

Initiative # 20 Civil Unions

Final Draft with Changes Made from Memorandum dated May, 8th

From the Colorado Legislative Council – With Changes High Lighted

RECEIVED

MAY 22 2009

*C.H. Jew
2:34pm*

**ELECTIONS
SECRETARY OF STATE**

Proponents:

Joseph Peterson
3410 W. 6th ST rd
Greeley, CO 80634
970-396-7339
Joe@cofamilyequality.com

Tara Craig
818 City Park Ave. Apt C2
Fort Collins, CO 80521
303-717-7733
Tara@cofamilyequality.com

Alex Cobell
775 W. Lake St. Apt. A302
Fort Collins, CO 80521
303-359-8226
Alex@cofamilyequality.com

Text of Proposal:

Be it enacted by the People of the State of Colorado:

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

**ARTICLE 15
Colorado Civil Union
Benefits and Responsibilities**

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

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

(1) "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.

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

(3) "MARRIAGE" MEANS THE LEGALLY RECOGNIZED DEFINITION AS DEFINED IN SECTION 31 OF ARTICLE II OF THE COLORADO CONSTITUTION AND PURSUANT TO THE PROVISIONS OF THE "UNIFORM MARRIAGE ACT", PART 1 OF ARTICLE 2 OF THIS TITLE.

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

(5) "PARTNERS IN A CIVIL UNION" MEANS TWO ELIGIBLE PERSONS WHO HAVE ESTABLISHED A RELATIONSHIP PURSUANT TO THIS ARTICLE AND WHO SHALL RECEIVE ALL THE BENEFITS AND PROTECTIONS AND BE SUBJECT TO ALL THE RESPONSIBILITIES OF SPOUSES.

(6) "SPOUSES" MEANS TWO PERSONS 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.

14-15-103. Requisites of a valid civil union. (1) FOR A CIVIL UNION TO BE ESTABLISHED IN COLORADO, THE PARTNERS IN A CIVIL UNION SHALL SATISFY ALL OF THE FOLLOWING CRITERIA:

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

(b) NOT BE MARRIED TO ANOTHER PERSON;

(c) BE OF THE SAME SEX AND THEREFORE EXCLUDED FROM THE MARRIAGE LAWS OF THIS STATE, AS SPECIFIED IN THE "UNIFORM MARRIAGE ACT" PART 1 OF ARTICLE 2 OF THIS TITLE AND SECTION 31 OF ARTICLE II OF THE COLORADO CONSTITUTION; AND

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

14-15-104. Person 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 BY SUBSECTION (1) OR (2) OF THIS SECTION FROM ENTERING INTO A CIVIL UNION IS VOID.

14-15-105. Benefits, protections, and responsibilities of partners in a civil union. (1) A PARTNER IN A CIVIL UNION SHALL HAVE ALL THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES UNDER LAW, WHETHER THEY DERIVE FROM STATUTE, ADMINISTRATIVE OR COURT RULE, POLICY, COMMON LAW, OR ANY OTHER SOURCE OF CIVIL LAW, AS ARE GRANTED TO SPOUSES.

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

(3) PARTNERS IN A CIVIL UNION SHALL BE RESPONSIBLE FOR THE FINANCIAL SUPPORT OF ONE ANOTHER IN THE MANNER AS PRESCRIBED UNDER LAW FOR SPOUSES.

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

(5) ALL LEGAL BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF SPOUSES, INCLUDING BUT NOT LIMITED TO THE FOLLOWING LIST, SHALL APPLY IN LIKE MANNER TO PARTNERS IN A CIVIL UNION:

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

(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;

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

(e) WORKERS' COMPENSATION BENEFITS;

(f) ADOPTION LAW AND PROCEDURE;

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

(h) THE RIGHT TO DESIGNATE A PARTNER IN A CIVIL UNION AS A BENEFICIARY UNDER THE STATE PUBLIC EMPLOYEES RETIREMENT SYSTEM;

(i) SURVIVOR BENEFITS UNDER LOCAL GOVERNMENT FIREFIGHTER AND POLICE PENSIONS;

(j) 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., NOTWITHSTANDING THE INTIMATE RELATIONSHIP REQUIREMENT;

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

(l) LAWS 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.;

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

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

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

(p) FAMILY LEAVE BENEFITS;

(q) PUBLIC ASSISTANCE BENEFITS PURSUANT TO STATE LAW;

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

(s) THE RIGHT TO APPLY FOR EMERGENCY OR INVOLUNTARY COMMITMENT OF A PARTNER IN A CIVIL UNION;

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

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

(v) INSURANCE POLICIES FOR LIFE INSURANCE OR HEALTH CARE COVERAGE, INCLUDING THE ABILITY TO COVER A PARTNER IN A CIVIL UNION AS A DEPENDENT.; AND

(w) THE RIGHT OF A SPOUSE SURNAME CHANGE WITHOUT PETITIONING THE COURT.

