

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 11-0753.01 Debbie Haskins

SENATE BILL 11-172

SENATE SPONSORSHIP

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Senate Committees

Judiciary

Finance

Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A legislative declaration sets forth the intent of the general assembly in enacting the bill.

The bill creates the "Colorado Civil Union Act" (Act) to authorize any 2 unmarried adults, regardless of gender, to enter into a civil union. Parties wanting to enter into a civil union shall apply to a county clerk and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 24, 2011

SENATE
Amended 2nd Reading
March 23, 2011

recorder for a civil union license. Certain persons may certify a civil union and may file the civil union certificate with the county clerk and recorder. 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 free exercise of religion. The criteria for a valid civil union are set forth in the bill.

The executive director of the department of public health and environment and the state registrar of vital statistics shall issue forms necessary to implement the Act. Each county clerk and recorder shall submit records of registered civil unions to the office of vital statistics. A county clerk and recorder shall collect a fee for a civil union license, which fee shall be credited to the vital statistics records cash fund. The state registrar of vital statistics is authorized to set and collect an additional fee for verification of civil unions, which fee shall be credited to the vital statistics records cash fund. A county clerk and recorder shall collect a \$20 fee to be credited to the Colorado domestic abuse program fund.

The legal benefits, protections, and responsibilities that are granted under the law to spouses shall apply in like manner to parties to a civil union, including the following:

- ! Responsibility for financial support of a party to a civil union;
- ! Rights and abilities concerning transfer of real or personal property to a party in a civil union;
- ! The ability to file a claim based on wrongful death, emotional distress, loss of consortium, dramshop, or other laws, whether common law or statutory, related to or dependent upon spousal status;
- ! The ability to inherit real and personal property from a party in a civil union under the probate code;
- ! Priority for appointment as a conservator, guardian, or personal representative;
- ! Survivor benefits under and inclusion in workers' compensation laws;
- ! The ability to adopt a child of a party to a civil union;
- ! The ability to insure a party to a civil union under group benefit plans for state employees;
- ! The ability to designate a party in a civil union as a beneficiary under the state public employees retirement system;
- ! Survivor benefits under local government firefighter and police pensions;
- ! Protections and coverage under domestic abuse and domestic violence laws;
- ! Rights and protections under victims' compensation laws

- and victims and witness protection laws;
- ! Protections and responsibilities relating to emergency and nonemergency medical care and treatment and hospital visitation;
- ! Rights to visit a party in a civil union in a correctional facility, jail, or private contract prison or in a facility receiving mental health treatment;
- ! The ability to file a complaint about the care or treatment of a party in a civil union in a nursing home;
- ! Rights relating to declarations concerning the administration, withholding, or withdrawing of medical treatment, proxy decision-makers and surrogate decision-makers, CPR directives, or directives concerning medical orders for scope of treatment forms with respect to a party to a civil union;
- ! Rights concerning the disposition of the last remains of a party to a civil union;
- ! The right to make decisions regarding anatomical gifts;
- ! Eligibility for family leave benefits;
- ! Eligibility for public assistance benefits;
- ! A privilege from providing compelled testimony against a party in a civil union and evidentiary privileges for parties to a civil union;
- ! The right to apply for emergency or involuntary commitment of a party to a civil union;
- ! The right to claim a homestead exemption;
- ! The ability to protect exempt property from attachment, execution, or garnishment; and
- ! Dependent coverage under life insurance and health insurance policies.

The same processes that are provided in law for dissolution, legal separation, and declaration of invalidity of a marriage apply to dissolution, legal separation, and declaration of invalidity of a civil union. 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 the state. The courts are authorized to collect docket fees for the dissolution of a civil union, legal separation of a civil union, and declaration of invalidity of a civil union.

The Act shall not be construed to create a marriage between the parties to a civil union, create or recognize a legal status similar to marriage, or alter the public policy of this state that recognizes only the union of one man and one woman as a marriage. Notwithstanding any provision of law to the contrary, nothing in the Act shall be interpreted to require a child placement agency to place a child for adoption with parties

to a civil union.

The Act includes a reciprocity and principle of comity section that states that a relationship between persons of the same sex that does not comply with section 31 of article II of the state constitution that is legally entered into in another jurisdiction shall be deemed in Colorado to be a civil union and that, under principles of comity, a civil union, domestic partnership, or a substantially similar legal relationship that is legally created in another jurisdiction shall be deemed to be a civil union for purposes of Colorado law.

A severability clause is included in the Act.

The executive director of the department of revenue is authorized to appoint a study commission to investigate and report on what changes in the law could be made to ensure equitable tax treatment and to allow parties to a civil union to file a joint state tax return without violating the federal tax laws. Until a statutory change is enacted to authorize the filing of a joint state tax return by parties to a civil union, nothing in the Act shall be construed to permit the filing of a joint income tax return by the parties to a civil union.

A custodian of records is prohibited from allowing a person, other than the person in interest or an immediate family member of the person in interest, to inspect the application for a civil union license of any person; except that a district court may order the custodian to permit inspection of the license application for a civil union upon a showing of good cause.

A person who has entered into a designated beneficiary agreement under Colorado's designated beneficiary statute is precluded from entering into a civil union with a different person. If both parties to a designated beneficiary agreement are eligible to enter into a valid civil union and subsequently enter into a civil union, the civil union certificate constitutes a superseding legal document that supersedes and invalidates the prior designated beneficiary agreement.

The bill makes other conforming amendments.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that the public policy of this state, as set forth in section 31 of
4 article II of the state constitution, recognizes only the union of one man
5 and one woman as a marriage. The general assembly declares that the
6 purpose of the "Colorado Civil Union Act", article 15 of title 14,
7 Colorado Revised Statutes, is to provide eligible couples the opportunity

1 to obtain the benefits, protections, and responsibilities afforded by
2 Colorado law to spouses consistent with the principles of equality under
3 law and religious freedom embodied in both the United States
4 constitution and the constitution of this state. The general assembly
5 further finds that the general assembly, in the exercise of its plenary
6 power, has the authority to define other arrangements, such as a civil
7 union between two unmarried persons regardless of their gender, and to
8 set forth in statute any state-level benefits, rights, and protections to
9 which a couple is entitled by virtue of entering into a civil union. The
10 general assembly finds that the "Colorado Civil Union Act" does not alter
11 the public policy of this state, which recognizes only the union of one
12 man and one woman as a marriage. The general assembly also declares
13 that a second purpose in enacting the "Colorado Civil Union Act" is to
14 state that Colorado courts may offer same-sex couples the equal
15 protection of the law and to give full faith and credit to recognize
16 relationships legally created in other jurisdictions that are similar to civil
17 unions created by this Act and that are not otherwise recognized pursuant
18 to Colorado law.

