
17 having a population of less than one hundred thousand becomes mentally
18 or physically disabled so as to render necessary the member's retirement
19 from service in such department, said board of trustees shall retire such
20 member from service in such department, and the member shall receive
21 from the pension fund an amount equal to one-half of the monthly salary
22 received by the member at the time the member becomes so disabled.
23 Except as provided in subsection (4) of this section, when any old hire
24 member of such police department or retired old hire member dies and
25 leaves a surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION, or
26 dependent parent or children under the age of sixteen years, surviving, the
27 board of trustees shall authorize the payment monthly from the pension

1 fund of the sum of thirty dollars to such surviving spouse OR SURVIVING
2 PARTNER or dependent parent and six dollars to each such minor child
3 until the child reaches the age of sixteen years. No pension shall be paid
4 to the dependent parent of the deceased member who leaves a surviving
5 spouse OR SURVIVING PARTNER, and, if the surviving spouse OR
6 SURVIVING PARTNER of any deceased member remarries OR ENTERS INTO
7 A CIVIL UNION, such pension shall cease.

8 (4) In those municipalities making contributions from general
9 funds into the old hire police officers' pension plan pursuant to section
10 31-30.5-402, the benefits payable in the event an old hire member of such
11 police department or retired member dies and leaves a dependent
12 surviving spouse OR DEPENDENT SURVIVING PARTNER IN A CIVIL UNION,
13 or dependent parent or children under the age of sixteen years shall be an
14 amount equal to one-fourth the monthly salary received by the member
15 of the department at the time the member died to such surviving spouse
16 OR SURVIVING PARTNER or dependent parent and an amount equal to
17 one-eighth of the monthly salary received by the member of the
18 department at the time the member died to each minor child until such
19 child reaches the age of sixteen years. No pension shall be paid to the
20 dependent parent of the deceased member who leaves a surviving spouse
21 OR SURVIVING PARTNER, and, if the surviving spouse OR SURVIVING
22 PARTNER of any deceased member remarries OR ENTERS INTO A CIVIL
23 UNION such pension shall cease.

24 **SECTION 198.** 31-30.5-703 (2), (3), and (4), Colorado Revised
25 Statutes, are amended to read:

26 **31-30.5-703. Firefighters' old hire pension plans -**
27 **municipalities and districts under one hundred thousand in**

1 **population.** (2) If any old hire member of a fire department in a
2 municipality, fire protection district, or county improvement district
3 having a population of less than one hundred thousand dies from any
4 cause, whether on duty or not or while on the retired list, leaving a
5 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION, or dependent
6 parent, such surviving spouse, SURVIVING PARTNER, or dependent parent
7 shall be awarded a monthly annuity equal to one-third of the monthly
8 salary of a first-grade firefighter at the time of the member's death or
9 retirement so long as the surviving spouse or dependent parent remains
10 unmarried OR THE SURVIVING PARTNER DOES NOT ENTER INTO ANOTHER
11 CIVIL UNION. No dissolution of a subsequent marriage shall have the
12 effect of reinstating said surviving spouse on the pension roll or
13 authorizing the granting of a pension. NO DISSOLUTION OF A SUBSEQUENT
14 CIVIL UNION SHALL HAVE THE EFFECT OF REINSTATING SAID SURVIVING
15 PARTNER ON THE PENSION ROLL OR AUTHORIZING THE GRANTING OF A
16 PENSION. No pension shall be paid to the dependent parent of a deceased
17 old hire member who leaves a surviving spouse OR SURVIVING PARTNER
18 or dependent children.

19 (3) In addition to the annuity set forth in subsection (2) of this
20 section, the board shall also order the payment to such surviving spouse
21 OR SURVIVING PARTNER IN A CIVIL UNION, or the legally appointed
22 guardian of each dependent child of such deceased old hire member of
23 said fire department of a monthly annuity of thirty dollars for each child,
24 to continue until such child reaches the age of eighteen years. If such
25 surviving spouse OR SURVIVING PARTNER dies or there is no surviving
26 spouse OR SURVIVING PARTNER, as limited and described in subsection (2)
27 of this section, but there are surviving children under eighteen years of

1 age, the board shall order a monthly payment equal to the full payment
2 to which a firefighter's surviving spouse OR SURVIVING PARTNER is
3 entitled under subsection (2) of this section to be divided equally among
4 the children or a monthly payment of thirty dollars for each child,
5 whichever total amount is greater, to the guardian for said children. In no
6 event shall such surviving children of a deceased or retired firefighter
7 receive an amount in excess of one-half of the current salary paid to a
8 firefighter, first-grade, of said department. No annuity shall be paid to
9 the dependent parent of a deceased member who leaves a child or
10 children under eighteen years of age.

11 (4) When any active or retired old hire member dies, the board
12 shall appropriate from the old hire pension fund the sum of one hundred
13 dollars, as a death benefit, to be paid to the surviving spouse OR
14 SURVIVING PARTNER IN A CIVIL UNION, or family of the deceased, but, if
15 there is no surviving spouse OR SURVIVING PARTNER or family, said sum
16 shall be paid to such other person as the board of said fund designates.

