

CHAPTER 249

GOVERNMENT - STATE

HOUSE BILL 02-1403

BY REPRESENTATIVE(S) Schultheis, Cadman, Coleman, Garcia, Harvey, Hefley, Ragsdale, Rhodes, and Weddig;
also SENATOR(S) Nichol, Fitz-Gerald, Hernandez, Isgar, and Phillips.

AN ACT**CONCERNING THE MODIFICATION OF GOVERNMENTAL APPOINTMENTS TO ACCOMMODATE THE EFFECT OF REDISTRICTING COLORADO CONGRESSIONAL DISTRICTS.**

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

SECTION 1. Article 1 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-1-135.1. Effect of congressional redistricting related to 2000 federal decennial census. (1) (a) THE APPOINTING AUTHORITY OF THE BOARDS, COMMISSIONS, OR COMMITTEES ESTABLISHED PURSUANT TO SECTIONS 13-91-104, 14-10-115, 21-2-101, 23-1-102, 23-21-503, 23-60-104, 24-32-706, 24-48.5-103, 24-65-103, 25-1-103, 25-1-902, 25.5-1-301, 25.5-2-103, 26-11-101, 33-11-105, AND 35-65-401, C.R.S., WHICH REQUIRE MEMBERS TO BE APPOINTED AS RESIDENTS OF DESIGNATED CONGRESSIONAL DISTRICTS, SHALL DETERMINE WHETHER THE CURRENT APPOINTMENTS TO SUCH BOARDS, COMMISSIONS, OR COMMITTEES ADEQUATELY REPRESENT COLORADO'S NEW CONGRESSIONAL DISTRICTS. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, SUCH APPOINTING AUTHORITY SHALL TERMINATE THE TERMS OF CURRENT MEMBERS AND APPOINT NEW MEMBERS TO REPLACE SUCH MEMBERS ON THE BOARDS, COMMISSIONS, OR COMMITTEES AS IS NECESSARY TO ENSURE PROPER REPRESENTATION FROM THE NEW CONGRESSIONAL DISTRICTS; EXCEPT THAT THE TERM OF A MEMBER WHO CONTINUES TO RESIDE IN THE DISTRICT THAT SUCH MEMBER WAS DESIGNATED TO REPRESENT SHALL NOT BE TERMINATED. SUCH CHANGES SHALL BE MADE NO LATER THAN JANUARY 1, 2003. IF THE CURRENT MEMBERS ADEQUATELY REPRESENT THE NEW CONGRESSIONAL DISTRICTS, THE MEMBERSHIP OF THE BOARD, COMMISSION, OR COMMITTEE SHALL REMAIN UNCHANGED. ANY MEMBER WHO CONTINUES TO SERVE ON A BOARD, COMMISSION, OR COMMITTEE SHALL NOT BE REQUIRED TO BE REAPPOINTED.

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

(b) IF THE APPOINTING AUTHORITY OF THE BOARDS, COMMISSIONS, OR COMMITTEES SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (1) IS THE GOVERNOR, WITH THE CONSENT OF THE SENATE, THE GOVERNOR ALONE SHALL DETERMINE WHETHER THE CURRENT APPOINTMENTS TO SUCH BOARDS, COMMISSIONS, OR COMMITTEES ADEQUATELY REPRESENT THE NEW CONGRESSIONAL DISTRICTS AND TERMINATE THE TERMS OF CURRENT MEMBERS AS IS NECESSARY TO ENSURE PROPER REPRESENTATION FROM SUCH DISTRICTS, BUT SENATE CONSENT SHALL STILL BE REQUIRED FOR THE APPOINTMENT OF ANY NEW MEMBERS.

(c) AS USED IN THIS SECTION, "NEW CONGRESSIONAL DISTRICTS" MEANS THE CONGRESSIONAL DISTRICTS FOR THE STATE OF COLORADO AS THEY EXIST AFTER THE CHANGES THAT OCCURRED AS A RESULT OF THE 2000 FEDERAL DECENNIAL CENSUS, INCLUDING THE ADDITION OF A SEVENTH CONGRESSIONAL DISTRICT AND THE CHANGES IN BOUNDARIES OF THE OTHER SIX CONGRESSIONAL DISTRICTS.