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

21 **ARTICLE 15**

22 **Colorado Civil Union Act**

23 **14-15-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
24 BE CITED AS THE "COLORADO CIVIL UNION ACT".

25 **14-15-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO

1 ELIGIBLE PERSONS PURSUANT TO THIS ARTICLE THAT ENTITLES THEM TO
2 RECEIVE THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO THE
3 RESPONSIBILITIES OF SPOUSES.

4 (2) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT
5 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
6 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THIS
7 ARTICLE.

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

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

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

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

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

20 **14-15-103. Requisites of a valid civil union.** (1) TO ESTABLISH
21 A CIVIL UNION IN COLORADO, THE TWO PARTIES TO THE CIVIL UNION SHALL
22 SATISFY ALL OF THE FOLLOWING CRITERIA:

23 (a) BOTH PARTIES SHALL BE ADULTS, REGARDLESS OF THE GENDER
24 OF EITHER PARTY;

25 (b) NEITHER PARTY SHALL BE A PARTY TO ANOTHER CIVIL UNION;

26 (c) NEITHER PARTY SHALL BE MARRIED TO ANOTHER PERSON.

27 **14-15-104. Individual shall not enter into a civil union with a**

1 **relative.** (1) AN INDIVIDUAL SHALL NOT ENTER INTO A CIVIL UNION WITH
2 AN ANCESTOR OR A DESCENDANT OR WITH A BROTHER OR A SISTER,
3 WHETHER THE RELATIONSHIP IS BY THE HALF OR THE WHOLE BLOOD.

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

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

9 **14-15-105. Restrictions as to minors and wards.** (1) A COUNTY
10 CLERK AND RECORDER SHALL NOT ISSUE A CIVIL UNION LICENSE IF EITHER
11 PARTY TO THE INTENDED CIVIL UNION IS:

12 (a) UNDER EIGHTEEN YEARS OF AGE; OR

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

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

18 **14-15-106. Benefits, protections, and responsibilities of parties**
19 **to a civil union.** (1) A PARTY TO A CIVIL UNION SHALL HAVE THE
20 BENEFITS, PROTECTIONS, AND RESPONSIBILITIES UNDER LAW AS ARE
21 GRANTED TO SPOUSES, WHETHER THOSE BENEFITS, PROTECTIONS, AND
22 RESPONSIBILITIES DERIVE FROM STATUTE, ADMINISTRATIVE OR COURT
23 RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF CIVIL LAW.

24 (2) A PARTY TO A CIVIL UNION SHALL BE INCLUDED IN ANY
25 DEFINITION OR USE OF THE TERMS "DEPENDENT", "FAMILY", "IMMEDIATE
26 FAMILY", "NEXT OF KIN", "SPOUSE", AND ANY OTHER TERM THAT DENOTES
27 THE FAMILIAL OR SPOUSAL RELATIONSHIP, AS THOSE TERMS ARE USED

1 THROUGHOUT THE COLORADO REVISED STATUTES.

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

5 (4) THE LAW OF DOMESTIC RELATIONS, INCLUDING BUT NOT
6 LIMITED TO DECLARATION OF INVALIDITY, LEGAL SEPARATION,
7 DISSOLUTION, CHILD CUSTODY, ALLOCATION OF PARENTAL
8 RESPONSIBILITIES, PARENTING TIME, CHILD SUPPORT, PROPERTY DIVISION,
9 AND MAINTENANCE, SHALL APPLY TO CIVIL UNIONS.

10 (5) LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF
11 SPOUSES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, SHALL APPLY
12 IN LIKE MANNER TO PARTIES TO A CIVIL UNION:

13 (a) LAWS RELATING TO TITLE, TENURE, DESCENT AND
14 DISTRIBUTION, INTESTATE SUCCESSION, WAIVER OF WILL, SURVIVORSHIP,
15 OR OTHER INCIDENTS OF THE ACQUISITION, OWNERSHIP, OR TRANSFER,
16 INTER VIVOS OR AT DEATH, OF REAL OR PERSONAL PROPERTY, INCLUDING
17 ELIGIBILITY TO HOLD REAL AND PERSONAL PROPERTY AS JOINT TENANTS
18 WITH RIGHT OF SURVIVORSHIP OR AS TENANTS IN COMMON;

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

24 (c) PROBATE LAW AND PROCEDURE, INCLUDING NONPROBATE
25 TRANSFERS AND PRIORITY FOR APPOINTMENT AS A CONSERVATOR,
26 GUARDIAN, OR PERSONAL REPRESENTATIVE;

27 (d) WORKERS' COMPENSATION BENEFITS;

- 1 (e) ADOPTION LAW AND PROCEDURE;
- 2 (f) GROUP BENEFIT PLANS FOR STATE EMPLOYEES PURSUANT TO
3 PART 6 OF ARTICLE 50 OF TITLE 24, C.R.S.;
- 4 (g) THE RIGHT TO DESIGNATE A PARTY TO A CIVIL UNION AS A
5 BENEFICIARY UNDER THE STATE PUBLIC EMPLOYEES' RETIREMENT SYSTEM;
- 6 (h) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER
7 AND POLICE PENSIONS;
- 8 (i) DOMESTIC ABUSE PROGRAMS PURSUANT TO ARTICLE 7.5 OF
9 TITLE 26, C.R.S., EMERGENCY PROTECTION ORDERS PURSUANT TO SECTION
10 13-14-103, C.R.S., AND THE RIGHT TO RECEIVE THE PROTECTIONS AND
11 PROGRAMS SPECIFIED IN PART 8 OF ARTICLE 6 OF TITLE 18, C.R.S.;
- 12 (j) RIGHTS TO APPLY FOR COMPENSATION AS A RELATIVE OF A
13 VICTIM UNDER THE "COLORADO CRIME VICTIM COMPENSATION ACT",
14 PURSUANT TO PART 1 OF ARTICLE 4.1 OF TITLE 24, C.R.S., RIGHTS TO
15 RECEIVE RESTITUTION UNDER PART 2 OF ARTICLE 4.1 OF TITLE 24, C.R.S.,
16 AND THE RIGHT TO BE INFORMED OF CRITICAL STAGES OF THE CRIMINAL
17 JUSTICE PROCESS AND TO BE ACCORDED THE RIGHTS AND PROTECTIONS OF
18 VICTIMS OF AND WITNESSES TO CRIMES UNDER PARTS 2 AND 3 OF ARTICLE
19 4.1 OF TITLE 24, C.R.S.;
- 20 (k) LAWS RELATING TO EMERGENCY AND NONEMERGENCY
21 MEDICAL CARE AND TREATMENT AND HOSPITAL VISITATION AND
22 NOTIFICATION, INCLUDING THE RIGHTS OF NURSING HOME PATIENTS
23 DESCRIBED IN SECTION 25-1-120, C.R.S.;
- 24 (l) LAWS OR RULES REGARDING THE RIGHT TO VISIT A PARTNER
25 WHO IS IN A CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102
26 (1.7), C.R.S., A LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7), C.R.S.,
27 OR A PRIVATE CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102 (7.3),

