NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 13-011

BY SENATOR(S) Steadman and Guzman, Ulibarri, Aguilar, Carroll, Giron, Heath, Hodge, Hudak, Jahn, Johnston, Jones, Kefalas, Kerr, Morse, Newell, Nicholson, Schwartz, Tochtrop, Todd;
also REPRESENTATIVE(S) Ferrandino and Schafer, Ginal, Moreno, Rosenthal, Court, Buckner, Duran, Exum, Fields, Fischer, Foote, Garcia, Gerou, Hamner, Hullinghorst, Kagan, Kraft-Tharp, Labuda, Lebsock, Lee, Levy, May, McCann, McLachlan, Melton, Mitsch Bush, Pabon, Peniston, Pettersen, Primavera, Ryden, Salazar, Singer, Tyler, Vigil, Williams, Young.

CONCERNING AUTHORIZATION OF CIVIL UNIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 15 to title 14 as follows:

ARTICLE 15
Colorado Civil Union Act

14-15-101. Short title. THIS ARTICLE IS KNOWN AS THE "COLORADO CIVIL UNION ACT".

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

14-15-102. Legislative declaration. THE GENERAL ASSEMBLY DECLARES THAT THE PUBLIC POLICY OF THIS STATE, AS SET FORTH IN SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION, RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A MARRIAGE. THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF THIS ARTICLE IS TO PROVIDE ELIGIBLE COUPLES THE OPPORTUNITY TO OBTAIN THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES AFFORDED BY COLORADO LAW TO SPOUSES CONSISTENT WITH THE PRINCIPLES OF EQUALITY UNDER LAW AND RELIGIOUS FREEDOM EMBODIED IN BOTH THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF THIS STATE. THE GENERAL ASSEMBLY DECLARES THAT A SECOND PURPOSE OF THE ACT IS TO PROTECT INDIVIDUALS WHO ARE OR MAY BECOME PARTNERS IN A CIVIL UNION AGAINST DISCRIMINATION IN EMPLOYMENT, HOUSING, AND IN PLACES OF PUBLIC ACCOMMODATION. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE GENERAL ASSEMBLY, IN THE EXERCISE OF ITS PLENARY POWER, HAS THE AUTHORITY TO DEFINE OTHER ARRANGEMENTS, SUCH AS A CIVIL UNION BETWEEN TWO UNMARRIED PERSONS REGARDLESS OF THEIR GENDER, AND TO SET FORTH IN STATUTE ANY STATE-LEVEL BENEFITS, RIGHTS, AND PROTECTIONS TO WHICH A COUPLE IS ENTITLED BY VIRTUE OF ENTERING INTO A CIVIL UNION. THE GENERAL ASSEMBLY FINDS THAT THE "COLORADO CIVIL UNION ACT" DOES NOT ALTER THE PUBLIC POLICY OF THIS STATE, WHICH RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A MARRIAGE. THE GENERAL ASSEMBLY ALSO DECLARES THAT A THIRD PURPOSE IN ENACTING THE "COLORADO CIVIL UNION ACT" IS TO STATE THAT COLORADO COURTS MAY OFFER SAME-SEX COUPLES THE EQUAL PROTECTION OF THE LAW AND TO GIVE FULL FAITH AND CREDIT TO RECOGNIZE RELATIONSHIPS LEGALLY CREATED IN OTHER JURISDICTIONS THAT ARE SIMILAR TO CIVIL UNIONS CREATED BY THIS ARTICLE AND THAT ARE NOT OTHERWISE RECOGNIZED PURSUANT TO COLORADO LAW.

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

(1) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO ELIGIBLE PERSONS PURSUANT TO THIS ARTICLE THAT ENTITLES THEM TO RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

(2) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT CERTIFIES

THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THIS ARTICLE.

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

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

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

(6) "SPOUSES" MEANS TWO PERSONS WHO ARE MARRIED PURSUANT TO THE PROVISIONS OF THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2 OF THIS TITLE.

(7) "STATE REGISTRAR" MEANS THE STATE REGISTRAR OF VITAL STATISTICS IN THE DEPARTMENT.

14-15-104. Requisites of a valid civil union. (1) TO ESTABLISH A CIVIL UNION IN COLORADO, THE TWO PARTIES TO THE CIVIL UNION SHALL SATISFY ALL OF THE FOLLOWING CRITERIA:

(a) BOTH PARTIES ARE ADULTS, REGARDLESS OF THE GENDER OF EITHER PARTY;

(b) NEITHER PARTY IS A PARTY TO ANOTHER CIVIL UNION;

(c) NEITHER PARTY IS MARRIED TO ANOTHER PERSON.

14-15-105. Individual shall not enter into a civil union with a relative. (1) AN INDIVIDUAL SHALL NOT ENTER INTO A CIVIL UNION WITH AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER OR A SISTER, WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

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

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

14-15-106. Restrictions as to minors and wards. (1) A COUNTY CLERK AND RECORDER SHALL NOT ISSUE A CIVIL UNION LICENSE IF EITHER PARTY TO THE INTENDED CIVIL UNION IS:

(a) UNDER EIGHTEEN YEARS OF AGE; OR

(b) EIGHTEEN YEARS OF AGE OR OLDER AND UNDER GUARDIANSHIP, UNLESS THE PARTY UNDER GUARDIANSHIP HAS THE WRITTEN CONSENT OF HIS OR HER GUARDIAN.

(2) A VIOLATION OF SUBSECTION (1) OF THIS SECTION MAKES THE CIVIL UNION VOID.

14-15-107. Rights, benefits, protections, duties, obligations, responsibilities, and other incidents of parties to a civil union. (1) A PARTY TO A CIVIL UNION HAS THE RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS, RESPONSIBILITIES, AND OTHER INCIDENTS UNDER LAW AS ARE GRANTED TO OR IMPOSED UPON SPOUSES, WHETHER THOSE RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS, RESPONSIBILITIES, AND OTHER INCIDENTS DERIVE FROM STATUTE, ADMINISTRATIVE OR COURT RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF LAW.

(2) A PARTY TO A CIVIL UNION IS INCLUDED IN ANY DEFINITION OR USE OF THE TERMS "DEPENDENT", "FAMILY", "HEIR", "IMMEDIATE FAMILY", "NEXT OF KIN", "SPOUSE", AND ANY OTHER TERM THAT DENOTES THE FAMILIAL OR SPOUSAL RELATIONSHIP, AS THOSE TERMS ARE USED THROUGHOUT THE COLORADO REVISED STATUTES.

(3) PARTIES TO A CIVIL UNION ARE RESPONSIBLE FOR THE FINANCIAL SUPPORT OF ONE ANOTHER IN THE MANNER PRESCRIBED UNDER LAW FOR SPOUSES.

(4) THE LAW OF DOMESTIC RELATIONS, INCLUDING BUT NOT LIMITED TO DECLARATION OF INVALIDITY, LEGAL SEPARATION, DISSOLUTION, CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, PARENTING TIME, CHILD SUPPORT, PROPERTY DIVISION, MAINTENANCE, AND AWARD OF ATTORNEY FEES, APPLIES TO CIVIL UNIONS.

