

CHAPTER 286

**GENERAL ASSEMBLY**

**SENATE BILL 00-119**

BY SENATORS Blickensderfer, Powers, and Feeley;  
also REPRESENTATIVES Dean, George, Gordon, Fairbank, Spradley, Stengel, and Taylor.

**AN ACT**

CONCERNING THE REDISTRICTING PROCESS, AND MAKING AN APPROPRIATION THEREFOR.

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

**SECTION 1.** 2-2-502 (1), Colorado Revised Statutes, is amended to read:

**2-2-502. Definitions.** As used in this part 5:

(1) "Commission" means the Colorado reapportionment commission, created pursuant to section 48 of article V of the state constitution and appointed in ~~1981~~ 2001.

**SECTION 2.** 2-2-503, Colorado Revised Statutes, is amended to read:

**2-2-503. Designation of senatorial districts to elect in 2002 and 2004.** As a part of its preliminary and final reapportionment plans for state senatorial districts, the commission shall designate those senatorial districts in which state senators shall be elected at the general election to be held in November, ~~1992~~, 2002, and every four years thereafter, and those senatorial districts in which state senators shall be elected at the general election to be held in November, ~~1994~~, 2004, and every four years thereafter. Such designation of senatorial districts shall be filed with the secretary of state as a part of the approved reapportionment plan required to be filed by section 48 (1) (e) of article V of the state constitution.

**SECTION 3.** 2-2-504, Colorado Revised Statutes, is amended to read:

**2-2-504. Holdover senators keep office - vacancies.** (1) Nothing in this part 5 or in any reapportionment plan shall be construed to cause the removal of any senator from his OR HER office for the term for which ~~he~~ THE SENATOR was elected,

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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.*

and each such senator shall serve the term for which he OR SHE was elected.

(2) ~~In the event of a vacancy in the senate, such vacancy shall be filled as provided by law.~~ If any senator elected at the ~~1990~~ 2000 general election shall vacate VACATES his OR HER seat prior to the ~~expiration of his term of office in January, 1995;~~ CONVENING OF THE REGULAR LEGISLATIVE SESSION IN 2003, such vacancy shall be filled from the district from which ~~he~~ THE SENATOR was elected IN ACCORDANCE WITH SECTION 1-12-203, C.R.S. IF SUCH VACANCY OCCURS MORE THAN FIFTY-FIVE DAYS BEFORE THE GENERAL ELECTION IN 2002, THERE SHALL BE AN ELECTION AT THE GENERAL ELECTION IN 2002 FOR THE REMAINDER OF SUCH SENATOR'S TERM FROM THE SENATORIAL DISTRICT CREATED BY THE COMMISSION. NOMINATION OF CANDIDATES AT SUCH ELECTION SHALL BE IN ACCORDANCE WITH ARTICLE 4 OF TITLE 1, C.R.S.

(3) IF ANY SENATOR ELECTED AT THE 2000 GENERAL ELECTION VACATES HIS OR HER SEAT ON OR AFTER THE CONVENING OF THE REGULAR LEGISLATIVE SESSION IN 2003, SUCH VACANCY SHALL BE FILLED FROM THE SENATORIAL DISTRICT CREATED BY THE COMMISSION IN ACCORDANCE WITH SECTION 1-12-203, C.R.S.

**SECTION 4.** 2-2-506 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**2-2-506. Precinct boundaries.** (1) (a.5) (I) THE GENERAL ASSEMBLY RECOGNIZES THAT, UNDER SECTION 48 OF ARTICLE V OF THE STATE CONSTITUTION, THE DEADLINE FOR THE FILING OF A COURT-APPROVED REDISTRICTING PLAN FOR SENATORIAL AND REPRESENTATIVE DISTRICTS WITH THE SECRETARY OF STATE IS MARCH 15, 2002. HOWEVER, THE GENERAL ASSEMBLY ALSO RECOGNIZES THAT THE REDRAWING OF GENERAL ELECTION PRECINCT BOUNDARIES CANNOT BE COMPLETED BY THE TIME REQUIRED IN SECTION 1-5-103, C.R.S., UNLESS THE PLAN IS APPROVED AND FILED SUBSTANTIALLY BEFORE MARCH 15, 2002. THE GENERAL ASSEMBLY THEREFORE URGES THE COMMISSION AND THE COLORADO SUPREME COURT TO MAKE EVERY EFFORT TO COMPLETE THE REDISTRICTING PROCESS NO LATER THAN FEBRUARY 15, 2002.