1 C.R.S., OR WHO IS RECEIVING TREATMENT IN A PUBLIC HOSPITAL OR A
2 LICENSED PRIVATE HOSPITAL, CLINIC, COMMUNITY MENTAL HEALTH
3 CENTER OR CLINIC, OR ACUTE TREATMENT UNIT OR INSTITUTION THAT
4 PROVIDES TREATMENT FOR A PERSON WITH A MENTAL ILLNESS;

5 (m) LAWS RELATING TO:

6 (I) DECLARATIONS CONCERNING THE ADMINISTRATION,
7 WITHHOLDING, OR WITHDRAWING OF MEDICAL TREATMENT, WHICH
8 DECLARATIONS ARE MADE PURSUANT TO THE PROVISIONS OF THE
9 "COLORADO MEDICAL TREATMENT DECISION ACT", ARTICLE 18 OF TITLE
10 15, C.R.S.;

11 (II) PROXY DECISION-MAKERS FOR MEDICAL TREATMENT AND
12 SURROGATE DECISION-MAKERS FOR HEALTH CARE BENEFIT DECISIONS, AS
13 DESCRIBED IN ARTICLE 18.5 OF TITLE 15, C.R.S.;

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

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

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

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

24 (p) FAMILY LEAVE BENEFITS;

25 (q) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

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

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

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

5 (u) THE ABILITY TO PROTECT EXEMPT PROPERTY FROM
6 ATTACHMENT, EXECUTION, OR GARNISHMENT; ==

7 (v) INSURANCE POLICIES FOR LIFE INSURANCE, INCLUDING THE
8 ABILITY TO COVER A PARTY TO A CIVIL UNION AS A DEPENDENT; AND

9 (w)(I) INSURANCE COVERAGE PROVIDED BY A HEALTH COVERAGE
10 PLAN, INCLUDING THE ABILITY TO COVER A PARTY TO A CIVIL UNION AS A
11 DEPENDENT.

12 (II) THIS PARAGRAPH (w) IS EFFECTIVE FOR PLANS ISSUED,
13 DELIVERED, OR RENEWED ON OR AFTER JANUARY 1, 2012.

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

23 **14-15-107. Modification of civil union terms.** PARTIES TO A
24 CIVIL UNION MAY CREATE AGREEMENTS MODIFYING THE TERMS,
25 CONDITIONS, OR EFFECTS OF A CIVIL UNION IN THE MANNER SPECIFIED IN
26 PART 3 OF ARTICLE 2 OF THIS TITLE, SETTING FORTH PARTICULAR
27 UNDERSTANDINGS WITH RESPECT TO THEIR CIVIL UNION.

1 **14-15-108. Dissolution, legal separation, and declaration of**
2 **invalidity of civil unions - jurisdiction - venue.** (1) ANY PERSON WHO
3 ENTERS INTO A CIVIL UNION IN COLORADO CONSENTS TO THE JURISDICTION
4 OF THE COURTS OF COLORADO FOR THE PURPOSE OF ANY ACTION
5 RELATING TO A CIVIL UNION EVEN IF ONE OR BOTH PARTIES CEASE TO
6 RESIDE IN THIS STATE.

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

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

21 **14-15-109. Civil union license and certificate.** (1) THE
22 EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL PRESCRIBE THE FORM
23 FOR AN APPLICATION FOR A CIVIL UNION LICENSE, WHICH SHALL INCLUDE
24 AT A MINIMUM THE FOLLOWING INFORMATION:

25 (a) NAME, SEX, ADDRESS, SOCIAL SECURITY NUMBER, AND DATE
26 AND PLACE OF BIRTH OF EACH PARTY TO THE PROPOSED CIVIL UNION. FOR
27 SUCH PURPOSE, PROOF OF DATE OF BIRTH MAY BE BY A BIRTH CERTIFICATE,

1 A DRIVER'S LICENSE, OR OTHER COMPARABLE EVIDENCE.

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

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

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

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

16 **14-15-110. Issuance of a civil union license - certification - fee.**

17 (1) WHEN BOTH PARTIES TO A PROPOSED CIVIL UNION COMPLETE A CIVIL
18 UNION APPLICATION AND AT LEAST ONE PARTY APPEARS BEFORE THE
19 COUNTY CLERK AND RECORDER AND PAYS TO THE CLERK AND RECORDER
20 THE CIVIL UNION LICENSE FEE AND OTHER FEES DESCRIBED IN SUBSECTION
21 (2) OF THIS SECTION, AND THE COUNTY CLERK AND RECORDER
22 DETERMINES THAT THE PARTIES MEET THE CRITERIA SPECIFIED IN
23 SECTIONS 14-15-103, 14-15-104, AND 14-15-105, THE COUNTY CLERK AND
24 RECORDER SHALL ISSUE A CIVIL UNION LICENSE AND A CIVIL UNION
25 CERTIFICATE FORM. BOTH PARTIES TO THE PROPOSED CIVIL UNION SHALL
26 SIGN THE APPLICATION ATTESTING TO THE ACCURACY OF THE FACTS
27 STATED.

1 (2) THE CIVIL UNION LICENSE FEE IS SEVEN DOLLARS PLUS AN
2 ADDITIONAL AMOUNT ESTABLISHED PURSUANT TO SECTION 25-2-121,
3 C.R.S. THE COUNTY CLERK AND RECORDER SHALL FORWARD THE
4 ADDITIONAL AMOUNT TO THE STATE TREASURER WHO SHALL CREDIT IT TO
5 THE VITAL STATISTICS RECORDS CASH FUND PURSUANT TO SECTION
6 25-2-121, C.R.S. IN ADDITION, THE COUNTY CLERK AND RECORDER SHALL
7 COLLECT A FEE OF TWENTY DOLLARS TO BE TRANSMITTED BY THE COUNTY
8 CLERK AND RECORDER TO THE STATE TREASURER WHO SHALL CREDIT THE
9 SAME TO THE COLORADO DOMESTIC ABUSE PROGRAM FUND CREATED IN
10 SECTION 39-22-802 (1), C.R.S.