(5) RIGHTS, BENEFITS, PROTECTIONS, DUTIES, OBLIGATIONS, RESPONSIBILITIES, AND OTHER INCIDENTS UNDER LAW AS ARE GRANTED TO OR IMPOSED UPON SPOUSES, THAT APPLY IN LIKE MANNER TO PARTIES TO A CIVIL UNION UNDER THIS SECTION, INCLUDE BUT ARE NOT LIMITED TO:

(a) LAWS RELATING TO TITLE, SURVIVORSHIP, OR OTHER INCIDENTS OF OR PRESUMPTIONS WITH RESPECT TO THE ACQUISITION, OWNERSHIP, OR TRANSFER, INTER VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY;

(b) CAUSES OF ACTION RELATED TO OR DEPENDENT UPON SPOUSAL STATUS, INCLUDING AN ACTION BASED ON WRONGFUL DEATH, EMOTIONAL DISTRESS, LOSS OF CONSORTIUM, DRAMSHOP LAWS, OR OTHER TORTS OR ACTIONS UNDER CONTRACTS RECITING, RELATED TO, OR DEPENDENT UPON SPOUSAL STATUS;

(c) PROHIBITIONS AGAINST DISCRIMINATION BASED UPON SPOUSAL STATUS, INCLUDING BUT NOT LIMITED TO THE PROVISIONS OF PARTS 3 TO 7 OF ARTICLE 34 OF TITLE 24, C.R.S.;

(d) TITLE 15, C.R.S., INCLUDING BUT NOT LIMITED TO MATTERS CONCERNING DECEDENTS' ESTATES, WILLS, TRUSTS, INTESTATE SUCCESSION, NONPROBATE TRANSFERS, WARDS, PROTECTED PERSONS, AND PRIORITY FOR APPOINTMENT AS A CONSERVATOR, GUARDIAN, OR PERSONAL REPRESENTATIVE;

(e) WORKERS' COMPENSATION BENEFITS;

(f) THE RIGHT OF A PARTNER IN A CIVIL UNION TO BE TREATED AS A FAMILY MEMBER OR AS A SPOUSE UNDER THE "COLORADO EMPLOYMENT SECURITY ACT" FOR PURPOSES OF UNEMPLOYMENT BENEFITS;

(g) ADOPTION LAW AND PROCEDURE;

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

(i) THE RIGHT TO DESIGNATE A PARTY TO A CIVIL UNION AS A BENEFICIARY UNDER THE STATE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;

(j) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER

AND POLICE PENSIONS;

(k) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF TITLE 26, C.R.S., EMERGENCY PROTECTION ORDERS PURSUANT TO SECTION 13-14-103, C.R.S., AND THE RIGHT TO RECEIVE THE PROTECTIONS AND PROGRAMS SPECIFIED IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S.;

(l) RIGHTS TO APPLY FOR COMPENSATION AS A RELATIVE OF A VICTIM UNDER THE "COLORADO CRIME VICTIM COMPENSATION ACT", PURSUANT TO PART 1 OF ARTICLE 4.1 OF TITLE 24, C.R.S., RIGHTS TO RECEIVE RESTITUTION UNDER PART 2 OF ARTICLE 4.1 OF TITLE 24, C.R.S., AND THE RIGHT TO BE INFORMED OF CRITICAL STAGES OF THE CRIMINAL JUSTICE PROCESS AND TO BE ACCORDED THE RIGHTS AND PROTECTIONS OF VICTIMS OF AND WITNESSES TO CRIMES UNDER PARTS 2 AND 3 OF ARTICLE 4.1 OF TITLE 24, C.R.S.;

(m) LAWS, POLICIES, OR PROCEDURES RELATING TO EMERGENCY AND NONEMERGENCY MEDICAL CARE AND TREATMENT AND HOSPITAL VISITATION AND NOTIFICATION, INCLUDING THE RIGHTS OF NURSING HOME PATIENTS DESCRIBED IN SECTION 25-1-120, C.R.S.;

(n) LAWS OR RULES REGARDING THE RIGHT TO VISIT A PARTNER WHO IS IN A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102 (1.7), C.R.S., A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7), C.R.S., OR A PRIVATE CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102 (7.3), C.R.S., OR WHO IS RECEIVING TREATMENT IN A PUBLIC HOSPITAL OR A LICENSED PRIVATE HOSPITAL, CLINIC, COMMUNITY MENTAL HEALTH CENTER OR CLINIC, OR ACUTE TREATMENT UNIT OR INSTITUTION THAT PROVIDES TREATMENT FOR A PERSON WITH A MENTAL ILLNESS;

(o) LAWS RELATING TO:

(I) DECLARATIONS CONCERNING THE ADMINISTRATION, WITHHOLDING, OR WITHDRAWING OF MEDICAL TREATMENT, WHICH DECLARATIONS ARE MADE PURSUANT TO THE PROVISIONS OF THE "COLORADO MEDICAL TREATMENT DECISION ACT", ARTICLE 18 OF TITLE 15, C.R.S.;

(II) PROXY DECISION-MAKERS FOR MEDICAL TREATMENT AND SURROGATE DECISION-MAKERS FOR HEALTH CARE BENEFIT DECISIONS, AS

DESCRIBED IN ARTICLE 18.5 OF TITLE 15, C.R.S.;

(III) DIRECTIVES RELATING TO CARDIOPULMONARY RESUSCITATION, AS DESCRIBED IN ARTICLE 18.6 OF TITLE 15, C.R.S.; AND

(IV) DIRECTIVES CONCERNING MEDICAL ORDERS FOR SCOPE OF TREATMENT FORMS, AS DESCRIBED IN ARTICLE 18.7 OF TITLE 15, C.R.S.;

(p) RIGHTS CONCERNING DIRECTION OF THE DISPOSITION OF THE LAST REMAINS OF A DECEASED PARTY TO A CIVIL UNION PURSUANT TO ARTICLE 19 OF TITLE 15, C.R.S.;

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

(r) FAMILY LEAVE BENEFITS;

(s) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

(t) LAWS RELATING TO IMMUNITY FROM COMPELLED TESTIMONY AND EVIDENTIARY PRIVILEGES PURSUANT TO SECTION 13-90-107, C.R.S.;

(u) THE RIGHT TO APPLY FOR EMERGENCY OR INVOLUNTARY COMMITMENT OF A PARTY TO A CIVIL UNION;

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

(w) THE ABILITY TO PROTECT EXEMPT PROPERTY FROM ATTACHMENT, EXECUTION, OR GARNISHMENT;

(x) (I) INSURANCE POLICIES FOR LIFE INSURANCE, INCLUDING THE ABILITY TO COVER A PARTY TO A CIVIL UNION AS A DEPENDENT;

(II) THIS PARAGRAPH (x) IS EFFECTIVE FOR PLANS ISSUED, DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2014.