17 **SECTION 199.** 31-30.5-704 (2), Colorado Revised Statutes, is
18 amended to read:

19 **31-30.5-704. Police officers' old hire pension plans -**
20 **municipalities of at least one hundred thousand in population.**

21 (2) Upon retirement the board shall order the payment to such disabled
22 member from the old hire pension fund a sum equal to one-half the
23 monthly compensation allowed to such ~~the~~ member as salary at the date
24 of the member's retirement. If any old hire member of the police
25 department in a municipality having a population of at least one hundred
26 thousand, while in the performance of the member's duty, is killed, dies
27 as a result of an injury received in the line of duty or of any disease

1 contracted by reason of the member's occupation, dies from any cause
2 whatever as the result of the member's services in said department, or dies
3 while in the service or on the retired list from any cause and leaves a
4 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION, or a dependent
5 child under sixteen years surviving or, if unmarried, leaves a dependent
6 parent surviving, the board shall direct the payment from the fund,
7 monthly, to such surviving spouse, while unmarried, OR TO SUCH
8 SURVIVING PARTNER IN A CIVIL UNION, WHILE NOT IN A CIVIL UNION, of
9 thirty dollars, and for each child, while unmarried, until the child reaches
10 the age of sixteen years, six dollars, and to the dependent parent, if such
11 member was unmarried, thirty dollars. The pension to the dependent
12 parent or both shall be paid as follows: If the father is dead, the mother
13 shall receive the entire thirty dollars, and if the mother is dead, the father
14 shall receive the entire thirty dollars, and if both are living, each shall
15 receive fifteen dollars.

16 **SECTION 200.** 31-30.5-705 (7), (8), and (9), Colorado Revised
17 Statutes, are amended to read:

18 **31-30.5-705. Firefighters' old hire pension plans -**
19 **municipalities of at least one hundred thousand in population.** (7) If
20 any old hire member of a fire department in a municipality having a
21 population of at least one hundred thousand dies from any cause while in
22 the service or while on the retired list, leaving a surviving spouse OR A
23 SURVIVING PARTNER IN A CIVIL UNION, such surviving spouse OR
24 SURVIVING PARTNER shall be awarded a monthly annuity equal to
25 one-third of the monthly salary of such member at the time of the
26 member's death or retirement plus one-third of any increase in salary and
27 longevity or additional pay based on length of service granted to

1 firefighters of the rank or comparable successor rank that the member
2 held in the department on the date of the member's death or retirement so
3 long as such surviving spouse remains unmarried OR SUCH SURVIVING
4 PARTNER DOES NOT ENTER INTO ANOTHER CIVIL UNION. No dissolution of
5 a subsequent marriage OR A SUBSEQUENT CIVIL UNION shall have the effect
6 of reinstating said spouse OR SAID PARTNER on the pension roll or
7 authorizing the granting of a pension. This section shall apply alike to
8 surviving spouses of firefighters and retired firefighters who die after
9 April 11, 1947, and to surviving spouses of firefighters and retired
10 firefighters who were dead on said date, it being the intent of the general
11 assembly to provide an annuity for all surviving spouses of firefighters,
12 which annuity shall increase or decrease proportionately to any increase
13 or decrease in the current rate of pay of firefighters.

14 (8) The board shall also order the payment to such surviving
15 spouse OR SURVIVING PARTNER IN A CIVIL UNION or the legally appointed
16 guardian of each child of such deceased old hire member of the fire
17 department a monthly annuity of thirty dollars for each child, to continue
18 until such child reaches the age of eighteen years. If such surviving
19 spouse OR SURVIVING PARTNER dies or there is no surviving spouse OR
20 SURVIVING PARTNER as limited and described but such deceased old hire
21 member leaves surviving children under eighteen years of age, the board
22 shall order a monthly payment equal to the full payment to which a
23 firefighter's surviving spouse OR SURVIVING PARTNER is entitled under
24 subsection (7) of this section to be divided equally among the children or
25 a monthly payment of thirty dollars for each child, whichever total
26 amount is greater, to the guardian of the children for the children. In no
27 event shall such surviving children of a deceased or retired firefighter

1 receive an amount in excess of one-half of the current salary paid to a
2 firefighter, first-grade, of said department.

3 (9) When an active or retired firefighter dies without necessary
4 funeral expenses, the board shall appropriate from the fund a sum not
5 exceeding one hundred dollars to the surviving spouse OR SURVIVING
6 PARTNER IN A CIVIL UNION, or family or other person paying said expenses
7 for the purpose of assisting the proper burial of said deceased old hire
8 member.

9 **SECTION 201.** 31-31-403 (5) (b) (III) and (5) (c), Colorado
10 Revised Statutes, are amended to read:

11 **31-31-403. Normal retirement - statewide defined benefit plan.**

12 (5) (b) A member shall be considered to have elected option 1 and retired
13 on the day before the member's death if the member is eligible for a
14 normal or early retirement pension and dies:

15 (III) Is survived by a spouse, A PARTNER IN A CIVIL UNION, a
16 dependent child, or a designated beneficiary.