11 **14-15-111. When civil union licenses issued - validity.** CIVIL
12 UNION LICENSES SHALL BE ISSUED BY THE COUNTY CLERK AND RECORDER
13 ONLY DURING THE HOURS THAT THE OFFICE OF THE COUNTY CLERK AND
14 RECORDER IS OPEN AS PRESCRIBED BY LAW AND AT NO OTHER TIME, AND
15 SUCH LICENSES SHALL SHOW THE EXACT DATE AND HOUR OF THEIR ISSUE.
16 A CIVIL UNION LICENSE SHALL NOT BE VALID FOR USE OUTSIDE THE STATE
17 OF COLORADO. WITHIN THE STATE, A CIVIL UNION LICENSE SHALL NOT BE
18 VALID FOR MORE THAN THIRTY DAYS AFTER THE DATE OF ISSUE. IF A CIVIL
19 UNION LICENSE IS NOT USED WITHIN THIRTY DAYS, IT SHALL BE VOID AND
20 SHALL BE RETURNED TO THE COUNTY CLERK AND RECORDER THAT ISSUED
21 THE LICENSE FOR CANCELLATION.

22 **14-15-112. Persons authorized to certify civil unions -**
23 **registration - fee.** (1) A CIVIL UNION MAY BE CERTIFIED BY A JUDGE OF
24 A COURT, BY A DISTRICT COURT MAGISTRATE, BY A COUNTY COURT
25 MAGISTRATE, BY A RETIRED JUDGE OF A COURT, BY THE PARTIES TO THE
26 CIVIL UNION, OR IN ACCORDANCE WITH ANY MODE OF RECOGNITION OF A
27 CIVIL UNION BY ANY RELIGIOUS DENOMINATION OR INDIAN NATION OR

1 TRIBE.

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

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

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

25 **14-15-113. Civil union license required for certification.**
26 PERSONS AUTHORIZED BY SECTION 14-15-112 TO CERTIFY CIVIL UNIONS
27 SHALL REQUIRE A CIVIL UNION LICENSE FROM THE PARTIES BEFORE

1 CERTIFYING THE CIVIL UNION.

2 **14-15-114. Evidence of civil union.** A COPY OF THE CIVIL UNION
3 CERTIFICATE RECEIVED FROM THE COUNTY CLERK AND RECORDER OR A
4 RECORD OF THE CIVIL UNION RECEIVED FROM THE STATE REGISTRAR SHALL
5 BE PRESUMPTIVE EVIDENCE OF THE CIVIL UNION IN ALL COURTS.

6 **14-15-115. Reciprocity - principle of comity.** (1) A
7 RELATIONSHIP BETWEEN PERSONS OF THE SAME SEX THAT DOES NOT
8 COMPLY WITH SECTION 31 OF ARTICLE II OF THE STATE CONSTITUTION BUT
9 THAT WAS LEGALLY ENTERED INTO IN ANOTHER JURISDICTION SHALL BE
10 DEEMED IN COLORADO TO BE A CIVIL UNION AS SET FORTH IN THIS
11 ARTICLE.

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

17 **14-15-116. Tax equity - joint tax returns - commission -**
18 **report.** (1) THE GENERAL ASSEMBLY FINDS THAT CURRENT FEDERAL LAW
19 PROHIBITS THE FILING OF A JOINT INCOME TAX RETURN BY PARTIES WHO
20 ARE NOT LEGALLY MARRIED. SINCE COLORADO INCOME TAX FILINGS ARE
21 TIED TO THE FEDERAL INCOME TAX FORM BY REQUIRING TAXPAYERS TO
22 PAY A PERCENTAGE OF THEIR FEDERAL ADJUSTED GROSS INCOME AS THEIR
23 STATE INCOME TAXES, THIS PREVENTS THE FILING BY THE PARTIES TO A
24 CIVIL UNION OF A JOINT STATE INCOME TAX RETURN. THE GENERAL
25 ASSEMBLY FINDS THAT IT WOULD BE BENEFICIAL TO THE PARTIES TO CIVIL
26 UNIONS FOR THE STATE TO STUDY THE CONSEQUENCES OF AND
27 DIFFICULTIES ENCOUNTERED BY PARTIES TO CIVIL UNIONS BY NOT BEING

1 ABLE TO FILE JOINT TAX RETURNS, WHETHER IT IS BENEFICIAL OR
2 ADVANTAGEOUS TO PARTIES TO FILE JOINT TAX RETURNS INSTEAD OF
3 SEPARATE RETURNS, THE POTENTIAL BENEFITS TO THE DEPARTMENT OF
4 REVENUE OF HAVING PARTIES TO A CIVIL UNION FILE JOINT TAX RETURNS,
5 AND HOW THE STATE STATUTES COULD BE CHANGED TO PERMIT THE
6 PARTIES TO A CIVIL UNION TO FILE A JOINT STATE INCOME TAX RETURN.

7 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE
8 IS AUTHORIZED TO CREATE A STUDY COMMISSION TO INVESTIGATE AND
9 CONSIDER WHAT CHANGES IN THE STATE STATUTES COULD BE MADE TO
10 ENSURE EQUITABLE TAX TREATMENT FOR PARTIES TO A CIVIL UNION AND
11 TO ALLOW PARTIES TO A CIVIL UNION TO FILE A JOINT STATE INCOME TAX
12 RETURN WITHOUT VIOLATING THE FEDERAL TAX LAWS. IF A STUDY
13 COMMISSION IS CREATED, THE COMMISSION SHALL CONSIST OF TAX
14 ACCOUNTANTS AND STAFF OF THE DEPARTMENT OF REVENUE APPOINTED
15 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE AND THE
16 CHAIRS OR THEIR DESIGNEES OF THE FINANCE COMMITTEES OF THE HOUSE
17 OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.
18 IF APPOINTED, THE COMMISSION SHALL PREPARE A REPORT OF ITS FINDINGS
19 AND RECOMMENDATIONS AND SUBMIT THE REPORT TO THE EXECUTIVE
20 DIRECTOR AND THE FINANCE COMMITTEES OF THE HOUSE OF
21 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON
22 OR BEFORE JANUARY 1, 2012.

23 (3) UNTIL A STATUTORY CHANGE IS ENACTED TO AUTHORIZE THE
24 FILING OF A JOINT STATE INCOME TAX RETURN BY PARTIES TO A CIVIL
25 UNION, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO PERMIT THE
26 FILING OF A JOINT STATE INCOME TAX RETURN BY THE PARTIES TO A CIVIL
27 UNION.

1 **14-15-117. Construction.** (1) THE PROVISIONS OF THIS ARTICLE
2 SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES
3 TO A CIVIL UNION OR ALTER THE PUBLIC POLICY OF THIS STATE, WHICH
4 RECOGNIZES ONLY THE UNION OF ONE MAN AND ONE WOMAN AS A
5 MARRIAGE.

6 (2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
7 CONTRARY, NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE
8 A CHILD PLACEMENT AGENCY TO PLACE A CHILD FOR ADOPTION WITH A
9 COUPLE THAT HAS ENTERED INTO A CIVIL UNION PURSUANT TO THIS
10 ARTICLE.