(y) (I) INSURANCE COVERAGE PROVIDED BY A HEALTH COVERAGE PLAN, INCLUDING THE ABILITY TO COVER A PARTY TO A CIVIL UNION AS A

DEPENDENT.

(II) THIS PARAGRAPH (y) IS EFFECTIVE FOR PLANS ISSUED, DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2014.

(z) (I) OTHER INSURANCE POLICIES THAT PROVIDE COVERAGE RELATING TO JOINT OWNERSHIP OF PROPERTY.

(II) THIS PARAGRAPH (z) IS EFFECTIVE FOR PLANS ISSUED, DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2014.

(6) THE RESPONSIBILITIES AND RIGHTS OF PARTIES TO A CIVIL UNION WITH RESPECT TO THE BIOLOGICAL CHILD OF ONE OF THE PARTIES, WHICH CHILD IS CONCEIVED DURING THE TERM OF THE CIVIL UNION, ARE DETERMINED AS IF THE PARTIES WERE SPOUSES SUBJECT TO THE PROVISIONS OF SECTION 19-4-105, C.R.S. A PARTY TO A CIVIL UNION HAS THE RIGHT TO ADOPT THROUGH THE SAME PROCESS OUTLINED FOR A STEPPARENT ADOPTION IN ACCORDANCE WITH SECTION 19-5-203, C.R.S., IF THE CHILD OF THE OTHER PARTY TO THE CIVIL UNION IS OTHERWISE AVAILABLE FOR ADOPTION PURSUANT TO SECTION 19-5-203 (1) (d), C.R.S.

14-15-108. Modification of civil union terms through an agreement. (1) PARTIES TO A CIVIL UNION MAY CREATE AGREEMENTS MODIFYING THE TERMS, CONDITIONS, OR EFFECTS OF A CIVIL UNION IN THE MANNER SPECIFIED IN PART 3 OF ARTICLE 2 OF THIS TITLE.

(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE PROVISIONS OF THIS ARTICLE AND THE PROVISIONS OF PART 3 OF ARTICLE 2 OF THIS TITLE DO NOT INVALIDATE OR AFFECT AN OTHERWISE VALID DOMESTIC PARTNERSHIP AGREEMENT OR CIVIL CONTRACT BETWEEN TWO INDIVIDUALS WHO ARE NOT MARRIED TO EACH OTHER IN WHICH THE INDIVIDUALS SET FORTH AN AGREEMENT ABOUT THE RIGHTS AND RESPONSIBILITIES REGARDING MATTERS SIMILAR TO THOSE THAT MAY BE ADDRESSED BY A CONTRACT UNDER PART 3 OF ARTICLE 2 OF THIS TITLE IF THE AGREEMENT OR CONTRACT WAS MADE PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE OR, IF MADE ON OR AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE AGREEMENT OR CONTRACT IS NOT MADE IN CONTEMPLATION OF ENTERING INTO A CIVIL UNION UNDER THIS ARTICLE.

14-15-109. Civil union license and certificate. (1) THE EXECUTIVE

DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORM FOR AN APPLICATION FOR A CIVIL UNION LICENSE, CONSISTING OF, AT A MINIMUM, THE FOLLOWING INFORMATION:

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

(b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR HAS PREVIOUSLY BEEN A PARTY TO A CIVIL UNION, THE NAME OF THE SPOUSE OR THE NAME OF THE OTHER PARTY AND THE DATE, PLACE, AND COURT IN WHICH THE MARRIAGE OR CIVIL UNION WAS DISSOLVED OR DECLARED INVALID OR THE DATE AND PLACE OF DEATH OF THE DECEASED SPOUSE OR THE DECEASED PARTY TO A CIVIL UNION;

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

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

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORMS FOR THE CIVIL UNION LICENSE AND THE CIVIL UNION CERTIFICATE. THE DEPARTMENT SHALL PROVIDE THE FORMS TO THE COUNTY CLERKS AND RECORDERS IN THE STATE.

14-15-110. Issuance of a civil union license - certification - fee. (1) WHEN BOTH PARTIES TO A PROPOSED CIVIL UNION COMPLETE A CIVIL UNION APPLICATION AND AT LEAST ONE PARTY APPEARS BEFORE THE COUNTY CLERK AND RECORDER AND PAYS TO THE CLERK AND RECORDER THE CIVIL UNION LICENSE FEE AND OTHER FEES DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AND THE COUNTY CLERK AND RECORDER DETERMINES THAT THE PARTIES MEET THE CRITERIA SPECIFIED IN SECTIONS 14-15-104, 14-15-105, AND 14-15-106, THE COUNTY CLERK AND RECORDER SHALL ISSUE A CIVIL UNION LICENSE AND A CIVIL UNION CERTIFICATE FORM. BOTH PARTIES TO THE PROPOSED CIVIL UNION SHALL SIGN THE APPLICATION ATTESTING TO THE ACCURACY OF THE FACTS STATED.

(2) THE CIVIL UNION LICENSE FEE IS SEVEN DOLLARS PLUS AN

ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121, C.R.S. THE COUNTY CLERK AND RECORDER SHALL FORWARD THE ADDITIONAL AMOUNT TO THE STATE TREASURER WHO SHALL CREDIT IT TO THE VITAL STATISTICS RECORDS CASH FUND PURSUANT TO SECTION 25-2-121, C.R.S. IN ADDITION, THE COUNTY CLERK AND RECORDER SHALL COLLECT A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY CLERK AND RECORDER TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN SECTION 39-22-802 (1), C.R.S.

14-15-111. When civil union licenses issued - validity. THE COUNTY CLERK AND RECORDER SHALL ISSUE A CIVIL UNION LICENSE ONLY DURING THE HOURS THAT THE OFFICE OF THE COUNTY CLERK AND RECORDER IS OPEN AS PRESCRIBED BY LAW AND AT NO OTHER TIME AND SHALL SHOW THE EXACT DATE AND HOUR OF THE LICENSE'S ISSUE. A CIVIL UNION LICENSE IS NOT VALID FOR USE OUTSIDE THE STATE OF COLORADO. WITHIN THE STATE, A CIVIL UNION LICENSE IS NOT VALID FOR MORE THAN THIRTY-FIVE DAYS AFTER THE DATE OF ISSUE. IF A CIVIL UNION LICENSE IS NOT USED WITHIN THIRTY-FIVE DAYS, IT IS VOID AND ONE OF THE PARTIES SHALL RETURN THE CIVIL UNION LICENSE TO THE COUNTY CLERK AND RECORDER THAT ISSUED THE LICENSE FOR CANCELLATION.

14-15-112. Persons authorized to certify civil unions - registration - fee. (1) A CIVIL UNION MAY BE CERTIFIED BY A JUDGE OF A COURT, BY A DISTRICT COURT MAGISTRATE, BY A COUNTY COURT MAGISTRATE, BY A RETIRED JUDGE OF A COURT, BY THE PARTIES TO THE CIVIL UNION, OR IN ACCORDANCE WITH ANY MODE OF RECOGNITION OF A CIVIL UNION BY ANY RELIGIOUS DENOMINATION OR INDIAN NATION OR TRIBE.