(II) IF A COURT-APPROVED REDISTRICTING PLAN FOR SENATORIAL AND REPRESENTATIVE DISTRICTS HAS NOT BEEN FILED WITH THE SECRETARY OF STATE BY FEBRUARY 15, 2002, NOTWITHSTANDING THE PROVISIONS OF SECTIONS 1-5-103 AND 1-4-602 (4), C.R.S., CHANGES IN PRECINCT BOUNDARIES SHALL BE COMPLETED NO LATER THAN MARCH 20, 2002, AND NOTICES OF PRECINCT CAUCUSES SHALL BE POSTED NOT LATER THAN APRIL 3, 2002.

(III) THIS PARAGRAPH (a.5) SHALL TAKE EFFECT ON FEBRUARY 1, 2001, BUT ONLY IF SENATE CONCURRENT RESOLUTION 00-002 DOES NOT BECOME LAW.

**SECTION 5.** 2-2-511, Colorado Revised Statutes, is amended to read:

**2-2-511. Applicability.** This part 5 shall apply to the Colorado reapportionment commission appointed in ~~1991~~ 2001 and to state senatorial and state representative districts created by said commission.

**SECTION 6. Definitions.** As used in sections 6 through 11 of this act:

(1) "Census bureau" means the United States census bureau.

(2) "Commission" means the Colorado reapportionment commission appointed in 2001 pursuant to the provisions of section 48 of article V of the state constitution.

(3) "Congressional plan" means the plan for the redistricting of congressional districts in Colorado based upon the census conducted in 2000 as provided by section 44 of article V of the state constitution.

(4) "Executive committee" means the executive committee of the legislative council.

(5) "State plan" means a plan for the redistricting of Colorado state senatorial and representative districts based upon the census conducted in 2000 as provided in sections 45 through 48 of article V of the state constitution.

**SECTION 7. Arrangements pending the organization of the reapportionment commission.** (1) The general assembly hereby finds that the redistricting of congressional and state senatorial and representative districts requires the compilation, assimilation, and analysis of large amounts of census data and maps; that the task of redistricting involves complex mathematical analysis and a thorough consideration of legal issues under the state and federal statutes and constitution; that 2000 census data and maps are being furnished to the states in computerized form; that the one-hundred-twenty day limitation on regular sessions of the general assembly means that the enactment of a congressional plan may require a special session; and that the arrangements set forth in this section and section 8 of this act are provided in order to assure that the commission and the general assembly will be as prepared as possible to begin their substantive work as soon as possible.

(2) Upon the request of the executive committee, the following offices shall provide the legislative council any necessary staff assistance prior to the appointment of the commission:

- (a) The office of legislative legal services;
- (b) The division of local government in the department of local affairs; and
- (c) The department of state.

(3) The legislative council shall make the following materials available to the commission:

- (a) A computer data base describing all units of census geography built from the TIGER line file received from the census bureau;
- (b) A computer data base of population data built from the Public Law 94-171 files received from the census bureau conforming with section 2-2-901, C.R.S., including racial and ethnic data;
- (c) A computer data base of election and voter registration information for the 1998 and 2000 general elections;

(d) Any available information indicating the location of cultural, economic, geographic, demographic, and trade area factors in Colorado; and

(e) Any available information or analysis of state and federal court decisions concerning redistricting.

(4) The executive committee may make arrangements for office space for the commission and its staff prior to the convening of the commission, including but not limited to the leasing of appropriate facilities and office equipment.

**SECTION 8. Computer system.** (1) The director of research of the legislative council shall be responsible for acquiring a computerized system that uses census data and maps to prepare congressional and state plans in conformity with statutory and constitutional criteria and within the applicable time constraints. Upon approval by the executive committee, the director of research may contract for the acquisition of computer hardware and software and for the provision of computer services as are necessary to accomplish the tasks of this subsection (1). The computer system shall be available for use by the general assembly for purposes of the congressional plan and by the commission for the state plan.

(2) Appropriations made under this section shall not be available for expenditure until approved by the executive committee.

(3) Election and voter registration information for the 1998 and 2000 general elections shall be incorporated in the data base for the computerized redistricting system. Such information shall be taken or derived from the official records of the secretary of state or, if such data are not available from the secretary of state, from the official records of the county clerks and recorders. Election and voter registration information in the computerized system shall be considered to be official election and voter registration data for all purposes related to redistricting based upon the 2000 census.

