

CHAPTER 1

GENERAL ASSEMBLY

HOUSE BILL 98-1002

BY REPRESENTATIVES McPherson, Lamborn, Salaz, Tool, and Anderson;
also SENATORS Blickensderfer and Powers.

AN ACT

CONCERNING THE REDISTRICTING OF HOUSE OF REPRESENTATIVES DISTRICTS AS REQUIRED BY THE
TENTH CIRCUIT COURT OF APPEALS.

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

SECTION 1. Part 2 of article 2 of title 2, Colorado Revised Statutes, is amended
BY THE ADDITION OF A NEW SECTION to read:

2-2-208. Redistricting. (1) THE GENERAL ASSEMBLY HEREBY FINDS:

(a) HOUSE OF REPRESENTATIVES DISTRICT 60 CURRENTLY INCLUDES THE SIX
COUNTIES THAT COMPOSE THE SAN LUIS VALLEY, AS WELL AS HUERFANO COUNTY
AND A PORTION OF LAS ANIMAS COUNTY.

(b) CERTAIN RESIDENTS OF THE SAN LUIS VALLEY FILED A LAWSUIT AGAINST THE
STATE UNDER SECTION 2 OF THE FEDERAL "VOTING RIGHTS ACT", 42 U.S.C. SEC.
1973, ALLEGING THAT THE CURRENT BOUNDARIES OF REPRESENTATIVE DISTRICT 60
DENY HISPANICS THE RIGHT TO ELECT REPRESENTATIVES OF THEIR CHOICE.

(c) AFTER THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO
RULED IN FAVOR OF THE STATE, *SANCHEZ V. STATE OF COLORADO*, 861 F.SUPP. 1516
(D.COLO. 1994), THE UNITED STATES TENTH CIRCUIT COURT OF APPEALS REVERSED
THE DISTRICT COURT DECISION AND ORDERED THE STATE TO REDRAW THE
BOUNDARIES OF REPRESENTATIVE DISTRICT 60 CONSISTENT WITH SECTION 2 OF THE
VOTING RIGHTS ACT OF 1965. *SANCHEZ V. STATE OF COLORADO*, 97 F.3d 1303 (10TH
CIR. 1996).

(d) HOUSE JOINT RESOLUTION 97-1045 ESTABLISHED AN INTERIM COMMITTEE TO
REDRAW THE BOUNDARIES OF REPRESENTATIVE DISTRICTS 44, 45, 46, 47, 60, AND 61

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

CONSISTENT WITH THE OPINION OF THE TENTH CIRCUIT COURT OF APPEALS.

(e) IN SEPTEMBER OF 1997, THE INTERIM COMMITTEE CONDUCTED PUBLIC HEARINGS IN THE AFFECTED AREAS. THE COMMITTEE HEARD TESTIMONY FROM RESIDENTS OF THE SAN LUIS VALLEY AND OTHER PARTS OF SOUTHERN COLORADO ABOUT REGIONS THAT HAVE COMMON INTERESTS AND REGIONS WHERE INTERESTS MAY CONFLICT.

(f) FOLLOWING THE PUBLIC HEARINGS, THE COMMITTEE CONSIDERED NINE PROPOSED PLANS OF REDISTRICTING AND VOTED TO ADOPT FIVE PRELIMINARY PLANS. COPIES OF THE PRELIMINARY PLANS WERE DISTRIBUTED TO INTERESTED PARTIES AND MADE AVAILABLE ON THE INTERNET THROUGH THE GENERAL ASSEMBLY'S HOME PAGE.

(g) IN OCTOBER OF 1997, THE INTERIM COMMITTEE AGAIN CONDUCTED PUBLIC HEARINGS IN THE AFFECTED AREAS FOR COMMENTS ON THE FIVE PRELIMINARY PLANS. THE COMMITTEE HEARD TESTIMONY THAT RESIDENTS OF CENTER IN SAGAUCHE COUNTY SHOULD BE INCLUDED IN THE NEW REPRESENTATIVE DISTRICT 60 AND THAT REPRESENTATIVE DISTRICT 46 IN PUEBLO SHOULD BE DRAWN TO KEEP COMMUNITIES WITH COMMON INTERESTS TOGETHER.

(h) THE INTERIM COMMITTEE CONSIDERED THE TESTIMONY AND DISCUSSED SEVEN AMENDMENTS TO THE PRELIMINARY PLANS BEFORE ADOPTING ITS FINAL RECOMMENDATION TO THE SECOND REGULAR SESSION OF THE SIXTY-FIRST GENERAL ASSEMBLY.

(2) THE DEFINITION OF AREAS TO BE INCLUDED IN EACH REPRESENTATIVE DISTRICT IS BY REFERENCE TO COUNTIES AND TO OFFICIAL CENSUS TRACTS, CENSUS DIVISIONS, CENSUS BLOCK GROUPS, AND CENSUS BLOCKS, CREATED BY THE UNITED STATES BUREAU OF THE CENSUS TO WHICH FIXED POPULATION COUNTS HAVE BEEN ASSIGNED AS OF THE YEAR 1990.

(3) THE REPRESENTATIVE DISTRICTS 44, 45, 46, 47, 60, AND 61 ARE DEFINED AS FOLLOWS:

(a) **District 44:** THE COUNTIES OF CUSTER, FREMONT, AND TELLER AND THE FOLLOWING PORTIONS OF PUEBLO COUNTY: BLOCK GROUPS 1, 2, 3, 4, AND 5 AND BLOCKS 642, 643A, 644, 645, 646, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, AND 679 IN TRACT 28.04; BLOCK GROUP 2 AND BLOCKS 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 140, 141, 144, 145, 146, 147, 148, 149, 150, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, AND 199 IN TRACT 28.06 ; AND BLOCKS 203, 204, 205, 206, 207, 208, 209, 315, 316A, 316B, 317, 318A, 318B, 318C, 318D, AND 319 IN TRACT 28.07.

(b) **District 45:** THE FOLLOWING PORTIONS OF PUEBLO COUNTY: TRACTS 9.03, 9.04, 9.05, 16, 17, 28.02, 29.03, 29.05, 33, AND 34; BLOCK GROUP 1 AND BLOCKS 201, 202, 203, 204, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, AND 309 IN TRACT 1; BLOCK GROUPS 1 AND 2 AND BLOCKS 301, 302, 303, AND 304 IN

TRACT 4; BLOCKS 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 116, 121, 122, 123, 140, 141, 213, 220, 221, 224, 301, 304, 305, 308, 309, 312, 313, 314, 318, 319, 322, 323, 324, 401, 402, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 418, AND 421 IN TRACT 5; BLOCKS 322, 323, 324, 325, 326, 327, AND 328 IN TRACT 6; BLOCK GROUPS 2, 3, AND 4 AND BLOCKS 101, 102, 103, 104, 106, 124, 125, 126, 127, 128, AND 129 IN TRACT 9.02; BLOCK 101B IN TRACT 13; BLOCKS 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 204, 212, 213, 220, 224, 225, 226, 227, AND 228 IN TRACT 15; BLOCK GROUPS 1 AND 2 AND BLOCKS 301, 302, 303, 304, 305, 306, 307, 310, 311, 312, 313, AND 316 IN TRACT 18; BLOCKS 106, 107, 108, AND 114 IN TRACT 19; BLOCKS 135, 136, 137, 138, 139, AND 194 IN TRACT 28.06; THAT PART OF TRACT 28.07 THAT IS NOT IN DISTRICT 44; BLOCK GROUPS 1, 2, 4, 5, 6, 7, 8, AND 9 AND BLOCKS 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 399B, 699A, AND 799 IN TRACT 29.04; BLOCK GROUP 2 AND BLOCKS 101A, 102, 103, 104, 105, 106, 107, 109, 110, 299A, 299B, AND 299C IN TRACT 30.01; BLOCKS 101, 102, 103, 104, 105, 106, 107, 108, 109, 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161A, 161B, 162, 163, 166, 167, 199A, AND 199B IN TRACT 30.03; BLOCKS 102A, 102B, 102C, 103A, 103B, 104, 105, 106, 107, 108, 109, AND 110 IN TRACT 30.04; BLOCK GROUPS 1 AND 3 AND BLOCKS 201, 202, 203, 204, 205, 206, 207, 208, 209, 212, 223, 224, 225, 226, 227, 228, 401, 402, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 415, 416, 699, 901, 902, 903, 904, 905, 906, 910, 911, 912, 913, 914, 915, 920, 922, 923, 925, 999A, 999B, AND 999C IN TRACT 31.01; BLOCK GROUPS 1, 3, AND 7 AND BLOCKS 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 220, 222, 224, AND 225 IN TRACT 31.02; AND BLOCKS 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 155, 156, 157, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199A, 199B, 199C, AND 199D IN TRACT 32.

(c) **District 46:** THE FOLLOWING PORTIONS OF PUEBLO COUNTY: TRACTS 2, 3, 7, 14, 22, 23, 24, 25, 26, 27, 28.01, 28.08, AND 29.01; THOSE PARTS OF TRACTS 1, 4, 5, 6, 15, 18, 19, AND 29.04 THAT ARE NOT IN DISTRICT 45; BLOCK GROUP 1 AND BLOCKS 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 219, 401, 402, 407, 412, 413, 417, 418, 419, 420, 421, AND 422 IN TRACT 8; BLOCK GROUPS 2 AND 3 IN TRACT 13; BLOCK GROUPS 3, 4, AND 5 AND BLOCKS 208, 209, 210, 211, 212, 213, AND 215 IN TRACT 20; BLOCK GROUPS 2 AND 3 AND BLOCKS 102, 103, 104, 105, 106A, 106B, 110, AND 113 IN TRACT 21; AND THAT PART OF TRACT 28.06 THAT IS NOT IN DISTRICT 44 OR 45.