(2) THE TERM OF ANY NEW APPOINTEE WHO IS APPOINTED TO REPLACE A PERSON ON A BOARD, COMMISSION, OR COMMITTEE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL EXPIRE ON THE DATE THAT THE TERM OF THE PERSON THAT SUCH NEW APPOINTEE REPLACED WOULD HAVE EXPIRED, AND SUCH MEMBER SHALL NOT BE DEEMED TO HAVE SERVED A FULL TERM FOR PURPOSES OF CALCULATING ANY APPLICABLE TERM LIMITS. IF THE TOTAL SIZE OF A BOARD, COMMISSION, OR COMMITTEE WAS INCREASED AS A RESULT OF THE NEW CONGRESSIONAL DISTRICTS, A NEW MEMBER TO SUCH BOARD, COMMISSION, OR COMMITTEE SHALL SERVE FOR A TERM AS PRESCRIBED BY LAW.

(3) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE APPOINTING AUTHORITY OF THE BOARDS, COMMISSIONS, OR COMMITTEES SET FORTH IN SUBSECTION (1) SHALL NOT BE REQUIRED TO MAKE ANY CHANGES TO SUCH BOARDS, COMMISSIONS, AND COMMITTEES IN ORDER TO ACCOMMODATE THE NEW CONGRESSIONAL DISTRICTS, EXCEPT AS REQUIRED BY THIS SECTION.

(4) ANY MEMBER OF A BOARD OR COMMISSION WHO WAS APPOINTED TO SUCH OFFICE AS A RESIDENT OF A DESIGNATED CONGRESSIONAL DISTRICT PURSUANT TO SECTION 24 (2) OF ARTICLE VI AND SECTION 6 (1) OF ARTICLE XXVII OF THE STATE CONSTITUTION, AND WHO NO LONGER RESIDES IN SUCH CONGRESSIONAL DISTRICT SOLELY BECAUSE OF A CHANGE MADE TO THE BOUNDARIES OF SUCH DISTRICT SUBSEQUENT TO THE 2000 FEDERAL DECENNIAL CENSUS, IS ELIGIBLE TO HOLD OFFICE FOR THE REMAINDER OF THE TERM TO WHICH THE MEMBER WAS APPOINTED, NOTWITHSTANDING SUCH NONRESIDENCY.

(5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL APPOINTMENTS TO THE BOARDS, COMMISSIONS, AND COMMITTEES SET FORTH IN SUBSECTION (1) OF THIS SECTION SHALL BE MADE AS PRESCRIBED BY LAW.

SECTION 2. 11-2-102 (2) (d), Colorado Revised Statutes, is amended to read:

11-2-102. Banking board. (2) (d) Of the eight members appointed under this subsection (2), ~~at least one and not more than two shall be appointed from each congressional district of the state, and~~ not more than four shall be of the same major political party. At all times, at least one member shall reside west of the continental divide.

SECTION 3. 13-91-104 (2) (a), Colorado Revised Statutes, is amended to read:

13-91-104. Office of the child's representative - board - qualifications of director. (2) (a) The Colorado supreme court shall appoint a nine-member child's representative board, referred to in this article as the "board". No more than five members of the board shall be from the same political party. The members of the board shall be representative of each of the ~~six~~ congressional districts IN THE STATE. Three members of the board shall be attorneys admitted to practice law in this state who have experience in representing children as guardians ad litem or as legal representatives of children. Three members of the board shall be citizens of Colorado not admitted to practice law in this state, who shall have experience at advocating for children in the court system. Three members of the board shall be citizens of the state who are not attorneys and who have not served as court-appointed special advocates or special advocates.