17 (c) After an election has been made of any of the options provided
18 in paragraph (a) of this subsection (5) and the first pension payment has
19 been deposited or otherwise negotiated by the member, or sixty days from
20 date of issuance of the check have elapsed, whichever occurs first, the
21 election shall be irrevocable. The member's beneficiary designation shall
22 also be irrevocable at such time unless the member's marital status
23 changes as the result of dissolution of marriage, DISSOLUTION OF A CIVIL
24 UNION, death of a beneficiary, marriage, CIVIL UNION, remarriage,
25 SUBSEQUENT CIVIL UNION, or in the event of the death of a beneficiary.
26 In such case, the member may designate a new beneficiary; except that,
27 in cases of dissolution of marriage, this provision shall only apply to any

1 final dissolution of marriage decree of a member entered on or after July
2 1, 1990. IN SUCH CASE, THE MEMBER MAY DESIGNATE A NEW
3 BENEFICIARY; EXCEPT THAT, IN CASES OF DISSOLUTION OF A CIVIL UNION,
4 THIS PROVISION SHALL ONLY APPLY TO ANY FINAL DECREE OF DISSOLUTION
5 OF A CIVIL UNION OF A MEMBER ENTERED ON OR AFTER THE EFFECTIVE
6 DATE OF THIS ACT.

7 **SECTION 202.** 31-31-406 (2) (b), (3) (b), and (7) (c), Colorado
8 Revised Statutes, are amended to read:

9 **31-31-406. Separate retirement accounts - administration.**

10 (2) (b) If any member having a separate retirement account dies prior to
11 termination, the entire balance in the member's separate retirement
12 account shall be payable to the member's surviving spouse OR SURVIVING
13 PARTNER IN A CIVIL UNION, or dependent children in accordance with their
14 selection of one of the payment options permitted by subsection (3) of
15 this section.

16 (3) Any member retiring pursuant to the provisions of section
17 31-31-403 or 31-31-404 (2) may elect to receive the balance in the
18 member's separate retirement account in accordance with one of the
19 following payment options:

20 (b) Option 2: In periodic installments of a specified and
21 substantially equal amount, payable monthly over a period not to exceed
22 the joint life expectancy of the member and the member's spouse OR THE
23 MEMBER'S PARTNER IN A CIVIL UNION. This maximum period shall be
24 determined under the applicable actuarial tables then being used by the
25 association at the time the initial monthly installment payment becomes
26 payable.

27 (7) The balance in a member's separate retirement account, the

1 member's accumulated contributions to the account, and the earnings on
2 the account shall be paid to the member's estate if the member:

3 (c) Does not leave a surviving spouse, SURVIVING PARTNER IN A
4 CIVIL UNION, dependent child, or designated beneficiary; and

5 **SECTION 203.** 31-31-803 (1) (b) (III), (1) (c), (2) (b) (I), (8) (a)
6 (III), (8) (b), and (9), Colorado Revised Statutes, are amended to read:

7 **31-31-803. Retirement for disability.** (1) (b) Notwithstanding
8 subsection (5) of this section, a member eligible for the normal annual
9 disability benefit for total disability may elect to receive one of the
10 following disability benefit options in lieu of the normal annual disability
11 benefit provided under paragraph (a) of this subsection (1):

12 (III) Option 3. A reduced annual disability benefit payable to the
13 member and, upon the member's death, all of such reduced annual
14 disability benefit to be paid to the member's surviving spouse OR
15 SURVIVING PARTNER IN A CIVIL UNION and dependent children, if any,
16 until the death of the surviving spouse OR SURVIVING PARTNER, the death
17 of any adult dependent child found to be incapacitated by the board, or
18 until the youngest child, regardless of enrollment in school or marital
19 status, reaches twenty-three years of age, whichever is later.

20 (c) A member shall be deemed to have elected option 3 specified
21 in subparagraph (III) of paragraph (b) of this subsection (1) if the member
22 is eligible for a benefit for total disability under this subsection (1), is
23 survived by a spouse OR BY A PARTNER IN A CIVIL UNION, or dependent
24 child, and dies before making an election allowed under paragraph (b) of
25 this subsection (1).

26 (2) (b) The annual disability benefit for occupational disability for
27 a member who is retired pursuant to paragraph (a) of this subsection (2)

1 shall be thirty percent of the annual base salary paid to the member
2 immediately preceding retirement for disability. The benefit shall be
3 increased by:

4 (I) Ten percent of the annual base salary if such member had a
5 spouse OR PARTNER IN A CIVIL UNION, at the time of becoming
6 occupationally disabled, for so long as such spouse survives and is
7 married to such member OR FOR SO LONG AS SUCH PARTNER SURVIVES
8 AND IS IN A CIVIL UNION WITH THE MEMBER or is legally entitled to
9 maintenance from such member in an amount equal to or greater than the
10 amount of the increase in the benefit authorized by this subparagraph (I).
11 If the amount of maintenance is less than the amount of the increase in
12 the benefit authorized by this subparagraph (I), the benefit shall be
13 increased by an amount equal to the amount of the maintenance; except
14 that, for any member who is receiving the benefit authorized by this
15 subparagraph (I) and who becomes legally required to pay maintenance
16 prior to June 1, 2001, the amount of the benefit shall be ten percent of the
17 annual base salary.

18 (8) (a) A member eligible for a permanent occupational disability
19 benefit under subsection (2.1) of this section or a permanent occupational
20 disability benefit under section 31-31-806.5 may elect to receive one of
21 the following disability benefit options in lieu of such disability benefit:

22 (III) Option 3. A reduced annual disability benefit payable to the
23 member and, upon the member's death, all of such reduced annual
24 disability benefit to be paid to the member's surviving spouse OR
25 SURVIVING PARTNER IN A CIVIL UNION and dependent children, if any,
26 until the death of the surviving spouse OR THE SURVIVING PARTNER, the
27 death of any adult dependent child found to be incapacitated by the

1 board, or until the youngest child, regardless of enrollment in school or
2 marital status, reaches twenty-three years of age, whichever is later.