(2) WITHIN SIXTY-THREE DAYS AFTER THE DATE ON WHICH THE CIVIL UNION IS CERTIFIED, EITHER THE PERSON CERTIFYING THE CIVIL UNION OR, IF NO INDIVIDUAL ACTING ALONE CERTIFIES THE CIVIL UNION, A PARTY TO THE CIVIL UNION SHALL COMPLETE THE CIVIL UNION CERTIFICATE AND RETURN THE CERTIFICATE TO THE COUNTY CLERK AND RECORDER'S OFFICE THAT ISSUED THE LICENSE. A PERSON WHO FAILS TO RETURN THE CIVIL UNION CERTIFICATE TO THE COUNTY CLERK AND RECORDER AS REQUIRED BY THIS SECTION SHALL PAY TO THE COUNTY CLERK AND RECORDER A LATE FEE IN AN AMOUNT NOT LESS THAN TWENTY DOLLARS. THE COUNTY CLERK AND RECORDER MAY ASSESS AN ADDITIONAL FIVE-DOLLAR LATE FEE FOR EACH ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE RETURN REQUIREMENTS

OF THIS SUBSECTION (2), UP TO A MAXIMUM OF FIFTY DOLLARS. FOR PURPOSES OF DETERMINING WHETHER TO ASSESS A LATE FEE PURSUANT TO THIS SUBSECTION (2), THE DATE OF RETURN IS DEEMED TO BE THE DATE OF POSTMARK.

(3) UPON RECEIVING THE CIVIL UNION CERTIFICATE, THE COUNTY CLERK AND RECORDER SHALL REGISTER THE CIVIL UNION.

(4) A PRIEST, MINISTER, RABBI, OR OTHER OFFICIAL OF A RELIGIOUS INSTITUTION OR DENOMINATION OR AN INDIAN NATION OR TRIBE IS NOT REQUIRED TO CERTIFY A CIVIL UNION IN VIOLATION OF HIS OR HER RIGHT TO THE FREE EXERCISE OF RELIGION GUARANTEED BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND BY SECTION 4 OF ARTICLE II OF THE STATE CONSTITUTION.

14-15-113. Civil union license required for certification. PERSONS AUTHORIZED BY SECTION 14-15-112 TO CERTIFY CIVIL UNIONS SHALL REQUIRE A CIVIL UNION LICENSE FROM THE PARTIES BEFORE CERTIFYING THE CIVIL UNION.

14-15-114. Evidence of civil union. A COPY OF THE CIVIL UNION CERTIFICATE RECEIVED FROM THE COUNTY CLERK AND RECORDER OR A RECORD OF THE CIVIL UNION RECEIVED FROM THE STATE REGISTRAR IS PRESUMPTIVE EVIDENCE OF THE CIVIL UNION IN ALL COURTS.

14-15-115. Dissolution, legal separation, and declaration of invalidity of civil unions - jurisdiction - venue. (1) ANY PERSON WHO ENTERS INTO A CIVIL UNION IN COLORADO CONSENTS TO THE JURISDICTION OF THE COURTS OF COLORADO FOR THE PURPOSE OF ANY ACTION RELATING TO A CIVIL UNION EVEN IF ONE OR BOTH PARTIES CEASE TO RESIDE IN THIS STATE.

(2) THE DISTRICT COURT HAS JURISDICTION OVER ALL PROCEEDINGS RELATING TO THE DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, OR THE DECLARATION OF INVALIDITY OF A CIVIL UNION, REGARDLESS OF THE JURISDICTION WHERE THE CIVIL UNION WAS ENTERED INTO. THE COURT SHALL FOLLOW THE PROCEDURES SPECIFIED IN ARTICLE 10 OF THIS TITLE, INCLUDING THE SAME DOMICILE REQUIREMENTS FOR A DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY FOR SUCH PROCEEDINGS.

(3) A PROCEEDING RELATING TO THE DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, OR THE DECLARATION OF INVALIDITY OF A CIVIL UNION MAY BE HELD IN THE COUNTY WHERE THE PETITIONER OR RESPONDENT RESIDES OR WHERE THE PARTIES' CIVIL UNION CERTIFICATE WAS ISSUED; EXCEPT THAT PROCESS MAY BE DIRECTED TO ANY COUNTY IN THE STATE. A RESPONDENT'S OBJECTION TO VENUE IS WAIVED IF NOT MADE WITHIN SUCH TIME AS THE RESPONDENT'S RESPONSE IS DUE.

14-15-116. Reciprocity - principle of comity. (1) A RELATIONSHIP BETWEEN TWO PERSONS THAT DOES NOT COMPLY WITH SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION BUT THAT WAS LEGALLY ENTERED INTO IN ANOTHER JURISDICTION IS DEEMED IN COLORADO TO BE A CIVIL UNION AS SET FORTH IN THIS ARTICLE.

(2) UNDER PRINCIPLES OF COMITY, A CIVIL UNION, DOMESTIC PARTNERSHIP, OR SUBSTANTIALLY SIMILAR LEGAL RELATIONSHIP BETWEEN TWO PERSONS THAT IS LEGALLY CREATED IN ANOTHER JURISDICTION SHALL BE DEEMED TO BE A CIVIL UNION FOR PURPOSES OF COLORADO LAW AS SET FORTH IN THIS ARTICLE.

14-15-117. Application of article to joint tax returns - legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT CURRENT FEDERAL LAW PROHIBITS THE FILING OF A JOINT INCOME TAX RETURN BY PARTIES WHO ARE NOT CONSIDERED LEGALLY MARRIED UNDER FEDERAL LAW. SINCE COLORADO INCOME TAX FILINGS ARE TIED TO THE FEDERAL INCOME TAX FORM BY REQUIRING TAXPAYERS TO PAY A PERCENTAGE OF THEIR FEDERAL TAXABLE INCOME AS THEIR STATE INCOME TAXES, THIS PREVENTS THE FILING BY THE PARTIES TO A CIVIL UNION OF A JOINT STATE INCOME TAX RETURN.

(2) UNTIL A STATUTORY CHANGE IS ENACTED TO AUTHORIZE THE FILING OF A JOINT STATE INCOME TAX RETURN BY PARTIES TO A CIVIL UNION, THIS ARTICLE SHALL NOT BE CONSTRUED TO PERMIT THE FILING OF A JOINT STATE INCOME TAX RETURN BY THE PARTIES TO A CIVIL UNION.

14-15-118. Construction. THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES TO A CIVIL UNION OR ALTER THE PUBLIC POLICY OF THIS STATE, WHICH RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A MARRIAGE.