SECTION 4. 21-2-101 (2), Colorado Revised Statutes, is amended to read:

21-2-101. Alternate defense counsel - policy - commission. (2) The Colorado supreme court shall appoint a nine-member alternate defense counsel commission, referred to in this article as the "commission". No more than five members of the commission shall be from the same political party. ~~Six members of the commission representing each of the six congressional districts shall be attorneys admitted to practice law in this state who are engaged in the practice of criminal defense, AND three members of the commission shall be citizens of Colorado not admitted to practice law in this state.~~ THERE SHALL BE ONE MEMBER FROM EACH OF THE CONGRESSIONAL DISTRICTS IN THE STATE. Members of the commission shall serve for terms of four years; except that, of the members first appointed, five shall serve for terms of two years. Vacancies on the commission shall be filled by the supreme court for the remainder of any unexpired term. In making appointments to the commission, the supreme court shall consider place of residence, sex, race, and ethnic background. No member of the commission shall be at any time a judge, prosecutor, public defender, or employee of a law enforcement agency. The supreme court shall establish procedures for the operation of the commission.

SECTION 5. 22-2-105 (1), (2), and (5), Colorado Revised Statutes, are amended, and the said 22-2-105 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-2-105. State board of education - composition. (1) The state board of education shall consist of one member elected from each congressional district in the state and, IF THE TOTAL NUMBER OF CONGRESSIONAL DISTRICTS OF THE STATE IS AN EVEN NUMBER, one member elected from the state at large. The members of the state board of education serving on April 30, 1982, shall continue to serve the terms for which they were elected. At the general election held in 1982, one member shall be elected from the second congressional district for a six-year term, one member shall be elected from the fourth congressional district for a six-year term, one member shall be elected from the fifth congressional district for a four-year term, and one member shall be elected from the state at large for a six-year term, all such terms commencing on the second Tuesday in January 1983. At the general election held in 1984, one member shall be elected from the first congressional district for a six-year term, and

one member shall be elected from the third congressional district for a six-year term, all such terms commencing on the second Tuesday in January 1985. At the general election held in 1986, one member shall be elected from the fifth congressional district for a six-year term, and one member shall be elected from the sixth congressional district for a six-year term, all such terms commencing on the second Tuesday in January 1987. AT THE GENERAL ELECTION HELD IN 2002, ONE MEMBER SHALL BE ELECTED FROM THE SEVENTH CONGRESSIONAL DISTRICT FOR A SIX-YEAR TERM COMMENCING ON THE SECOND TUESDAY IN JANUARY 2003.

(2) The member of the state board from each congressional district of the state shall be nominated and elected by the registered electors of such district in the same manner as members of the house of representatives of the congress of the United States are nominated and elected. Each member from a congressional district shall be a registered elector of such district. If the total number of congressional districts of the state is an even number, the additional member of the board shall be nominated and elected at large in the same manner as state officers are nominated and elected. IF THE TOTAL NUMBER OF CONGRESSIONAL DISTRICTS CHANGES TO AN ODD NUMBER DURING THE TERM OF THE MEMBER ELECTED AT LARGE, SUCH MEMBER SHALL BE PERMITTED TO CONTINUE SERVING ON THE STATE BOARD UNTIL THE EXPIRATION OF HIS OR HER TERM.

(3.5) ANY MEMBER OF THE STATE BOARD WHO WAS ELECTED TO OFFICE AS A RESIDENT OF A DESIGNATED CONGRESSIONAL DISTRICT, AND WHO NO LONGER RESIDES IN SUCH CONGRESSIONAL DISTRICT SOLELY BECAUSE OF A CHANGE MADE TO THE BOUNDARIES OF SUCH DISTRICT SUBSEQUENT TO THE 2000 FEDERAL DECENNIAL CENSUS, IS ELIGIBLE TO HOLD OFFICE FOR THE REMAINDER OF THE TERM FOR WHICH THE MEMBER WAS ELECTED, NOTWITHSTANDING SUCH NONRESIDENCY.