11 **14-15-118. Severability.** IF ANY PROVISION OF THIS ARTICLE OR
12 THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD
13 INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR
14 APPLICATIONS OF THIS ARTICLE THAT CAN BE GIVEN EFFECT WITHOUT THE
15 INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF
16 THIS ARTICLE ARE DECLARED TO BE SEVERABLE.

17 **SECTION 3.** 25-2-105, Colorado Revised Statutes, is amended
18 to read:

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

26 (2) THE STATE REGISTRAR SHALL PRESCRIBE, FURNISH, AND
27 DISTRIBUTE SUCH FORMS AS ARE REQUIRED BY THIS ARTICLE WITH

1 RESPECT TO CIVIL UNION CERTIFICATES, AS DEFINED IN SECTION 14-15-102
2 (2), C.R.S.

3 **SECTION 4.** Article 2 of title 25, Colorado Revised Statutes, is
4 amended BY THE ADDITION OF THE FOLLOWING NEW
5 SECTIONS to read:

6 **25-2-106.5. Reports of civil unions.** EACH COUNTY CLERK AND
7 RECORDER SHALL PREPARE A REPORT CONTAINING SUCH INFORMATION
8 AND USING THE FORM AS PRESCRIBED AND FURNISHED BY THE STATE
9 REGISTRAR WITH RESPECT TO EVERY DULY EXECUTED CIVIL UNION
10 CERTIFICATE REGISTERED IN ACCORDANCE WITH SECTION 14-15-112,
11 C.R.S. ON OR BEFORE THE TENTH DAY OF EACH MONTH, OR MORE
12 FREQUENTLY IF REQUESTED BY THE STATE REGISTRAR, A COUNTY CLERK
13 AND RECORDER SHALL FORWARD TO THE STATE REGISTRAR ALL CIVIL
14 UNION REPORTS FOR ALL CIVIL UNION CERTIFICATES REGISTERED IN THE
15 PRECEDING PERIOD. A COUNTY CLERK AND RECORDER MAY ISSUE
16 CERTIFIED COPIES OF CIVIL UNION CERTIFICATES.

17 **25-2-107.5. Reports of dissolution of civil unions, legal**
18 **separation of civil unions, or declarations of invalidity of civil unions**
19 **- fee.** (1) THE CLERK OF EACH COURT SHALL PREPARE A REPORT
20 CONTAINING SUCH INFORMATION AND USING SUCH FORM AS MAY BE
21 PRESCRIBED AND FURNISHED BY THE STATE REGISTRAR WITH RESPECT TO
22 EVERY DECREE ENTERED BY THE COURT FOR THE DISSOLUTION OF A CIVIL
23 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF
24 INVALIDITY OF A CIVIL UNION, AND EVERY DECREE AMENDING OR
25 NULLIFYING SUCH A DECREE. ON OR BEFORE THE TENTH DAY OF EACH
26 MONTH, OR MORE FREQUENTLY IF SO REQUESTED BY THE STATE
27 REGISTRAR, THE CLERK SHALL FORWARD TO THE STATE REGISTRAR THE

1 REPORTS FOR ALL SUCH DECREES ENTERED DURING THE PRECEDING
2 PERIOD.

3 (2) IN ORDER TO DEFRAY THE MAINTENANCE OF VITAL STATISTICS
4 RECORDS, THE CLERK OF THE COURT SHALL ASSESS A FEE OF THREE
5 DOLLARS UPON EACH ACTION WITH RESPECT TO DISSOLUTION OF A CIVIL
6 UNION, LEGAL SEPARATION OF A CIVIL UNION, OR DECLARATION OF
7 INVALIDITY OF A CIVIL UNION THAT IS FILED IN THE OFFICE OF EACH CLERK
8 OF A COURT OF RECORD IN THIS STATE ON OR AFTER THE EFFECTIVE DATE
9 OF THIS SECTION. THE FEE SHALL BE PAID AT THE TIME OF THE FILING OF
10 THE ACTION. THE CLERK SHALL KEEP ANY FEES SO COLLECTED IN A
11 SEPARATE FUND AND EACH MONTH THE CLERK SHALL TRANSMIT THOSE
12 FEES COLLECTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
13 TO THE VITAL STATISTICS RECORDS CASH FUND CREATED IN SECTION
14 25-2-121.

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

18 **25-2-117. Certified copies furnished - fee.** (2) An applicant
19 shall pay fees established pursuant to section 25-2-121 for each of the
20 following services:

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

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

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

26 **SECTION 6.** 2-4-401, Colorado Revised Statutes, is amended BY
27 THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to

1 read:

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

4 (1.3) "CIVIL UNION" MEANS A RELATIONSHIP ESTABLISHED BY TWO
5 ELIGIBLE PERSONS PURSUANT TO THE REQUIREMENTS OF ARTICLE 15 OF
6 TITLE 14, C.R.S., THAT ENTITLES THEM TO RECEIVE THE BENEFITS AND
7 PROTECTIONS AND BE SUBJECT TO THE RESPONSIBILITIES OF SPOUSES.

8 (1.4) "CIVIL UNION CERTIFICATE" MEANS A DOCUMENT THAT
9 CERTIFIES THAT THE PERSONS NAMED IN THE CERTIFICATE HAVE
10 ESTABLISHED A CIVIL UNION IN THIS STATE IN COMPLIANCE WITH THE
11 PROVISIONS OF ARTICLE 15 OF TITLE 14, C.R.S.

12 (3.7) "IMMEDIATE FAMILY MEMBER" MEANS A PERSON WHO IS
13 RELATED BY BLOOD, MARRIAGE, CIVIL UNION, OR ADOPTION.

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

17 **SECTION 7. 10-16-102 (14), Colorado Revised Statutes, is**
18 **amended to read:**

19 **10-16-102. Definitions.** As used in this article, unless the context
20 **otherwise requires:**

21 **(14) "Dependent" means a spouse, A PARTNER IN A CIVIL UNION,**
22 **an unmarried child under nineteen years of age, an unmarried child who**
23 **is a full-time student under twenty-four years of age and who is**
24 **financially dependent upon the parent, and an unmarried child of any age**
25 **who is medically certified as disabled and dependent upon the parent.**
26 **"Dependent" shall include a designated beneficiary, as defined in section**
27 **15-22-103 (1), C.R.S., if an employer elects to cover a designated**

1 beneficiary as a dependent.

2 **SECTION 8.** 13-32-101 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF THE FOLLOWING NEW
4 PARAGRAPHS to read:

5 **13-32-101. Docket fees in civil actions - judicial stabilization**
6 **cash fund - support registry fund created - repeal.** (1) At the time of
7 first appearance in all civil actions and special proceedings in all courts
8 of record, except in the supreme court and the court of appeals, and
9 except in the probate proceedings in the district court or probate court of
10 the city and county of Denver, and except as provided in subsection (3)
11 of this section and in sections 13-32-103 and 13-32-104, there shall be
12 paid in advance the total docket fees, as follows:

13 (a.5) ON AND AFTER SEPTEMBER 1, 2011, BY THE PETITIONER IN A
14 PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
15 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY
16 THE PETITIONER IN AN ACTION FOR A DECLARATORY JUDGMENT
17 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF TWO HUNDRED
18 THIRTY DOLLARS;

19 (b.5) ON AND AFTER SEPTEMBER 1, 2011, BY THE RESPONDENT IN
20 A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL SEPARATION OF
21 A CIVIL UNION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION AND BY
22 THE RESPONDENT TO AN ACTION FOR A DECLARATORY JUDGMENT
23 CONCERNING THE STATUS OF A CIVIL UNION, A FEE OF ONE HUNDRED
24 SIXTEEN DOLLARS;

25 **SECTION 9.** The introductory portion to 13-32-101 (5) (a),
26 13-32-101 (5) (a) (VII), and the introductory portion to 13-32-101 (5) (b),
27 Colorado Revised Statutes, are amended to read:

1 **13-32-101. Docket fees in civil actions - judicial stabilization**
2 **cash fund - support registry fund created - repeal.** (5) (a) Each fee

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

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

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

11 **SECTION 10.** 13-90-107 (1) (I) (II) (D) and (1) (I) (III), Colorado
12 Revised Statutes, are amended, and the said 13-90-107 (1) is further
13 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

14 **13-90-107. Who may not testify without consent.** (1) There are
15 particular relations in which it is the policy of the law to encourage
16 confidence and to preserve it inviolate; therefore, a person shall not be
17 examined as a witness in the following cases:

18 (a.5) (I) EXCEPT AS OTHERWISE PROVIDED IN SECTION 14-13-310
19 (5), C.R.S., A PARTNER IN A CIVIL UNION SHALL NOT BE EXAMINED FOR OR
20 AGAINST THE OTHER PARTNER IN THE CIVIL UNION WITHOUT THE OTHER
21 PARTNER'S CONSENT, NOR DURING THE CIVIL UNION OR AFTERWARD SHALL
22 EITHER BE EXAMINED WITHOUT THE CONSENT OF THE OTHER AS TO ANY
23 COMMUNICATIONS MADE BY ONE TO THE OTHER DURING THE CIVIL UNION;
24 BUT THIS EXCEPTION DOES NOT APPLY TO A CIVIL ACTION OR PROCEEDING
25 BY ONE AGAINST THE OTHER, A CRIMINAL ACTION OR PROCEEDING FOR A
26 CRIME COMMITTED BY ONE AGAINST THE OTHER, OR A CRIMINAL ACTION
27 OR PROCEEDING AGAINST ONE OR BOTH PARTNERS WHEN THE ALLEGED

1 OFFENSE OCCURRED PRIOR TO THE DATE OF THE PARTIES' CERTIFICATION
2 OF THE CIVIL UNION. HOWEVER, THIS EXCEPTION SHALL NOT ATTACH IF
3 THE OTHERWISE PRIVILEGED INFORMATION IS COMMUNICATED AFTER THE
4 CERTIFICATION OF THE CIVIL UNION.

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

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

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

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

23 (VI) FOR THE PURPOSES OF THIS PARAGRAPH (a.5), "PARTNER IN
24 A CIVIL UNION" MEANS A PERSON WHO HAS ENTERED INTO A CIVIL UNION
25 ESTABLISHED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 15 OF
26 TITLE 14, C.R.S.

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

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

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

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

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

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

14 **SECTION 11.** 14-4-107 (2) (a) and (4.5), Colorado Revised
15 Statutes, are amended to read:

16 **14-4-107. Family violence justice fund - creation - grants from**
17 **fund.** (2) Grants from the fund shall be used to fund qualifying
18 organizations to provide legal advice, representation, and advocacy for
19 and on behalf of indigent clients who are victims of family violence.
20 Moneys from the fund may be provided for services that include, but are
21 not limited to:

22 (a) The provision of direct legal representation to victims of
23 family violence in resolving their civil legal matters and removing
24 impediments to the elimination of family violence. Such representation
25 may include, but need not be limited to, representation in any protection
26 order proceeding; action for dissolution of marriage, legal separation, or
27 declaration of invalidity of marriage; ACTION FOR DISSOLUTION OF A CIVIL

1 UNION, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL
2 UNION; paternity action; child custody action; proceeding to establish or
3 enforce child support; administrative hearings; or any other judicial
4 actions in which family violence is an issue or in which legal
5 representation is necessary to protect the interests of a victim of family
6 violence.

7 (4.5) Notwithstanding any other provision of this section, the state
8 court administrator shall apply the moneys generated from fees collected
9 pursuant to section 13-32-101 ~~(1)(a) and (1)(b)~~ (1) (a), (1) (a.5), (1) (b),
10 AND (1) (b.5), C.R.S., AND TRANSFERRED PURSUANT TO SECTION
11 13-32-101 (5) (a) (X) AND (5) (b) (II), C.R.S., to grants to qualifying
12 organizations that provide services described in subsection (2) of this
13 section for or on behalf of indigent persons or their families who are
14 married, separated, or divorced, OR INDIGENT PARTIES TO A CIVIL UNION
15 OR AN INVALID, SEPARATED, OR DISSOLVED CIVIL UNION OR TO THEIR
16 FAMILIES.

17 **SECTION 12.** 14-10-105, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19 **14-10-105. Application of Colorado rules of civil procedure.**
20 (2.5) A PROCEEDING FOR DISSOLUTION OF A CIVIL UNION, LEGAL
21 SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION SHALL
22 BE ENTITLED "IN RE THE CIVIL UNION OF AND".

23 **SECTION 13.** Article 10 of title 14, Colorado Revised Statutes,
24 is amended BY THE ADDITION OF A NEW SECTION to read:

25 **14-10-106.5. Dissolution of civil unions - legal separation -**
26 **jurisdiction.** (1) ANY PERSON WHO ENTERS INTO A CIVIL UNION IN
27 COLORADO PURSUANT TO ARTICLE 15 OF THIS TITLE CONSENTS TO THE

1 JURISDICTION OF THE COURTS OF COLORADO FOR THE PURPOSE OF ANY
2 ACTION RELATING TO A CIVIL UNION EVEN IF ONE OR BOTH PARTIES CEASE
3 TO RESIDE IN THIS STATE. IN A MATTER SEEKING A DISSOLUTION, LEGAL
4 SEPARATION, OR DECLARATION OF INVALIDITY OF A CIVIL UNION, THE
5 COURT SHALL FOLLOW THE PROCEDURES THAT ARE SET FORTH IN THIS
6 ARTICLE FOR DISSOLUTION, LEGAL SEPARATION, OR DECLARATION OF
7 INVALIDITY.