14-15-119. Severability. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

SECTION 2. In Colorado Revised Statutes, **amend** 25-2-105 as follows:

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

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

SECTION 3. In Colorado Revised Statutes, **add** 25-2-106.5 and 25-2-107.5 as follows:

25-2-106.5. Reports of civil unions. EACH COUNTY CLERK AND RECORDER SHALL PREPARE A REPORT CONTAINING SUCH INFORMATION AND USING THE FORM AS MAY BE PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR WITH RESPECT TO EVERY DULY EXECUTED CIVIL UNION CERTIFICATE REGISTERED IN ACCORDANCE WITH SECTION 14-15-112, C.R.S. ON OR BEFORE THE TENTH DAY OF EACH MONTH, OR MORE FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR, THE COUNTY CLERK AND RECORDER SHALL FORWARD TO THE STATE REGISTRAR ALL CIVIL UNION REPORTS FOR ALL CIVIL UNION CERTIFICATES REGISTERED IN THE PRECEDING PERIOD. THE COUNTY CLERK AND RECORDER MAY ISSUE CERTIFIED COPIES OF CIVIL UNION CERTIFICATES.

25-2-107.5. Reports of dissolution of civil unions, legal separation of civil unions, or declarations of invalidity of civil unions - fee. (1) THE CLERK OF EACH COURT SHALL PREPARE A REPORT CONTAINING

SUCH INFORMATION AND USING SUCH FORM AS MAY BE PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR WITH RESPECT TO EVERY DECREE ENTERED BY THE COURT FOR THE DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION, AND EVERY DECREE AMENDING OR NULLIFYING SUCH A DECREE. ON OR BEFORE THE TENTH DAY OF EACH MONTH, OR MORE FREQUENTLY IF SO REQUESTED BY THE STATE REGISTRAR, THE CLERK SHALL FORWARD TO THE STATE REGISTRAR THE REPORTS FOR ALL SUCH DECREES ENTERED DURING THE PRECEDING PERIOD.

(2) IN ORDER TO DEFRAY THE COSTS OF MAINTENANCE OF VITAL STATISTICS RECORDS, THE CLERK OF THE COURT SHALL ASSESS A FEE OF THREE DOLLARS UPON EACH ACTION FILED FOR A DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION THAT IS FILED IN THE OFFICE OF EACH CLERK OF A COURT OF RECORD IN THIS STATE ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION. THE CLERK SHALL KEEP ANY FEES SO COLLECTED IN A SEPARATE FUND, AND EACH MONTH THE CLERK SHALL TRANSMIT THOSE FEES COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE VITAL STATISTICS RECORDS CASH FUND CREATED IN SECTION 25-2-121.

SECTION 4. In Colorado Revised Statutes, 25-2-117, **amend** (2) (d) and (2) (e); and **add** (2) (f) as follows:

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

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

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

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

SECTION 5. In Colorado Revised Statutes, 2-4-401, **add** (1.3), (1.4), (3.7), and (7.5) as follows:

2-4-401. Definitions. The following definitions apply to every

statute, unless the context otherwise requires:

(1.3) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO ELIGIBLE PERSONS PURSUANT TO THE REQUIREMENTS OF ARTICLE 15 OF TITLE 14, C.R.S., THAT ENTITLES THEM TO RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

(1.4) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THE PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

(3.7) "IMMEDIATE FAMILY MEMBER" MEANS A PERSON WHO IS RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR ADOPTION.

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

SECTION 6. In Colorado Revised Statutes, 8-73-108, **amend** (4) (b) (I), (4) (r), (4) (s) (I), (4) (t) (I), (4) (u) (I), and (4) (v) as follows:

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

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

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

(r) (I) Separating from a job because of domestic violence may be reason for a determination for a full award if:

(A) The worker reasonably believes that his or her continued employment would jeopardize the safety of the worker or any member of the worker's immediate family and provides the division with substantiating documentation as described in sub-subparagraph (B) or (C) of this subparagraph (I); or

(B) The worker provides the division with an active or recently issued protective order or other order documenting the domestic violence or a police record documenting recent domestic violence; or

(C) The worker provides the division with a statement substantiating recent domestic violence from a qualified professional from whom the

worker has sought assistance for the domestic violence, such as a counselor, shelter worker, member of the clergy, attorney, or health worker.

(II) If the worker does not meet the provisions of subparagraph (I) of this paragraph (r), the worker shall be held to have voluntarily terminated employment for the purposes of determining benefits pursuant to subparagraph (XXII) of paragraph (e) of subsection (5) of this section.

(III) Any benefits awarded to the claimant under the provisions of this paragraph (r) normally chargeable to the employer shall be charged to the fund.

(IV) The director of the division shall adopt rules as necessary to implement and administer this paragraph (r).

(V) As used in this paragraph (r), "immediate family" means the worker's spouse, PARTNER IN A CIVIL UNION, parent, or minor child under eighteen years of age.

(s) (I) Quitting a job to relocate as a result of the transfer of the individual's spouse OR PARTNER IN A CIVIL UNION to a new place of residence, either within or outside Colorado, from which it is impractical to commute to the place of employment, and upon arrival at the new place of residence, the individual is in all respects available for suitable work. The spouse OR PARTNER IN A CIVIL UNION shall be a member of the United States armed forces who is on active duty as defined in 10 U.S.C. sec. 101 (d) (1), active guard and reserve duty as defined in 10 U.S.C. sec. 101 (d) (6), or active duty pursuant to title 10 or 32 of the United States Code.

(t) (I) Quitting a job to relocate to a new place of residence, either within or outside Colorado, from which it is impractical to commute to the place of employment because the individual's spouse OR PARTNER IN A CIVIL UNION, who was stationed in Colorado, is killed in combat. Upon arrival at the new place of residence, the individual shall be available, in all respects, for suitable work. The individual's spouse OR PARTNER IN A CIVIL UNION shall have been a member of the United States armed forces who was on active duty as defined in 10 U.S.C. sec. 101 (d) (1), active guard and reserve duty as defined in 10 U.S.C. sec. 101 (d) (6), or active duty pursuant to title 10 or 32 of the United States Code.

(u) (I) Separating from a job due to a change in location of the employment of the worker's spouse OR PARTNER IN A CIVIL UNION that necessitates a new place of residence for the worker, either within or outside Colorado, from which it is impractical to commute to the worker's place of employment, and upon arrival at the new place of residence, the individual is in all respects available for suitable work. The director of the division shall adopt rules as necessary to implement and administer this paragraph (u).

(v) (I) Separating from a job because a member of the worker's immediate family is suffering from an illness that requires the worker to care for the immediate family member for a period that exceeds the greater of the employer's medical leave of absence policy or the provisions of the federal "Family and Medical Leave Act of 1993" if the worker meets the following requirements:

(A) The worker informed his or her employer, if the employer has posted or given actual advance notice of the requirement to so inform the employer, of the condition of the worker's immediate family member; and

(B) The worker provides the division, when requested, a competent statement verifying the condition of the worker's immediate family member.

(II) Separating from a job because a member of the worker's immediate family is suffering from a disability that requires the worker to care for the immediate family member for a period that exceeds the greater of the employer's medical leave of absence policy or the provisions of the federal "Family and Medical Leave Act of 1993" if the worker meets the following requirements:

(A) The worker informed his or her employer, if the employer has posted or given actual advance notice of the requirement to so inform the employer, of the condition of the worker's immediate family member; and

(B) The worker provides the division, when requested, a competent statement verifying the condition of the worker's immediate family member.