(5) Any vacancies that may occur by reason of death, removal, or resignation from office, or removal from the district from which elected, or when a board member is elected, qualified, and takes office for another state office, shall be filled by the state board, and the person so appointed shall serve until the next regular election providing such appointee is subject to the qualifications set forth by law. Any person appointed to fill a vacancy shall be a member of the same political party as the vacating board member. If a vacancy occurs at any time within the period that begins with the general election in November and ends the second Tuesday of January following said general election, the vacancy shall be filled by the members of the state board who are elected, qualified, and sworn in or continuing in office as of said second Tuesday of January. IF THE TOTAL NUMBER OF CONGRESSIONAL DISTRICTS CHANGES TO AN ODD NUMBER DURING THE TERM OF THE MEMBER ELECTED AT LARGE, A VACANCY OF SUCH MEMBER'S SEAT SHALL NOT BE FILLED BY THE STATE BOARD.

SECTION 6. 24-65-103 (1) (b) and (1) (c), Colorado Revised Statutes, are amended to read:

24-65-103. Establishment of Colorado land use commission. (1) (b) ~~Six~~ SEVEN members shall be appointed by the governor, one from each congressional district, one of whom shall reside west of the continental divide, but no more than ~~three~~ FOUR members shall be from any one major political party. Appointments made to take effect on January 1, 1983, shall be made in accordance with section 24-1-135. On and after January 1, 1983, and prior to June 15, 1987, the terms of office of the

members appointed under this paragraph (b) shall be five years. Persons holding office on June 15, 1987, are subject to the provisions of section 24-1-137. Thereafter members shall be appointed for terms of four years each. A vacancy on the commission occurs whenever any member moves out of the congressional district from which he was appointed. A member who moves out of such congressional district shall promptly notify the governor of the date of such move, but such notice is not a condition precedent to the occurrence of the vacancy. Any vacancies shall be filled by appointment of the governor for the unexpired term.

(c) The governor shall also appoint ~~three~~ TWO members who shall serve at ~~his~~ THE GOVERNOR'S pleasure, one of whom shall reside in southwest Colorado and one in northwest Colorado, ~~No more than two of such members~~ AND WHO shall NOT be members of the same major political party.

SECTION 7. 25.5-2-103 (2) (b), Colorado Revised Statutes, is amended to read:

25.5-2-103. Poison control services - statewide poison control oversight board - duties. (2) (b) Each congressional district within the state shall be represented by ~~not less than~~ one member of the board designated in paragraph (a) of this subsection (2).

SECTION 8. 26-11-101 (1), Colorado Revised Statutes, is amended to read:

26-11-101. Commission on the aging created. (1) There is hereby created in the state department the Colorado commission on the aging, referred to in this article as the "commission", which shall consist of ~~fifteen~~ SEVENTEEN members appointed by the governor, with the consent of the senate. Two members shall be appointed from each congressional district of the state, one of whom shall be from each major political party, and, after July 1, 1976, and thereafter when a vacancy occurs, one of such members shall be from west of the continental divide. A vacancy on the commission occurs whenever any member moves out of the congressional district from which he OR SHE was appointed. Any member who moves out of such congressional district shall promptly notify the governor of the date of such move, but such notice is not a condition precedent to the occurrence of the vacancy. The governor shall fill the vacancy as provided in subsection (2) of this section. Appointments made to take effect on January 1, 1983, shall be made in accordance with section 24-1-135, C.R.S. No more than ~~eight~~ NINE members of the commission shall be members of the same major political party. One member shall be appointed from the state at large, one member shall be appointed from among the membership of the senate, and one member shall be appointed from among the membership of the house of representatives. Appointments to the commission shall comply with the requirements of the rules and regulations of the United States department of health and human services promulgated pursuant to Public Law 93-29, known as the "Older Americans Comprehensive Services Amendments of 1973", as such rules and regulations appear in section 903.50 (c) of Title 45 of the code of federal regulations.

SECTION 9. 33-11-105 (1), Colorado Revised Statutes, is amended to read:

33-11-105. Recreational trails committee. (1) There is hereby created the Colorado recreational trails committee, which shall be advisory and shall consist of eight members to be appointed by the board. Members shall be appointed for terms

of four years. No member shall serve more than two consecutive terms. One member shall be appointed from each congressional district, and ~~two members~~ ONE MEMBER shall be appointed from the state at large. The committee shall include in its membership representation of the broad spectrum of trail users. Vacancies on the committee shall be filled for the unexpired term by the board.

SECTION 10. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 1, 2002