3 (b) A member shall be deemed to have elected option 3 specified
4 in subparagraph (I) of paragraph (a) of this subsection (8) if the member
5 is awarded a permanent occupational disability benefit under subsection
6 (2.1) of this section or an occupational disability benefit under section
7 31-31-806.5, is survived by a spouse OR PARTNER IN A CIVIL UNION or
8 dependent child, and dies before making an election allowed under
9 paragraph (a) of this subsection (8).

10 (9) After an election has been made of any of the options provided
11 in paragraph (b) of subsection (1) or paragraph (a) of subsection (8) of
12 this section, the election shall be irrevocable when the first disability
13 benefit payment has been deposited or otherwise negotiated by the
14 member or sixty days after the date of issuance of the check, whichever
15 occurs first. The member's beneficiary designation shall also be
16 irrevocable at such time unless the member's marital status changes as a
17 result of dissolution of marriage, DISSOLUTION OF A CIVIL UNION, death of
18 a beneficiary, marriage, CIVIL UNION, or remarriage OR SUBSEQUENT CIVIL
19 UNION or in the event of the death of a beneficiary. In such case, the
20 member may designate a new beneficiary; except that, in cases of
21 dissolution of marriage, this subsection (9) shall only apply to any final
22 dissolution of marriage decree of a member entered on or after July 1,
23 1990. IN SUCH CASE, THE MEMBER MAY DESIGNATE A NEW BENEFICIARY;
24 EXCEPT THAT, IN CASES OF DISSOLUTION OF A CIVIL UNION, THIS
25 SUBSECTION (9) SHALL ONLY APPLY TO ANY FINAL DECREE OF
26 DISSOLUTION OF A CIVIL UNION OF A MEMBER ENTERED ON OR AFTER THE
27 EFFECTIVE DATE OF THIS ACT.

1 **SECTION 204.** The introductory portion to 31-31-807 (1) (a) and
2 31-31-807 (1) (a) (I), (1) (b), (2), (3), and (5), Colorado Revised Statutes,
3 are amended to read:

4 **31-31-807. Death of member - survivor benefits.** (1) (a) If a
5 member dies while in active service or while on temporary occupational
6 disability under section 31-31-803 (2.2) and leaves a surviving spouse OR
7 SURVIVING PARTNER IN A CIVIL UNION or dependent children, or both, one
8 of the survivor benefits described in paragraph (b) of this subsection (1)
9 shall be paid if the member:

10 (I) Is not eligible for a normal retirement pension under an old
11 hire pension plan established pursuant to article 30.5 of this title that
12 provides for postretirement survivor benefits to a spouse OR PARTNER IN
13 A CIVIL UNION and dependent children in the event the member dies in
14 active service while eligible for normal retirement; and

15 (b) One of the following survivor benefits shall be paid if the
16 requirements of paragraph (a) of this subsection (1) are satisfied:

17 (I) When there is a surviving spouse OR SURVIVING PARTNER IN A
18 CIVIL UNION and no dependent children, the monthly benefit shall be forty
19 percent of the monthly base salary paid to such member immediately
20 preceding death.

21 (II) When there is a surviving spouse OR SURVIVING PARTNER IN
22 A CIVIL UNION and one dependent child, the monthly benefit shall be forty
23 percent of the monthly base salary paid to such member immediately
24 preceding death.

25 (III) When there is a surviving spouse OR SURVIVING PARTNER IN
26 A CIVIL UNION and two or more dependent children, the monthly benefit
27 shall be fifty percent of the monthly base salary paid to such member

1 immediately preceding death.

2 (IV) When there is no surviving spouse OR SURVIVING PARTNER
3 IN A CIVIL UNION and three or more dependent children, the monthly
4 benefit shall be fifty percent of the monthly base salary paid to such
5 member immediately preceding death.

6 (V) When there is no surviving spouse OR SURVIVING PARTNER IN
7 A CIVIL UNION and two dependent children, the monthly benefit shall be
8 forty percent of the monthly base salary paid to such member
9 immediately preceding death.

10 (VI) When there is no surviving spouse OR SURVIVING PARTNER
11 IN A CIVIL UNION and one dependent child, the monthly benefit shall be
12 forty percent of the monthly base salary paid to such member
13 immediately preceding death.

14 (2) Any benefit provided in accordance with this section to the
15 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION or dependent
16 child of a member who dies while in active service shall terminate upon
17 the death of the surviving spouse OR SURVIVING PARTNER or upon the
18 death or termination of dependency of such dependent child, as defined
19 in section 31-31-801 (2), as applicable.

20 (3) (a) When there is a surviving spouse OR A SURVIVING PARTNER
21 IN A CIVIL UNION and one dependent child residing in a separate
22 household from the surviving spouse OR THE SURVIVING PARTNER, the
23 surviving spouse OR THE SURVIVING PARTNER shall receive twenty-five
24 percent of the monthly base salary and the child shall receive the balance
25 of the benefit pursuant to subparagraph (II) of paragraph (b) of subsection
26 (1) of this section.

27 (b) When there is a surviving spouse OR SURVIVING PARTNER IN

1 A CIVIL UNION and two or more dependent children residing in a separate
2 household from the surviving spouse OR THE SURVIVING PARTNER, the
3 surviving spouse OR SURVIVING PARTNER shall receive twenty-five
4 percent of the monthly base salary and the children shall receive the
5 balance of the benefit pursuant to subparagraph (III) of paragraph (b) of
6 subsection (1) of this section.

