

CHAPTER 142

GENERAL ASSEMBLY

SENATE BILL 02-182

BY SENATOR(S) Thiebaut, Hillman, Andrews, and Hernandez;
also REPRESENTATIVE(S) Paschall, Grossman, Garcia, and Lee.

AN ACT

CONCERNING CHANGES TO BORDERS BETWEEN LEGISLATIVE DISTRICTS DUE TO A DIVISION OF A RESIDENTIAL PARCEL, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares:

(a) For purposes of the census in April, 2000, the United States census bureau created a map in 1999 and drew census blocks reflecting physical features present at that time;

(b) Since 1999, counties and municipalities have platted areas that were not platted at the time that the census bureau created its geography;

(c) Some of the census blocks created by the census bureau in 1999 split real estate parcels established by counties and municipalities;

(d) The reapportionment commission had to draw senatorial and representative district lines in reliance upon the maps and lines supplied by the census bureau, since the population data was associated with the census blocks;

(e) Because senatorial and representative district lines adopted by the reapportionment commission followed the census lines, in some cases the lines may split real estate parcels established by counties and municipalities; and

(f) County clerks and recorders need a procedure to assign those split parcels to one or another senatorial or representative district.

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

SECTION 2. 2-2-507, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

2-2-507. Attachments and detachments. (2.5) (a) IF A COUNTY CLERK AND RECORDER DISCOVERS THAT A BORDER BETWEEN TWO SENATORIAL OR REPRESENTATIVE DISTRICTS DIVIDES A RESIDENTIAL PARCEL BETWEEN THE TWO DISTRICTS AND THE CLERK AND RECORDER WISHES TO HAVE THE BORDER MOVED, THE CLERK AND RECORDER SHALL SUBMIT TO THE SECRETARY OF STATE DOCUMENTATION, SATISFACTORY TO THE SECRETARY OF STATE, EVIDENCING SUCH DIVISION. IF THE SECRETARY OF STATE BELIEVES THAT THE BORDER SHOULD BE MOVED, THE SECRETARY OF STATE SHALL PROPOSE MOVING THE BORDER BETWEEN THE TWO DISTRICTS TO A VISIBLE FEATURE NORMALLY RELIED UPON BY THE UNITED STATES CENSUS BUREAU SUCH THAT THE BORDER:

(I) DOES NOT SPLIT A RESIDENTIAL PARCEL;

(II) MOVES THE REMAINING PORTION OF THE RESIDENTIAL PARCEL INTO THE LEAST POPULATED OF THE TWO DISTRICTS; EXCEPT THAT, IF THE BORDER IS A BORDER BETWEEN BOTH SENATORIAL AND A REPRESENTATIVE DISTRICTS, THE REMAINING PORTION OF THE RESIDENTIAL PARCEL SHALL BE MOVED INTO THE LEAST POPULATED OF THE TWO REPRESENTATIVE DISTRICTS;

(III) WOULD NOT RESULT IN A VIOLATION OF SECTION 46 OR 47 OF ARTICLE V OF THE STATE CONSTITUTION BASED UPON THE LATEST NATIONAL CENSUS;

(IV) MINIMIZES THE IMPACT ON THE AFFECTED COMMUNITY FOR PURPOSES OF ESTABLISHING POLLING PLACES; AND

(V) MINIMIZES CHANGES IN DISTANCES FROM THE REAPPORTIONMENT PLAN APPROVED BY THE COLORADO SUPREME COURT.

(b) IF THE SECRETARY OF STATE PROPOSES MOVING ANY BORDER PURSUANT TO THIS SUBSECTION (2.5), THE SECRETARY OF STATE SHALL DESCRIBE ANY POTENTIAL CHANGES IN POPULATIONS OF AFFECTED SENATORIAL OR REPRESENTATIVE DISTRICTS, BASED ON THE LATEST NATIONAL CENSUS, TO THE COLORADO SUPREME COURT. IF THE SUPREME COURT DETERMINES THAT THE ASSIGNMENTS MADE BY THE SECRETARY OF STATE SATISFY THE CRITERIA ESTABLISHED IN PARAGRAPH (a) OF THIS SUBSECTION (2.5), THE SUPREME COURT MAY APPROVE SAID ASSIGNMENTS. IF THE SUPREME COURT DETERMINES THAT THE ASSIGNMENT DOES NOT SATISFY THE CRITERIA ESTABLISHED IN PARAGRAPH (a) OF THIS SUBSECTION (2.5), THE SUPREME COURT SHALL DENY THE PROPOSED ASSIGNMENT.

SECTION 3. Appropriation. (1) (a) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2001, the sum of two thousand four hundred fifty dollars (\$2,450), or so much thereof may be necessary, for the implementation of this act.

(b) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2001, the sum of two

thousand four hundred fifty dollars (\$2,450), or so much thereof as may be necessary, for the provision of legal services to the department of state related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of state out of the appropriation made in subsection (1) (a) of this section.

(2) (a) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the department of state cash fund created in section 24-21-104, Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2002, the sum of one thousand two hundred twenty-five dollars (\$1,125), or so much thereof may be necessary, for the implementation of this act.

(b) In addition to any other appropriation, there is hereby appropriated, to the department of law, for the fiscal year beginning July 1, 2002, the sum of one thousand two hundred twenty-five dollars (\$1,125), or so much thereof as may be necessary, for the provision of legal services to the department of state related to the implementation of this act. Such sum shall be from cash funds exempt received from the department of state out of the appropriation made in subsection (2) (a) of this section.

SECTION 4. 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 6, 2002