(III) The director of the division shall adopt rules as necessary to implement and administer this paragraph (v).

(IV) Any benefits awarded to the claimant under this paragraph (v) normally chargeable to the employer shall be charged to the fund, and any such benefits shall not affect an employer's premium.

(V) As used in this paragraph (v):

(A) "Disability" means all types of verified disability, including, without limitation, mental and physical disabilities; permanent and temporary disabilities; and partial and total disabilities.

(B) "Illness" means verified poor health or sickness.

(C) "Immediate family member" means the worker's spouse, PARTNER IN A CIVIL UNION, parent, or minor child under eighteen years of age.

SECTION 7. In Colorado Revised Statutes, 10-16-102, **amend** (14) as follows:

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

(14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION, an unmarried child under nineteen years of age, an unmarried child who is a full-time student under twenty-four years of age and who is financially dependent upon the parent, and an unmarried child of any age who is medically certified as disabled and dependent upon the parent. "Dependent" shall include a designated beneficiary, as defined in section 15-22-103 (1), C.R.S., if an employer elects to cover a designated beneficiary as a dependent.

SECTION 8. In Colorado Revised Statutes, 13-32-101, **add** (1) (a.5) and (1) (b.5) as follows:

13-32-101. Docket fees in civil actions - judicial stabilization cash fund - support registry fund created. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (3) of this section and in

sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(a.5) ON AND AFTER OCTOBER 1, 2013, BY THE PETITIONER IN A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY THE PETITIONER IN AN ACTION FOR A DECLARATORY JUDGMENT CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF TWO HUNDRED THIRTY DOLLARS;

(b.5) ON AND AFTER OCTOBER 1, 2013, BY THE RESPONDENT IN A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY THE RESPONDENT TO AN ACTION FOR A DECLARATORY JUDGMENT CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF ONE HUNDRED SIXTEEN DOLLARS;

SECTION 9. In Colorado Revised Statutes, 13-32-101, **amend** (5) (a) introductory portion, (5) (a) (VII), and (5) (b) introductory portion as follows:

13-32-101. Docket fees in civil actions - judicial stabilization cash fund - support registry fund created. (5) (a) Each fee collected pursuant to paragraph (a) OR (a.5) of subsection (1) of this section shall be transmitted to the state treasurer and divided as follows:

(VII) PURSUANT TO SECTION 25-2-107 (2) OR 25-2-107.5, C.R.S., three dollars shall be deposited in the vital statistics records cash fund created in section 25-2-121, C.R.S.;

(b) Each fee collected pursuant to paragraph (b) OR (b.5) of subsection (1) of this section shall be transmitted to the state treasurer and divided as follows:

SECTION 10. In Colorado Revised Statutes, 13-90-107, **amend** (1) (l) (II) (D); and **add** (1) (a.5) and (1) (l) (III) (C) as follows:

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

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

(II) THE PRIVILEGE DESCRIBED IN THIS PARAGRAPH (a.5) DOES NOT APPLY TO CLASS 1, 2, OR 3 FELONIES AS DESCRIBED IN SECTION 18-1.3-401 (1) (a) (IV) AND (1) (a) (V), C.R.S. IN THIS INSTANCE, DURING THE CIVIL UNION OR AFTERWARD, A PARTNER IN A CIVIL UNION SHALL NOT BE EXAMINED FOR OR AGAINST THE OTHER PARTNER IN THE CIVIL UNION AS TO ANY COMMUNICATIONS INTENDED TO BE MADE IN CONFIDENCE AND MADE BY ONE TO THE OTHER DURING THE CIVIL UNION WITHOUT THE OTHER PARTNER'S CONSENT.

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

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

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

(VI) FOR THE PURPOSES OF THIS PARAGRAPH (a.5), "PARTNER IN A CIVIL UNION" MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF

TITLE 14, C.R.S.

(l) (II) This exception does not apply to:

(D) Any criminal action or proceeding in which a minor's parent is charged with a crime committed against the communicating minor child, the parent's spouse, THE PARENT'S PARTNER IN A CIVIL UNION, or a minor child of either the parent or the parent's spouse OR THE PARENT'S PARTNER IN A CIVIL UNION;

(III) For purposes of this paragraph (l):

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

SECTION 11. In Colorado Revised Statutes, **add** 14-2-307.5 as follows:

14-2-307.5. Applicability of article and case law to agreements relating to civil unions. PROSPECTIVE PARTIES TO A CIVIL UNION AND PRESENT PARTIES TO A CIVIL UNION MAY CONTRACT TO MAKE AN AGREEMENT RELATING TO THE CIVIL UNION THAT INCLUDES ANY OF THE RIGHTS AND OBLIGATIONS THAT MAY BE INCLUDED IN A MARITAL AGREEMENT PURSUANT TO SECTION 14-2-304, BUT ONLY IF THE AGREEMENT IS SIGNED BY BOTH PARTIES PRIOR TO THE FILING OF AN ACTION FOR LEGAL SEPARATION OF THE CIVIL UNION, DISSOLUTION OF THE CIVIL UNION, OR FOR DECLARATION OF INVALIDITY OF THE CIVIL UNION. THE PROVISIONS OF THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS ARTICLE APPLY TO ANY AGREEMENT MADE BY PROSPECTIVE PARTIES TO A CIVIL UNION OR BETWEEN PRESENT PARTIES TO A CIVIL UNION.

SECTION 12. In Colorado Revised Statutes, 14-4-107, **amend** (2) (a) and (4.5) as follows:

14-4-107. Family violence justice fund - creation - grants from fund. (2) Grants from the fund shall be used to fund qualifying organizations to provide legal advice, representation, and advocacy for and on behalf of indigent clients who are victims of family violence. Moneys from the fund may be provided for services that include, but are not limited

to:

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

(4.5) Notwithstanding any other provision of this section, the state court administrator shall apply the moneys generated from fees collected pursuant to section 13-32-101 ~~(1) (a) and (1) (b)~~ (1) (a), (1) (a.5), (1) (b), AND (1) (b.5), C.R.S., and transferred pursuant to section 13-32-101 (5) (a) (X) and (5) (b) (II), C.R.S., to grants to qualifying organizations that provide services described in subsection (2) of this section for or on behalf of indigent persons or their families ~~who~~ WHICH PERSONS are married, separated, or divorced OR PARTIES TO A CIVIL UNION OR AN INVALIDATED, LEGALLY SEPARATED, OR DISSOLVED CIVIL UNION.

SECTION 13. In Colorado Revised Statutes, 14-10-105, **add** (2.5) as follows:

14-10-105. Application of Colorado rules of civil procedure. (2.5) A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION SHALL BE ENTITLED "IN RE THE CIVIL UNION OF ..... AND .....".