7 (c) Upon the termination of the benefit payable to the child or
8 children pursuant to paragraph (a) or (b) of this subsection (3), the
9 surviving spouse OR THE SURVIVING PARTNER IN A CIVIL UNION shall
10 receive the benefit pursuant to subparagraph (I) of paragraph (b) of
11 subsection (1) of this section.

12 (5) Any surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION
13 or dependent child receiving benefits pursuant to subparagraph (I) or (VI)
14 of paragraph (b) of subsection (1) of this section prior to January 1, 2002,
15 shall receive any increased benefit established in subparagraph (I) or (VI)
16 of paragraph (b) of subsection (1) of this section on January 1, 2002, as
17 applicable.

18 **SECTION 205.** The introductory portion to 31-31-807.5 (1) (a),
19 31-31-807.5 (1) (a) (I), (1) (b), and (1) (c) (I), the introductory portions
20 to 31-31-807.5 (1) (c) (II) and (1.5) (a), 31-31-807.5 (1.5) (a) (I) and (1.5)
21 (b) (I), the introductory portion to 31-31-807.5 (1.5) (b) (II), 31-31-807.5
22 (4) and (5), and the introductory portion to 31-31-807.5 (8), Colorado
23 Revised Statutes, are amended to read:

24 **31-31-807.5. Death of member - line-of-duty - survivor**
25 **benefits.** (1) (a) If a member dies while in active service as the direct
26 and proximate result of a personal injury sustained while performing
27 official duties or as a result of an occupational disease arising out of and

1 in the course of the member's employment, and if such member qualifies
2 for line-of-duty status under section 101 (h) of the federal "Internal
3 Revenue Code of 1986", as amended, and leaves a surviving spouse OR
4 SURVIVING PARTNER IN A CIVIL UNION or dependent children, or both, one
5 of the survivor benefits described in either paragraph (b) or (c) of this
6 subsection (1) shall be paid if the member:

7 (I) Is not eligible for a normal retirement pension under an old
8 hire pension established pursuant to article 30.5 of this title that provides
9 for postretirement survivor benefits to a spouse OR PARTNER IN A CIVIL
10 UNION and dependent children in the event the member dies in active
11 service while eligible for normal retirement; and

12 (b) Except as otherwise provided in paragraph (c) of this
13 subsection (1), one of the following survivor benefits shall be paid if the
14 requirements of paragraph (a) of this subsection (1) are satisfied:

15 (I) When there is a surviving spouse OR SURVIVING PARTNER IN A
16 CIVIL UNION and no dependent children, the monthly benefit shall be forty
17 percent of the monthly base salary paid to such member immediately
18 preceding death.

19 (II) When there is a surviving spouse OR SURVIVING PARTNER IN
20 A CIVIL UNION and one dependent child, the monthly benefit shall be forty
21 percent of the monthly base salary paid to such member immediately
22 preceding death.

23 (III) When there is a surviving spouse OR SURVIVING PARTNER IN
24 A CIVIL UNION and two or more dependent children, the monthly benefit
25 shall be fifty percent of the monthly base salary paid to such member
26 immediately preceding death.

27 (IV) When there is no surviving spouse OR SURVIVING PARTNER

1 IN A CIVIL UNION and three or more dependent children, the monthly
2 benefit shall be fifty percent of the monthly base salary paid to each SUCH
3 member immediately preceding death.

4 (V) When there is no surviving spouse OR SURVIVING PARTNER IN
5 A CIVIL UNION and two dependent children, the monthly benefit shall be
6 forty percent of the monthly base salary paid to such member
7 immediately preceding death.

8 (VI) When there is no surviving spouse OR SURVIVING PARTNER
9 IN A CIVIL UNION and one dependent child, the monthly benefit shall be
10 forty percent of the monthly base salary paid to such member
11 immediately preceding death.

12 (c) For survivors who become eligible for survivor benefits on or
13 after October 15, 2002, one of the following survivor benefits shall be
14 paid if the requirements of paragraph (a) of this subsection (1) are
15 satisfied:

16 (I) The monthly benefit when there is a surviving spouse OR
17 SURVIVING PARTNER IN A CIVIL UNION, either with or without children,
18 shall be seventy percent of the monthly base salary being paid to such
19 member immediately preceding death.

20 (II) The monthly benefit when there is no surviving spouse OR
21 SURVIVING PARTNER IN A CIVIL UNION but a surviving child or children
22 shall be:

23 (1.5) (a) On or after October 1, 2001, if a member dies while in
24 active service as the direct and proximate result of a personal injury
25 sustained while performing official duties or as a result of an
26 occupational disease arising out of and in the course of the member's
27 employment, and if such member qualifies for line-of-duty status under

1 section 101 (h) of the federal "Internal Revenue Code of 1986", as
2 amended, and leaves a surviving spouse OR SURVIVING PARTNER IN A
3 CIVIL UNION or dependent children, or both, one of the survivor benefits
4 described in paragraph (b) of this subsection (1.5) shall be paid if the
5 member:

6 (I) Is eligible for a normal retirement pension under an old hire
7 pension established pursuant to article 30.5 of this title that provides for
8 postretirement survivor benefits to a spouse OR PARTNER IN A CIVIL UNION
9 and dependent children in the event the member dies in active service
10 while eligible for normal retirement;