(4) The executive committee shall adopt a policy governing access by private persons and governmental agencies other than the general assembly and the commission to the computer data bases developed pursuant to this section and section 7 (3) of this act, which policy may include reasonable charges for such access.

**SECTION 9. Reapportionment commission - organizational provisions - compensation.** (1) Members of the commission shall be appointed and convened, and the officers of the commission elected, pursuant to the provisions of section 48 of article V of the state constitution.

(2) Members of the commission shall receive a per diem of ninety-nine dollars for attendance at regularly scheduled meetings of the commission. Members of the commission shall be reimbursed for actual and necessary expenses while performing official duties, together with mileage at the rate prescribed for state employees in section 24-9-104, Colorado Revised Statutes. A member of the commission who is a state officer or employee shall not claim per diem compensation from more than one source for official activities on the same day.

**SECTION 10. Staff director - staff - hearings.** (1) The commission may

appoint a staff director who shall keep a full and true record of all proceedings of the commission and perform such other duties as the commission may prescribe. The staff director shall complete the task of obtaining and preparing the materials set forth in section 7 (3) of this act and shall compile such other data or materials as the commission may direct.

(2) The staff director of the commission may appoint, with the consent of the commission, such employees and consultants as he or she deems necessary to carry out the provisions of section 48 of article V of the state constitution, the provisions of part 5 of article 2 of title 2, Colorado Revised Statutes, and this act.

(3) The commission may request additional information or staff assistance it deems necessary from the agencies of state government, and such agencies shall furnish such information or assistance to the extent feasible within existing appropriations or in accordance with any contract between the agency and the commission.

(4) The commission may have the use of the committee rooms in the state capitol building and the legislative services building for its hearings.

(5) Upon the organization of the commission, the commission may choose to utilize the arrangements outlined in sections 8 through 11 of this act, or it may choose to make whatever arrangements it deems necessary to carry out its constitutional duties, subject to available appropriations.

**SECTION 11. Commission expenses.** All expenses incurred by the commission, including per diem compensation and mileage of commission members and salaries and expenses of employees, shall be paid upon vouchers signed by the presiding officer of the commission, or in his or her absence or unavailability, the vice chair or the staff director upon instruction by the presiding officer in each instance and drawn upon funds appropriated for use by the commission. All such vouchers, except vouchers for the payment of per diem compensation and mileage of commission members, shall also be signed by the chair of the legislative council.

**SECTION 12. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative council, for the fiscal year beginning July 1, 2000, the sum of two hundred seventeen thousand nine hundred dollars (\$217,900), or so much thereof as may be necessary, for the implementation of this act. Expenditures made pursuant to this appropriation shall be subject to the provisions of section 8 (2) of this act.

**SECTION 13. Appropriation - adjustment to legislative appropriation.**  
(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the Colorado reapportionment commission, for the fiscal year beginning July 1, 2000, the sum of one hundred eighty four thousand seven hundred eight dollars (\$184,708), and 1.5 FTE, or so much thereof as may be necessary, for the implementation of this act. The moneys appropriated by this subsection (1) shall become available only if SCR00-002 becomes law.

(2) (a) For the implementation of subsection (1) of this section, appropriations

made in HB00-1352 to the legislative department for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(I) The general fund appropriation for the legislative council is decreased by forty-six thousand six hundred sixty-seven dollars (\$46,667) and the number of FTE is decreased by .7 FTE; and

(II) The general fund appropriation for the committee on legal services is decreased by eleven thousand six hundred sixty-seven dollars (\$11,667) and the number of FTE is decreased by .2 FTE.

(b) The adjustment made in this subsection (2) to the appropriations for the legislative council and the committee on legal services shall only be made if SCR00-002 becomes law.

**SECTION 14. Appropriation - adjustment in 2000 long bill.** (1) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by two hundred seventeen thousand nine hundred dollars (\$217,900).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by two hundred seventeen thousand nine hundred dollars (\$217,900).

(2) For the implementation of this act, appropriations made in the annual general appropriations act for the fiscal year beginning July 1, 2000, shall be adjusted as follows:

(a) The general fund appropriation to the capital construction fund outlined in section 3 (1) (f) is reduced by one hundred twenty-six thousand three hundred seventy-four dollars (\$126,374).

(b) The capital construction fund exempt appropriation to the department of transportation, construction projects, is reduced by one hundred twenty-six thousand three hundred seventy-four dollars (\$126,374).

(c) The adjustment made by this subsection (2) shall become available only if SCR00-002 becomes law.

**SECTION 15. 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: May 30, 2000