SECTION 14. In Colorado Revised Statutes, **add** 14-10-106.5 as follows:

14-10-106.5. Dissolution of civil unions - legal separation - jurisdiction - applicability of article and case law. (1) ANY PERSON WHO ENTERS INTO A CIVIL UNION IN COLORADO PURSUANT TO ARTICLE 15 OF THIS TITLE CONSENTS TO THE JURISDICTION OF THE COURTS OF COLORADO FOR THE PURPOSE OF ANY ACTION RELATING TO A CIVIL UNION EVEN IF ONE OR

BOTH PARTIES CEASE TO RESIDE IN THIS STATE. IN A MATTER SEEKING A DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION, THE COURT SHALL FOLLOW THE PROCEDURES THAT ARE SET FORTH IN THIS ARTICLE FOR DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY. THE PROVISIONS OF THIS ARTICLE AND ANY CASE LAW CONSTRUING THIS ARTICLE APPLY TO THE DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION.

(2) THE COURT SHALL FOLLOW THE LAWS OF COLORADO IN A MATTER FILED IN COLORADO THAT IS SEEKING A DISSOLUTION, LEGAL SEPARATION, OR INVALIDITY OF A CIVIL UNION THAT WAS ENTERED INTO IN ANOTHER JURISDICTION.

SECTION 15. In Colorado Revised Statutes, **amend** 14-10-120.5 as follows:

14-10-120.5. Petition - fee - assessment - displaced homemakers fund. (1) There shall be assessed against a nonindigent petitioner a fee of five dollars for each filing of a petition for dissolution of marriage, declaration of invalidity of marriage, legal separation, or declaratory judgment concerning the status of marriage. All such fees collected shall be transmitted to the state treasurer for deposit in the displaced homemakers fund created pursuant to section 8-15.5-108, C.R.S.

(1.5) THERE SHALL BE ASSESSED AGAINST A NONINDIGENT PETITIONER A FEE OF FIVE DOLLARS FOR EACH FILING OF A PETITION FOR DISSOLUTION OF A CIVIL UNION, DECLARATION OF INVALIDITY OF A CIVIL UNION, LEGAL SEPARATION, OR DECLARATORY JUDGMENT CONCERNING THE STATUS OF A CIVIL UNION. ALL SUCH FEES COLLECTED SHALL BE TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE DISPLACED HOMEMAKERS FUND CREATED PURSUANT TO SECTION 8-15.5-108, C.R.S.

(2) Notwithstanding the amount specified for the fee in subsection (1) OR (1.5) of this section, the chief justice of the supreme court by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the chief justice by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S.

SECTION 16. In Colorado Revised Statutes, 14-13-310, **add** (5) as follows:

14-13-310. Hearing and order. (5) A PRIVILEGE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN PARTNERS IN A CIVIL UNION AND A DEFENSE OF IMMUNITY BASED ON THE RELATIONSHIP OF PARTNERS IN A CIVIL UNION OR PARENT AND CHILD MAY NOT BE INVOKED IN A PROCEEDING UNDER THIS PART 3.

SECTION 17. In Colorado Revised Statutes, 15-10-102, **add** (3) as follows:

15-10-102. Purposes - rule of construction. (3) UNDER THIS CODE, THE RIGHTS OF PARTNERS IN A CIVIL UNION CREATED PURSUANT TO THE "COLORADO CIVIL UNION ACT", ARTICLE 15 OF TITLE 14, C.R.S., ARE THE SAME RIGHTS AS THOSE EXTENDED TO SPOUSES WHO ARE MARRIED PURSUANT TO THE PROVISIONS OF THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2 OF TITLE 14, C.R.S.

SECTION 18. In Colorado Revised Statutes, 15-12-203, **amend** (1) as follows:

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

(a) The person with priority as determined by a probated will including a person nominated by a power conferred in a will;

(b) The surviving spouse of the decedent who is a devisee of the decedent;

(b.3) THE SURVIVING PARTY TO A CIVIL UNION ENTERED INTO IN ACCORDANCE WITH ARTICLE 15 OF TITLE 14, C.R.S., WHO IS A DEVISEE OF THE DECEDENT;

(b.5) A person given priority to be a personal representative in a designated beneficiary agreement made pursuant to article 22 of this title;

(c) Other devisees of the decedent;

(d) The surviving spouse of the decedent;

(d.5) THE SURVIVING PARTY TO A CIVIL UNION ENTERED INTO IN ACCORDANCE WITH ARTICLE 15 OF TITLE 14, C.R.S.;

(e) Other heirs of the decedent;

(f) Forty-five days after the death of the decedent, any creditor.

SECTION 19. In Colorado Revised Statutes, 15-14-304, **amend** (2) (b) (I) (A) and (2) (b) (II) as follows:

15-14-304. Judicial appointment of guardian - petition. (2) The petition must set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

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

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

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

SECTION 20. In Colorado Revised Statutes, 15-14-310, **amend** (1) as follows:

15-14-310. Who may be guardian - priorities - prohibition of dual roles. (1) Subject to subsection (4) of this section, the court in appointing a guardian shall consider persons otherwise qualified in the following order of priority:

(a) A guardian, other than a temporary or emergency guardian, currently acting for the respondent in this state or elsewhere;

(b) A person nominated as guardian by the respondent, including the respondent's specific nomination of a guardian made in a durable power of attorney or given priority to be a guardian in a designated beneficiary agreement made pursuant to article 22 of this title;

(c) An agent appointed by the respondent under a medical durable power of attorney pursuant to section 15-14-506;

(d) An agent appointed by the respondent under a general durable power of attorney;

(e) The spouse of the respondent or a person nominated by will or other signed writing of a deceased spouse;

(e.5) THE PARTNER IN A CIVIL UNION OF THE RESPONDENT OR A PERSON NOMINATED BY WILL OR OTHER SIGNED WRITING OF A DECEASED PARTNER IN A CIVIL UNION;

(f) An adult child of the respondent;

(g) A parent of the respondent or an individual nominated by will or other signed writing of a deceased parent; and

(h) An adult with whom the respondent has resided for more than six months immediately before the filing of the petition.

SECTION 21. In Colorado Revised Statutes, 15-14-413, **amend** (1) and (3) as follows:

15-14-413. Who may be conservator - priorities - prohibition of dual roles. (1) Except as otherwise provided in subsection (4) of this section, the court, in appointing a conservator, shall consider persons otherwise qualified in the following order of priority:

(a) A conservator, guardian of the estate, or other like fiduciary appointed or recognized by an appropriate court of any other jurisdiction in which the protected person resides;

(b) A person nominated as conservator by the respondent, including the respondent's specific nomination of a conservator made in a durable

power of attorney or given priority to be a conservator in a designated beneficiary agreement made pursuant to article 22 of this title, if the respondent has attained twelve years of age;

(c) An agent appointed by the respondent to manage the respondent's property under a durable power of attorney;

(d) The spouse of the respondent;

(d.5) THE PARTNER IN A CIVIL UNION OF THE RESPONDENT;

(e) An adult child of the respondent;

(f) A parent of the respondent; and

(g) An adult with whom the respondent has resided for more than six months immediately before the filing of the petition.