(6) THE RESPONSIBILITIES AND RIGHTS OF PARTNERS IN A CIVIL UNION, WITH RESPECT TO A CHILD OF WHOM EITHER BECOMES THE BIOLOGICAL PARENT DURING THE TERM OF THE CIVIL UNION, SHALL BE DETERMINED AS IF THE PARTIES WERE SPOUSES SUBJECT TO THE PROVISIONS OF SECTION 19-4-105, C.R.S.

14-15-106. Modification of civil union terms. PARTNERS IN A CIVIL UNION MAY MODIFY THE TERMS, CONDITIONS, OR EFFECTS OF THEIR CIVIL UNION IN THE MANNER SPECIFIED IN PART 3 OF ARTICLE 2 OF THIS TITLE, SETTING FORTH PARTICULAR UNDERSTANDINGS WITH RESPECT TO THEIR UNION.

14-15-107. Dissolution, legal separation, and declaration of invalidity of civil unions. 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. SUCH PROCEEDINGS SHALL FOLLOW THE PROCEDURES SPECIFIED IN ARTICLE 10 OF THIS TITLE.

14-15-108. Other Jurisdictions. A CIVIL UNION OR A MARRIAGE BETWEEN A MAN AND ANOTHER MAN OR A WOMAN AND ANOTHER WOMAN LEGALLY CONTRACTED OUTSIDE OF COLORADO SHALL BE RECOGNIZED AS A CIVIL UNION IN THIS STATE, PROVIDED THAT THE RELATIONSHIP DOES NOT VIOLATE THE PROHIBITIONS OF 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, WHICH SHALL INCLUDE THE FOLLOWING INFORMATION:

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

(b) IF EITHER PARTY HAS PREVIOUSLY BEEN MARRIED OR PREVIOUSLY BEEN A PARTNER IN A CIVIL UNION, SUCH PARTY'S MARRIED OR PREVIOUS NAME 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 FORMER SPOUSE OR FORMER PARTNER IN THE 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, THE CIVIL UNION CERTIFICATE, AND THE CONSENT TO FORM A CIVIL UNION.

14-15-110. Issuance of a civil union license - certification – fee - validity. (1) WHEN BOTH PARTIES TO A PROPOSED CIVIL UNION COMPLETE AND SIGN A CIVIL UNION APPLICATION AND AT LEAST ONE PARTY APPEARS BEFORE THE COUNTY CLERK AND RECORDER AND PAYS THE CIVIL UNION LICENSE FEE EQUAL TO THE FEES ESTABLISHED IN SECTION 14-2-106(1)(a), THE COUNTY CLERK AND RECORDER SHALL ISSUE A CIVIL UNION LICENSE AND A CIVIL UNION CERTIFICATE FORM UPON BEING FURNISHED:

(I) SATISFACTORY PROOF THAT EACH PARTY TO THE CIVIL UNION HAS ATTAINED THE AGE OF EIGHTEEN YEARS AT THE TIME THE CIVIL UNION LICENSE BECOMES EFFECTIVE; AND

(II) SATISFACTORY PROOF THAT THE PARTIES TO A PROPOSED CIVIL UNION MEET THE REQUISITES, AS PROVIDED IN SECTION 14-15-103; AND

(III) SATISFACTORY PROOF THAT THE CIVIL UNION IS NOT PROHIBITED, AS PROVIDED IN SECTION 14-15-104.

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

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

14-15-111. Proof of legal qualifications of parties to a civil union. BEFORE ISSUING A CIVIL UNION LICENSE TO AN APPLICANT, THE COUNTY CLERK AND RECORDER SHALL BE SATISFIED THAT EACH PARTY TO THE INTENDED CIVIL UNION MEETS THE CRITERIA SET FORTH IN SECTION 14-15-103 TO ENTER INTO A CIVIL UNION.

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

(a) UNDER EIGHTEEN YEARS OF AGE;

(b) UNDER GUARDIANSHIP, WITHOUT THE WRITTEN CONSENT OF SUCH GUARDIAN.

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

14-15-113. Persons authorized to certify civil union - 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) EITHER THE PERSON CERTIFYING THE CIVIL UNION OR, IF NO INDIVIDUAL ACTING ALONE CERTIFIED 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 WITHIN SIXTY DAYS AFTER THE DATE ON WHICH THE CIVIL UNION WAS CERTIFIED. A PERSON WHO FAILS TO FORWARD THE CIVIL UNION CERTIFICATE TO THE COUNTY CLERK AND RECORDER AS REQUIRED BY THIS SECTION SHALL BE REQUIRED TO PAY A LATE FEE IN AN AMOUNT OF NOT LESS THAN TWENTY DOLLARS. AN ADDITIONAL FIVE-DOLLAR LATE FEE MAY BE ASSESSED FOR EACH ADDITIONAL DAY OF FAILURE TO COMPLY WITH THE FORWARDING REQUIREMENTS OF THIS SUBSECTION (2) UP TO A MAXIMUM OF FIFTY DOLLARS. FOR PURPOSES OF DETERMINING WHETHER A LATE FEE SHALL BE ASSESSED PURSUANT TO THIS SUBSECTION (2), THE DATE OF FORWARDING SHALL BE DEEMED TO BE THE DATE OF POSTMARK.

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

(4) NO PRIEST, MINISTER, RABBI, OR OTHER OFFICIAL OF ANY RELIGIOUS INSTITUTION OR DENOMINATION SHALL BE REQUIRED TO CERTIFY ANY 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 COLORADO CONSTITUTION.

14-15-114. Civil union license required for certification. PERSONS AUTHORIZED BY SECTION 14-15-113 TO CERTIFY CIVIL UNIONS SHALL REQUIRE A CIVIL UNION LICENSE FROM THE PARTIES BEFORE CERTIFYING THE CIVIL UNION. THE LICENSE SHALL AFFORD FULL IMMUNITY TO THE PERSON WHO CERTIFIES THE CIVIL UNION.

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

14-15-116. Construction. (1) THE PROVISIONS OF THIS ARTICLE SHALL NOT BE CONSTRUED TO CREATE A MARRIAGE BETWEEN THE PARTIES TO A CIVIL UNION.

(2) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NOTHING IN THIS ARTICLE SHALL BE INTERPRETED TO REQUIRE A CHILD PLACEMENT AGENCY TO PLACE A CHILD FOR ADOPTION WITH A COUPLE THAT HAS ENTERED INTO A CIVIL UNION PURSUANT TO THIS ARTICLE IF THE CHILD PLACEMENT AGENCY OBJECTS TO SUCH PLACEMENT ON THE BASIS OF RELIGIOUS BELIEFS.

14-15-117. Enacting legislation. THE GENERAL ASSEMBLY SHALL ENACT LEGISLATION TO IMPLEMENT THIS ARTICLE, INCLUDING THE BENEFITS, PROTECTIONS, AND RESPONSIBILITIES OF PARTNERS IN A CIVIL UNION AS OUTLINED IN SECTION 14-15-105.

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

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 14-15-102 (1), C.R.S.

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

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

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

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

25-2-107. Reports of adoption, dissolution of marriage, civil unions, parentage, and other court proceedings affecting vital statistics - tax on court action affecting vital statistics. (1) The clerk of each court or, for parentage proceedings, the clerk of the court or a delegate child support enforcement unit 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 with respect to parentage, legitimacy, adoption, change of name, dissolution of marriage, legal separation or OF A MARRIAGE, declaration of invalidity of marriage, 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 and also with respect to every decree entered pursuant to section 25-2-114. On or before the tenth day of each month, or more frequently if so requested by the state registrar, such clerk shall forward to the state registrar the reports for all such decrees entered during the preceding period.