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

12 **SECTION 14.** 14-10-120.5, Colorado Revised Statutes, is
13 amended to read:

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

22 (1.5) THERE SHALL BE ASSESSED AGAINST A NONINDIGENT
23 PETITIONER A FEE OF FIVE DOLLARS FOR EACH FILING OF A PETITION FOR
24 DISSOLUTION OF A CIVIL UNION, DECLARATION OF INVALIDITY OF A CIVIL
25 UNION, LEGAL SEPARATION, OR DECLARATORY JUDGMENT CONCERNING
26 THE STATUS OF A CIVIL UNION. ALL SUCH FEES COLLECTED SHALL BE
27 TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE DISPLACED

1 HOMEMAKERS FUND CREATED PURSUANT TO SECTION 8-15.5-108, C.R.S.

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

11 **SECTION 15.** 14-13-310, Colorado Revised Statutes, is
12 amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

18 **SECTION 16.** 15-12-203 (1), Colorado Revised Statutes, is
19 amended to read:

20 **15-12-203. Priority among persons seeking appointment as**
21 **personal representative.** (1) Whether the proceedings are formal or
22 informal, persons who are not disqualified have priority for appointment
23 in the following order:

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

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

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

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

6 (c) Other devisees of the decedent;

7 (d) The surviving spouse of the decedent;

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

10 (e) Other heirs of the decedent;

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

12 **SECTION 17.** 15-14-304 (2) (b), Colorado Revised Statutes, is
13 amended to read:

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

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

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

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

23 (B) Adult children and parents; or

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

27 **SECTION 18.** 15-14-310 (1), Colorado Revised Statutes, is

1 amended to read:

2 **15-14-310. Who may be guardian - priorities - prohibition of**
3 **dual roles.** (1) Subject to subsection (4) of this section, the court in
4 appointing a guardian shall consider persons otherwise qualified in the
5 following order of priority:

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

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

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

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

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

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

21 (f) An adult child of the respondent;

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

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

26 **SECTION 19.** 15-14-413 (1) and (3), Colorado Revised Statutes,
27 are amended to read:

1 **15-14-413. Who may be conservator - priorities - prohibition**

2 **of dual roles.** (1) Except as otherwise provided in subsection (4) of this
3 section, the court, in appointing a conservator, shall consider persons
4 otherwise qualified in the following order of priority:

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

8 (b) A person nominated as conservator by the respondent,
9 including the respondent's specific nomination of a conservator made in
10 a durable power of attorney or given priority to be a conservator in a
11 designated beneficiary agreement made pursuant to article 22 of this title,
12 if the respondent has attained twelve years of age;

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

15 (d) The spouse of the respondent;

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

17 (e) An adult child of the respondent;

18 (f) A parent of the respondent; and

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

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

25 **SECTION 20.** 15-22-103 (3) (j) and (3) (k), Colorado Revised
26 Statutes, are amended, and the said 15-22-103 (3) is further amended BY
27 THE ADDITION OF A NEW PARAGRAPH, to read:

1 **15-22-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

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

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

13 (k) A marriage license; OR

14 (l) A CIVIL UNION CERTIFICATE.

15 **SECTION 21.** 15-22-104 (1) (a), Colorado Revised Statutes, is
16 amended to read:

17 **15-22-104. Requirements for a valid designated beneficiary**
18 **agreement.** (1) A designated beneficiary agreement shall be legally
19 recognized if:

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

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

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

24 (III) Neither party is married to another person;

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

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

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

3 **SECTION 22.** 19-3.5-106 (1) (a), Colorado Revised Statutes, is
4 amended to read:

5 **19-3.5-106. Colorado children's trust fund - creation - source**
6 **of funds.** (1) There is hereby created in the state treasury the Colorado
7 children's trust fund, which shall be administered by the board and which
8 shall consist of:

9 (a) All moneys which shall be transferred thereto in accordance
10 with section 13-32-101 ~~(1)(a)~~ (5) (a) (I), C.R.S.; and

11 **SECTION 23.** 19-5-202, Colorado Revised Statutes, is amended
12 BY THE ADDITION OF A NEW SUBSECTION to read:

13 **19-5-202. Who may adopt.** (4) A PERSON WHO IS A PARTNER IN
14 A CIVIL UNION MAY ADOPT A CHILD OF THE OTHER PARTNER THROUGH THE
15 SAME PROCESS OUTLINED IN SECTION 19-5-203 FOR A STEPPARENT
16 ADOPTION. A PERSON HAVING A LIVING PARTNER IN A CIVIL UNION FROM
17 WHOM THE PERSON IS NOT LEGALLY SEPARATED SHALL PETITION JOINTLY
18 WITH THE PARTNER, UNLESS THE PARTNER IS THE NATURAL PARENT OF THE
19 CHILD TO BE ADOPTED OR HAS PREVIOUSLY ADOPTED THE CHILD.

20 **SECTION 24.** 24-1.9-104 (1), Colorado Revised Statutes, is
21 amended to read:

22 **24-1.9-104. Cash fund - creation - grants, gifts, and donations.**

23 (1) On July 1, 2005, there shall be created in the state treasury the
24 performance-based collaborative management incentive cash fund, which
25 shall be referred to in this section as the "fund". The moneys in the fund
26 shall be subject to annual appropriation by the general assembly to the
27 department of human services for state fiscal year 2005-06 and each fiscal

1 year thereafter. On July 1, 2006, the state treasurer shall transfer the
2 moneys in the performance incentive cash fund created pursuant to
3 section 26-5-105.5 (3.2) (a), C.R.S., to the fund. In addition, on July 1,
4 2006, the state treasurer shall transfer the moneys remaining in the family
5 stabilization services fund created pursuant to section 19-1-125, C.R.S.,
6 to the fund. The fund shall also consist of moneys received from docket
7 fees in civil actions AND TRANSFERRED as specified in section 13-32-101
8 ~~(1)-(a)~~ (5) (a) (II), C.R.S.