11 (b) One of the following survivor benefits shall be paid if the
12 requirements of paragraph (a) of this subsection (1.5) are satisfied and if
13 the survivor benefit currently received pursuant to subparagraph (I), (II),
14 or (III) of paragraph (a) of this subsection (1.5) is less than seventy
15 percent of the monthly base salary being paid to the member immediately
16 preceding death:

17 (I) The monthly benefit to be paid in addition to the monthly
18 retirement benefit otherwise payable when there is a surviving spouse OR
19 SURVIVING PARTNER IN A CIVIL UNION, either with or without children,
20 shall be the difference between seventy percent of the monthly base
21 salary paid to such member immediately preceding death and the amount
22 payable pursuant to benefits received under the plan identified in
23 subparagraph (I), (II), or (III) of paragraph (a) of this subsection (1.5).

24 (II) The monthly benefit to be paid in addition to the monthly
25 retirement benefit otherwise payable when there is no surviving spouse
26 OR SURVIVING PARTNER IN A CIVIL UNION but there is a surviving child or
27 children shall be:

1 (4) Any benefit provided in accordance with this section to the
2 surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION or dependent
3 child of a member who dies while in active service shall terminate upon
4 the death of the surviving spouse OR SURVIVING PARTNER or upon the
5 death or termination of dependency of the dependent child, as defined in
6 section 31-31-801 (2), as applicable.

7 (5) (a) When there is a surviving spouse OR SURVIVING PARTNER
8 IN A CIVIL UNION and one dependent child residing in a separate
9 household from the surviving spouse OR SURVIVING PARTNER, the
10 surviving spouse OR SURVIVING PARTNER shall receive two-thirds of the
11 benefit and the child shall receive the balance of the benefit pursuant to
12 subsection (1) or (1.5) of this section.

13 (b) When there is a surviving spouse OR SURVIVING PARTNER IN
14 A CIVIL UNION and two or more dependent children residing in a separate
15 household from the surviving spouse OR SURVIVING PARTNER, the
16 surviving spouse OR SURVIVING PARTNER shall receive fifty percent of the
17 benefit and the children shall receive the balance of the benefit pursuant
18 to subsection (1) or (1.5) of this section.

19 (c) Upon the termination of the benefit payable to the child or
20 children pursuant to paragraph (a) or (b) of this subsection (5), the
21 surviving spouse OR SURVIVING PARTNER shall receive the entire benefit
22 pursuant to subsection (1) or (1.5) of this section.

23 (8) If a member dies while in active service as the direct and
24 proximate result of a personal injury sustained while performing official
25 duties or as a result of an occupational disease arising out of and in the
26 course of the member's employment and otherwise qualifies for benefits
27 under subsection (1.5) of this section, but falls within one or more of the

1 exceptions specified in section 101 (h) (2) of the federal "Internal
2 Revenue Code of 1986", as amended, and leaves a surviving spouse OR
3 SURVIVING PARTNER IN A CIVIL UNION or dependent children, or both, said
4 survivors shall:

5 **SECTION 206.** 31-31-808, Colorado Revised Statutes, is
6 amended to read:

7 **31-31-808. Reduction of survivor benefits.** (1) The benefits
8 payable under sections 31-31-807 and 31-31-807.5 to the surviving
9 spouse OR THE SURVIVING PARTNER IN A CIVIL UNION and dependent
10 children of any member, who at the time of the member's death was a
11 member of a money purchase plan established under this article or article
12 30.5 of this title, including any department chief, who at the time of the
13 chief's death had been exempted from the statewide defined benefit plan
14 as permitted by section 31-31-401 (4), shall be reduced by an amount that
15 is the actuarial equivalent of the benefits such surviving spouse OR
16 SURVIVING PARTNER and dependent children receive from the money
17 purchase plan, whether the benefits received from the money purchase
18 plan are paid on a periodic basis or in a lump sum. No such reduction
19 shall exceed the actuarial equivalent of money purchase plan benefits if
20 such benefits had been funded at the same rate of contributions specified
21 in section 31-31-402 (1) and (2) as are required for benefits under section
22 31-31-403.

23 (2) The benefits payable under sections 31-31-807 and
24 31-31-807.5 to the surviving spouse OR SURVIVING PARTNER IN A CIVIL
25 UNION and dependent children of any member who are also receiving
26 payments from the member's separate retirement account pursuant to
27 section 31-31-406 or a local defined benefit retirement pension selected

1 pursuant to section 31-31-704, shall be reduced by an amount that is the
2 actuarial equivalent of the benefits such surviving spouse OR SURVIVING
3 PARTNER and dependent children receive from the separate retirement
4 account, whether the benefits received from the account are paid on a
5 periodic basis or in a lump sum.

6 **SECTION 207.** 31-31-809, Colorado Revised Statutes, is
7 amended to read:

8 **31-31-809. Termination of benefits.** Except as otherwise
9 provided in section 31-31-807 (2), any benefit provided in accordance
10 with this part 8 to a surviving spouse OR SURVIVING PARTNER IN A CIVIL
11 UNION or dependent child shall terminate upon the death or remarriage of
12 the surviving spouse OR UPON THE DEATH OF THE SURVIVING PARTNER OR
13 THE ENTERING INTO OF A SUBSEQUENT CIVIL UNION BY THE SURVIVING
14 PARTNER and upon the death of any dependent child, the marriage of a
15 dependent child who is not so mentally or physically incapacitated that
16 the child cannot provide for the child's own care, or the termination of
17 dependency of any dependent child.

18 **SECTION 208.** 31-31-810 (2) (c), Colorado Revised Statutes, is
19 amended to read:

20 **31-31-810. Employer liability - statewide standard health**
21 **history form.** (2) (c) (I) The surviving spouse OR THE SURVIVING
22 PARTNER IN A CIVIL UNION and dependent children of a member, whose
23 employer filed the statewide standard health history form pursuant to
24 paragraph (c) of subsection (1) of this section, may be disqualified from
25 receiving an award of survivor benefits under this section if the deceased
26 member fraudulently concealed any material fact concerning the
27 member's health history when completing the form, and the board

1 determines that the condition concealed by the member proximately
2 caused the death of the member.

3 (II) The surviving spouse OR THE SURVIVING PARTNER IN A CIVIL
4 UNION and dependent children of any member shall be ineligible for an
5 award of survivor benefits in the event the member's death is the
6 proximate consequence or ~~results~~ RESULT of a medical condition
7 disclosed by such member on the statewide standard health history form.

8 **SECTION 209.** 31-31-812 (2), Colorado Revised Statutes, is
9 amended to read:

10 **31-31-812. Military leave of absence.** (2) The benefits payable
11 to the member, the surviving spouse of the member, THE SURVIVING
12 PARTNER IN A CIVIL UNION OF THE MEMBER, and the dependent children
13 of the member pursuant to this part 8 shall be reduced by an amount that
14 is the actuarial equivalent of any military benefit received as a result of
15 the death or disability of a member while on authorized leave for military
16 service whether the benefits are paid on a periodic basis or in a lump sum.

17 **SECTION 210.** 31-31-902 (1) (c), Colorado Revised Statutes, is
18 amended to read:

19 **31-31-902. Group health insurance plans.** (1) The board may
20 enter into contracts with carriers to provide group health insurance plans
21 for the following individuals if they are receiving a benefit from another
22 plan administered by the association:

23 (c) A surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION;

24 **SECTION 211.** 31-31-903 (1) (a) (III), Colorado Revised
25 Statutes, is amended to read:

26 **31-31-903. Group life insurance plans.** (1) (a) The board may
27 enter into contracts with carriers to provide group life insurance coverage

1 to active members of paid pension plans administered by the association
2 and, if they are receiving a benefit from another plan administered by the
3 association, to the following individuals:

4 (III) A surviving spouse OR SURVIVING PARTNER IN A CIVIL UNION;

5 **SECTION 212.** 33-1-102 (38) (b) (II) and (38) (d) (III), Colorado
6 Revised Statutes, are amended, and the said 33-1-102 is further amended
7 BY THE ADDITION OF A NEW SUBSECTION, to read:

8 **33-1-102. Definitions.** As used in this title, unless the context
9 otherwise requires:

10 (31.5) "PARTNER IN A CIVIL UNION" OR "PARTNER" MEANS A
11 PERSON WHO HAS ENTERED INTO A CIVIL UNION IN ACCORDANCE WITH THE
12 REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S.

13 (38) (b) The burden of establishing residence shall be on the
14 person claiming such status at the time of application for a license. No
15 person is entitled to claim multiple states of residence except as provided
16 in paragraphs (c) and (d) of this subsection (38). The following evidence
17 or any other reliable evidence may be used in establishing, but is not
18 necessarily determinative of, residence:

19 (II) In determining the principal or primary place of abode, the
20 following circumstances relating to the person may be taken into account:
21 Business pursuits, place of employment, income sources, residence for
22 income or other tax purposes, age, marital status, residence of parents,
23 spouse, PARTNER IN A CIVIL UNION, and children, if any, leaseholds, situs
24 of personal and real property, existence of any other residences outside
25 of Colorado and the amount of time spent at each such residence, and any
26 motor vehicle or vessel registration.

27 (d) For the purposes of this subsection (38), the following shall

1 also be deemed residents of this state:

2 (III) Full-time students who are enrolled in and have been
3 attending any accredited trade school, college, or university in this state
4 for at least six months immediately prior to the date of application for any
5 license. For the purposes of this subparagraph (III), the spouse OR
6 PARTNER IN A CIVIL UNION and dependent children of any such student
7 shall also be considered residents. The temporary absence of such
8 student or the student's spouse OR PARTNER or dependent children from
9 this state while the student is still enrolled at any such trade school,
10 college, or university shall not be deemed to terminate their residency.
11 A student shall be deemed "full-time" if considered full-time under the
12 rules or policy of the educational institution he or she is attending.

13 **SECTION 213.** 33-1-112.5 (6), Colorado Revised Statutes, is
14 amended to read:

15 **33-1-112.5. Search and rescue fund - transfer of duties.** (6) At
16 the close of any fiscal year, all of the moneys remaining in the search and
17 rescue fund and appropriated for search and rescue expenses, after all
18 approved claims and administrative costs have been paid, shall be divided
19 among those counties that have applied to the department of local affairs
20 for year-end grants or reimbursements from the search and rescue fund.
21 The department of local affairs shall divide such moneys among the
22 counties, first making payment for uncompensated searches and rescues
23 of parents, siblings, spouses, PARTNERS IN A CIVIL UNION, children, or
24 grandchildren of persons holding hunting or fishing licenses, vessel,
25 snowmobile, or off-highway vehicle registrations, or the owner of a
26 Colorado outdoor recreation search and rescue card and second making
27 payment for search and rescue-related training and equipment, and for

1 any other uncompensated searches. The department of local affairs shall
2 establish operating procedures for applying for year-end grants or
3 reimbursements from the moneys remaining in the search and rescue
4 fund.

5 **SECTION 214.** 38-41-202 (2) (b) and (4), Colorado Revised
6 Statutes, are amended to read:

7 **38-41-202. Homestead to be created automatically in certain**
8 **cases - filing of statement required in other cases.** (2) (b) The spouse
9 OR THE PARTNER IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5),
10 C.R.S., of the owner of the property may homestead such property in the
11 manner provided in paragraph (a) of this subsection (2) with the same
12 effect as if the owner had done so.

13 (4) If the owner of the property (householder) or the spouse OR
14 THE PARTNER IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5),
15 C.R.S., of such owner records in the office of the county clerk and
16 recorder of the county where the property is situate an instrument in
17 writing describing such property, setting forth the nature and source of
18 the owner's interest therein, and stating that the owner or the owner's
19 spouse OR PARTNER IN A CIVIL UNION is homesteading such property
20 (which instrument may be acknowledged as provided by law), then the
21 signature of both spouses OR OF BOTH PARTNERS IN A CIVIL UNION to
22 convey or encumber such property shall be required.

23 **SECTION 215.** 38-41-204, Colorado Revised Statutes, is
24 amended to read:

25 **38-41-204. Surviving spouse or partner in a civil union and**
26 **minor children entitled.** When any person dies seized of a homestead
27 leaving a surviving spouse OR A SURVIVING PARTNER IN A CIVIL UNION, AS

1 DEFINED IN SECTION 14-15-103 (5), C.R.S., or minor children, such
2 surviving spouse OR PARTNER IN A CIVIL UNION or minor children are
3 entitled to the homestead exemption. In cases where there is neither
4 surviving spouse NOR SURVIVING PARTNER IN A CIVIL UNION nor minor
5 children, the homestead shall be liable for the debts of the deceased.

6 **SECTION 216.** 38-41-208, Colorado Revised Statutes, is
7 amended to read:

8 **38-41-208. Survival of exemption.** (1) If the property qualifies
9 as a homestead for a joint tenant who is the husband or wife of the other
10 joint tenant or one of the other joint tenants, then, upon the death of either
11 spouse, the homestead shall continue in effect on the interest in such
12 property of the surviving spouse. IF THE PROPERTY QUALIFIES AS A
13 HOMESTEAD FOR A JOINT TENANT WHO IS THE PARTNER IN A CIVIL UNION,
14 AS DEFINED IN SECTION 14-15-103 (5), C.R.S., OF THE OTHER JOINT
15 TENANT OR ONE OF THE OTHER JOINT TENANTS, THEN, UPON THE DEATH OF
16 EITHER PARTNER IN THE CIVIL UNION, THE HOMESTEAD SHALL CONTINUE
17 IN EFFECT ON THE INTEREST IN SUCH PROPERTY OF THE SURVIVING
18 PARTNER IN THE CIVIL UNION. If the property qualifies as a homestead for
19 a joint tenant who is the parent of one or more of the other joint tenants
20 who are minors, then, upon the death of such parent leaving no spouse
21 surviving OR LEAVING NO PARTNER IN A CIVIL UNION SURVIVING, the
22 homestead shall continue in effect on the interest in such property of the
23 surviving minor children.

24 (2) If the property qualifies as a homestead for a joint tenant who
25 is not related to any other joint tenant as husband or wife, AS PARTNERS
26 IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103 (5), C.R.S., or AS
27 parent and minor child, then, upon the death of such joint tenant, his OR

1 HER homestead shall cease and terminate, and the property shall be held
2 by the surviving tenants free of any homestead interest of such decedent,
3 ~~his~~ SUCH DECEDENT'S spouse, SUCH DECEDENT'S PARTNER IN A CIVIL
4 UNION, or ~~his~~ SUCH DECEDENT'S minor children.

5 **SECTION 217.** 38-41-211, Colorado Revised Statutes, is
6 amended to read:

7 **38-41-211. Exemption in addition to allowances.** The
8 homestead exemption granted under this part 2 shall be in addition to and
9 not in lieu of the exempt property and family allowances to a surviving
10 spouse, A PARTNER IN A CIVIL UNION, AS DEFINED IN SECTION 14-15-103
11 (5), C.R.S., and minor and dependent children of a decedent and the
12 preferences granted to dependents of protected persons under articles 10
13 to 20 of title 15, C.R.S.

14 **SECTION 218. Effective date - applicability.** (1) This act shall
15 take effect January 1, 2005.

16 (2) However, if a referendum petition is filed against this act or
17 an item, section, or part of this act during the 90-day period after final
18 adjournment of the general assembly that is allowed for submitting a
19 referendum petition pursuant to article V, section 1 (3) of the state
20 constitution, then the act, item, section, or part, shall not take effect
21 unless approved by the people at a biennial regular general election and
22 shall take effect on the date specified in subsection (1) or on the date of
23 the official declaration of the vote thereon by proclamation of the
24 governor, whichever is later.

25 (3) The provisions of this act shall apply to civil unions entered
26 into, offenses and violations committed, and civil union adoptions entered
27 into on or after the applicable effective date of this act.