(3) A person having priority under paragraph ~~(a), (d), (e), or (f)~~ (a), (d), (d.5), (e), OR (f) of subsection (1) of this section may designate in writing a substitute to serve instead and thereby transfer the priority to the substitute.

SECTION 22. In Colorado Revised Statutes, 15-22-103, **amend** (3) (j) and (3) (k); and **add** (3) (l) as follows:

15-22-103. Definitions. As used in this article, unless the context otherwise requires:

(3) "Superseding legal document" means a legal document, regardless of the date of execution, that is valid and enforceable and conflicts with all or a portion of a designated beneficiary agreement and, therefore, causes the designated beneficiary agreement in whole or in part to be replaced or set aside. To the extent there is a conflict between a superseding legal document and a designated beneficiary agreement, the superseding legal document controls. A superseding legal document may include, but need not be limited to, any of the following:

(j) A declaration as to disposition of last remains executed pursuant to article 19 of this title; ~~or~~

(k) A marriage license; OR

(l) A CIVIL UNION CERTIFICATE.

SECTION 23. In Colorado Revised Statutes, 15-22-104, **amend** (1) (a) as follows:

15-22-104. Requirements for a valid designated beneficiary agreement. (1) A designated beneficiary agreement shall be legally recognized if:

(a) The parties to the designated beneficiary agreement satisfy all of the following criteria:

(I) Both are at least eighteen years of age;

(II) Both are competent to enter into a contract;

(III) Neither party is married to another person;

(III.5) NEITHER PARTY IS A PARTY TO A CIVIL UNION;

(IV) Neither party is a party to another designated beneficiary agreement; and

(V) Both parties enter into the designated beneficiary agreement without force, fraud, or duress; and

SECTION 24. In Colorado Revised Statutes, 19-5-202, **add** (4) and (5) as follows:

19-5-202. Who may adopt. (4) A PERSON HAVING A LIVING PARTNER IN A CIVIL UNION FROM WHOM THE PERSON IS NOT LEGALLY SEPARATED SHALL PETITION JOINTLY WITH THE PARTNER, UNLESS THE PARTNER IS THE NATURAL PARENT OF THE CHILD TO BE ADOPTED OR HAS PREVIOUSLY ADOPTED THE CHILD.

(5) A PERSON WHO IS A PARTNER IN A CIVIL UNION MAY ADOPT A CHILD OF THE OTHER PARTNER THROUGH THE SAME PROCESS OUTLINED IN SECTION 19-5-203 FOR A STEPPARENT ADOPTION AND SHALL BE CONSIDERED

A STEPPARENT FOR THE PURPOSE OF DETERMINING WHETHER A CHILD IS AVAILABLE FOR ADOPTION PURSUANT TO SECTION 19-5-203 (1).

SECTION 25. In Colorado Revised Statutes, 15-22-111, **amend** (3) as follows:

15-22-111. Revocation of a designated beneficiary agreement. (3) A designated beneficiary agreement shall be deemed revoked upon the marriage OR THE CIVIL UNION of either party. In the case of a common law marriage, a designated beneficiary agreement shall be deemed revoked as of the date the court determines that a valid common law marriage exists.

SECTION 26. In Colorado Revised Statutes, 24-34-301, **add** (4.5) as follows:

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

(4.5) "MARITAL STATUS" MEANS A RELATIONSHIP OR A SPOUSAL STATUS OF A PERSON, INCLUDING BUT NOT LIMITED TO BEING SINGLE, COHABITATING, ENGAGED, WIDOWED, MARRIED, IN A CIVIL UNION, OR LEGALLY SEPARATED, OR A RELATIONSHIP OR A SPOUSAL STATUS OF A PERSON WHO HAS HAD OR IS IN THE PROCESS OF HAVING A MARRIAGE OR CIVIL UNION DISSOLVED OR DECLARED INVALID.

SECTION 27. In Colorado Revised Statutes, 24-50-603, **add** (5) (c.5) as follows:

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

(5) "Dependent" means:

(c.5) AN EMPLOYEE'S PARTNER IN A CIVIL UNION WHO HAS SUBMITTED DOCUMENTATION DEMONSTRATING THE CREATION OF A CIVIL UNION WITH THE EMPLOYEE;

SECTION 28. In Colorado Revised Statutes, 24-72-204, **amend** (3) (a) (XIX) (A) and (3) (a) (XIX) (B) as follows:

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

(XIX) (A) Except as provided in sub-subparagraphs (B) and (C) of this subparagraph (XIX), applications for a marriage license submitted pursuant to section 14-2-106, C.R.S., AND, EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPHS (B) AND (C) OF THIS SUBPARAGRAPH (XIX), APPLICATIONS FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO SECTION 14-15-110, C.R.S. A person in interest under this subparagraph (XIX) includes an immediate family member of either party to the marriage application. As used in this subparagraph (XIX), "immediate family member" means a person who is related by blood, marriage, or adoption. Nothing in this subparagraph (XIX) shall be construed to prohibit the inspection of marriage licenses or marriage certificates OR OF CIVIL UNION CERTIFICATES or to otherwise change the status of those licenses or certificates as public records.

(B) Any record of an application for a marriage license submitted pursuant to section 14-2-106, C.R.S., AND ANY RECORD OF AN APPLICATION FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO SECTION 14-15-110, C.R.S., shall be made available for public inspection fifty years after the date that record was created.

SECTION 29. In Colorado Revised Statutes, 26-7.5-105, **amend** (1) (b) as follows:

26-7.5-105. Funding of domestic abuse programs. (1) (b) Moneys generated from fees collected pursuant to ~~section~~ SECTIONS 14-2-106 (1) (a) AND 14-15-110, C.R.S., or transferred pursuant to section 13-21-101 (5) (a) (X) or (5) (b) (II), C.R.S., shall be used to reimburse domestic abuse programs that provide services as provided in section 26-7.5-103 to PERSONS OR THEIR FAMILIES, WHICH PERSONS ARE married, separated, or divorced ~~persons or their families~~ OR PARTIES TO A CIVIL UNION OR AN INVALIDATED, LEGALLY SEPARATED, OR DISSOLVED CIVIL UNION.

SECTION 30. Appropriation. In addition to any other

appropriation, there is hereby appropriated, out of any moneys in the vital statistics records cash fund created in section 25-2-121 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2012, the sum of $6,976 and 0.1 FTE, or so much thereof as may be necessary, for allocation to the health statistics and vital records subdivision for personal and operating expenses related to the implementation of this act.

SECTION 31. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the vital statistics records cash fund created in section 25-2-121 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2013, the sum of $4,021 and 0.1 FTE, or so much thereof as may be necessary, for allocation to the health statistics and vital records subdivision for personal and operating expenses related to the implementation of this act.

SECTION 32. Effective date. This act takes effect May 1, 2013; except that section 7 of this act takes effect January 1, 2014.

SECTION 33. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John P. Morse PRESIDENT OF THE SENATE	Mark Ferrandino SPEAKER OF THE HOUSE OF REPRESENTATIVES
Cindi L. Markwell SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO