

CHAPTER 32

GOVERNMENT - COUNTY

SENATE BILL 93-46

BY SENATORS Cassidy, Casey, Feeley, Johnson, Peterson, L. Powers, Rizzuto, and Trujillo;
also REPRESENTATIVES Acquafresca, Dyer, Eisenach, Foster, Moellenberg, and Wright.

AN ACT

CONCERNING THE STANDING OF COUNTIES TO CONTEST THE CONSTITUTIONALITY OF STATUTES.

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

SECTION 1. Part 1 of article 11 of title 30, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

30-11-105.1. Standing - contesting constitutionality of a statute. IN ADDITION TO ANY OTHER POWERS PRESCRIBED IN THIS PART 1, ANY COUNTY OR COUNTY OFFICER SHALL HAVE STANDING IN DISTRICT COURT TO DEFEND ANY ACTION BROUGHT AGAINST SUCH COUNTY OR OFFICER BY CONTESTING THE CONSTITUTIONALITY OF A STATUTE UNDERLYING SUCH ACTION AND AFFECTING THE RIGHTS, STATUS, OR OTHER LEGAL RELATIONS OF SUCH COUNTY OR COUNTY OFFICER OR DIRECTING THE PERFORMANCE OF, DEFINING, OR PRESCRIBING THE DUTIES OR RESPONSIBILITIES OF SUCH COUNTY OFFICER.

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: March 26, 1993

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