9 **SECTION 25.** 24-50-603 (5), Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

13 (5) "Dependent" means:

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

17 **SECTION 26.** 24-72-204 (3) (a) (XIX), Colorado Revised
18 Statutes, is amended to read:

19 **24-72-204. Allowance or denial of inspection - grounds -**
20 **procedure - appeal - definitions.** (3) (a) The custodian shall deny the
21 right of inspection of the following records, unless otherwise provided by
22 law; except that any of the following records, other than letters of
23 reference concerning employment, licensing, or issuance of permits, shall
24 be available to the person in interest under this subsection (3):

25 (XIX) (A) Except as provided in sub-subparagraphs (B) and (C)
26 of this subparagraph (XIX), applications for a marriage license submitted
27 pursuant to section 14-2-106, C.R.S., AND EXCEPT AS PROVIDED IN

1 SUB-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (XIX), APPLICATIONS
2 FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO SECTION 14-15-109,
3 C.R.S. A person in interest under this subparagraph (XIX) includes an
4 immediate family member of either party to the marriage application OR
5 TO THE CIVIL UNION APPLICATION. As used in this subparagraph (XIX),
6 "immediate family member" means a person who is related by blood,
7 marriage, CIVIL UNION, or adoption. Nothing in this subparagraph (XIX)
8 shall be construed to prohibit the inspection of marriage licenses or
9 marriage certificates OR OF CIVIL UNION LICENSES OR CIVIL UNION
10 CERTIFICATES or to otherwise change the status of those licenses or
11 certificates as public records.

12 (B) Any record of an application for a marriage license submitted
13 pursuant to section 14-2-106, C.R.S., shall be made available for public
14 inspection fifty years after the date that record was created.

15 (C) Upon application by any person to the district court in the
16 district wherein a record of an application for a marriage license OR FOR
17 A CIVIL UNION LICENSE is found, the district court may, in its discretion
18 and upon good cause shown, order the custodian to permit the inspection
19 of such record.

20 **SECTION 27.** 26-7.5-105 (1) (b), Colorado Revised Statutes, is
21 amended to read:

22 **26-7.5-105. Funding of domestic abuse programs.**

23 (1) (b) Moneys generated from fees collected pursuant to sections
24 ~~13-32-101 (1) (a) and (1) (b) and 14-2-106 (1) (a), C.R.S.~~ 14-2-106 (1) (a)
25 AND 14-15-110, C.R.S., OR TRANSFERRED PURSUANT TO SECTION
26 13-21-101 (5) (a) (X) OR (5) (b) (II), C.R.S., shall be used to reimburse
27 domestic abuse programs that provide services as provided in section

1 26-7.5-103 to married, separated, or divorced persons or their families OR
2 TO PARTIES IN A CIVIL UNION OR AN INVALID, SEPARATED, OR DISSOLVED
3 CIVIL UNION AND TO THEIR FAMILIES.

4 **SECTION 28. Appropriation - legislative intent.** (1) In
5 addition to any other appropriation, there is hereby appropriated, out of
6 any moneys in the vital statistics records cash fund created in section
7 25-2-121 (2) (b) (I), Colorado Revised Statutes, not otherwise
8 appropriated, to the department of public health and environment, for
9 allocation to the center for health and environmental information, for the
10 fiscal year beginning July 1, 2011, the sum of ten thousand nine hundred
11 seventy-six dollars (\$10,976) cash funds and 0.2 FTE, or so much thereof
12 as may be necessary, for the implementation of this act.

13 (2) In addition to any other appropriation, there is hereby
14 appropriated, to the department of health care policy and financing,
15 department of human services medicaid-funded programs, for office of
16 information technology services - medicaid funding, for the fiscal year
17 beginning July 1, 2011, the sum of two thousand three hundred twelve
18 dollars (\$2,312), or so much thereof as may be necessary, for the
19 implementation of this act. Of said sum, one thousand one hundred
20 fifty-two dollars (\$1,152) shall be from the general fund and five dollars
21 (\$5) shall be cash funds from the old age pension fund created in article
22 XXIV of the Colorado Constitution. In addition to said appropriation, the
23 general assembly anticipates that, for the fiscal year beginning July 1,
24 2011, the department of health care policy and financing will receive the
25 sum of one thousand one hundred fifty-five dollars (\$1,155) in federal
26 funds for the implementation of this act. Although the federal funds are
27 not appropriated in this act, they are noted for the purpose of indicating

1 the assumptions used relative to these funds in developing state
2 appropriation amounts.

3 (3) In addition to any other appropriation, there is hereby
4 appropriated, to the department of human services, for allocation to the
5 office of information technology, for the fiscal year beginning July 1,
6 2011, the sum of six thousand two hundred forty-two dollars (\$6,242), or
7 so much thereof as may be necessary, for the implementation of this act.
8 Of said sum, one thousand five hundred thirty-two dollars (\$1,532) shall
9 be from the general fund, two hundred ninety dollars (\$290) shall be cash
10 funds from the old age pension fund created in article XXIV of the
11 Colorado Constitution, and two thousand three hundred twelve dollars
12 (\$2,312) shall be from reappropriated funds transferred from the
13 department of health care policy and financing from the appropriation in
14 subsection (2) of this section. In addition to said appropriation, the
15 general assembly anticipates that, for the fiscal year beginning July 1,
16 2011, the department of human services will receive the sum of two
17 thousand one hundred eight dollars (\$2,108) in federal funds for the
18 implementation of this act. Although the federal funds are not
19 appropriated in this act, they are noted for the purpose of indicating the
20 assumptions used relative to these funds in developing state appropriation
21 amounts.

22 (4) It is the intent of the general assembly that the general fund
23 appropriations in subsections (2) and (3) of this section for the
24 implementation of this act shall be derived from savings generated from
25 the implementation of the provisions of House Bill 11-1033, as enacted
26 during the first regular session of the sixty-eighth general assembly.

27 (5) In addition to any other appropriation, there is hereby

1 appropriated, to the governor-lieutenant governor-office of state planning
2 and budgeting, for allocation to the office of information technology,
3 statewide information technology services, for the Colorado benefits
4 management system, for the fiscal year beginning July 1, 2011, the sum
5 of six thousand two hundred forty-two dollars (\$6,242), or so much
6 thereof as may be necessary, for the implementation of this act. Said sum
7 shall be from reappropriated funds received from the department of
8 human services out of the appropriation made in subsection (3) of this
9 section.

10 **SECTION 29. Effective date - applicability.** (1) This act shall
11 take effect September 1, 2011; except that section 7 of this act shall take
12 effect January 1, 2012.

13 (2) This act shall apply to civil unions entered into on or after
14 September 1, 2011.

15 (3) Notwithstanding the provisions of subsection (1) of this
16 section, this act shall only take effect if:

17 (a) The final fiscal estimate for House Bill 11-1033, as reflected
18 in the appropriations clause for said act, shows a net general fund savings
19 that is equal to or greater than the final general fund fiscal estimate for
20 this act, as reflected in section 28 of this act; and

21 (b) House Bill 11-1033 is enacted at the first regular session of the
22 sixty-eighth general assembly and becomes law; and

23 (c) The staff director of the joint budget committee files written
24 notice with the revisor of statutes no later than July 15, 2011, that the
25 requirement set forth in paragraph (a) of this subsection (3) has been met.

26 **SECTION 30. Safety clause.** The general assembly hereby finds,

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