

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0393.01 Jerry Barry

SENATE BILL 00-119

STATE OF COLORADO

BY SENATORS Blickensderfer, Powers, and Feeley;
also REPRESENTATIVES Dean, George, and Gordon

REREVISED

A BILL FOR AN ACT

101 CONCERNING THE REDISTRICTING PROCESS, AND MAKING AN
102 APPROPRIATION THEREFOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Executive Committee. Updates the permanent statutes relating to redistricting by requiring the reapportionment commission appointed in 2001 to designate in its plan which senatorial districts will stand for election in 2002 and which in 2004.

If a constitutional amendment changing the timetable for the reapportionment commission does not pass:

- Requests that the reapportionment commission and the Colorado supreme court complete their work on reapportionment by February 15, 2002; and
- If a court-approved plan is not filed with the secretary of state by that date, modifies the dates when precinct boundaries must be redrawn and when notice of precinct caucuses must be posted.

Establishes that if a senator elected in 2000 vacates his or her seat prior to the start of the 2003 regular legislative session, the vacancy shall be filled from the district from which the senator was elected; however, specifies that any election in 2002 shall be from the newly drawn district. Establishes that if such senator vacates his or her seat on or after the start of the 2003 regular legislative session, the vacancy shall be filled from the newly drawn district.

Directs the legislative council to compile specified information and computer data bases for use by the reapportionment commission and the general assembly in redrawing district boundaries. Requires the director

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
April 17, 2000

HOUSE
Amended 2nd Reading
April 14, 2000

SENATE
3rd Reading Unamended
March 14, 2000

SENATE
Amended 2nd Reading
March 13, 2000

of research of the legislative council to acquire a computer system to prepare legislative districts. Specifies that election and voter registration information from the 1998 and 2000 general elections be included in the computer data base. Authorizes the executive committee to adopt a policy for public access to the computerized data base.

Makes arrangements for commission staff, offices, and meeting rooms and for assistance from state agencies. Provides that the commission may use these arrangements or make its own when it convenes.

Makes an appropriation to implement the act.

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.

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

3 **2-2-504. Holdover senators keep office - vacancies.**

4 (1) Nothing in this part 5 or in any reapportionment plan shall be
5 construed to cause the removal of any senator from his OR HER office for
6 the term for which ~~he~~ THE SENATOR was elected, and each such senator
7 shall serve the term for which he OR SHE was elected.

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

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

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

1 **2-2-506. Precinct boundaries.** (1) (a.5) (I) THE GENERAL
2 ASSEMBLY RECOGNIZES THAT, UNDER SECTION 48 OF ARTICLE V OF THE
3 STATE CONSTITUTION, THE DEADLINE FOR THE FILING OF A
4 COURT-APPROVED REDISTRICTING PLAN FOR SENATORIAL AND
5 REPRESENTATIVE DISTRICTS WITH THE SECRETARY OF STATE IS MARCH 15,
6 2002. HOWEVER, THE GENERAL ASSEMBLY ALSO RECOGNIZES THAT THE
7 REDRAWING OF GENERAL ELECTION PRECINCT BOUNDARIES CANNOT BE
8 COMPLETED BY THE TIME REQUIRED IN SECTION 1-5-103, C.R.S., UNLESS
9 THE PLAN IS APPROVED AND FILED SUBSTANTIALLY BEFORE MARCH 15,
10 2002. THE GENERAL ASSEMBLY THEREFORE URGES THE COMMISSION AND
11 THE COLORADO SUPREME COURT TO MAKE EVERY EFFORT TO COMPLETE
12 THE REDISTRICTING PROCESS NO LATER THAN FEBRUARY 15, 2002.

13 (II) IF A COURT-APPROVED REDISTRICTING PLAN FOR SENATORIAL
14 AND REPRESENTATIVE DISTRICTS HAS NOT BEEN FILED WITH THE
15 SECRETARY OF STATE BY FEBRUARY 15, 2002, NOTWITHSTANDING THE
16 PROVISIONS OF SECTIONS 1-5-103 AND 1-4-602 (4), C.R.S., CHANGES IN
17 PRECINCT BOUNDARIES SHALL BE COMPLETED NO LATER THAN MARCH 20,
18 2002, AND NOTICES OF PRECINCT CAUCUSES SHALL BE POSTED NOT LATER
19 THAN APRIL 3, 2002.

20 (III) THIS PARAGRAPH (a.5) SHALL TAKE EFFECT ON FEBRUARY 1,
21 2001, BUT ONLY IF SENATE CONCURRENT RESOLUTION 00-002 DOES NOT
22 BECOME LAW.