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

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 6. 24-72-204 (3) (a) (XIX), Colorado Revised Statutes, is amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (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-SUBPARAGRAPH (C) OF THIS SUBPARAGRAPH (XIX), APPLICATIONS FOR A CIVIL UNION LICENSE SUBMITTED PURSUANT TO SECTION 14-15-105, C.R.S. A person in interest under this subparagraph (XIX) includes an immediate family member of either party to the marriage application OR TO THE CIVIL UNION APPLICATION. As used in this subparagraph (XIX), "immediate family member" means a person who is related by blood, marriage, CIVIL UNION, or adoption. Nothing in this subparagraph (XIX) shall be construed to prohibit the inspection of marriage licenses or marriage certificates OR OF CIVIL UNION LICENSES OR 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., shall be made available for public inspection fifty years after the date that record was created.

(C) ANY RECORD OF AN APPLICATION FOR A CIVIL UNION CERTIFICATE 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.

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

SECTION 7. 26-7.5-105 (1)(b), Colorado Revised Statutes, as enacted by Senate Bill 09-068 enacted at the First Regular Session of the Sixty-seventh General Assembly, is amended to read:

26-7.5-105. Funding of domestic abuse programs. (1) (a) Any nongovernmental agency or unit of local government operating a domestic abuse program pursuant to this article shall, subject to available appropriations, be reimbursed by the state department at a rate to be set by the general assembly in the annual appropriation bill. Not less than seventy-five percent of all contract funding under this article shall be allocated to nongovernmental agencies.

(b) Moneys generated from fees collected pursuant to sections 13-32-101 (1)(a) and (1)(b) and 14-2-106 (1)(a) AND 14-15-110 (1), C.R.S., shall be used to reimburse domestic abuse programs that provide services as provided in section 26-7.5-103 to married, separated, or divorced persons or TO PARTNERS IN A CIVIL UNION, OR TO SEPARATED PARTNERS OF A CIVIL UNION OR TO LEGALLY SEPARATED PARTNERS OF A CIVIL UNION OR their families.

SECTION 8. 15-22-103 (3) (j) and (3) (k), Colorado Revised Statutes, as enacted by House Bill 09-1260 enacted at the First Regular Session of the Sixty-seventh General Assembly, are amended, and the said 15-22-103 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

15-22-103. Definitions. (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 9. 15-22-104 (1) (a) (IV), and (1) (a) (V), Colorado Revised Statutes, as enacted by House Bill 09-1260 enacted at the First Regular Session of the Sixty-seventh General Assembly, are amended, and the said 15-22-104 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

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;
 - (IV) NEITHER PARTY IS A PARTNER IN A CIVIL UNION WITH ANOTHER PERSON;
 - ~~(V)~~ (V) Neither party is party to another designated beneficiary agreement; and

~~(A)~~ (VI) Both parties enter into the designated agreement without force, fraud, or duress; and

SECTION 10. 15-22-111, Colorado Revised Statutes, as enacted by House Bill 09-1260 enacted at the First Regular Session of the Sixty-seventh General Assembly, is amended, BY THE ADDITION OF A NEW PARAGRAPH, to read:

15-22-111. Revocation of a designated beneficiary agreement. (1) A designated beneficiary agreement that has been recorded with a county clerk and recorder may be unilaterally revoked by either party to the agreement by recording a revocation with the clerk and recorder of the county in which the agreement was recorded. A revocation shall be dated, signed, and acknowledged. The revocation shall be effective on the date and time the revocation is received for recording by the county clerk and recorder. The clerk and recorder shall issue a certified copy to the party recording the revocation and shall mail a certified copy of the revocation to the last-known address of the other party to the designated beneficiary agreement.

(2) The county clerk and recorder shall assess fees, as provided in section 20-1-103, C.R.S., for recording a revocation agreement and issuing two certified copies of the revocation agreement, plus an additional amount to cover the cost of first class postage for mailing a certified copy of the revoked designated beneficiary agreement to the other party. The fees collected by the clerk and recorder shall be deposited in the county clerk's fee fund maintained as required in section 20-1-110, C.R.S.

(3) A designated beneficiary agreement shall be deemed revoked upon the marriage 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.

(4) A DESIGNATED BENEFICIARY AGREEMENT SHALL BE DEEMED REVOKED UPON THE CERTIFICATION OF A CIVIL UNION BY EITHER PARTY.

~~(4)~~ (5) The following statutory form shall be the standard form for a revocation of a designated beneficiary agreement:

SECTION 11. Effective date - applicability. This act shall take effect February 14, 2011, and shall apply to civil unions entered into on or after said date.