(d) **District 47:** THE COUNTIES OF BACA, BENT, CROWLEY, LAS ANIMAS, AND OTERO AND THE FOLLOWING PORTION OF HUERFANO COUNTY: BLOCK GROUPS 6 AND 7 AND BLOCKS 123A, 167A, 168, 169, 170, 171, 172, 173, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199B, 199C, 309A,

310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324A, 325A, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338A, 339A, 340, 341, 342A, 343A, 344A, 345A, 346, 347, 348, 349, 350A, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367A, 368A, 369A, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420A, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 503A, 503B, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549A, AND 549B IN TRACT 98.06; AND BLOCKS 119, 154, 155, 156, 157, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 199A, 199B, 199C, 199D, 201, 202, 203A, 209A, 211A, 212A, 213A, 214A, 214B, 214C, 215, 216A, 216B, 217, 218A, 218B, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248A, 249, 250, 251, 252, 253, 254, 255, 256A, 256B, 257A, 257B, 257C, 258A, 258B, 259, 260, 261, 262, 263, 264, 265, 266A, 266B, 267, 268A, 268B, 269, 270, 271, 272, 299A, 299B, 299C, 299D, 299E, 299F, 299G, 299H, 299J, 317, 318, 319, 320, 321, 322, 324, 326, 328, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 399A, 399B, 399C, AND 399D IN TRACT 98.07.

(e) **District 60:** THE COUNTIES OF ALAMOSA, CONEJOS, AND COSTILLA AND THE FOLLOWING PORTIONS OF HUERFANO, PUEBLO, RIO GRANDE, AND SAGAUCHE COUNTIES:

(I) HUERFANO: TRACT 98.08; AND THOSE PARTS OF TRACTS 98.06 AND 98.07 THAT ARE NOT IN DISTRICT 47.

(II) PUEBLO: THOSE PARTS OF TRACTS 9.02, 30.01, 30.03, 30.04, 31.01, 31.02, AND 32 THAT ARE NOT IN DISTRICT 45; THOSE PARTS OF TRACTS 8, 20, AND 21 THAT ARE NOT IN DISTRICT 46; THAT PART OF TRACT 28.04 THAT IS NOT IN DISTRICT 44; AND THAT PART OF TRACT 13 THAT IS NOT IN DISTRICT 45 OR 46.

(III) RIO GRANDE: BLOCK GROUP 1 AND BLOCKS 201, 202, 203, 204, 205, 206, 207, 208, 209, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 236, 237, 238, 239A, 239B, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299 IN TRACT 97.66; AND BLOCK GROUP 3 AND BLOCKS 101A, 101B, 101C, 101D, 102, 103A, 103B, 103C, 104A, 104B, 104C, 104D, 104E, 104F, 104G, 105, 106, 107A, 107B, 108A, 108B, 109, 110A, 110B, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139A, 139B, 139C, 140, 141, 142, 145, 146, 147, 148, 152, 153, 154, 155, 156, 157, 158, 159, 160, 199A, 199B, 199C, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215A, 215B, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 235A, 235B, 238, 239, 240, 241, 242, 243, 244, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416A, 416B, 416C, 417A, 417B, 418A, 418B, 418C, 419, 420, 421, 422, 423A,

423B, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457A, 457B, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472A, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 487, AND 490 IN TRACT 97.67.

(IV) SAGAUCHE: BLOCK 366, 569, 571, 572, 573, 574, 578, 580, 581, 582, 583, 584, 596, 597, AND 599C IN TRACT 97.76; AND BLOCK GROUPS 2 AND 3 AND BLOCKS 101, 102, 103, 104, 105, 106, 107, 108, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199, 481, 484, 485, 486, 488, 489, 490, 491, 492, 493, 494, AND 495 IN TRACT 97.77.

(f) **District 61:** THE COUNTIES OF CHAFFEE, GUNNISON, HINSDALE, MINERAL, LAKE, AND PARK AND THE FOLLOWING PORTIONS OF PITKIN, RIO GRANDE, AND SAGAUCHE COUNTIES:

(I) THAT PART OF PITKIN COUNTY THAT IS NOT IN DISTRICT 57.

(II) THAT PART OF RIO GRANDE COUNTY THAT IS NOT IN DISTRICT 60.

(III) THAT PART OF SAGAUCHE COUNTY THAT IS NOT IN DISTRICT 60.

(4) THE COUNTY CLERK AND RECORDER OF EACH COUNTY AFFECTED BY THE REDISTRICTING PLAN SPECIFIED IN THIS SECTION SHALL ESTABLISH PRECINCT BOUNDARIES IN ACCORDANCE WITH SECTION 1-5-101, C.R.S., SO THAT NO PRECINCT INCLUDES TERRITORY IN MORE THAN ONE REPRESENTATIVE, SENATORIAL, OR CONGRESSIONAL DISTRICT.

(5) THE REPRESENTATIVE DISTRICTS SPECIFIED IN THIS SECTION SHALL BE IN EFFECT FOR THE 1998 GENERAL ELECTION AND SUBSEQUENT ELECTIONS UNTIL A NEW REDISTRICTING PLAN IS APPROVED PURSUANT TO ARTICLE V, SECTION 48 OF THE STATE CONSTITUTION.

SECTION 2. 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.

Approved: February 11, 1998