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

25 **2-2-511. Applicability.** This part 5 shall apply to the Colorado
26 reapportionment commission appointed in ~~1991~~ 2001 and to state

1 senatorial and state representative districts created by said commission.

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

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

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

8 (3) "Congressional plan" means the plan for the redistricting of
9 congressional districts in Colorado based upon the census conducted in
10 2000 as provided by section 44 of article V of the state constitution.

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

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

17 **SECTION 7. Arrangements pending the organization of the**
18 **reapportionment commission.** (1) The general assembly hereby finds
19 that the redistricting of congressional and state senatorial and
20 representative districts requires the compilation, assimilation, and analysis
21 of large amounts of census data and maps; that the task of redistricting
22 involves complex mathematical analysis and a thorough consideration of
23 legal issues under the state and federal statutes and constitution; that 2000
24 census data and maps are being furnished to the states in computerized
25 form; that the one-hundred-twenty day limitation on regular sessions of
26 the general assembly means that the enactment of a congressional plan

1 may require a special session; and that the arrangements set forth in this
2 section and section 8 of this act are provided in order to assure that the
3 commission and the general assembly will be as prepared as possible to
4 begin their substantive work as soon as possible.

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

8 (a) The office of legislative legal services;

9 (b) The division of local government in the department of local
10 affairs; and

11 (c) The department of state.

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

14 (a) A computer data base describing all units of census geography
15 built from the TIGER line file received from the census bureau;

16 (b) A computer data base of population data built from the Public
17 Law 94-171 files received from the census bureau conforming with
18 section 2-2-901, C.R.S., including racial and ethnic data;

19 (c) A computer data base of election and voter registration
20 information for the 1998 and 2000 general elections;

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

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

26 (4) The executive committee may make arrangements for office

1 space for the commission and its staff prior to the convening of the
2 commission, including but not limited to the leasing of appropriate
3 facilities and office equipment.

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

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

17 (3) Election and voter registration information for the 1998 and
18 2000 general elections shall be incorporated in the data base for the
19 computerized redistricting system. Such information shall be taken or
20 derived from the official records of the secretary of state or, if such data
21 are not available from the secretary of state, from the official records of
22 the county clerks and recorders. Election and voter registration
23 information in the computerized system shall be considered to be official
24 election and voter registration data for all purposes related to redistricting
25 based upon the 2000 census.

26 (4) The executive committee shall adopt a policy governing access

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

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

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

18 **SECTION 10. Staff director - staff - hearings.** (1) The
19 commission may appoint a staff director who shall keep a full and true
20 record of all proceedings of the commission and perform such other
21 duties as the commission may prescribe. The staff director shall complete
22 the task of obtaining and preparing the materials set forth in section 7 (3)
23 of this act and shall compile such other data or materials as the
24 commission may direct.

25 (2) The staff director of the commission may appoint, with the
26 consent of the commission, such employees and consultants as he or she

1 deems necessary to carry out the provisions of section 48 of article V of
2 the state constitution, the provisions of part 5 of article 2 of title 2,
3 Colorado Revised Statutes, and this act.

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

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

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

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

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

9 **SECTION 13. Appropriation - adjustment to legislative**
10 **appropriation.** (1) In addition to any other appropriation, there is
11 hereby appropriated, out of any moneys in the general fund not otherwise
12 appropriated, to the Colorado reapportionment commission, for the fiscal
13 year beginning July 1, 2000, the sum of one hundred eighty four thousand
14 seven hundred eight dollars (\$184,708), and 1.5 FTE, or so much thereof
15 as may be necessary, for the implementation of this act. The moneys
16 appropriated by this subsection (1) shall become available only if SCR
17 00-002 becomes law.

18 (2) (a) For the implementation of subsection (1) of this section,
19 appropriations made in HB00-1352 to the legislative department for the
20 fiscal year beginning July 1, 2000, shall be adjusted as follows:

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

24 (II) The general fund appropriation for the committee on legal
25 services is decreased by eleven thousand six hundred sixty-seven dollars
26 (\$11,667) and the number of FTE is decreased by .2 FTE.

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

4 **SECTION 14. Appropriation - adjustment in 2000 long bill.**

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

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

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

14 (2) For the implementation of this act, appropriations made in the
15 annual general appropriations act for the fiscal year beginning July 1,
16 2000, shall be adjusted as follows:

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

20 (b) The capital construction fund exempt appropriation to the
21 department of transportation, construction projects, is reduced by one
22 hundred twenty-six thousand three hundred seventy-four dollars
23 (\$126,374).

24 (c) The adjustment made by this subsection (2) shall become
25 available only if SCR 00-002 becomes law.

1 **SECTION 15. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.