

## CHAPTER 9

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**GENERAL ASSEMBLY**

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**HOUSE BILL 94-1150**

BY REPRESENTATIVES Berry, Foster, Williams, Jerke, and Martin;  
also SENATORS Cassidy, Norton, Wells, Bishop, and Mares.

**AN ACT****CONCERNING THE METHOD FOR SERVICE OF PROCESS ON THE GENERAL ASSEMBLY.**

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

**SECTION 1.** Part 3 of article 2 of title 2, Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**2-2-323. Service of process on the general assembly.** (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE PROVISIONS OF THE COLORADO RULES OF CIVIL PROCEDURE WHICH GOVERN THE SERVICE OF PROCESS ON THE STATE, ON OFFICERS, AGENTS, OR EMPLOYEES OF THE STATE, AND ON DEPARTMENTS AND AGENCIES OF THE STATE DO NOT EXPRESSLY ADDRESS SERVICE ON THE GENERAL ASSEMBLY; THAT SUCH RULES REQUIRE DELIVERY OF A COPY OF ANY PROCESS TO THE ATTORNEY GENERAL, EVEN THOUGH BY STATUTE THE ATTORNEY GENERAL DOES NOT REPRESENT THE GENERAL ASSEMBLY; THAT CONFUSION HAS EXISTED ABOUT HOW THE GENERAL ASSEMBLY SHOULD BE SERVED; AND THAT CLARIFICATION OF THE PROCEDURE FOR SERVING THE GENERAL ASSEMBLY WOULD BE BENEFICIAL FOR ALL PARTIES WHO MAY BECOME INVOLVED IN FUTURE LITIGATION.

(2) SERVICE OF PROCESS ON THE GENERAL ASSEMBLY AS AN ENTITY SHALL BE UPON THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES AND THE SECRETARY OF THE SENATE. THE PROVISIONS OF THE COLORADO RULES OF CIVIL PROCEDURE CONCERNING SERVICE OF PROCESS, INCLUDING THE CONTENTS OF THE SUMMONS, BY WHOM PROCESS MAY BE SERVED, AND THE MANNER OF PROOF OF SERVICE, SHALL CONTINUE TO APPLY TO SERVICE OF PROCESS ON THE GENERAL ASSEMBLY.

(3) AS QUICKLY AS POSSIBLE AFTER SERVICE OF PROCESS ON THE GENERAL ASSEMBLY, THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES SHALL NOTIFY THE

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

SPEAKER OF THE HOUSE AND THE MINORITY LEADER OF THE HOUSE, AND THE SECRETARY OF THE SENATE SHALL NOTIFY THE PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF THE SENATE, CONCERNING SUCH SERVICE.

**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 9, 1994